

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: **Legislative Drafting and Interpretation of Statutes**  
**Semester- V (Batch: 2021-26)**

**End Semester Examination: Oct-Nov 2023**

**Date: 04<sup>th</sup> Nov, 2023**

**Duration: 3 hours**

**Max. Marks: 50**

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.

Q.1 The State legislature enacted the State Agriculture Produce Marketing (Development and Regulation) Act, 2021 (the Act). Section 21 of the Act provided for levy of the market fees and development cess. One person, who brought the agricultural produce from another State in the territorial limit of the State to manufacture processed product out of it, was served with a notice by the officials of the 'Mandi Samiti' for the payment of market fees and development cess. He filed a writ petition in the High Court challenging the demand of market fees and development cess on the ground that agricultural produce brought by him was for manufacturing the processed product. In the meanwhile, the State legislature passed the State Agricultural Produce Marketing (Development and Regulation) Amendment Act, 2022 (the Amendment Act), and the same was made retrospectively applicable from the date of enactment of the principal Act. Through the Amendment Act, changes were made under Section 21 of the Act. Thereafter, a second notice was served to the person for the payment of market fees and cess as per the amended act. Aggrieved by the second notice, he filed another writ petition challenging the constitutional validity of the Amendment Act, 2022 on the ground that it is violative of the Industries (Development and Regulation) Act, 2016 enacted by the Union Government. Applying the relevant principle of interpretation decide the writs.

**Marks  
(10)**

Relevant provisions of the mentioned Acts and the Constitution:

1. Preamble of the Act, 2021: An Act to provide for the effective regulation in marketing of agricultural produce, establishment and development of proper and modern marketing system, promotion of agricultural processing and agricultural export, superintendence and control of markets in the State and for the matters connected there with or incidental thereto.
2. Section 21 of the Act, 2021: Any such agricultural produce, which reaches any Market area of the State for sale, storage, processing or transaction from any other State or out of Country for the first time it shall be registered as 'First Arrival' and on such produce, Market fee and Development cess shall be payable.
3. Section 21 of the Amended Act, 2022: Any such agricultural produce, which arrives in any Market area of the State for sale, storage, processing, manufacturing, transaction or other commercial purposes from any other State

or out of Country for the first time it shall be registered as “Primary Arrival” and on such produce, Market fee and Development cess shall be payable.

4. List I – Union List: Seventh Schedule of the Constitution

Entry 7: Industries declared by Parliament by law to be necessary for the purpose of defence or for the prosecution of war.

Entry 52: Industries, the control of which by the Union is declared by Parliament by law to be expedient in the public interest.

5. List II – State List: Seventh Schedule of the Constitution

Entry 28: Markets and fairs.

Entry 66: Taxes on goods and passengers carried by road or on inland waterways.

- Q.2 A lady owned 10 acres of apple plantation. She executed a power of attorney in favour of her daughter with respect this 10 acres of land. After sometime, daughter transferred that property by registered sale deed in favour of her husband. The valuation of the property shown in the registered sale deed was 10 lakh rupees. The lady instituted a suit for cancellation of the power of attorney by alleging that her daughter had misused the power of attorney and sold the property to her husband. The court fees paid by the lady was based on the valuation of the property mentioned in the sale deed. However, the trial Court directed the lady to pay court fees based on the market value of the property. The market value of the property was held to be 20 lakh rupees. The lady filed a writ petition challenging the order of the trial court relying on relevant provision of the State Court-fees and Suits Valuation Act, 2000. Decide the writ by applying appropriate principle of interpretation and decided cases. (10)

Relevant legal provisions of the State Court-fees and Suit Valuation Act, 2000:

Section 7 - Determination of market value: (1) Save as otherwise provided, where the fee payable under this Act depends on the market value of any property, such value shall be determined as on the date of presentation of the plaint.

(2) The “market value of agricultural land” shall be deemed to be ten times the annual gross profits of such land where it is capable of yielding annual profits minus the assessment if any made to the Government.

Section 9 - Suits for possession under the Specific Relief Act: In a suit for possession of immovable property under the Specific Relief Act fee shall be computed on one-third of the market value of the property.

Section 10 - Suits for cancellation of decrees etc.: In a suit for cancellation of a decree for money or other property having a money value or other document which purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest in money movable or immovable property, fee shall be computed on the value of the subject-matter of the suit, and such value shall be deemed to be— if the whole decree or other document is sought to be cancelled, the amount or value of the property for which the decree was passed or other document was executed; if a part of the decree or other document is sought to be cancelled such part of the amount or value of the property.

- Q.3 Ms. X married to Mr. Y. After her marriage, She was asked to bring more money from her father which she kept on denying. After initial denial, she had been subject to several cruelty by her husband and by the family members of the husband. One day she was (10)



forced to drink some liquid as a result of which she started vomiting and fell unconscious. Fortunately, the neighbour saw her falling unconscious and called the ambulance. She was hospitalized and a case was registered against her husband, mother-in-law and father-in-law under section 307 and section 498-A of Indian Penal Code, 1860. Before the trial court the plea of the husband and his family was that the charge under section 498-A was thoroughly misconceived as the marriage was not a valid marriage. Applying the appropriate principle of interpretation, decide whether the charge under 498-A would survive or not?

- Q.4 What is the difference between penal and remedial statutes? Explain with the help of suitable cases, the principle of interpretation applicable in constructing the provision of penal and remedial statutes respectively. (5)
- Q.5 With the help of decided cases establish the validity of the cardinal principle of construction which states that every statute is *prima facie* prospective unless it is expressly or by necessary implication made to have retrospective operation. (5)
- Q.6 Explain in brief the basis on which a Statute or a provision of a Statute may be considered as mandatory or directory, and decide whether the non-compliance of a mandatory provision shall always result in nullification of the statute or provision of the statute. (5)
- Q.7 Write short notes on **any two** of the following: (2.5x2 =5)
- a) *Noscitur a sociis*
  - b) *Ejusdem generis*
  - c) *Reddendo singula singulis*

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