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# Effect of Repeal of Statutory Law: A Judicial Precedent Based Study

*Md. Khaled Miah*<sup>1</sup>

*Md. Saddam Hossen*<sup>2</sup>

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## Abstract

Society is never static but always dynamic and change is the supreme law of human society. To keep pace with this trend, every legislature responds to changing social, political, economic and other conditions through the instrumentality of enacting new laws or repealing the existing laws. This article examines the effects of abrogation or revocation of a statute by legislative act through express declaration in a new statute or as a result of irreconcilable conflict between an old law and a newly enacted law. This article also endeavors to study the general consequences of repeal in line with the interpretations as given by the apex court of Bangladesh and, in some cases, India and Pakistan. Apart from analyzing the general effects of repeal, this article also aspires to examine and clarify the consequential differences between the repeal of temporary statute and perpetual statute based on judicial precedents.

**Keywords:** Effect of Repeal, Temporary Statute, Perpetual Statute, Statutory Enactment, Judicial Precedent.

## Introduction

The authority of enacting laws in Bangladesh is constitutionally committed to the parliament which is one of the three organs of the state<sup>3</sup>. Though the

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<sup>1</sup> The author is an Assistant Judge of the District and Sessions Judge Court, Sunamgonj. He completed his LL.B. (Hon's) and LL.M. degree from the University of Chittagong. In LL.B. Program he had obtained 1st class 1st position. Prior to joining in Bangladesh Judicial Service, he served as a Lecturer in the Department of Law of Cox's Bazar International University and Britannia University, Comilla. He is also an advocate (non-practicing) and a member of Chittagong District Bar Association. He is popularly known for his research work on "*Increase of Daughter's Share in the Succession of Sonless Family: Does it Contravene the Spirit of Shariah Law?*" His email address is [miahkhaled28@gmail.com](mailto:miahkhaled28@gmail.com)

<sup>2</sup> The author is a Lecturer at School of Law of Britannia University, Comilla. He accomplished his LL.B. and LL.M. degree from International Islamic University Chittagong (IIUC) with 1st class 1st in LL.M. Examination. Then he joined in Britannia University as a Lecturer in the School of Law and till now he continued his service in Britannia University. His research paper titled "*Children Killing by their Parents, the Recent Unscrupulous Trends in Bangladesh: A Legal Analysis from Domestic and Islamic Law Perspectives*" has been published in Conference Proceedings in INTERNATIONAL CONFERENCE ON LAW AND LEGAL STUDIES' 17. His email address is [saddamlawiuc@gmail.com](mailto:saddamlawiuc@gmail.com)

<sup>3</sup> Article 65 of the Constitution of Bangladesh provides that there shall be a parliament in which the legislative powers of the state shall be vested subject to the provisions of the Constitution.

parliament has not been vested with the exclusive power of making laws, it is the principal source of legislation and the power of parliament in making laws takes precedence over the law making power of the executive and judicial branch of the government and it has to enact laws within the limits prescribed by the constitution<sup>4</sup>. The parliament is competent, in its plenary powers, not only to introduce a new law but also to repeal it by another enactment or to revive or re-enact a legislation which had already expired by lapse of time. This legislative power to repeal prior laws is not precluded by constitutional limitations, but exists as an integral part and increment of the legislative power and function<sup>5</sup> and it is not within the power of any parliament to prevent the repeal of any of its own Acts, or to bind its successors<sup>6</sup>. Consequently, no statute can make itself secured against being repealed unless it falls within the boundary of the fundamental features of the Constitution<sup>7</sup>. In this respect Sidney Smith says “When I hear a man talk of unalterable law, the effect it produces upon me is to convince me that he is an unalterable fool”<sup>8</sup>.

The normal effect of repealing a statute without providing a saving clause is to obliterate it from the statute-book as completely as if it had never been passed and had never been existed<sup>9</sup> except as to matters and transactions past and closed<sup>10</sup>. But whenever there is a repeal of a statute, the consequences laid down in sec. 6 of the General Clauses Act, 1897 shall follow unless a different intention can be presumed from the repealing statute<sup>11</sup>. In this regard, the Supreme Court of Bangladesh, through its judicial pronouncements, has given divergent interpretations to the consequences of repealing an enactment either by another enactment or by judicial precedent in

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<sup>4</sup> Islam, Mahmudul, Interpretation of Statutes and Documents, Mullick Brothers, Bangladesh, 2009, p. 9.

<sup>5</sup> Sutherland: Statutory Construction, Vol.1 (3<sup>rd</sup> Ed.), Art.2003, pp. 449-450.

<sup>6</sup> Wilberforce: Statute Law, at p.309; Craies: Statute Law, 4<sup>th</sup> Ed., p.292; Here “to bind its successors” means depriving all the future parliaments of their authority to legislate.

<sup>7</sup> *Anwar Hossain v. Bangladesh*, 1989, BLD (SPL)1; Article 7B of the Constitution of Bangladesh provides that “Notwithstanding anything contained in article 142 of the Constitution, the preamble, all articles of Part I, all articles of Part II, subject to the provisions of Part IXA all articles of Part III, and the provisions of articles relating to the basic structures of the Constitution including article 150 of Part XI shall not be amendable by way of insertion, modification, substitution, repeal or by any other means”.

<sup>8</sup> Sidney Smith in Vepa P. Sarathi: The Interpretation of Statutes, (Delhi: Eastern Book Company, 1968), p. 383.

<sup>9</sup> *Keshovan v. Bombay*, AIR 1951 SC 128; *Punjab v. Mohar Singh*, AIR 1955 SC 84; AIR 1981 Pat.236.

<sup>10</sup> *Attorney General v. Lamplough*, L.R. 8 Ex. D. 223.

<sup>11</sup> *Arshad Ali SK. v. Govt. of Bangladesh*, (1977) 29 DLR 302.

exercise of the judicial review power under article 102 of the Constitution of the People's Republic of Bangladesh.

### Meaning of repeal

Repeal is the abrogation or destruction of a law by legislative enactment. A substitution of one legal provision by another is in fact a repeal<sup>12</sup>. Accordingly, where the schedule to an Act is substituted by a new schedule, sec. 6 of the General Clauses Act, 1897 would apply and the rights and liabilities incurred under the repealed schedule would be enforceable even after the repeal<sup>13</sup>. A new law re-enacting the provisions of an earlier enactment, with or without modifications, nonetheless repeals that enactment, either expressly or by implication<sup>14</sup>. There is no difference at all between a case where the legislature says that a particular section will stand amended in a particular way and a case where it says that the section stands repealed and its place will be taken by a new section if the new section is the same as the amended section<sup>15</sup>. Sec. 6 of the General Clauses Act, 1897 is applicable whether it is repeal or amendment<sup>16</sup> and there is no reason for giving any different effect to these two methods which achieve the same result<sup>17</sup>. But the suspension of a statute for a limited time is not repeal<sup>18</sup>. Repeal may be either total or partial. It is a total repeal when a statute is abrogated in its entirety and partial when there is abrogation or modification of a provision of a statute only.

### (1) Does 'omission' amount to 'repeal'?

The word 'repeal' connotes the abrogation of one Act by another and it is the same thing as omission of certain provisions of an Act by subsequent

<sup>12</sup> *Md. Yaseen v. Province of East Pakistan*, 15 DLR 13.

<sup>13</sup> *Kohinoor Mercantile Corpn. v. Hazera Khatun*, 14 DLR 47 (DB); PLD 1963 Dacca 238.

<sup>14</sup> *Begum Lutfunnessa v. Secretary, Ministry of Works*, 41 DLR 193; 14 DLR 47; PLD 1963 Dhaka 238; AIR 1996 SC 2181.

<sup>15</sup> *Saeed Ahmad v. State*, 16 DLR SC 584; PLD 1964 Supreme Court 266.

<sup>16</sup> *Eastern Federal Union Insurance Co. v. Commissioner of Income Tax*, 1966 taxation, Vol.14.211, rel.

<sup>17</sup> *Mohammad Sorwar v. Hassan Shamsi*, 2001 YLR 180(a); *Saeed Ahmad v. State*, 16 DLR SC 584; PLD 1964 Supreme Court 266.

<sup>18</sup> *Brown v. Barry*, 8 Dall. 365.

Act, there being no difference between ‘repeal’ and ‘cancellation’<sup>19</sup>. Sec. 6A of the General Clauses Act, 1897 provides as follows:

When the provisions of amending Act has duly been incorporated in the amended Act by “omission, insertion or substitution of any matter” in the amended Act then even though the amending Act is repealed, the “omission, insertion or substitution” thereunder made in the amended Act shall not be repealed but shall continue to be in-operation unless a different intention appears in the repealing Act that has repealed the amending Act.

The use of the words “repeals by express omission, insertion or substitution” covers different aspects of repeal and this is also, at the same time, a legislative indication that “omission” does amount to “repeal”. Similar indication is reflected in *Fazlul Huq Haider @ Molla v. The State*<sup>20</sup> where the Court considered the omission of sec. 437 of the Code of Criminal Procedure by the Law Reforms Ordinance of 1978 as repeal and held that such omission is governed by sec. 6 of the General Clauses Act, 1897. Consequently, exercise of jurisdiction under the omitted sections is permissible if the proceeding started at any date earlier than such omission<sup>21</sup>. But a contradictory view is taken in *General Finance Co. Anr. v. Asstt. CIT*<sup>22</sup> where the Supreme Court of India held that:

“The principle embodied in sec. 6 of the General Clauses Act, 1897 as saving the right to initiate proceedings for rights accrued or liabilities incurred during the prevalence of the Act, will not apply to omission of a provision in an Act but only to repeal, as omission is different from repeal.”

The Court while holding such view, did not elaborate how an omission is different from a repeal. However, some trifle differences can be drawn between repeal and omission like in case of repeal an original section or article is discarded without keeping its replacement and it is considered that the enactment so discarded had never been enacted by the legislature and another difference is that an enactment repealed can be revived under sec. 7 of the General Clauses Act but such revival is not possible in case of an omitted enactment<sup>23</sup>.

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<sup>19</sup> AIR 1955 NUC 5449 Lah.

<sup>20</sup> 35 DLR 1; see also 15 DLR 13.

<sup>21</sup> *Sachindra Chandra v. Md Mofizuddin*, 1984 BLD (AD) 67.

<sup>22</sup> (2002) 21 SITC 450 (SC); see also (1969) 2 SCC 412; (2000) 2 SCC 536.

<sup>23</sup> Sec. 7 of the General Clauses Act, 1897 provides that for the purpose of reviving a statute repealed, it is necessary to expressly state that purpose in the reviving statute. It can clearly be presumed from the wording of sec. 7 that revival of repealed enactment, not omitted enactment, directly comes within the boundary of this section.

## (2) Repeal by implication

Repeal may be either express or implied. It is express when declared in direct terms and implied when the intention to repeal is inferred from subsequent contradictory or inconsistent legislation. Though there is a presumption against repeal by implication and repeal by implication is not favored by the courts<sup>24</sup>, yet, if the provisions of a later Act are so inconsistent with or repugnant to those of an earlier Act that the two Acts cannot stand together, then the presumption is rebutted and the earlier stands impliedly repealed by the later one<sup>25</sup>. However, when two enactments exist together on the same subject, they need not be necessarily repugnant to each other, if both the statutes can harmoniously be construed<sup>26</sup>. If the two Acts are in conflict with each other on the same subject and there is no space of reconciliation, the latter and special Act does prevail in that case<sup>27</sup>.

So far as statutory construction is concerned, no distinction is made between the effects of express repeal and the effects of repeal by implication and sec. 6 of the General Clauses Act comes into play whenever a previous enactment is repealed either expressly or by implication<sup>28</sup>. However, the application of sec. 6 of the General Clauses Act can be ruled out where a law, which replaces an old Act, provides for the continued operation of the old law in respect of certain matters and for the operation of the new law in respect of some other matters<sup>29</sup>. A statute is presumed to have been repealed impliedly in the following cases<sup>30</sup>:

- a) If the provisions of the former enactment are clearly repugnant to those of the subsequent enactment.
- b) If the application of the two statutes at the same time would wholly result in absurd consequences.

<sup>24</sup> *Jose Gonzalo v. State*, 21 DLR (WP) 90.

<sup>25</sup> *Abdul Gani v. Harendra*, 6 DLR 637; 8 DLR 457; PLD 1996 SC 77; *State of Orissa v. M.A. Tulloch & Co.*, AIR 1964 SC 1284; *Delhi Municipality v. Shiv Shankar*, AIR 1971 SC 815.

<sup>26</sup> *Omar Sons v. Labour Court*, 28 DLR 178.

<sup>27</sup> *Abul A'la Maudoodi v. Govt. of West Pakistan*, 17 DLR (SC) (1965) 209.

<sup>28</sup> *Kohinoor Mercantile Corpn. v. Hazera Khatun*, 14 DLR 47 (DB); PLD 1963 Dacca 238; *State of Orissa v. M.A. Tulloch & Co.*, AIR 1964 SC 1284.

<sup>29</sup> *Indira Sohanlal v. Custodian of Evacuee Property, Delhi*, AIR 1956 SC 77.

<sup>30</sup> *Mumtaz Ali Khan v. Pakistan*, PLD 2001 SC 169; *Abul A'la Maudoodi v. Govt. of West Pakistan*, 17 DLR (SC) (1965) 209 (Per Hamoodur Rahman J).

- c) If the entire subject matter of the first enactment is taken away by the second enactment.

## Consequence of Repeal of Statute

Under the common law rule the normal presumption of repealing a statute without a saving clause<sup>31</sup> is to obliterate it from the statute-book as completely as if it had never been enacted except as to transactions past and closed<sup>32</sup>. As a result, no proceeding under the repealed statute could be commenced or continued after the repeal and all incipient rights and all causes of action that might have arisen under the repealed statute came to an end with the repeal. But this presumption has been rebutted and the necessity of inserting a saving clause in each and every repealing statute has been rendered unnecessary for sec. 6 of the General Clauses Act, 1897 being existent in Bangladesh. This section provides as follows:

### Section 6: Effect of Repeal.

Where this Act, or any Act of Parliament 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-

- (a) revive anything not in force or existing at the time at which the repeal takes effect; or
- (b) affect the previous operation of any enactment so repealed or anything duly done or suffered there under; or
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or
- (d) after any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or
- (e) 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

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<sup>31</sup> The saving clause is used in order to exempt something from being destroyed. It is generally used in repealing statute for the purpose of preventing them from affecting rights accrued, penalties incurred or duties imposed or proceedings started under the statute sought to be repealed. See AIR 1951 Punj. 52.

<sup>32</sup> *Punjab v. Mohar Singh*, AIR 1955 SC 84; *Attorney General v. Lamplough*, L.R. 8 Ex. D. 223.

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.

The consequences provided by sec.6 applies to all types of repeals whether total or partial<sup>33</sup>, express or implied<sup>34</sup> or whether a repeal simpliciter or a repeal accompanied by fresh legislation<sup>35</sup>. It also applies when a temporary statute is repealed before its expiry but it has no application when such a statute is not repealed but comes to an end by expiry. Repeal of a subordinate law by an enactment<sup>36</sup> or repeal of a rule by another rule<sup>37</sup> or repeal of a statute by judicial pronouncement is also out of the attraction of this section<sup>38</sup>. This section may not also be available in cases where rules are repealed merely because it is provided in the enactment under which the rules are made that they shall have effect as if enacted in the Act<sup>39</sup>.

### **Repeals have prospective Operation only**

It is well settled that parliament being the supreme legislative authority subject to the constitutional limitations under Article 65 has the plenary power to pass any law on any subject both prospectively and retrospectively<sup>40</sup>. But in the absence of any express or implied provision in the Act to indicate that the Act will have retrospective effect, the Act would apply prospectively<sup>41</sup>. Whenever an Act, whether amending or repealing, is enacted, it would have operation prospective in nature unless a contrary intention can be ascertained from the consideration of all the relevant provisions of the repealing law<sup>42</sup>. But where the intention as to being retrospective is doubtful the statute would be construed as

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<sup>33</sup> *Ekambarappa v. Excess Profits Tax Officer*, AIR 1967 SC 1541.

<sup>34</sup> AIR 1964 SC 1284.

<sup>35</sup> 63 DLR(AD) 18; *Md. Nazimuddin v. State*, 30 DLR 49 (FB) 70, at para-60.

<sup>36</sup> *Chowdhury Nasimul Baqui v. Bangladesh Steel and Engineering Corpn. & others*, 52 DLR (AD) 125.

<sup>37</sup> *Rayala Corporation v. Director of Enforcement*, AIR 1970 SC 494 at 503; *Kolhapur Cane Sugar Works v. Union of India*, AIR 2000 SC 811 at 819.

<sup>38</sup> *Jannat-ul-Haq v. Abbas Khan*, 2001 SCMR 1073(c).

<sup>39</sup> *Emperor v. Rajon*, AIR 1944 Bom. 250.

<sup>40</sup> *Mofizur Rahman Khan v. Government of Bangladesh*, 34 DLR (AD) 321; *Hajee Abdul Shukoor & Co. v. State of Madras*, AIR 1964 SC 1729.

<sup>41</sup> *Maharaj Chintamani Sara Nath Shahdeo, Appellant v. State of Bihar*, AIR 1999 SC 3609.

<sup>42</sup> *Md. Nazimuddin v. The State*, 30 DLR 49 (FB) 70 at para-60.

prospective only<sup>43</sup>. However, in determining the effects of repeal, a distinction is drawn between statute dealing with substantive rights and statute dealing with procedure only.

### (1) Repeal of Substantive law

A substantive law is *prima facie* prospective in its operation<sup>44</sup>. Sec. 6 of the General Clauses Act would apply to legal proceedings in respect of substantive rights which have already accrued under a repealed enactment and would not embrace a case where only a procedural right is granted<sup>45</sup>. It was also observed in *Maharaj Chintamani Sara Nath Shahdeo, Appellant v. State of Bihar*<sup>46</sup> that “the amending Act affects the substantive right of the appellant; therefore, it would have prospective operation”. The reason is that the legislature could not have intended affecting vested rights or to impose new burdens retrospectively unless the words compel the court to give effect to it retrospectively<sup>47</sup>.

### (2) Repeal of Procedural Law

Unlike the substantive law, procedural law is always retrospective unless a different intention is expressly made in the statute itself and no one has a right far less a fundamental right, to trial by particular court or a particular procedure,<sup>48</sup> unless any constitutional objection by way of discrimination or the violation of any other fundamental right is raised<sup>49</sup>. But the prohibition under Article 35(1) of the Constitution<sup>50</sup> does not extend to merely procedural laws changing the forum or reducing the trial time and procedural law would not contravene Article 35(1) merely because retrospective effect is given to it<sup>51</sup>. If a statute deals merely with the

<sup>43</sup> *State v. Norwood*, 12 Md. 195.

<sup>44</sup> This proposition is based on the well-known maxim “*Nova Constitutio Futuris Formam Imponere Debet, Non Praeteritis*” meaning any new law that is made affects future transactions, not past ones.

<sup>45</sup> *Khushiram v. Custodian Evacuee property*, 17 DLR (SC) 431.

<sup>46</sup> AIR 1999 SC 3609.

<sup>47</sup> *R. Rajagopal Reddy v. Padmini*, (1995) 213 ITR 340 (SC).

<sup>48</sup> *Abdul Kader Mirza v. Bangladesh*, (2008) 60 DLR (AD) 185; *Bangladesh v. Sk. Hasina Wazed*, (2008) 60 DLR (AD) 90; *MA Sattar v. State*, (2009) 14 BLC (AD) 74; *Muhibur Rahman v. Bangladesh*, (2003) 55 DLR 636; 49 DLR (AD) 115; 20 DLR (SC) 315; 1 BLC 158; PLD 1965 (SC) 681; AIR 1979 SC 602.

<sup>49</sup> AIR 1953 SC 394.

<sup>50</sup> Article 35(1) of the Constitution provides that “No person shall be convicted of any offence except for violation of law in force at the time of the commission of the act charged as an offence, nor be subjected to penalty greater than, or different from, that which might have been inflicted under the law in force at the time of the commission”.

<sup>51</sup> *Bangladesh v. Sk. Hasina Wazed*, 60 DLR (AD) 90.



procedure in an action and does not affect the rights of the parties, it will be held to apply, *prima facie*, to all actions pending as well as future<sup>52</sup> and a subsequent omission by way of amendment of a procedure cannot be of any consequence in respect of the proceeding against the litigant<sup>53</sup>. But where a new period of limitation was provided after the cause of action arose, sec. 6 of the General Clauses Act would not apply and the new limitation prescribed by the amending Act would govern the case<sup>54</sup>. However, change in the manner for trial or dismissal of litigation no more a procedural change of law and hence it is protected by the General Clauses Act<sup>55</sup>. But if the rights under the repealed statutes are saved and the repealing statute does not provide any new procedure applicable to the rights so saved, it would be consequential that the old procedure is saved as the only machinery for enforcing the old rights<sup>56</sup>.

### (3) Repeal of Right of Appeal

An appeal is a continuation of the proceedings of the original suit<sup>57</sup> unless otherwise provided by law<sup>58</sup> and the right of appeal is not a mere matter of procedure but it is a substantive right. This right becomes a vested right on the date the original proceeding is initiated<sup>59</sup>. A statute creating a new right of appeal is prospective in nature<sup>60</sup> and cannot be applied retrospectively unless the law either expressly or impliedly gives retrospective effect to it<sup>61</sup>. So the right of appeal is to be governed by the law prevailing on the date of filing the suit not on the date of the decision by the court below or the date of filing of the appeal<sup>62</sup>. But where the appellate court is abolished without providing alternative forum, the right of appeal to the abolished court must perish with its abolishment<sup>63</sup>. However, if a new forum is

<sup>52</sup> *Abdul Wadud v. State*, 48 DLR 6.

<sup>53</sup> *Chowdhury Nasimul Baqui v. Bangladesh Steel and Engineering Corpn.*, 52 DLR (AD) 125.

<sup>54</sup> *Bank of India v. Mohammad Sharif*, PLD 1965 (WP) Karachi 69 (DB); In this case the Court resonated the well-established principle that the period of limitation is ordinarily a matter of procedure only.

<sup>55</sup> *Star Medical Store v. Subordinate Judge, Artha Rin Adalat*, 53 DLR 254.

<sup>56</sup> *Jatindra Nath v. Jetu Mahato*, AIR 1946 Cal 339.

<sup>57</sup> *Shyam v. Shagun*, AIR 1967 All 214; *Kristnamchariar v. Mangammal*, ILR 26 Mad 91.

<sup>58</sup> *Umedlal v. Chopra*, AIR 1967 Bom 514.

<sup>59</sup> *Md. Nazimuddin v. State*, 30 DLR 49.

<sup>60</sup> *DC & G Mills v. ITO*, AIR 1927 PC 242.

<sup>61</sup> *Hussein Kasarn Dada (India) Ltd. v. State of M.P.*, AIR 1953 SC 221; *Colonial Sugar Refining Co. Ltd. v. Irving*, [1905] AC 369; *Jose Da Costa v. Bascora*, AIR 1975 SC 1843.

<sup>62</sup> *Garikapathi v. Subbiah*, AIR 1957 SC 540.

<sup>63</sup> *Ittyavira Mathai v. Varkey*, AIR 1964 SC 907 at 914; *Ganapat Rai v. Chamber of Commerce*, AIR 1952 SC 409; *Daji Saheb v. Shakar*, AIR 19567 SC 29.

provided, the right would subsist and the right is to be exercised in the new forum even in respect of old cause of action as a litigant has no vested right to a trial by a particular court<sup>64</sup>.

## Perpetual Statute and Temporary Statute

A statute providing no fixed time for its duration is a perpetual statute<sup>65</sup>. Even though in the preamble the purpose of a statute is mentioned as temporary, the statute cannot be treated as temporary if no fixed period is specified for its duration<sup>66</sup>. The Finance Acts which are annual Acts are not temporary Acts and they often contain provisions of general nature having permanent operation<sup>67</sup>. A perpetual statute is not perpetual in the sense that it cannot be repealed or amended by the legislature; it is perpetual in the sense that it is not decimated or abrogated by the expiry of time. As a result, whenever a perpetual statute is repealed, the effect as provided by sec. 6 of the General Clauses Act would follow.

On the other hand, a temporary statute is a statute that contains a clause limiting the duration of its validity and operation. A statute is temporary when the legislature fixes the period during which it remains in operation and unless extended ceases to have operation on the expiry of the period so fixed by the legislature<sup>68</sup>. The duration of a temporary statute may be extended by a fresh statute or by exercise of power conferred under the original statute<sup>69</sup>. Even, a temporary statute may be made perpetual before its expiration and when so made it becomes perpetual *ab initio*<sup>70</sup>.

### (1) Repeal of Temporary Statute

If a temporary statute is repealed by an enactment before its expiry by lapse of time the provision of sec. 6 of the General Clauses Act would be applicable to it<sup>71</sup> and, accordingly, a right accrued or proceeding pending under that repealed statute would be protected.

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<sup>64</sup> *Bangladesh v. Sk. Hasina Wazed*, (2008) 60 DLR (AD) 90; *Maria Cristina v. Amira Zurana*, AIR 1979 SC 1352; *New India Ass. Co. Ltd. v. Shanti Misra*, AIR 1976 SC 237.

<sup>65</sup> *Jotindranath v. Province of Bihar*, AIR 1949 FC 175.

<sup>66</sup> *Maganti v. A.P.*, AIR 1970 SC 403.

<sup>67</sup> *Madurai District Central Co-operative v. ITO*, AIR 1975 SC 2016.

<sup>68</sup> *Jotindranath v. Province of Bihar*, AIR 1949 FC 175.

<sup>69</sup> *Inder Singh v. Rajasthan*, AIR 1957 SC 510.

<sup>70</sup> *Rex v. Morgan*, Str. 1066; *Bombay v. HemonSant Lal*, AIR 1952 Bom 16.

<sup>71</sup> *Shah Ekramur Rahman v. Secretary, Ministry of Land, Dhaka*, 1994 BLD 538; *Punjab v. Mohar Singh*, AIR 1955 SC 84; AIR 1957 Cal. 257.

## (2) Expiry of Temporary Statute

In the absence of any saving provision, once the temporary statute expires, no right can be claimed nor any liability can be imposed under that statute and the position is as if the temporary statute had not been passed at all<sup>72</sup>. The effect of expiry of temporary statute can be discussed under the following points:-

**(a) Legal Proceeding under Expired Temporary Statute:** A question often arises whether the legal proceeding under an expired temporary statute can be initiated or continued after its expiry? The legislature generally provides a saving clause in a temporary statute in the following words “The temporary Act shall expire on the specified date except as respect things done or omitted to be done”. If a temporary statute has a saving clause for continuance of the proceeding, then it would have effect similar to that of sec. 6 of the General Clauses Act<sup>73</sup>. In the absence of any saving clause, sec. 6 of the General Clauses Act has no application to expiry of a temporary statute<sup>74</sup> and proceedings which are commenced against a person under a temporary statute will automatically terminate on the expiry of the statute<sup>75</sup>. Similarly, a person’s detention under a temporary statute relating to preventive detention will automatically come to an end on the expiry of temporary statute<sup>76</sup>. All that sec. 6 of the General Clauses Act means is that in spite of the repeal a statute is deemed to be in force in respect of the particular matters enumerated in that section *i.e.* its original life would continue in spite of the repeal, but sec. 6 certainly does not mean that by the repeal it would be in force even after the period for which it was legally to be in force as enacted<sup>77</sup>.

**(b) Subordinate Legislation under Expired Temporary Statute:** Sec. 24 of the General Clauses Act does not apply to Acts or Orders which have lapsed by efflux of time<sup>78</sup> and any notification,

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<sup>72</sup> Islam, Mahmudul, *Interpretation of Statutes and Documents*, Mullick Brothers, Bangladesh, 2009, p. 277.

<sup>73</sup> *Wicks v. Director of Public Prosecution*, [1947] 1 All ER. 205.

<sup>74</sup> *District Mining Officer v. Tata Iron & Steel Co.*, AIR 2001 SC 3134 at 3135; AIR 1996 SC 2560; (2001) 7 SCC 358.

<sup>75</sup> *Gopichand v. Delhi Administration*, AIR 1959 SC 609.

<sup>76</sup> *S. Krishnan v. Madras*, AIR 1951 SC 301.

<sup>77</sup> *State v. Muhammad Sharif*, PLD 1960 Lahore 236-PLR 1960(2) WP Lahore 126 (DBP).

<sup>78</sup> *Hot Chondra Shamdas v. Lala Shri Ram*, AIR 1963 All 234.

appointment, order, scheme, rule or by-law made or issued under a temporary statute come to an end with the expiry of the statute and will not be continued even if the expired temporary statute is re-enacted<sup>79</sup>. The well settled principle in this regard is that “whenever a machinery of law, which constitutes the life-giving source from which other pieces of legislation derive their life-stream, expires and dies, everything done under it, including “subordinate” legislation made thereunder, automatically dies when the source of life is dried up”<sup>80</sup>.

**(c) Expired Temporary Statute Is not Dead for All Purposes:**

Even without a saving clause the expiry of a temporary Act does not render the temporary Act dead for all purposes. The expiry of a temporary statute, even though leaves no trail, it has no effect on a matter past and closed<sup>81</sup> and a person who has been prosecuted and sentenced during the continuance of a temporary Act for violating its provisions cannot be released before he serves out his sentence, even if the temporary Act expires before the expiry of full period of the sentence<sup>82</sup>. Because of expiry of any temporary law by efflux of time or lapse of the Ordinance for non-compliance of the requirements of Art.93(2)<sup>83</sup>, the actions taken during its continuance, as such, are passed and closed having acted upon shall remain valid until the parliament enacts a law operating retrospectively nullifying all actions taken under the Ordinance<sup>84</sup>.

**(d) Repeal of Amending or Repealing Temporary Statute:** When an amending or repealing temporary statute is repealed by any enactment before its expiry, there is no doubt that the repeal would be regulated by ss.6A & 7 of the General Clauses Act. But the question arises is if the amending or repealing temporary statute expires, will the amendments or repeal brought come to an end?

The answer would be that if the expired statute is an amending temporary statute, then the amendments brought during the validity period of the amending temporary statute remain

<sup>79</sup> *Trust Mai Lachhmi Saikot Brandari v. Amritsar Improvement Trust*, AIR 1963 SC 976.

<sup>80</sup> 18 DLR (1966) 35, para-28.

<sup>81</sup> 18 DLR 1; 3 BLT (HCD) 35; *Kazi Abdul Kader v. Election Tribunal*, AIR 1994 SC 2196.

<sup>82</sup> *State of Orissa v. Bhupendra Kumar*, AIR 1962 SC 954; AIR 1949 FC 90.

<sup>83</sup> Article 93(2) provides that “An Ordinance made under clause (1) of article 93 shall be laid before Parliament at its first meeting following the promulgation of the Ordinance and shall, unless it is earlier repealed, cease to have effect at the expiration of thirty days after it is so laid or, if a resolution disapproving of the Ordinance is passed by Parliament before such expiration, upon the passing of the resolution.

<sup>84</sup> *Moudud Ahmed v. State*, 68 DLR (AD) (2016) 150, Para-76.

unaffected at the expiry of the statute and it is immaterial to argue that it is being an expired amending temporary statute the provision of the General Clauses Act is not applicable in the instant case<sup>85</sup>.

If the expired statute is a repealing temporary statute, would the repealed statute revive on the expiry of the repealing temporary statute? SS. 6 & 7 of General Clauses Act do not give any clear answer to this situation and ultimately the Courts have held that the answer will depend upon the construction of the repealing statute as observed by *Gajendragadkar, J.* that “the intention of the temporary Act in repealing the earlier Act will have to be considered, and no general or inflexible rule in that behalf can be laid down”<sup>86</sup>. Following the same principle, it was held that the Joint State Civil Service Regulations 1945 which were repealed by Pepsu Ordinance No. 16 of Samvat 2005 did not revive after six months when the Ordinance expired for the intention in repealing the Regulation was to repeal them absolutely<sup>87</sup>.

- (e) **Revival of Expired Temporary Statute:** A temporary statute expired considered never had in existence. So if such a statute expires, it cannot be made effective only by amending it and it can be revived only by re-enacting a statute expressly saying the expired statute is revived<sup>88</sup>.

## Effect of Repeal of Amending Statute

Sec. 6A of the General Clauses Act, 1897 refers to the textual amendment<sup>89</sup> and clarifies the effect of repeal of amending statute. It is a well settled principle of law that the repeal of a statute does not repeal such portions of the statute as have been incorporated into the amended statute<sup>90</sup>

<sup>85</sup> *Ibid*, at para-75.

<sup>86</sup> *State of Orissa v. Bhupendra Kumar*, AIR 1962 SC 945 at pp. 953,954.

<sup>87</sup> *State of Hariyana v. Amarnath Bansal*, 1997 (1) Scale 434, at pp.351, 352.

<sup>88</sup> *Jatindranath v. Bihar*, AIR 1949 FC 175; *Inder Singh v. Rajasthan*, AIR 1957 SC 510.

<sup>89</sup> The word ‘text’ in its dictionary meaning means ‘subject or theme’. When an enactment amends the text of another, it amends the subject or theme of it, though sometimes it may expunge the unnecessary words without altering the subject. The word “text” is, therefore, comprehensive enough to include the subject as well as the terminology used in a statute and sec. 6A refers only to enactment making amendments which are textual amendments. This section, however, will not apply where the amendment is not of a textual nature but is intended to modify the interpretation or application of an earlier enactment. Ref. 2 BSCD 92; *Jethanand Betab v. The State of Delhi*, AIR 1960 SC 89.

<sup>90</sup> *Solicitor, Govt. of Bangladesh v. Dulal Alias Fariduddin*, 2 BSCD 92.

as the amendments brought by a statute, in fact, becomes a part and parcel of the main Act<sup>91</sup>. The Judicial Committee of the Privy Council in *Secretary of State v. Hindustan Co-operative Insurance Society Ltd.*<sup>92</sup> observed that “the independent existence of the two Acts is recognized; despite the death of the parent Act, its offspring survives in the incorporating Act”.

The main object of repealing Act is only to strike out the unnecessary Acts and excise dead matter from the statute book in order to lighten the burden of the over –increasing state of legislation and to remove confusion from the public mind<sup>93</sup>. In *Raman Saldevan v. R Kesavan Nair*,<sup>94</sup> the High Court of Kerala held:

“The purpose of an amending Act is to plant the necessary amendments in the parent or the main Act and once such planting has been effected, the amending Act having served its purpose need not remain any more to tend the plant, as it were the plant has taken root in the main Act.”

Therefore from the aforesaid discussion it can be concluded that the repeal of an amending Act does not affect the amendments which have been inserted in the main Act. However, the effect of sec. 6A is not absolute as shown by the wording of the section itself. The operation of the section is dependent upon the intention of the legislature as indicated in the repealing statute<sup>95</sup>.

## Revival of Repealed Enactment

The common law rule was that when an Act repealed another Act, the second Act so repealed would revive *ab initio*<sup>96</sup> and not merely from the passing of the reviving Act<sup>97</sup>. This is not the position now because of the presence of ss. 6(a), 6A and 7 of the General Clauses Act, 1897. The result, therefore, is that if one Act is repealed wholly or partially by a second which again is repealed by a third, the first Act is not revived

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<sup>91</sup> *Abdul Majid v. Custodian of Evacuee Property*, PLD 1962 (WP) Karachi 306 (DB).

<sup>92</sup> AIR 1931 PC 149.

<sup>93</sup> *Jethanand Betab v. The State of Delhi*, AIR 1960 SC 89; *Khuda Bux v. Manager, Caledonian Press*, AIR 1954 Cal. 484; 2 BSCR 92.

<sup>94</sup> AIR 1973 Ker 136.

<sup>95</sup> *Solicitor, Govt. of Bangladesh v. Dulal Alias Fariduddin*, 2 BSCD 92.

<sup>96</sup> *Ab initio* is a Latin term meaning "from the beginning" and is derived from the Latin *ab* and *initio*. *Ab* means 'from' and *ignition* means 'beginning or inception'.

<sup>97</sup> *Syed Shamsuddin v. Munira Begum*, AIR 1963 Andh. 459.

unless the third Act makes an express provision reviving the first one<sup>98</sup>. To revive a repealed statute, it is necessary to manifest an intention to do so in the reviving Act<sup>99</sup>.

### Effect of Repeal of a Provision Incorporated in another Act by Reference

If the provisions of a statute are incorporated by reference in a second statute and the earlier statute is repealed but without re-enactment, the second statute would continue to be in-operation with the incorporated provisions of the repealed statute treated as being part of it<sup>100</sup> and repeal or amendment of the earlier statute would not affect the later statute or the provisions incorporated in the later statute<sup>101</sup>, if it is possible for the later statute to function effectually without the amendment or addition<sup>102</sup>. But this rule is now subject to the qualification enacted in sec. 8 of the General Clauses Act, 1897<sup>103</sup> providing that when an Act is repealed and re-enacted, unless a different intention is expressed by the legislature, the reference to the repealed Act would be considered as reference to the provisions so re-enacted<sup>104</sup>. The principle underlying sec. 8 applies to the construction of statutory rules and notifications issued under the various statutes, even though they do not fall within the express terms of sec. 8<sup>105</sup>. The principle is also applicable to the construction of judicial orders and decrees<sup>106</sup>. However, to attract the application of sec. 8, at least three sets of enactment must be there: one, which has been repealed, the other which has been re-enacted, and the third, which has made reference to corresponding provision in the re-enacted statute<sup>107</sup>. Illustrating, the Village Courts Ordinance, 1976 has now been replaced by the Village Courts Act, 2006. Reference in any enactment to the Village Courts

<sup>98</sup> 41 DLR 193; *Ameerunnissa Begum v. Mehboob Begum*, AIR 1955 SC 352; *Akter Hossain v. West Pakistan*, PLD 1970 SC 146.

<sup>99</sup> *Vidhya Behn v. J.N. Bhatt*, AIR 1974 Guj. 23; *Syed Shamsuddin v. Munira Begum*, AIR 1963 Andh. 459.

<sup>100</sup> AIR 1964 SC 1967.

<sup>101</sup> *Ram Sarup v. Munshi*, AIR 1963 SC 553; *Secretary of State v. Hindustan Co-operative Insurance*, AIR 1931 PC. 149; *Daulatpur Jute Mills v. ITO*, 24 DLR 88; *Tofazzal Hossain v. East Pakistan*, 19 DLR 79.

<sup>102</sup> *Daulatpur Jute Mills v. ITO*, 24 DLR 88 at para-13.

<sup>103</sup> *National Sewing Thread Co. V. James Chadwick & Bros.*, AIR 1953 SC 357.

<sup>104</sup> 1994 Lab IC 2220 (Mad); *Om Prakash v. State*, 1972 AWR 428; *R. v. Goswami*, [1968] 2 WLR 1163.

<sup>105</sup> AIR 1976 HP 6; AIR 1969 Del. 330.

<sup>106</sup> AIR 1966 Pat. 297 (FB).

<sup>107</sup> AIR 1981 Cal. 67.

Ordinance, 1976 must therefore be construed as reference to the Village Courts Act, 2006.

### Effect of Repeal on Subordinate Legislation

When a statute, under which any subordinate legislation by way of rules, regulations or by-laws is made, is repealed, those rules regulations and by-laws stand repealed and cease to have validity unless a saving clause providing to the contrary is inserted<sup>108</sup>. However, if a statute is repealed and re-enacted, then sec. 24 of the General Clauses Act would come forward to protect the subordinate legislation made under the statute so repealed and consequently, any appointment, notification, order, scheme, rule, form or by-laws made or issued under the repealed statute shall continue unless they are inconsistent with the provisions re-enacted<sup>109</sup>. For instance, notification issued under the Forest Act, 1878 were continued to be in force though the said Act was substituted by the Forest Act, 1927<sup>110</sup>.

### Effect of Repeal of and by Ordinance

An Ordinance shall, from the date of its promulgation, have the like force of law as an Act of parliament and by reason of section 30 of the General Clauses Act, 1897<sup>111</sup> and article 152(2) of the Constitution of Bangladesh<sup>112</sup> the word “Act” or “enactment” would include an Ordinance promulgated by the president under article 93(1) of the Constitution<sup>113</sup>. Therefore, the same principles of interpretation as incorporated in ss. 6, 6A, 7 of the General Clauses Act should be applied when an Ordinance repeals a previous enactment. If an Ordinance is repealed by an enactment before its actual expiry, there is no doubt that sec.6 of the General Clauses

<sup>108</sup> *K.A. Kader v. Election Tribunal E. Pak*, 18 DLR (1966) 1; AIR 1958 Andh. 427.

<sup>109</sup> *State v. Shaft M Sehwan*, PLD 1997 Lah. 583(c); *Bombay v. Pandurang*, AIR 1953 SC 244; *Bhilai Steel Project v. Steel Workers' Union*, AIR 1964 SC 1333.

<sup>110</sup> *Crown v. Wall Dad*, PLD 1954 Lahore 236.

<sup>111</sup> Section 30 of the General Clauses Act, 1897 provides that an Act of parliament shall be deemed to include an Ordinance made and promulgated by any person having authority to legislate under any constitutional provision or by the President of Bangladesh under the Constitution.

<sup>112</sup> Article 152 (1) of the Constitution provides that the General Clauses Act, 1897 applies to the interpretation of the Constitution or any enactment repealed by this Constitution, or which by virtue thereof becomes void or ceases to have effect, as it applies in relation to any enactment repealed by Act of Parliament.

<sup>113</sup> Article 93(1) of the Constitution of Bangladesh provides that at any time when Parliament stands dissolved or is not in session, if the President is satisfied that circumstances exist which render immediate action necessary, he may make and promulgate such Ordinances as the circumstances appear to him to require.



Act would apply to protect the matters pending as well as closed and past<sup>114</sup>. But a question arises as to what would be the consequences when an Ordinance comes to an end for reason of non-compliance with the requirements of article 93(2) of the Constitution. It is true that an Ordinance is a temporary law and an Ordinance, like any other temporary law, on expiry or disapproval shall be deemed never to have existed except for the past and closed transactions<sup>115</sup>. Thus where an Ordinance lapsed or ceased to operate as a result of disapproval of the legislature, the Ordinance would not become void *ab initio* and there would be no revival of the posts which were abolished by the said Ordinance, unless the legislature passes an Act to that effect or create a new post of like nature<sup>116</sup>. The Apex Court of Bangladesh applied sec. 6A of the General Clauses Act to the interpretation of an expired Ordinance observing that the amendments brought to an Act by an Ordinance becomes a part and parcel of the main Act and it cannot be held that the amended provision of the Act ceased to have effect for non-compliance of the requirements of article 93(2) of the Constitution and thus the amendments or the actions which are already taken in pursuance of the amending Ordinance being closed and completed matters shall remain valid even though the amending Ordinance has expired<sup>117</sup>. Therefore, a mere disapproval by parliament of an Ordinance cannot revive closed and completed transactions. That does not mean that the parliament is powerless to bring into existence the same state of affairs as they existed before an Ordinance was promulgated even though they may be completed and closed matters under the expired Ordinance. That can be done by passing an express law operating retrospectively to the said effect, of course, subject to the other constitutional limitations<sup>118</sup>. However, earlier it was held that repeal of a perpetual statute by an Ordinance is effective only as long as the Ordinance remains in force unless it is followed by an Act of Parliament<sup>119</sup>. The permanent repeal of a perpetual statute by Ordinance is *ultra vires*, and the repealed Act revives as soon as an Ordinance ‘ceases to operate’, irrespective of the fact whether in the Ordinance the repeal was intended to be permanent or temporary<sup>120</sup>. The aforesaid two decisions are not only contradictory to the decision of *Moudud Ahmed v. State*<sup>121</sup> but

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<sup>114</sup> *Mohmood Hassan Harvi v. Federation of Pakistan*, PLD 1999 Lah 320(d); *Riaz Ahmed Khan v. Mohammed Yusuf Khan*, PLD 1956 (WP) Karachi 255-PLR 1956 WP Karachi 1781 (DB).

<sup>115</sup> *Orissa v. Bhupendra*, AIR 1962 SC 945.

<sup>116</sup> *Venkata Reddy, T v. State of AP*, (1985) 3 SCC 198 at Para 19-20; AIR 1985 SC 724.

<sup>117</sup> *Moudud Ahmed v. State*, 68 DLR (AD) (2016) 118, at para-75.

<sup>118</sup> *Ibid*, at para-75.

<sup>119</sup> *Surjit Sen Gupta v. Election Tribunal*, 1981 BLD 132.

<sup>120</sup> 11 DLR (SC) (1959) 285.

<sup>121</sup> 68 DLR (AD) (2016) 118.

also the decisions are *per incuriam*<sup>122</sup>, that is, a decision given in ignorance of the terms of the Constitution or of a law or of a rule having the force of law, does not constitute a binding precedent<sup>123</sup>. In this situation, the established principle ‘the latest judgment should be relied upon’ shall apply. So the decision of *Moudud Ahmed v. State*<sup>124</sup> shall prevail here as it is also the decision of the Apex Court of Bangladesh.

## Conclusion

The statutory rules of interpretation dealing with the effects of repeal of enactment are underlined in the provisions of ss. 6, 6A, 7, 8, and 24 of the General Clauses Act, 1897. But the word ‘repeal’ is no longer confined within its literal meaning and extended to be comprehensive enough to include amendment, omission, insertion, substitution, addition and re-enactment. However, right of repeal being inherent in the legislature alone, any change of law including its annulment otherwise than by legislation would not constitute ‘repeal’ as to protect any right, obligation acquired, accrued or incurred under annulled law<sup>125</sup>. When the legislature repeals an enactment, it does so consciously, but when it says that a particular statute shall be void to the extent of inconsistency, it is contemplating a possible conflict, and is not necessarily contemplating repeal, and therefore the contemplation of any saving clause is out of the question<sup>126</sup>. The consequences of repeal as provided in the aforesaid sections are also not absolute and have been made subject to the qualifications set forth in different decisions of the Apex Courts. For instance, the effect of sec. 6 attracts the repeal of a perpetual statute but the position is not same in case of repeal of a temporary statute. Again, the wordings of sec. 8 are problematic and may result in giving retrospective operation to a substantive law and violating article 35(1) of the Constitution of the People’s Republic of Bangladesh. In this regard an amendment should be brought to this section providing a clear distinction between incorporation of procedural and substantive provision of an earlier statute by reference to

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<sup>122</sup> *Per Incuriam* means wrongly decided because the judge was ill-informed about the applicable law. The expression ‘*Per Incuriam*’ is a Latin word which means ‘through inadvertence’ or ‘through want of care’. A decision of court is not a binding precedent if given *Per Incuriam*, without the court’s attention having been drawn to relevant authorities. Ref. 21 BLD (HD) 30; 4 BLC 284.

<sup>123</sup> *Sufia Khatoon v. Mahbuba Rahman*, 2010 BLD (AD) 41; (2010) 62 DLR (AD) 298; 2010 BLD (AD) 41; AIR 1989 SC 38.

<sup>124</sup> 68 DLR (AD) (2016) 118.

<sup>125</sup> *Jannat-ul-Haq v. Abbas Khan*, 2001 SCMR 1073(c).

<sup>126</sup> *Muhammad Bashir v. Province of West Pakistan*, PLD 1958 (WP) Lahore 853-PLR 1958 (2) WP Lahore 735 (FB).

in a later statute. Where the reference of the former may mean reference to provision as amended from time to time and reference to the latter would mean reference to the provision as on the date of the reference.

## REFERENCES

- Ferejohn, J. (2002). Judicializing politics, politicizing law. *Law and Contemporary Problems*.
- Ackerman, B. (1989). Constitutional politics/constitutional law. *The Yale Law Journal*.
- Dye, T. R. (1998). Understanding public policy.
- Anderson, J. E. (1984). Public Policy-Making, Orlando, Florida: Holt, Rinehart and Winston.
- Swanson, D. L., & Mancini, P. (1996). *Politics, media, and modern democracy: An international study of innovations in electoral campaigning and their consequences*. Greenwood Publishing Group.
- Huckfeldt, R. R., & Sprague, J. (1995). *Citizens, politics and social communication: Information and influence in an election campaign*. Cambridge University Press.
- Riley, P. (1999). *Will and political legitimacy: A critical exposition of social contract theory in Hobbes, Locke, Rousseau, Kant, and Hegel*. iUniverse.
- Locke, J., Hume, D., & Rousseau, J. J. (1960). *Social contract: essays by Locke, Hume, and Rousseau* (Vol. 511). Oxford University Press.
- Hobbes, T. (2013). *Elements of law, natural and political*. Routledge.
- Crepaz, M. M. (1996). Consensus versus Majoritarian Democracy Political Institutions and their Impact on Macroeconomic Performance and Industrial Disputes. *Comparative political studies*.
- Colomer, J. (Ed.). (2016). *The handbook of electoral system choice*. Springer.
- Haysom, N. (1992). Constitutionalism, majoritarian democracy and socio-economic rights. *S. Afr. J. on Hum. Rts.*
- Pope, K. S., & Bajt, T. R. (1988). When laws and values conflict: A dilemma for psychologists. *American Psychologist*.
- Fine, M. A., & Fine, D. R. (1994). An examination and evaluation of recent changes in divorce laws in five Western countries: The critical role of values. *Journal of Marriage and the Family*.
- Sherif, M. (1936). The psychology of social norms.
- Inglehart, R. F., Basanez, M., & Moreno, A. (1998). *Human values and beliefs*. University of Michigan Press.
- Gilbert, N., & Terrell, P. (2002). *Dimensions of social welfare policy*. Allyn & Bacon.

- Raz, J. (1994). *Ethics in the public domain: essays in the morality of law and politics.*

## Bibliography

- Alam, M. S. (1998). *The General Clauses act, 1897* (First ed.). Dhaka: Anupom Giyan Bhandar.
- Bindra, N. (1961). *The Interpretation of Statutes and General Clauses Act (Central and State) with Phrase and Words.* Allahabad: Law Publishers.
- Caries. *Statute Law* (Fourth ed.).
- Chowdhury, E. H. (2007). *The General clauses Act, 1897 (DLR).* Dhaka: Ekramul Huq Chowdhury.
- Gandhi, B. M. (2006). *Interpretatiion of Statutes.* Lucknow: Eastern Book Company.
- Islam, A. (2015). *The General Clauses Act, 1897.* Dhaka: Sufi Prokashoni.
- Islam, M. (2012). *Constitutional Law of Bangladesh.* Dhaka: Mullick Brothers.
- Islam, M. (2009). *Interpretation of Statutes and Documents.* Dhaka: Mullick Brothers.
- Islam, M. S. (2010). *The General Clauses Act, 1897.* Dhaka: Shams Publications.
- Maxwell. (1969). *The Interpretation of Statute.* (Twelfth, Ed.) Bombay: N.M. Tripathi Privale Ltd.
- Prodhan, M. S. (2013). *Rules of Interpretation of Statutes and The General Clauses Act, 1897.* Dhaka: Muhit Publication.
- Reza, F. (2014). *Interpretation of Statutes and General Clauses Act, 1897.* Dhaka: Hira Publication.
- Singh, J. G. (2010). *Principles of Statutory Interpretation* (Twelfth ed.). Nagpur: Lexis Nexis.
- Smith, S. (1968). *The Intrpretation of Statutes.* Delhi: Eastern Book Company.
- Sutherland. *Statutory Construction* (Third ed., Vol. 1).
- Yog, A. (2009). *Interpretation of Statutes.* New Delhi: Modern Law Publishers.