

THE OPEN UNIVERSITY OF SRI LANKA
 FACULTY OF HUMANITIES AND SOCIAL SCIENCES
 DEPARTMENT OF LEGAL STUDIES
 LLB (HONOURS) DEGREE PROGRAMME – LEVEL 03
 FINAL EXAMINATION- 2023/2024
 INTERPRETATION OF STATUTES AND DOCUMENTS - LLU3406
 DURATION – THREE (03) HOURS



DATE: 18.05.2025

TIME: 1.30 P.M – 4.30 P.M

Total No. of Questions: 08

Answer ONLY FIVE (05) questions.

Candidates will be penalized for illegible handwriting.

1. National Environmental Protection Act 2008 of Pearl island states the following:

Section 1: “Any person who intentionally throws down, drops or otherwise deposits in, into or from any place to which a member of the public has access and leaves anything which litters the environment shall be guilty of an offence.”

Shyama, a teacher of National Arts School of Pearl island has a car with a convertible roof. Whilst driving her car with the roof open, a number of student’s mock exam papers were blown out of the car. She stopped the car and recovered as many papers as she could find from the roadside. However, another set of papers were missing and had blown into a thick thorny bush nearby. Shyama is being prosecuted under Section 1 of the Act.

Shyama seeks your advice as to whether an offence has been committed under the National Environmental Protection Act 2008.

Advise Shyama based on rules of interpretation.

(20 marks)

2. “Interpretation is the process of determining the real and right intention of a law-making body whose intentions are written out in the form of statutes.”

Von Glasersfeld, E. (1983) *On the concept of interpretation. Poetics*, 12(2-3), 207-218

In light of the above statement, discuss the importance of statutory interpretation and the intent of the legislature. Your answer should be explained using relevant illustrations and case law.

(20 marks)

3. Offensive Weapons Act No.02 of 1985 of Selonica contains the following provision.

Section 3: no person is allowed to keep, weapons in areas designated as public shopping malls. Violation of Section 3 shall be an offence as prescribed in Section 5 of the Act. For the purpose of this Act a 'weapon' includes any object, device or substance used or intended to be used in causing death, injury or harm to any person.

The Preamble of the Act states that the object of the Act is to provide regulations to procession, acquisition, transport, use or supply of and of the doing of certain other acts or things with offensive weapons.

Vicky who is a craftsman by profession, is found with a paper cutter and a blade while entering into the annual year end fair at Dunlock City Mall. The security of the shopping mall claims that bringing weapons into the mall without a prior notice amounts to an offence. However, Vicky claims that the paper cutter and the blade are not kept for offensive purposes and are just a part of his job.

Assume that you are the judge of this case. How do you interpret Offensive Weapons Act No.02 of 1985 of Selonica in this case? Explain your answer using different approaches to statutory interpretation and with relevant case law.

(20 Marks)

4. a). 'Ejusdem generis' and 'Noscitur a sociis' are a substantially same but there is a thin layer of difference between both. Explain.

(10 marks)

- b). A statute outlines "automobiles, trucks, and other motor-powered vehicles subject to being taxed from May 2025." Would Arun, who owns a bicycle, be subject to taxes? Explain.

(5 marks)

- c). A City Ordinance prohibits feeding dogs, cats, monkeys and other animals within city limits. Tina feeds crows. Explain.

(5 marks)

5. "The Constitution is accepted as the Supreme Law of the country and the ordinary laws derive their validity from the Constitution. The provisions in the ordinary law should be interpreted in the light of the Constitutional provisions. The Constitution should be used as flash-light on the provisions of the ordinary law."

Per Justice *Eva Wanasundara in AG v Ambagala Mudiyanseelage Samantha Sampath* [SC Appeal No. 17/2013] p8

- a). In light of the above statement, evaluate the role of Sri Lankan judiciary in the task of constitutional interpretation. Your answer should focus on relevant decided cases.

(12 marks)

- b). Compare Sri Lankan judicial approach with one other jurisdiction you prefer.

(8 marks)

6. Central State of Diamond island decided to reserve 50% seats in technical educational institutions for the domicile.

Section 8 of the Central State Educational Governance Act states that, domicile means: "every person having 5 years living in the Central State." Marie is a businessman of the state who lives only 3 months every year in the state and he stayed over 7 years in this manner. With the intention of carrying out further education, Marie applied for domicile status from the Central State. His application was denied on the ground that he does not fulfill the criteria of continuous stay of 5 years within the Central State.

The Preamble of the Act states: "whereas to facilitate, secure and provide loyalty to the resident of the state, this Act is enacted."

Advise Marie relying on necessary aids of statutory interpretation and relevant case law.

(20 marks)

7. 'Presumptions represent the accepted judicial view of a range of circumstances that have been predetermined to be the way in which every manifestation of those circumstances will be viewed, until any evidence to the contrary is produced.'

Do you agree with the above statement?

Discuss how presumptions are used in protecting individual interests during court proceedings. Explain your answer using minimum **two** presumptions and relevant case law.

(20 marks)

8. Write short notes of **any two** of the following.
- Dictionaries, textbooks and other literary sources as an aid of Statutory Interpretation
 - Different approaches of Constitutional Interpretation
 - Peoples Bank v Rosy Jayasooriya* [SC Appeal 156/2010]
 - Interpretation of International treaties

(10x2 = 20 marks)