

LAW OF INTERPRETATION OF STATUTES

REGISTRATION NO.	LLB 118/3-17/M025
STUDENT NAME	HAFIZ MUHAMMAD IQBAL S/O MUHAMMAD SALEEM PATEL
TITLE OF ASSIGNMENT	ANNUAL EXAM, 2020
TITLE OF COURSE	INTERPRETATION OF STATUTE
NAME OF FACULTY MEMBER	SIR, DR. M. TAHIR
SUBMISSION DATE	30 NOVEMBER, 2020

Q.1: Describe the followings in detail:

a- Define statute and term of interpretation of statute according to the constitution of Pakistan, 1973?

Answer 1. a -

INTRODUCTION

A written law passed by a legislative body. It means an act, law, rules and regulation which has been made by government or other organization and formally written down.

“A statute is a formal written enactment of a legislative authority that governs the entities of a city, state or country. Typically, statute commands or prohibits something or declares policy. The word is often used to distinguish law made by legislative bodies from the judicial decisions of the common law and the regulations issued by government agencies”.

According to Salmond has defined as “the process by which the courts seek to ascertain the meaning of the legislature through the medium of authoritative forms in which it is expressed”.

Statutory interpretation is the process by which courts interpret and apply legislation. Sometimes the words of statute have a plain and straight forward meaning. But in many cases, there are some ambiguity or vagueness in the words of the statute.

Term and Means

The term “Interpretation” means **“To give meaning to”** or **“the action of explaining the meaning of something”**. And the “Statutes” means **“Law or rules”** or **“a written law passed by a legislative body”**.

On the basis of time duration, classification of statutes are given below:

1. **Perpetual statute:**

“When no time is fixed for its duration and such a statute remains in force until its repeal which may be express or implied”.

2. **Temporary statute:**

“When its duration is only for a specified time and it’s expires on the expiry of the specified time unless it’s repealed earlier”.

AIM AND OBJECTIVES

The object of interpretation of statutes is to determine the intention of the legislature conveyed expressly or impliedly in the language used. Governmental power has been divided into three wings are as follows:

1. Legislative power.
2. Executive power.
3. Judiciary power.

ACCORDING TO THE CONSTITUTION OF PAKISTAN, 1973

The preamble to our constitution is important to refer and its opening para are as under:

“Whereas Sovereignty over the entire universe belongs to almighty Allah alone, and the authority to be exercised by the people of Pakistan within the limits prescribed by him is a sacred trust”.

Statute are divided into following classes are:

- Codifying Statute.
- Declaratory Statute.
- Remedial Statute.
- Amending Statute.

- Consolidation Statute.
- Enabling Statute.
- Disabling Statute.

b- How many rules of interpretation of statutes? Explain any Two.

Answer 1. b -

INTRODUCTION:

The cardinal rule applied by the judge is that the intent of the legislature is to be sought in the actual words used any they are to be understood in their ordinary and natural meaning, and this is known as “the grammatical interpretation”. Or literal rule. The main two kinds of interpretation are described the rules of interpretation that are given below:

1. Literal Rule.
2. Logical Rule.

LITERAL OR GRAMMATICAL INTERPRETATION

According to this kind of interpretation the words used in this text are to be given or interpreted in their natural or ordinary meaning. Court are not allowed to modify the language of law and if the meaning is clear and unambiguous, effect should be given to the provisions of a statute whatever may be the consequence.

The idea behind such principle is that the legislature, being the supreme law making body must know what it intends in the words of the statutes. It has been expressed through words and thus, are to be interpreted according to the rules of grammar. It is the safest rule of interpretation of statutes because the intention of the legislature is deduce from the words and the language used. The elementary rule of construction is that the language must be construed in its grammatical and literal sense.

LOGICAL INTERPRETATION

If the words of a statute give rise to two or more constructions, then the construction which validates the object of the act must be given effect while interpreting. It is better to validate the thing than invalidate it or it is better the act prevails than perish.

The purpose of construction is to ascertain the intention of the parliament.

1. GOLDEN RULE / PURPOSIVE APPROACH:

Golden rule is that the word of statute must, prima facie, be given their ordinary meaning. This interpretation is supreme and is called the Golden rule of interpretation. It solves all the problems of interpretation.

However, if the interpretation given through the literal rule leads to some or any kinds of ambiguity, injustice, inconvenience, hardship, inequity then in all such events the literal meanings shall be discarded and interpreted. Shall be done in such a manner that the purpose of the legislation is fulfilled.

The purposive approach (sometimes referred to as purposive construction, purposive interpretation, or the modern principle in construction) is an approach to statutory and constitutional interpretation under which common law courts interpret an enactment (a statute, part of a statute, or a clause of a constitution) within the context of the law's purpose. Purposive interpretation is a derivation of mischief rule set in *Haydon's Case* and intended to replace the mischief rule, the plain meaning rule and the Golden Rule. Purposive interpretation is used when the courts use extraneous materials from the pre-enactment phase of legislation, including early drafts, Hansards, committee reports, and white papers. The purposive interpretation involves a rejection of the exclusionary rule. Israeli jurist Aaron Barak views purposive interpretation as a legal construction that combines elements of the subjective and objective. Barak states that the subjective elements include the intention of the author of the text, whereas the objective elements include the intent of the reasonable author and the legal system's fundamental values.

Critics of purposive argue it fails to separate the powers between the legislator and the judiciary, as it allows more freedom in interpretation by way of extraneous materials in interpreting the law.

2. MISCHIEF RULE:

Mischief rule was originated in **Haydon's case in 1584**. It is the rule of purposive construction because the purpose of this statute is most important while applying this rule. It is called Mischief rule because the focus is on curing the mischief and also known as Haydon's rule.

There are 4 things which have to be followed for true and sure interpretation of which are as follows:

1. What was the common law before the making of an act?
2. What was the mischief for which the present statute was enacted?
3. What remedy did the parliament sought or had resolved and appointed to cure the disease of the common wealth?
4. The purpose of this rule is to suppress the mischief and advanced the remedy?

A statute is to be so construed as to suppress the mischief and advance the remedy, thus giving the courts considerable latitude in achieving the objective of the legislature despite any inadequacy in the language employed by it." Haydon's Case (1584) laid out the following statement of the principles underlying what would come to be called the "mischief rule":

"For the sure and true interpretation of all statutes four things are to be discerned and considered:-

What was the common law before the making of the Act?

What was the mischief and defect for which the common law did not provide?

What remedy the Parliament hath resolved and appointed to cure the disease of the Common wealth.

The true reason of the remedy; and then the office of all the Judges is always to make such construction as shall suppress the mischief, and advance the remedy, and to suppress subtle inventions and evasions for continuance of the mischief, and *pro private commode*, and to add force and life to the cure and remedy, according to the true intent of the makers of the Act, *pro bono publico* property to his cousin A B and he has two cousins of that name. This is also termed as extrinsic ambiguity. On the other hand patent ambiguity is an ambiguity that clearly appears on the face of document arising from the language itself. For example a bill of exchange is expressed in words to be drawn for two fifty dollars but in figures 215 Dollars, it is a patent ambiguity.

Q.2. a- What are the General Principles of Interpretation of Statute?

Answer 2. a -

INTRODUCTION

General principles of interpreting statutes are that the interpretation should be natural, appropriate and simple and should give the words their ordinary meaning. It should be consistent with the intention of legislature and should help the administration of justice. It should not offend the common sense. Beyond this, the methodologies and approaches taken by the courts in discerning meaning can help guide legislative drafters, legislators, implementing agencies, and private parties.

“Statutory interpretation is the process of resolving those ambiguities and deciding how a particular bill or law will apply in a particular case. The first and most important rule is the rule dealing with the statute's plain language. This rule essentially states that the statute means what it says”.

GENERAL PRINCIPLES OF INTERPRETATION OF STATUTE

The term interpretation means “To give meaning to”. Governmental power has been divided into three wings namely the legislature, the executive and the judiciary. Interpretation of statutes to render justice is the primary function of the judiciary. It is the duty of the Court to interpret the law and give meaning to each word of the statute.

The most common rule of interpretation is that every part of the statute must be understood in a harmonious manner by reading and construing every part of it together.

The age old process of application of the enacted law has led to formulation of certain rules of interpretation. According to Cross, "Interpretation is the process by which the courts determine the meaning of a statutory provision for the purpose of applying it to the situation before them," while Salmond calls it "the process by which the courts seek to ascertain the meaning of the legislature through the medium of authoritative forms in which it is expressed". Interpretation of a particular statute depends upon the degree of creativity applied by the judges or the court in the reading of it, employed to achieve some stated end. A statute can be interpreted by using the Golden Rule, the Mischief Rule or the Literal Rule.

AMBIGUITY

Ambiguity means “**vagueness or uncertainty**” or “**doubtfulness, double meaning words or obscurity**”, of meaning the possibility of interpreting an expression in two or more distinct ways. In the context of statutory interpretation, ambiguity is used to indicate the doubt a judge must entertain before s/he can search for apply a secondary meaning. In ordinary language it is often confined to situation in which the same word is capable of two different meaning.

There are two types of ambiguity latent and patent:

1. **LATENT AMBIGUITY** refers to an ambiguity that does not readily appear in the language of document but arises from a collateral matter when the documents terms are applied or executed. For example when a man devise property to his cousin A, B and he has two cousins of that name. This is also termed as extrinsic ambiguity.
2. On the other hand, **PATENT AMBIGUITY** is an ambiguity that clearly appears on the face of document arising from the language itself. For example a bill of exchange is expressed in words to be drawn for two fifty dollars but in figures \$ 215 it is a patent ambiguity.

Where there is any ambiguity in a statute, the court should adopt the Golden rule, Mischief rule, or logical interpretation.

b- Role of interpretation of statutes in legal history?

Answer 2. b -

LEGAL HISTORY

Statutory interpretation first became significant in common law systems, of which England is the exemplar. In Roman and Civil law, a statute (or code) guides the magistrate, but there is no judicial precedent. In England, Parliament historically failed to enact a comprehensive code of legislation, which is why it was left to the courts to develop the common law, and have decided a case and given reasons for the decision, the decision would become binding on later courts.

Accordingly, a particular interpretation of a statute would also become binding, and it became necessary to introduce a consistent framework for statutory interpretation. In the construction (interpretation) of statutes, the principle aim of the court must be to carry out the "Intention of Parliament", and the English courts developed three main rules (plus some minor ones) to assist them in the task. These were: the mischief rule, the literal rule, and the golden rule. Courts "say what the law is" by resolving legal disputes in individual cases. This is true whether a court is interpreting a positive law, such as a statute or regulation, or reasoning from a prior judicial precedent, drawing from a body of law known as the common law. With regard to the common-law tradition of making law through judicial opinions, a court reasons by example, applying general "principles of equity, natural justice, and, public policy" to the specific circumstances before the court. Case by case, a common-law court decides more or less anew whether each set of circumstances should follow the rule of a previous decision. But in resolving a statutory dispute, courts generally do not simply determine, based on equity or natural justice, what would have been a reasonable course of action under the circumstances. Instead, the court must "figure out what the statute means" and apply the statutory law to resolve the dispute.

The predominant view of a judge's proper role in statutory interpretation is one of "legislative supremacy." This theory holds that when a court interprets a federal statute, it seeks "to give effect to the intent of Congress." Under this view, judges attempt to act as "faithful agents" of Congress. They "are not free to simply substitute their policy views for those of the legislature that enacted the statute." This belief is rooted in the constitutional separation of powers: in the realm of legislation, the Constitution gives Congress, not courts, the power to make the law. The judicial power vested in the courts entails only "the power to pronounce the law as Congress has enacted it." Accordingly, courts must remain faithful to what the legislature enacted.

It was not always the case that judges described their role in statutory interpretation as being so constrained. This section broadly reviews the evolution of statutory interpretation in U.S. courts, noting the various schools of legal thought that predominated at particular periods in the nation's history. However, while these other interpretive theories no longer represent a majority view, all continue to exist in some form today, and critically, they influenced the development of the theories that do dominate modern legal theory.

Early Years: Natural Law and Formalism

Legal thinking in this country's early years was influenced by the idea of natural law, which is the belief that law consists of a set of objectively correct principles derived "from a universalized conception of human nature or divine justice." The goal of judges in a natural law system is to "conform man-made law to those natural law principles." Accordingly, courts looked to "the equity of the statute," seeking to find "the reason or final cause of the law" in order to address

"The mischief for which the common law did not provide," but the newly enacted statute did, "and to add life to the cure and remedy, according to the true intent of the makers of the act".

A distinct, but not mutually exclusive, view of the law that gained popularity in the 19th century, formalism, posits that "the correct outcome of a case could be deduced" scientifically from fundamental "principles of common law" contained in prior cases. These early formalists believed that they could use established forms of logic, based on these fundamental common-law principles, to determine the meaning of statutory text.

Both natural law and formalism share the belief that the law provides one right answer to any question and lawmakers can discover that answer. For those who subscribe to these schools of thought, the source of this answer is neither the legislature nor the courts, but the higher principles of law themselves. When natural law and formalism dominated legal thinking, "it did not matter as much whether judges conceived of themselves as faithful agents of Congress or coequal partners in law elaboration." This is because under these theories, both courts and legislators are engaged in the same process of finding the one correct answer. And if courts discover the answer to the legal question presented, proponents of natural law and formalism contend that there is no need to defer to the legislature. Accordingly, under these theories, courts might resort to equity or reason over a strict construction of the language of the statute because this gloss on the legislative text amounts to a "correction" of a defective statute, a correction that would not have been necessary "if the original had been correctly stated." As a result, a prevalent view in the 19th century was that the judge merely said "what the legislator himself would have said had he been present, and would have put into his law if he had known".

20th Century: Rise of Legal Realism

Critically, then, the legitimacy of the theories that primarily governed early American jurisprudence hinged on the belief that a judge could divine the law by focusing on general principles of justice or logic. But as the school of legal realism gained traction in the early 20th century, legal scholars began to question these assumptions and called for judges to more self-consciously justify the legitimacy of their rulings. The early legal realists sought to discover "how law 'really' operated," applying new insights from the fields of sociology and psychology to judicial decision making. Legal realism led to the widespread recognition that judges sometimes make law, rather than discover it. As a result, judges more readily acknowledged that there were no "pre-established truths of universal and inflexible validity"—or at least, that they could not divine those truths and invariably derive from them the proper conclusion in any given case. For legal realists, there is "no single right and accurate way of reading one case".

Accordingly, the need arose for judges to more openly justify the law that they announced in any given case.

CONCLUSION

Statutory interpretation is an important. So that no anyone is unable to make their own judgement in cases. If they stumble upon any problems, they cannot change the law therefore they cannot interrupt the flow of justice. In allows Parliament to be the law making body and court will then apply the law.

Q.3 a- What is Harmonious construction in statue? Explain in detail.

Answer 3. a -

INTRODUCTION

Interpretation mean the remove the ambiguity and confusion in the provision of the law because the main aim of the judiciary interpretation of law and legislate the law .the legislature legislate the law and judiciary interpreter the law and executive apply the law,

When the any provision of law is capable for interpretation when any provision have any ambiguity and inconsistency and incomplete that kinds of provision.

And the judicial system remove that ambiguity and interpreter the law and remove the grammatical and legal mistake.

INTERPRETATION OF LAW

Interpretation mean solve the confusion and remove the ambiguity and incompleteness from any provision and make that effective that provision.

First of all we give the intro and definition the now we discuss the harmonious matter.

HARMONIOUS CONSTRUCTION

The doctrine or the rule of harmonious construction, this rule of is adopted when there is a conflict between two or more statutes or between the parts or provisions of the statutes. As per this doctrine the courts try to avoid conflicts between the provisions of the statutes. The doctrine follows a very simple rule that every statute has made for a purpose and specific intent as per law and it should be read as a whole and interpreted accordingly. Thus the provisions are so interpreted that the conflict between the two statutes or its provisions is avoided and each of them is given effect.

For this purpose, the scope and meaning of one may be restricted so as to give meaning also to the other. So, the aim of the courts are:-

- An interpretation which makes the enactment consistent.
- A construction which avoids inconsistency or repugnancy between the various sections or parts of the statute. However, in the case in which it shall be impossible to harmonize both the provisions, the court's decision shall prevail.

OBJECT OF HARMONIOUS CONSTRUCTION

The aim of this construction is that remove the miss gaps and confusion from differ parts of statutes and remove the ambiguity and make the law in position of operative condition.

When there is ambiguity in differ parts of law then on part make nullify the other part of law then our judiciary remove the confusion and make the law valuable.

If that kind of construction not done that disturb the system of law many legal and procedural and technical issues arises therefore harmonious construction erase that all problem.

PROCEDURE TO GIVE EFFECT TO THE DOCTRINE

The principle of harmonious construction requires the following four steps to have an effect:

1. That both the provisions which are conflicting must be read as a whole with reference to the entire enactment in question.
2. Give full effect to both of them and then reduce the conflict.
3. Out of the two conflicting provisions choose wider and narrower scope of these two separately; and,
4. From the wider provision, subtract the narrow and see the consequence. If the consequence is as reasonable as to harmonize both the provisions and it gives their full effect separately, no further scrutiny is required.

CONCLUSION

According to this doctrine the courts must try to avoid conflicts between the provisions of the statutes. Statutes are drafted by the legislature and there is anticipation of situations of ambiguity, conflicts, repugnancy, redundancy etc. In such situations, the rules of interpretation of statutes come into role and the provisions are construed so as to give maximum effect to them and to render justice to the situation at hand. The principle of harmonious construction plays a very important role in interpreting statutes and is used in many cases. It helps in simplifying complex issues and makes delivering judgment as much easier.

Therefore, like the many rules of interpretation of statutes, the importance of the rule of harmonious construction is also understood and felt by the judiciary. Thus the provisions must be so interpreted that the conflict between the two is avoided and each of them is given effect and, for that purpose the scope and meaning of one may be restricted to the extent as to give meaning to the other too.

b- How can an Ambiguity in a statute be removed? Discuss in detail.

Answer 3. b -

INTRODUCTION

The ambiguity is confusion in law which create the problem in any provision and part of law

Which is create the difficulty in the legal and procedural and technical ways therefore our judiciary remove the ambiguity the aim of judiciary to interpretation of law therefor it is duty of court remove that kinds of ambiguity and inconsistency and incompleteness in the law .

AMBIGUITY

An ambiguity is difficulty and confusion which create the problem in the provision and part of law.

In procedural and implementation manners the ambiguity is uncertainty which removed by the Judiciary.

Ambiguity means "**vagueness or uncertainty**" or "**doubtfulness, double meaning words or obscurity**", of meaning the possibility of interpreting an

Expression in two or more distinct ways. In the context of statutory interpretation, ambiguity is used to indicate the doubt a judge must entertain before s/he can search for apply a secondary meaning. In ordinary language it is often confined to situation in which the same word is capable of two different meaning.

AMBIGUITY IN A STATUTE CAN BE REMOVED?

Statutory interpretation first became significant in common law systems, of which England is the exemplar. In Roman and Civil law, a statute (or code) guides the magistrate, but there is no judicial precedent. In England, Parliament historically failed to enact a comprehensive code of legislation, which is why it was left to the courts to develop the common law; and having decided a case and given reasons for the decision, the decision would become binding on later courts.

Accordingly, a particular interpretation of a statute would also become binding, and it became necessary to introduce a consistent framework for statutory interpretation. In the construction (interpretation) of statutes, the principle aim of the court must be to carry out the "Intention of Parliament", and the English courts developed three main rules (plus some minor ones) to assist them in the task. These were: the mischief rule, the literal rule, and the golden rule.

CONCLUSION

The conclusion of that topic is that if an ambiguity is not removed that create the problems therefor is judiciary is paly important role for removal for that the ambiguity.

And make the law valuable and operable.

Q. 4. a- Can Court fill the lacunas after interpreting a statue? Discuss.

Answer 4. a –

INTRODUCTION

There is there branches of the state first is legislature and second is executive and third is judiciary the legislature legislate and make the law and the executive implement the law and judiciary done the interpretation of law.

The judiciary interpret the law not make the law tell the what is law not what law is he interpretation of statues id work of judiciary if our judicial system not clear the law nor remove the micro infusing in the law the hardworking of legislature is waste here is judiciary is work for the era of clarity of law.

AIM AND OBJECT OF REMOVING THE LACUNAS

The main thirst of the interpretation to less the problems in the laws and not arises the any difficulty in the procedural and legal and technical issues which vanished the rights of someone there for judiciary take care of law and remove that ambiguity and inconsistency in the law .

DUTY OF JUDICIAL SYSTEM

It is legal and constitutional duty of court to interpret the law and make the efficacy in law and valuable and clarity in law which help the executive to implementation and not done any issues in the way of law enforcement agency if the courts not interpret the law.

And not clear the rights and duty and liability of any legal person then create the bundles of difficulty in that part and courts and legislature department.

HOW INTERPRET THE LAW BY JUDICIARY?

The judiciary when consider the any case in the court then court fell that that should be clear by the court then the court apply the judicial mind and solve that problems and create the principal for the next court and clear the law and ambiguity.

WHICH RULES APPLY IN THE REMOVAL OF LACUNAS?

There is many rules used for removal of lacunas the every rule is apply in differ situation and paly differ role and have ether differ result some rules names is following:

- Literal rule.
- Golden rule / Purposive approaches.
- Mischief rule.
- Harmonious construction.
- EJUSDEM GNERIS rule.
- Nonsuits rule.

That above rules is apply for that for interpretation off statues helping of that rules removal the lacunas and make the law valuable

INTERPRETATION IS USED AS PRECEDENT

The interpretation of the higher authorities' likewise high court and Supreme Court is binding the lower courts and other semi judicial authorities under section

Article 189 and 209 constitution of Pakistan, 1973 under the doctrine of Precedent.

CONCLUSION

The upper topic tells us what is interpretation and when the judiciary done that and what kinds of rules used and what is impotency of judiciary and constitutional at testified the without interpretation law is useless and not work properly and not implement the law.

b- Explain the followings:

1. **Statuary instrument.**
2. **Unambiguous language in Statue.**

Answer 4. b -

1. STATUARY INSTRUMENT

INTRODUCTION:

The statue is command of sovereignty in codification manners the statues is codified law which is legislated by the department of legislation the legislative legislate the law and judiciary interpret the law the legislation pass the differ statues in differ time which full fill he differ era of law and manner.

OBJECT OF STATUES:

The legislation pass the statues in codification manners and pass the law which clearer the rights duties and liabilities of any person .the statue is pass fin bill situation first of all pass the national assembly after the senate and after approval the president then make the statue and that statue is interpret the judicial system.

KINDS OF STATUES

There is different kinds of statues but jurist divided the statues in the two classes are as follows:

- Substantive statues.
- Adjective or procedural statues.

- **SUBSTANTIVE STATUES:**

“Substantive statues that are statue which declare the rights and duties Of the any legal person that is called substantive statue”.

- **ADJECTIVE STATUES**

“Adjective statues which tell us the procedure how the substantive right attains by the courts another name of this kind of statues is procedural law”.

KINDS OF STATUES

- Temporary statues.
- Perpetual statues.
- Penal statues.
- Fiscal statues.
- Special statues.
- Local statues.

That kinds of statues is a part of legal system.

CONCLUSION

The statute is codified the law which pass by legislature is by way of process and judiciary interpret that statute and executive implement and statute declare the rights duties and liabilities of any person.

2. UNAMBIGUOUS LANGUAGE

The unambiguous language is that kind of language which create the any ambiguity and any confusion and any uncertainty and create the difficulty in the procedural manners and the courts remove that uncertainty in the parts of law and make the law effective if the court not remove that kind of language the create the difficulty the courts used the differ rules for the removal of this unambiguous language .unambiguous language mean ambiguities language.

“GENERAL CLAU ACT 1897 AND 1956”

Q.5 a- What do you understand by Repeal of a statute? Describe in detail.

Answer 5. a -

INTRODUCTION OF REPEAL

Re-enactment can be with or without amendment, although repeal and re-enactment without amendment normally occurs only in the context of a consolidation bill (A bill to consolidate the law in a particular area).

For example, the repeal of the Poor Laws in England in 1948 reflected their replacement by modern social welfare legislation.

“For the sure and true interpretation of all statutes four things are to be discerned and considered: -

What was the common law before the making of the Act what was the mischief and defect for which the common law did not provide? What remedy the Parliament hath resolved and appointed to cure the disease of the Common wealth. The true reason of the remedy; and then the office of all the Judges is always to make such construction as shall suppress the mischief, and advance the remedy, and to suppress subtle inventions and evasions for continuance of the mischief, and *pro private commode*, and to add force and life to the cure and remedy, according to the true intent of the makers of the Act, *pro bono publico*

A repeal without replacement is generally done when a law is no longer effective, or it is shown that a law is having far more negative consequences than were originally envisioned

Language employed by it." *Haydon's Case* (1584) laid out the following statement of the principles underlying what would come to be called the "mischief rule".

b. Describe the effects of Repeal?

Answer 5. b -

EFFECT OF REPEAL

Where this Act, or any (Central Act) or Regulation made after the commencement of this Act, repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not- Revive anything not in force or existing at the time at which the repeal takes effect, or Affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder, or Affect any right, privilege, obligation or liability acquired,

incurred in respect of any offence committed against any enactment so repealed, accrued or incurrent under any enactment so repealed, or Affect any penalty, forfeiture or punishment or Affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.

Where this Act, or any 13 [Central Act] or Regulation made after the commencement of this Act, repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not;-

- Revive anything not in force or existing at the time at which the repeal takes effect; or
- Affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or
- Affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or
- Affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or
- Affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.

And any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Act or Regulation had not been passed.

X-----X-----END-----X-----X