

**UNIVERSITY OF COLOMBO, SRI LANKA**  
**FACULTY OF LAW**

**BACHELOR OF LAWS EXAMINATION, YEAR III – 2017**

**LAW OF INTERPRETATION OF STATUTES AND DOCUMENTS**

(Three Hours)

Total Number of Questions: 07

Answer any **FOUR (04)** questions and **no more**.

(Candidates will be penalized for illegible handwriting.)

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01. The art of interpretation lies in abandoning one's own prejudices and preconceptions and fully appreciating the direction of the legislature's thinking.

Comment on the above statement in light of the relevant philosophical and jurisprudential debates. Support your answer with relevant authorities.

02. Scholars claim that the theories of interpretation have established themselves not on substantive grounds, unique to each theory, but by demonstrating complete and utter inadequacy of their counterparts.

Do you agree? Critically analyse the above statement with reference to three selected theories of interpretation. Your discussion must be supported with case law and examples from at least two other jurisdictions.

03. In January 2016, Zealand enacted 'The Prevention of Cruelty to Animals Act, No. 2 of 2016'. Following are sections extracted from the statute;

**Section 1**

*AN ACT to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals.*

Long Title

**Section 5**

*No person shall exhibit or train any performing animal unless he is registered in accordance with the provisions of this Act*

"Restriction on exhibition and training of performing animals"

*Provided that It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering solely with a view to providing entertainment.*

**Section 21**

*"Exhibit" includes exhibition or any entertainment to which the public are admitted through sale of tickets;*

Interpretation

*"Train" means train for the purpose of exhibition;*

*Expressions "exhibitor" and "trainer" have respectively the corresponding meaning.*

In an investigation authorized by the Animal Welfare Board (AWB) of Zealand, investigators observed bullock-cart racing events on 14th, 15th and 16th of January 2017. AWB holds that the bullock-cart races conducted in Zealand inherently violates sections 5 and 21 of the Prevention of Cruelty to Animals Act. AWB, through its reports, affidavits and photographs, demonstrated the manner in which the race was conducted, and how the bulls involved were physically and mentally tortured for human pleasure and enjoyment.

Organizers of bullock-cart races, took up the stand that these events take place during temple festivals, which are traditionally and closely associated with village life. They

further stated that extreme care and precautions are taken not to cause any injury or pain to the bulls participating in the event and that the Grama Niladhari, Police Officials etc. are always on duty to prevent cruelty to animals. They also submitted that such events attract a large number of persons, and generate revenue for the State and enjoyment to public. It is also their stand that bulls involved in races are not "performing animals" within the meaning of Sections 5 since there is no sale of tickets in the events conducted.

Assuming that you are the judge in this case, write a reasoned judgment elaborating your interpretation of the relevant provisions of Prevention of Cruelty to Animals Act. Assume that the legal system of Zealand is similar to that of Sri Lanka.

04. The judiciary has a unique power to bring out positive changes in the lives of the citizenry of the State through its creative interpretation which upholds, *inter alia*, Constitutionalism and the Rule of Law.

Critically evaluate the above statement in light of recent attempts of the Sri Lankan Judiciary in upholding Constitutionalism and the Rule of Law, through constitutional interpretation. You should also compare the Sri Lankan judicial approach with, at least, one other jurisdiction.

05. Answer **both A and B.**

A) Section 2 of the Imports Act No. 18 of 2000 of Megaland states;

*"All importers of gold, silver, platinum, palladium and any other precious metal should obtain an import license."*

Ajith wants to import 'tin' for the production at his factory and he seeks your advice as to the applicability of Section 02 of the said Act. Advise Ajith.

(7.5 marks)

B) The Board of Trustees of 'Asian College', a private school in Megaland wants to dismiss the current principal and fill the vacancy. Section 20 and Section 35 of the Education Act No. 25 of 2000 of Megaland stipulates as follows;

**Section 20**

*"The Director General of the Education Board may appoint as the manager of an assisted school any person recommended in writing by the Board, following the regulations issued by the Minister of Education."*

*Appointments*

It further states that such decision is subjected to the labour laws of the country.

**Section 35**

*An 'assisted school' is a school to which aid is contributed from state funds.*

*Interpretation*

Asian College is funded and managed by a private Board of Trustees. The Rules pertaining to management of the Asian College is stipulated in 'Asian College Act No. 12 of 1996'.

**Section 10** of the Asian College Act No. 12 of 1996 states that;

*"The appointment and dismissal of its employees should be made by the Board of Trustees."*

Advise the Board of Trustees of Asian College regarding the dismissal and appointment, in light of Maxims and relevant case law.

(10 marks)

06. **Answer Both A and B**

A) The attitude of Sri Lankan judiciary in using international instruments as an external aid in interpreting statutes has not been consistent.

Critically evaluate, in light of the above statement, the use of international

instruments as an external aid to interpretation, highlighting the differences in judicial attitude. Your answer should be supported with decided cases.  
(10 marks)

B) Draft an opinion expressing your views on practical challenges faced by litigants and their Attorneys-at-Law, when utilizing Hansards as an external aid in supporting their cases. Your opinion should be supported by relevant case law.

(7.5 marks)

07. The presumption "*The legislature does not intend that which is harsh, unjust or unreasonable*" arises from the basic postulates of justice. It directs every legal system to achieve standards of reasonableness, justice and fairness.

Do you agree? Support your answer in light of sub categories of the said presumptions and decided cases.

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