

1963

Present : Tambiah, J.

CHARLIS APPUHAMY, Appellant, and W. T. SENEVIRATNE
 (Inspector of Police), Respondent—

S. C. 954 of 1962—M. C. Chilaw, 43499

Vagrants Ordinance (Cap. 32)—Section 4 (c)—Meaning of word “ elsewhere ”.

By Section 4 (c) of the Vagrants Ordinance :—

“ Every person wilfully exposing his person in an indecent manner
 in any street, road, highway, or public place or elsewhere, to the annoyance
 and disgust of others shall be deemed a rogue and vagabond . . . ”

Held, that the word “ elsewhere ” in the Section means any place other than
 a public place. There is no room for the application of the *ejusdem generis*
 principle in the context.

APPEAL from a judgment of the Magistrate’s Court, Chilaw.

J. D. Aseervatham, for accused-appellant.

R. I. Obeyesekere, Crown Counsel, for the Attorney-General.

Cur. adv. vult.

February 12, 1963. TAMBIAH, J.—

The accused-appellant was convicted for wrongfully exposing his person in an indecent manner to the annoyance of one Emalin Wijesinghe Ekanayake and others, an offence punishable under section 4 (c) of the Vagrants Ordinance and was sentenced to pay a fine of Rs. 20 or in default to undergo one month’s rigorous imprisonment.

The only question for decision in this appeal is whether the appellant has committed an offence under section 4 (c) of the Vagrants Ordinance.

Section 4 (c) of the Vagrants Ordinance (Cap. 32) enacts :

“ 4 (c) every person wilfully exposing his person in an indecent manner, or exhibiting any obscene print, picture, or other indecent exhibition, in any street, road, highway, or public place or elsewhere, to the annoyance and disgust of others ”

The appellant’s counsel argued that the word “ elsewhere ”, in the above section, means a public place. He also urged that the *ejusdem generis* principle should be applied in construing the meaning of the word “ elsewhere ” in the context.

I cannot agree with his argument. The words "street, road, highway, public place, or elsewhere" in the context of section 4 (c) of the Vagrants Ordinance, do not, in my view, belong to the same genus. If there is no mention of a genus in a sentence, there is no room for the application of the ejusdem generis principle (vide *United Towns Electric Co. Ltd. v. Attorney-General of Newfoundland*¹, per Lord Thankerton). Any attempt to construe the word "elsewhere" in the context to mean a public place would not only lead to an absurdity, but would also render the latter part of the section meaningless and ungrammatical.

It is significant to note that the English Vagrants Act (1824) s. (4) has omitted the word "elsewhere" (vide Stone's Justices' Manual p. 2621). The deliberate inclusion of the word "elsewhere" in section 4 (1) of our Vagrants Ordinance in juxtaposition to "public place", shows that the word means any place other than a public place. If the words of a statute are in themselves precise and unambiguous, then no more can be necessary than to expound these words in their natural sense. The words themselves alone do, in such case, best declare the intention of the law-giver (vide *Sussex Peerage Case*²; *Abeyewardene v. Amaradasa*³). In such a case, every word must be given a meaning unless the context otherwise requires a different construction.

The intention of the Legislature in enacting section 4 (c) is to punish any person who wilfully exposes his person in an indecent manner or exhibits any obscene print, or picture or other indecent exhibition *in any place* to the annoyance and disgust of others.

The appellant's counsel also contended that the whole scope of the Vagrants Ordinance is to prevent idling or doing obnoxious acts in a public place. But this contention is untenable since certain acts done in private premises are also penalised by the Ordinance (vide section 3 (1) (c) *et seq.*).

For these reasons, I dismiss the appeal.

Appeal dismissed.

¹ (1939) 1 A. E. R. 423 at 428.

² (1844) 11 Cl. & F. at 143.

³ (1945) 30 C. L. W. 55.