LEGAL EDUCATION IN SRI LANKA

by
G. L. Peiris
Dean of the Faculty of Law
University of Colombo
Colombo, Sri Lanka
and
Sharya De Soysa
Head, Department of Law
University of Colombo
Colombo, Sri Lanka

There are three major institutions engaged in the teaching of Law in the country – the Faculty of Law in the University of Colombo, the Department of Law in the Open University and the Law College. Each of these institutions caters for a different group of persons. The Faculty of Law in the University of Colombo is the principal institution which offers an undergraduate training in Law. The students are selected on the basis of a competitive examination and are normally between the ages of 18 and 23. The Open University has a different objective. The criteria for entrance are less rigid and the institution offers those whose education has been interrupted an opportunity to obtain a training in Law. The institution also affords an opportunity for the employed and for those with adequate grades who may have been excluded by the University of Colombo which has a limited number of places available. Much of the instruction in the Open University is by correspondence and through the mass media, although face to face instruction is also now used. The aims of the Law College are different. The course of study it offers is directed towards producing litigation lawyers and the emphasis is less on legal theory. Civil and criminal procedure, conveyancing and drafting form an integral element of the course. There is little emphasis on comparative law, legal theory etc. (See Annexes I and II for undergraduate enrollment in the Faculty of Law, University of Colombo and the Department of Law in the Open University of Sri Lanka).

UNDERGRADUATE COURSE STRUCTURE IN THE FACULTY OF LAW, UNIVERSITY OF COLOMBO

The Faculty offers a four year course leading to the degree of Bachelor of Laws. Both the Roman Dutch Law and the English Law are important sources of the Sri Lankan legal system which is a typically 'mixed' jurisdiction. The course has as its primary objective that of ensuring that the law student acquires a sound grasp of the 'core' legal subjects in a historical and comparative context. Instruction is provided by the small nucleus of permanent staff members, most of whom have been trained in western universities and by various members of the official and unofficial bar. The lecture method is traditionally used with tutorials, seminars and discussions forming a component of the teaching methods. More recently the Faculty has embarked on the imparting of skills required for the practice of Law through the medium of advocacy workshops offered as a non-credit earning course at final year level. Students are taught by practitioners and judges who teach them the essence of courtcraft. Undergraduates are expected to know the major developments in the legal system of Great Britain and South Africa.

In some areas of the Law where codification has taken place, students are exposed to materials in jurisdictions where similar codes are found – particular in the Commonwealth jurisdictions. (See Annex III for course structure in the Faculty of Law, University of Colombo).
COURSE STRUCTURE IN THE OPEN UNIVERSITY

The Department of Law at the Open University, like the Faculty of Law in the University of Colombo, attempts to give a student a sound grasp of the core legal subjects in a four year course leading to the degree of Bachelor of Laws. A few differences are that the law relating to Landlord and Tenant is taught as a complete course at the Open University while it forms a component of the Property course in the University of Colombo. The University of Colombo offers a separate course in the special local laws while the Open University introduces the student to the local laws via a number of courses. The law relating to Public Corporations forms an important element in the course on Administrative Law in the Open University. In the University of Colombo Local Government Law forms a vital component in the course on Administrative Law. The student receives no more than an introduction to the Law of Public Corporations. Despite these differences in essence the course structure of the two institutions is similar.

COURSE STRUCTURE OF THE SRI LANKA LAW COLLEGE

A three year course of study is offered by the Sri Lanka Law College. On the successful completion of the course of study and a period of apprenticeship the candidate is enrolled as an Attorney-at-Law. The course is geared for the needs of the practitioner-to-be. There is considerable emphasis on procedural laws. Thus, subjects like Civil Procedure and Criminal Procedure receive detailed treatment. The student must also pass subjects such as Book Keeping, Trust Accounts and Professional Ethics. The staff of the College consists mainly of practitioners who teach part-time. The College, situated as it is in the heart of the judicial offices and courts, affords ample opportunities for clinical training and students are encouraged to follow trials. Moot courts and mock trials are conducted regularly (see Annex IV for course structure).

POSTGRADUATE TEACHING

Only the Faculty of Law, University of Colombo, offers opportunities for postgraduate study. Courses leading up to a Diploma in Law and a Masters degree in Law are currently offered. Two types of Masters degrees are available. In the course-work Masters degree a student follows a programme of lectures for one year. At the end of the course of lectures he is required to sit for an examination. In addition he must produce an extended essay under supervision. A Masters degree by research is also offered. To qualify, a student must present a thesis and satisfy the examiners at a viva voce examination. A Ph.D by research is also offered. The course-work Masters degree, up to now the most sought after postgraduate programme, is offered in different areas of the Law depending on need and expertise available. Courses on the Law of Evidence, Constitutional and Administrative Law and International Law have been offered. More recently the Fullbright programme which sends scholars from US Law schools to Sri Lanka for a year has enabled the Faculty to offer courses in International Economic Law and International Trade Law and Practice. It is anticipated that these courses in time could be taught entirely by Sri Lankan academics and lawyers. The postgraduate courses and in particular the Masters programme attract a substantial number of members of the judiciary, the official and the unofficial bar. While there is
a high concentration of Magistrates and High Court Judges whose work is essentially in Criminal Law the courses have also attracted Judges of the Court of Appeal, the second highest court in the country. These courses then have significant impact on providing the legal profession with the opportunity of exposure to current developments in the Law and satisfy a demand for continuing legal education hitherto not available in the country. The Faculty is now thinking in terms of short courses and seminars during the vacation on new trends in different areas of the Law. The method of treatment would be comparative. This would be particularly beneficial for the outstation practitioner who has little access to books, periodicals, etc. Steps have already been taken for the Faculty to work more closely with the Judges Institute recently formed with the objective of catering for the particular needs of the Judges to discharge their functions more effectively. (See Annex V for postgraduate enrollment in the Faculty of Law, University of Colombo).

INTRODUCTION OF INTELLECTUAL PROPERTY LAW AS A SUBJECT

It is felt that Intellectual Property Law could be introduced in all three legal institutions.

In the Faculty of Law the subject could be introduced at undergraduate level as part of the course on the Law of Property. The Law of Property is also taught at Diploma level where there could be further exposure to the subject. It should be noted that the Diploma is the only course available to legal practitioners without a degree. There is also the possibility that it could be offered at Masters level if the necessary expertise is available. In the Open University and the Law College, too, the Law of Property is taught and a new component must surely be that of Intellectual Property.

CONSTRAINTS ON THE TEACHING OF INTELLECTUAL PROPERTY LAW

In all three institutions the main constraint regarding the introduction of Intellectual Property Law as a subject is the lack of trained staff to teach the course. The incentive for young lawyers to take to teaching are few. All three institutions are therefore inadequately staffed. There is, moreover, a high turnover of staff which affects the continuity of ongoing courses. Opportunities for postgraduate study abroad too are limited, competition for the government scholarships being considerable. The Faculty of Law in the University of Colombo is now investigating the possibility of a link programme with the University of Windsor in Canada. An exchange of scholars for periods up to a year is visualized. Sri Lankan academics will be encouraged to follow courses at Windsor in areas not included in our curriculum with a view to introduction of new courses at undergraduate and postgraduate level. The Asia Foundation, too, offers financial assistance for teachers who have been accepted for postgraduate training in an American University. More and more teachers then will have opportunities for short spells of training in other Law Schools enabling them to gather some expertise and materials for improving the curricula in the Faculty.

Another drawback is the unavailability of an adequate library. While the University library is sufficient for the purposes of undergraduate teaching in the traditional "core" legal subjects, it is inadequate for the purposes of teaching the newer legal subjects. Steps will have to be taken to build up
such a collection. The Faculty has in the past obtained assistance from the Asia Foundation and the British Council to build up its collection. The Government of the Netherlands, too, has rendered valuable assistance. Once adequately trained members of the staff join the cadre, it should be possible to build up the necessary collection within a period of about a year.

Access to legal materials in Australian Universities has been secured through institutional and personal contacts. Links with other libraries may be established in the future. Initially, photocopied materials may have to be used. This was done in two courses currently offered by the Faculty - International Trade Law and Practice and International Economic Law. Steps have now been taken to build up small collections in these areas of the Law.

CREATING AN INTEREST IN THE SUBJECT OF INTELLECTUAL PROPERTY LAW

Apart from the University of Colombo, the Open University and the Law College other institutions and bodies can be identified to create an interest in this field of the law. The legislature in 1979 introduced a Code of Intellectual Property. In the seven years that have elapsed there has been little activity in this area of the Law. It is significant that in 1986 two cases on intellectual property reached the Court of Appeal. Seminars and discussions conducted by the country's Law Commission and the newly formed Judges Institute may well create a further interest in the subject.

[Annexes I-V follow]
### TABLE 4.1
**UNDERGRADUATE ENROLMENT IN UNIVERSITIES, 1983/84 - 1985/86**

<table>
<thead>
<tr>
<th>Academic Stream &amp; Year</th>
<th>University of Colombo</th>
<th>University of Peradeniya</th>
<th>University of Sri Jayewardenepura Kotte</th>
<th>University of Kelaniya</th>
<th>University of Moratuwa</th>
<th>University of Jaffna</th>
<th>University of Ruhuna</th>
<th>Eastern University (BUC)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arts</td>
<td>83/84</td>
<td>989</td>
<td>2117</td>
<td>1342</td>
<td>1733</td>
<td>809</td>
<td>337</td>
<td>7328</td>
<td></td>
</tr>
<tr>
<td></td>
<td>84/85</td>
<td>959</td>
<td>1426</td>
<td>1342</td>
<td>1676</td>
<td>804</td>
<td>339</td>
<td>6546</td>
<td></td>
</tr>
<tr>
<td></td>
<td>85/86</td>
<td>995</td>
<td>1505</td>
<td>1242</td>
<td>1620</td>
<td>742</td>
<td>407</td>
<td>6311</td>
<td></td>
</tr>
<tr>
<td>Commerce and Management Studies</td>
<td>83/84</td>
<td>222</td>
<td>429</td>
<td>1405</td>
<td>432</td>
<td>497</td>
<td>132</td>
<td>2895</td>
<td></td>
</tr>
<tr>
<td></td>
<td>84/85</td>
<td>292</td>
<td>450</td>
<td>1468</td>
<td>465</td>
<td>573</td>
<td>226</td>
<td>3192</td>
<td></td>
</tr>
<tr>
<td></td>
<td>85/86</td>
<td>461</td>
<td>477</td>
<td>1572</td>
<td>481</td>
<td>587</td>
<td>225</td>
<td>3367</td>
<td></td>
</tr>
<tr>
<td>Law</td>
<td>83/84</td>
<td>640</td>
<td>565</td>
<td>424</td>
<td>394</td>
<td>629</td>
<td>224</td>
<td>144</td>
<td>3020</td>
</tr>
<tr>
<td></td>
<td>84/85</td>
<td>638</td>
<td>555</td>
<td>350</td>
<td>400</td>
<td>595</td>
<td>349</td>
<td>131</td>
<td>3018</td>
</tr>
<tr>
<td></td>
<td>85/86</td>
<td>650</td>
<td>499</td>
<td>380</td>
<td>446</td>
<td>609</td>
<td>416</td>
<td>115</td>
<td>3125</td>
</tr>
<tr>
<td>Science</td>
<td>83/84</td>
<td>857</td>
<td>477</td>
<td></td>
<td></td>
<td>383</td>
<td>281</td>
<td>1998</td>
<td></td>
</tr>
<tr>
<td></td>
<td>84/85</td>
<td>760</td>
<td>112</td>
<td></td>
<td></td>
<td>337</td>
<td>384</td>
<td>2193</td>
<td></td>
</tr>
<tr>
<td></td>
<td>85/86</td>
<td>966</td>
<td>546</td>
<td></td>
<td></td>
<td>360</td>
<td>473</td>
<td>2345</td>
<td></td>
</tr>
</tbody>
</table>

(Contd. on next page)
### TABLE 4.9

ENROLMENT OF THE OPEN UNIVERSITY, ACCORDING TO COURSES OF STUDY AND SEX: 1983/84—1985/86

<table>
<thead>
<tr>
<th>Course of Study</th>
<th>1983/84</th>
<th>1984/85</th>
<th>1985/86</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>F</td>
<td>T</td>
<td>F</td>
</tr>
<tr>
<td>National Diploma in Science</td>
<td>19</td>
<td>07</td>
<td>12</td>
</tr>
<tr>
<td>in Mathematics (1975)</td>
<td>08</td>
<td>10</td>
<td>19</td>
</tr>
<tr>
<td>Mathematics (1979)</td>
<td>20</td>
<td>07</td>
<td>20</td>
</tr>
<tr>
<td>Higher National Diploma in Management (1975)</td>
<td>110</td>
<td>28</td>
<td>23</td>
</tr>
<tr>
<td>Technology (84/85)</td>
<td>3481</td>
<td>562</td>
<td>—</td>
</tr>
<tr>
<td>Technology</td>
<td>545</td>
<td>3908</td>
<td>—</td>
</tr>
<tr>
<td>Technology (Electrical, Electronics, Telecommunications)</td>
<td>3382</td>
<td>791</td>
<td>—</td>
</tr>
<tr>
<td>Foundation</td>
<td>1927</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Technology (Civil)</td>
<td>596</td>
<td>70</td>
<td>96</td>
</tr>
<tr>
<td>Entrepreneurship</td>
<td>159</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Pre-School Education</td>
<td>271</td>
<td>267</td>
<td>267</td>
</tr>
<tr>
<td>Professional English</td>
<td>1667</td>
<td>1010</td>
<td>1010</td>
</tr>
<tr>
<td>BSc Degree Programme (Science)</td>
<td>1528</td>
<td>491</td>
<td>997</td>
</tr>
<tr>
<td>(Engineering)</td>
<td>1388</td>
<td>562</td>
<td>179</td>
</tr>
<tr>
<td>Bachelor of Law</td>
<td>2261</td>
<td>621</td>
<td>267</td>
</tr>
<tr>
<td>Diploma in Education</td>
<td>621</td>
<td>267</td>
<td>267</td>
</tr>
<tr>
<td>M. Phil</td>
<td>1388</td>
<td>554</td>
<td>554</td>
</tr>
<tr>
<td>Total</td>
<td>9841</td>
<td>3671</td>
<td>3671</td>
</tr>
</tbody>
</table>

[Annex III follows]
ANNEX III

SYLLABUSES FOR THE FIRST EXAMINATION IN LAWS

The Legal History and the Legal Systems of Sri Lanka

An outline of the history of the different systems of Law in force in Sri Lanka and the relations between them. The general influence of Roman Law on Western European legal systems, including the Netherlands. The sources of the Roman-Dutch Law and their relative value. The introduction of the Roman Dutch Law into Sri Lanka and its applicability at the present day. The sources and the applicability of the English Law, the Kandyan Law, the Thesavalamai, the Muslim Law, the Buddhist Law and the Hindu Law. The chief sources of Law with special reference to Sri Lanka: custom, legislation and judicial decision (including the doctrine of binding precedent). The literature of the Law, with special reference to the law reports of Sri Lanka, Great Britain, South Africa, India, Australia and the U.S.A. The historical development of the judicial systems of Sri Lanka (including the judicial Committee of the Privy Council). The organisation and the jurisdiction of the different courts, and the more important statutory tribunals, including Industrial Courts and Labour Tribunals. The legal profession.

Recommended reading

T. NANDARAJA, The Legal System of Ceylon in its Historical Setting.
L. J. M. COORAY, An Introduction to the Legal System of Ceylon.

Further reading or reference

R. W. LEE, An Introduction to Roman-Dutch Law (General Introduction);
H. R. HAHLO AND E. KAHN, The South African Legal System and its Background (Chapters 10, 15-17);
C. G. WEERAMANTRY, The Law of Contracts (Vol. 1 Chapter 2);
K. BALASINGHAM, The Laws of Ceylon (Vol. I);
H. W. TAMBIAH, Principles of Ceylon Law (Parts 1-4), Sinhala Laws and Customs. The Laws and Customs of the Tamils of Ceylon, and The Laws and Customs of the Tamils of Jaffna;
Constitutional Law

(a) Definition of Constitutional Law. The nature and classification of constitutions; the separation of powers the rule of Law; the principle of legality; constitutionalism; constitutional conventions.


(c) The franchise. The referendum. Proportional representation. The role of party under the Constitution and election law.

(d) Parliament: its sovereignty, composition, organisation, functions, powers, privileges and immunities; the legislative process: presumption of legislative intent.

(e) The Executive: the President, his election, tenure, functions, powers and immunities; the cabinet; the public service; Ministries and Department; public corporations; Development Councils.

(f) The Judicature: its organisation, functions and power; integrity; impartiality and independence of the judiciary; judicial immunities; fair trial; language of the courts; the Law officers of the state; Pardons and reprieves.

(g) Civil rights; Citizenship, Aliens, Duties of the citizens. Deprivation of Civic rights.

(h) The Official Language; the national languages.

(i) Emergency powers of the Executive; Martial Law.
SCHEDULE

1. The subjects for the First Examination in Laws shall be as follows:
   - The Legal History and the Legal System of Sri Lanka
   - Constitutional Law
   - Roman Law
   - English.

2. There shall be two papers in English and one paper in each of the other subjects for the First Examination in Laws.

3. A candidate for the First Examination in Laws shall take the two papers in English and the papers in the other subjects.

4. The subjects for the Final Examination in Laws Part I shall be:
   - Law of Persons and Property I, II, III
   - Criminal Law
   - Law of Obligations I
   - English.

5. There shall be three papers in Persons and Property and one paper in each of the other subjects for the Final Examination in Laws Part I.

6. A candidate for the Final Examination in Laws Part I shall take the three papers in Persons and Property and the papers in the other subjects.

7. The subjects for the Final Examination in Laws Part II shall be:
   - Administrative Law and Local Government Law
   - Law of Obligations II
   - Law of Equity and Trusts
   - English.

8. There shall be two papers in Administrative Law and Local Government Law and one paper in each of the other subjects for the Final Examination in Laws Part II.
9. A candidate for the Final Examination in Laws Part II shall take the two papers in Administrative Law and Local Government Law and the papers in the other subjects.

10. The subjects for the Final Examination in Laws Part III shall be:

   Jurisprudence
   Interpretation of Statutes and Documents
   Law of Evidence
   Commercial Law I, II
   Public International Law
   Conflict of Laws
   Criminal Procedure
   Civil Procedure
   Industrial Law
   Tax Law
   English

11. There shall be two papers in Commercial Law and one paper in each of the other subjects for the Final Examination in Laws Part III.

12. A candidate for the Final Examination in Laws Part III shall take the papers in English, Jurisprudence, Interpretation of Statutes and Documents and Evidence and any four of the papers in the other subjects.
(j) Commissions of inquiry. The Parliamentary Commissioner for Administration.

(k) External affairs; Acts of State; State immunity; treaties; declarations by the Executive relating to foreign affairs.

(l) the Commonwealth; its rules of membership; co-operation and consultation.

Recommended reading


SIR IVOR JENNINGS AND H. W. TAMBIAH, *The Dominion of Ceylon — The Development of its Laws and Constitution* (Part I);

S. A. DE SMITH, *Constitutional and Administrative Law*;

E. C. S. WADE, AND G. PHILLIPS, *Constitutional Law*;

HODD PHILLIPS, *Constitutional and Administrative Law*.

Further reading or reference

SIR KENNETH WHEARE, *Modern Constitutions. The Constitutional Structure of the Commonwealth*;

S. NAMASIVAYAM, *The Legislatures of Ceylon*;

SIR KENNETH WHEARE, *Legislatures*;


N. M. PERERA, *Critical Analysis of the New Constitution of the Sri Lanka Government promulgated on 31.8.78*;

GEOFFREY MARSHALL, *Constitutional Theory*;

HARRY STREET, *Freedom, the Individual and the Law*;

H. M. SEERVAL, *Constitutional Law of India*;

DOROTHY PICKLES, *The Fifth French Republic*;

BERNARD SCHWARTS, *American Constitutional Law*.

Roman Law

Recommended reading
R. W. Lee, *A Historical Conspectus of Roman Law*;
B. Nicholas, *Introduction to Roman Law*;
R. W. Lee, *Elements of Roman Law*;

Further reading or reference
H. F. Jolowicz, *Historical Introduction to the Study of Roman Law*;
*A Textbook of Roman Law*;

English

A mastery of English sentence structure, a reasonably wide vocabulary and an ability to comprehend modern English prose will be expected of candidates taking this paper.

Paper I

Grammar and Vocabulary — 1 hour. 15 mins. Candidates will be expected to be familiar with

(a) basic morphological and syntactic structure of English;
(b) words in common use as well as those which occur frequently in legal texts.

Paper II

Reading Comprehension — 2 hours, 15 mins.

SYLLABUSES FOR THE FINAL EXAMINATION IN LAWS

PART I

Law of Persons and Property I

Law of parent and child including acquisition and loss of parental power; legitimacy; illegitimacy; parental obligation; judicial interference with parental power.

Legal capacity of minor, including capacity to contract; capacity to perform other juristic acts; capacity to be held accountable for wrong doings; capacity to litigate. Guardianship and
curatorship. Law of husband and wife including, contracts to marry or espousals; Formation of marriage; Legal consequences of marriage; Suspension and dissolution of marriage; Annulment of marriage.

Recommended reading

R. W. Lee, An Introduction to Roman-Dutch Law (Book I);

Further reading

H. W. Tambiah, Principles of Ceylon Law;
R. W. Lee and A. M. Honore, The South African Law of Property; Family Relations and Succession;
G. Wille, Principles of South African Law;
H. R. Hahlo and E. Kahn, The Union of South Africa the Development of its Laws and Constitution;
E. Spiro, The Law of Parent and Child;
P. Arunachalam, A Digest of the Civil Law of Ceylon (Vol. I);
J. C. Walter Perera, The Laws of Ceylon;
C. E. Jayawardene, The Roman-Dutch Law of Divorce;
P. N. Bromley, Family Law.

Law of Persons and Property II

The classification of things. Ownership and the modes of acquiring and losing it (including occupation, accession, including the law relating to the compensation for improvements); tradition (including sale and donation); registration of documents; transfer by debtors and insolvents; prescription; compulsory acquisition under statutes. The incidents of ownership (including the ius vindicandi) Statutory regulation of land utilisation. Joint ownership including partition. Possession and possessory remedies. Limited interests in property; lease, landlord and tenant, including statutory tenancies, and compensation for improvements by the lessee; emphyteusis; superficies; the planter's rights; mortgage (including the procedure in mortgage action); servitudes, personal and real.

Recommended reading

R. W. Lee, An Introduction to Roman-Dutch Law (Book II);
Further reading

K. BALASINGHAM, The Laws of Ceylon (Volumes III and IV);
H. W. TAMBIAH Principles of Ceylon Law;
H. R. HAHLO and E. KAHN, The Union of South Africa — The Development of its Laws and Constitution;
G. WILLE, Principles of South African Law;
T. W. PRICE, Possessory Remedies in Roman-Dutch Law;
J. C. WALTER PEREIRA, The Laws of Ceylon;

Law of Persons and Property III

The personal laws studied in relation to topics in the law of persons, the Law of Property and the Law of Succession. Testamentary and intestate succession under the general law. Fidei commissa.

(a) Kandyan Law

Recommended reading

H. W. TAMBIAH, Sinhala Laws and Customs;
F. A. HAYLEY, A Treatise on the Laws and Customs of the Sinhalese;
T. B. DISSANAYAKE AND A. B. COLIN DE SOYSA, Kandyan Law and Buddhist Ecclesiastical Law.

Further reading

SIMON SAWERS, Digest of the Kandyan Law;
JOHN ARMOUR, A Grammar of the Kandyan Law;
F. MODDER, Kandyan Law;
SIR JOHN D’OYL, A Sketch of the Constitution of the Kandyan Kingdom.

(b) Thesavalamai

Recommended reading

T. SRI RAMANATHAN, Thesavalamai.
Further reading

H. W. TAMBIAH, The Laws and Customs of the Tamils of Jaffna;
H. W. TAMBIAH, The Laws and Customs of the Tamils of Ceylon.

(c) Muslim Law

Reference

A. A. A. FYZEE, Outline of Muhammadan Law;
F. B. TYABJI, Principles of Muhammadan Law;
D. R. MULLA, Principles of Muhammadan Law.

(d) Law of Succession

Recommended reading

R. W. LEE, An Introduction to Roman-Dutch Law (Book IV);
T. NADARAJA, The Roman-Dutch Law of Fideicommissa as applied in Ceylon and South Africa.

Criminal Law

The general principles of the criminal law as contained in the Penal Code and other Ordinances creating offences and in the relevant case law. The general nature of a crime. The general principles of responsibility and exemption from responsibility (with particular reference to Chapter IV of the Penal Code). Vicarious liability. The principles of joint liability for crime with particular reference to sections 32-36 and Chapter V of the Penal Code). Attempts. The Law relating to specific crimes against the person, against property, against the state, etc.

Recommended reading

G. L. PEiris, General Principles of Criminal Liability in Ceylon.
Offences under the Penal Code of Ceylon.

Further reading or reference

R. CROSS and P. A. Jones, Introduction to Criminal Law;
J. C. SMITH and B. HCGAN, Criminal Law;
C. S. KENNY, Outlines of Criminal Law (edited by J. W. C. Turner);
Annex III, page 10

R. Cross and P. A. Jones, *Cases on Criminal Law*;
D. W. Elliott and J. C. Wood, *Casebook on Criminal Law*;
G. L. Williams, *Criminal Law — General Part*;
R. C. Nigam, *The Law of Crimes in India*;
Sir H. S. Gour, *Penal Law of India*;

**Law of Obligation I**


**Recommended reading**

R. W. Lee, *An Introduction to Roman-Dutch Law* (Book III Part I);
G. H. Treitel, *The Law of Contract* or

**Further reading**

C. G. Weeramantry, *The Law of Contracts*;
K. Balasingham, *The Law of Ceylon*;

**English**

Reading. Comprehension.
SYLLABUSES FOR THE FINAL EXAMINATION IN LAWS

PART II

Administrative Law and Local Government Law


The Local Government Service and Development Councils Service. Finance of local authorities and Development Councils.

Recommended reading

H. W. R. WADE, Administrative Law;
S. A. DE SMITH, Constitutional and Administrative Law;
V. KANESALINGAM, A Hundred Years of Local Government in Ceylon 1865-1965;
Law of Obligations II

defamatory and for non-defamatory statement. Liability for animals, Quasi delict. Obligations quasi ex contractu negotiorum gestio, enrichment without cause.

**Recommended reading**

R. W. Lee, *An Introduction to Roman-Dutch Law* (Book III Parts II and III);

**Further reading**

G. Wille, *Principles of South African Law*;
H. R. Hahlo and E. Kahn, *The Union of South Africa — The Development of its Laws and Constitution*;
Sir P. H. Winfield, *A Textbook of the Law of Tort* or
Sir J. W. Salmon, *The Law of Torts* or
H. Street, *The Law of Tort*;
A. R. B. Amerasinghe, *Defamation in the Law of South Africa and Ceylon*;
C. F. Amerasinghe, *Defamation and other Aspects of the Actio Injuriarum in Roman-Dutch Law in Ceylon and South Africa*;
C. F. Amerasinghe, *Aspects of the Actio Injuriarum Roman-Dutch Law*;

**Law of Equity and Trusts**

The general nature of equitable principles and remedies. The principles of the Law of Trust as contained in the Trusts Ordinance and the relevant case Law.
Annex III, page 14

Recommended reading


Further reading

P. H. Pettit, Equity and the Law of Trusts;
G. W. Keeton, Law of Trusts;
H. G. Hanbury, Modern Equity;
E. H. T. Snell, Principles of Equity;
J. A. Nathan and O. R. Marshall, A Casebook on Trusts;
J. A. Nathan, Equity through the Cases and Judicial Exposition.

English

Reading. Comprehension.
SYLLABUSES FOR THE FINAL EXAMINATION IN LAWS

PART III

Jurisprudence

Scope and methods of jurisprudence. Theories as to the nature and function of law. The sources of law. Analysis of the main concepts used in law, including right (in its various senses,) duty, personality, property, possession and obligations. Civil and criminal liability (including theories of punishment). Classification of law.

Recommended reading

R. W. M. DIAS, Jurisprudence;
D. LLOYD, Introduction to Jurisprudence;
SIR J. W. SALMOND, Jurisprudence.

Further reading or reference

G. W. PATON, A Textbook of Jurisprudence;
D. LLOYD, The Idea of Law;
C. K. ALLEN, Law in the Making;
W. G. FRIEDMANN, Legal Theory;
W. G. FRIEDMANN, Law in a Changing Society;

Interpretation of Statutes and Documents


Recommended reading

S. NAMASIVAYAM, The Drafting of Legislation;
SIR CHARLES E. ODGERS, The Construction of Deeds and Statutes;
R. BURROWS, Interpretation of Documents.
Further reading or reference

P. B. Maxwell, The Interpretation of Statutes;
W. D. Craies, Statute Law;
R. F. Norton, Deeds;
Sir Arthur Underhill and J. A. Strahan, Interpretation of Wills and Settlements.

Law of Evidence

The general principles of the Law of Evidence as contained in the Evidence Ordinance and the relevant case law together with as much of the English Law of Evidence as is applicable in Sri Lanka

Recommended reading

G. L. Peiris, Law of Evidence;
G. D. Nokes, An Introduction to Evidence.

Further reading or reference

Sir J. Firziames Stephens, A Digest of the Law of Evidence;
R. Cross, Evidence;
Wills, The Principles of Circumstantial Evidence;
M. Monir, Principles and Digest of the Law of Evidence;

Commercial Law I


Commercial Law

Company Law: The Law relating to Companies.

Negotiable Instruments: Nature of negotiability. Special rules relating to bills of exchange, cheques and promissory notes.

Recommended reading

T. M. Stevens, Mercantile Law;
J. Charlesworth, Mercantile Law;
R. Lowe, Commercial Law;
Sir Arthur Underhill, Principles of the Law of Partnership;
Sir M. D. Chalmers, Sale of Goods;
B. Jacobs, Law of Bills of Exchange, Cheques, Promissory Notes and Negotiable Instruments generally;
L. C. B. Gower, The Principles of Modern Company Law;
Payne's Carriage of Goods by Sea.

Further reading or reference

W. Bowstead, Agency;
Sir F. Pollock, Law of Partnership;
N. Lindley, Law of Partnership;
P. S. Atiyah, The Sale of Goods;
Sir J. B. Byles, Bills of Exchange;
A. M. R. Topham, Company Law;
J. Charlesworth, Company Law;
A. G. Guest, The Law of Hire Purchase;
W. S. Weerasooriya, Casebook on the Law of Banking and Cheques in Ceylon.

Public International Law

The Law of Peace. The settlement of disputes. International organisations and institutions, with special reference to the United Nations Organisation. The law of war and the law of neutrality in so far as they relate to the above topics.

Recommended reading

J. L. Brierly, The Law of Nations;
G. Starke, An Introduction to International Law;
Conflict of Laws


Recommended reading

R. H. GRAVESON, The Conflict of Laws;
G. C. CHESHIRE, Private International Law.

Further reading or reference

A. V. DICEY, Conflict of Laws;
J. BEALE, A Treatise on the Conflict of Laws;
CLIVE M. SCHMITTOFF, A Textbook of the English Conflict of Laws;

Criminal Procedure

The procedures relating to the investigation of criminal offences. The jurisdiction of the courts in criminal matters. Trials and appeals in criminal cases.

Recommended reading


Further reading

R. F. DIAS, Commentary on the Ceylon Criminal Procedure Code;
J. F. ARCHBOLD, Pleading Evidence and Practice in Criminal Cases;
R. R. CROSSETTE THAMBIHAN, *A Note on the Ceylon Law of Indictments and Charges*;
G. D. NOYES, *An Introduction to Evidence*;
R. CROSS, *Evidence*;

**Civil Procedure**

The system of procedure in civil cases. The principles of pleadings.

**Recommended reading**

E. B. WIKRAMANAYAKE, *Civil Procedure in Ceylon*;
K. D. P. WICKREMAGINGHE, *Civil Procedure in Ceylon*;
W. G. ODGERS, *Pleadings and Practice*;
D. H. PARRY, *Law of Succession*;
DUDLEY GUNAWARDENE, *Court Procedure and Practice in Testamentary Actions*.

**Industrial Law**

Master and servant; trade unions, collective bargaining, trade disputes, industrial conciliation and arbitration, worker participation.

**Recommended reading**

W. P. N. DE SILVA, *Industrial Law and Relations in Ceylon*;
S. R. DE SILVA, *The Legal Framework of Industrial Relations in Ceylon*;
W. E. M. ABYEYSEKERA, *Industrial Law and Adjudication* (Volumes 1 and 2);
V. T. THAMOTHERAM, *The Law Relating to Workmen's Compensation*;
C. NAVARATNARAJAH, *Trade Unions and the Law*.

**Further reading or reference**

W. E. M. ABYEYSEKERA, *Industrial Law and Adjudication* (Vols. 3 and 4);
KAHN - FREUND, *Labour and the Law*;
N. A. Citrine, Trade Union Law;
J. Munkman, Employer's Liability at Common Law;
C. N. Scoble, Law of Master and Servant in South Africa;
Reisefeld and Maxwell, Modern Social Legislation;
W. M. Cooper and I. C. Wood, Outlines of Industrial Law;
Malhotra, The Law of Industrial Disputes.

Tax Law

Reference

Simon's, Income Tax — Editor in Chief, The Right Honourable Lord Simon,
Reports of Ceylon Tax Cases (Volumes I-III);
S. Sabapathipillai, Digest of Ceylon Tax Cases;
S. Balaratnam, Income Tax, Wealth Tax and Gifts Tax in Sri Lanka;
Hannan and Fransworth, Principles of Income Tax;

[Annex IV follows]
ANNEX IV

SCHEDULE I - SCOPE OF SUBJECTS FOR EXAMINATIONS AND BOOKS RECOMMENDED

Students are requested to use only the latest editions of the books listed below. The books indicate the general scope of the subjects concerned, but questions will not be confined to these books. Candidates are expected to be familiar with the relevant statute law and the case law of Sri Lanka.


ROMAN LAW

The history and the sources of Roman Law The Law of Persons, Property, Succession, Obligations and Actions.


CONSTITUTIONAL LAW

What a constitution is; the classification of constitutions; the separation of powers; the Rule of Law; constitutional conventions. The constitutional history of Sri Lanka since 1796, with special emphasis on the period after 1931. The present constitution of Sri Lanka. The franchise. Elections to the National State Assembly. Civil rights and freedoms; the citizenship laws; personal freedom; freedom of expression; freedom of assembly and association.

Emergency powers of the Executive. The Commonwealth; the acquisition of and incidents of Commonwealth membership; rules of the Commonwealth association today; co-operation and consultation among members.


ADMINISTRATIVE LAW


LOCAL GOVERNMENT LAW


LEGAL HISTORY AND LEGAL SYSTEM OF SRI LANKA

An outline of the history of the different systems of law in force in Sri Lanka and the relations between them. The sources, the introduction, the development and the extent of the applicability of the Roman-Dutch Law, the English Law, the Kandyan Law, the Thesavalamai, the Muslim Law, the Buddhist Law, the Hindu Law and the Makkuvat Law. The chief sources of law with special reference to Sri Lanka: custom, legislation and judicial
Annex IV, page 4

Criminal Law

The general Principles of the Criminal Law, as contained in the Penal Code and other enactments creating offences and in the relevant case law. The general nature of a crime. The general Principles of responsibility and exemption from responsibility (with particular reference to Chapter IV of the Penal Code). Vicarious liability. The principles of joint liability for crime (with particular reference to sections 32—36 and Chapter V of the Penal Code). Attempts. The law relating to specific crimes against the Person, against Property, against the State, etc.
Annex IV, page 5


CRIMINAL PROCEDURE

The procedures relating to the investigation of criminal offences. The jurisdiction of the courts in criminal matters. Trials and appeals in criminal cases. The rules of evidence in so far as they have relevance to criminal law and procedure.

Candidates are also expected to have a knowledge of the procedures that prevailed in the criminal courts immediately prior to the enactment of the Administration of Justice Law No. 44 of 1973).

Recommended Reading. G. L. Peiris — Criminal Procedure in Sri Lanka under the Administration of Justice Law No. 44 of 1973 (Lake House Investments, Colombo).


LAW OF PERSONS

Birth, Sex, Legitimacy (including the rights and the liabilities of illegitimate children and legitimation). Parentage (the
acquisition the incidents and the termination of the parental
care and the reciprocal duty of support). Minority. Marriage
(the contract to marry, the legal requisites and the legal con-
sequences of marriage, nullity, divorce and judicial separation);

Recommended Reading. R. W. Lee — An Introduction to


Further Reading or Reference. K. Balasingham — The Laws

H. W. Tambiah — Principles of Ceylon Law (H. W. Cave; Colombo)
R. W. Lee and A. M. Honore — The South African Law of Prop-
erty. Family Relations and Succession (Butterworth (Africa),
Durban). G. Wilie — Principles of South African Law (Juta,
Cape Town). H. R. Hahlo and E. Kahn — The Union of South
Africa — The Development of its Laws and Constitution. (Stevens.
London and Juta, Cape Town). H. R Hahlo — The South
African Law of Husband and Wife (Juta, Cape Town) F. Spiro
— The Law of Parent and Child (Juta, Cape Town). P. Aruna-
chalam — A Digest of the Civil Law of Ceylon (Stevens and
of Ceylon (Government Printer, Colombo) C E. Jayewardene —
The Roman-Dutch Law of Divorce (Colombo Apothecaries,

KANDYAN LAW

Marriage. Legitimacy Adoption. Minority Guardianship.
Property. Intestate succession.

Recommended Reading. H W Tambiah — Sinhala Laws and

Customs (Lake House Investments. Colombo). F. A. Hosley
— A Treatise on the Laws and Customs of the Sinhaisse (H. W. Cave.
Colombo). T B. Dissanayake and A. B. Colin De Soysa —
Kandyan Law and Buddhist Ecclesiastical Law (Dharmasamaya
Press, Colombo)

Further Reading or Reference. Simon Sawers — Digest of the

Kandyan Law (Clifton, Colombo). John Armour — A Grammar
of the Kandyan Law. F. Modder — Kandyan Law (Stevens and
Haynes, London). Sir John D’Oyly — Sketch of the Constitu-
tion of the Kandyan Kingdom (Government Printer, Ceylon).

MUSLIM LAW

Marriage. Legitimacy. Minority. Guardianship. Gifts. In-
testate succession. Wakfs.

Reference. A. A. A. Fyzee — Outlines of Muhammadan Law
(Oxford University Press). F. B. Tyahji — Principles of Muham-
dan Law (Butterworth, Calcutta) D. F. Mulla — Principles
THESAVALAMA!


LAW OF PROPERTY

The classification of things. Ownership and the modes of acquiring and losing it (including occupation; accession including the law relating to compensation for improvements; tradition—including sale and donation; registration transfers by debtors and insolvents; prescription; compulsory acquisition under statutes.) The incidents of ownership (including the ius vindicandi) Statutory regulation of land utilisation. Joint ownership (including partition). Possession and possessory remedies. Limited interests in property; lease (including statutory tenancies and compensation for improvements by the lessee); emphyteusis superficies; the planter's rights; mortgage (including the procedure in mortgage actions); servitudes, personal and real. Buddhist Ecclesiastical Law. The law relating to Hindu temples and temporalities.


LAW OF SUCCESSION AND TRUSTS


LAW OF OBLIGATIONS I—(LAW OF CONTRACT)


LAW OF OBLIGATIONS II—(LAW OF DELICT AND QUASI CONTRACT)

The nature of delict. The requirements of liability in the Aquilian action and the actio iniuriarum: Strict liability. The parties who may sue or be sued. Vicarious liability Remedies (including remoteness of damage). General defences, Su...


**JURISPRUDENCE**

The scope and the methods of Jurisprudence. Theories as to the nature and the functions of law. The sources of the Law Analysis of the main concepts used in Law: right (in its various senses) and duty; personality; property; possession; obligations; civil and criminal liability (including theories of punishment). The classification of law. Codification.


CIVIL PROCEDURE, PLEADING AND THE LAW OF EXECUTORS AND ADMINISTRATORS

The procedure in civil cases in the Magistrates' Courts, District Courts, High Courts and the Supreme Court. The law of executors and Administrators. Procedure in testamentary matters.


LAW OF EVIDENCE

The general principles of the law of Evidence as contained in the Evidence Ordinance and other statutes, together with so much of the English law of Evidence as is applicable in Sri Lanka.


COMMERCIAL LAW


Agency: The nature of Agency, the creation of the relationship of Principal and Agent, the scope of the Agent's authority, the
rights and duties of the Principal and the Agent *inter se*, the relation between the Principal and third parties and the termination of the Agency.

**Partnership.** The nature and the formation of Partnership, the relation between the partners and persons dealing with the partnership; the relation between partners *inter se*, the dissolution of the partnership and its consequences.

**Company Law.** The law relating to Companies.


**Sale of Goods.** The Law relating to Sale of Goods.

**Principles of Shipping Law.** Charter-parties, bills of lading, loading, discharge and delivery, exclusion and limitation of the ship-owner's liability, general and particular average, demurrage and damages for detention, liens.

**Hire-Purchase.** The nature and the formation of Hire-Purchase, the duties of the owner and the Hirer; the termination of the agreement, the recovery of possession by the Owner, the rights and liabilities of third parties.

**Bills of Exchange, Cheques and Promissory Notes.** The nature of Negotiability, the law relating to Bills of Exchange, Cheques and Promissory Notes.


INTERPRETATION OF STATUTES AND DOCUMENTS


TRUST ACCOUNTS AND BOOK-KEEPING


PROFESSIONAL ETHICS


CONVEYANCING

The law and practice of Conveyancing in Sri Lanka relating to movable and immovable property: Principles of drafting. Examination and study of the following instruments: agreements, sales, conditional transfers, mortgages, leases, last wills, donations (including wills and donations creating trusts and fideicommissa), powers of attorney, partnerships, partition, exchanges and assignments. Examination of title (including preparation of abstract of title, pedigree, inspection of registers and encumbrances). Registration of deeds: principles governing registration and priority. Stamping. Duties and functions of a notary.


INDUSTRIAL LAW

Master and servant; trade union, collective bargaining, trade disputes, industrial conciliation and arbitration, worker participation in management, including employees councils; legislation governing particular industrial disputes and their settlement. Industrial Courts. Labour Tribunals. Health and safety at work; workmen’s compensation; factory and other employment legislation.


[Annex V follows]
### TABLE 4.5

**POSTGRADUATE ENROLMENT ACCORDING TO UNIVERSITY, ACADEMIC STREAM & SEX: 1984/85 & 1985/86**

<table>
<thead>
<tr>
<th>University &amp; Academic Year</th>
<th>Arts</th>
<th>Commerce &amp; Mgt Studies</th>
<th>Law</th>
<th>Education</th>
<th>Science</th>
<th>Medicine</th>
<th>Dental Sur.</th>
<th>Veterinary Science</th>
<th>Agriculture</th>
<th>Engineering</th>
<th>Architecture</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>84/85</td>
<td>F</td>
<td>T</td>
<td>F</td>
<td>F</td>
<td>T</td>
<td>T</td>
<td>F</td>
<td>F</td>
<td>T</td>
<td>T</td>
<td>T</td>
<td>171</td>
</tr>
<tr>
<td>Colombo</td>
<td>31</td>
<td>95</td>
<td>05</td>
<td>41</td>
<td>26</td>
<td>63</td>
<td>109</td>
<td>178</td>
<td>05</td>
<td>23</td>
<td>05</td>
<td>410</td>
</tr>
<tr>
<td>85/86</td>
<td>38</td>
<td>155</td>
<td>04</td>
<td>78</td>
<td>18</td>
<td>57</td>
<td>69</td>
<td>134</td>
<td>11</td>
<td>15</td>
<td>05</td>
<td>451</td>
</tr>
<tr>
<td>Peradeniya</td>
<td>14</td>
<td>38</td>
<td>98</td>
<td>193</td>
<td>06</td>
<td>36</td>
<td>04</td>
<td>06</td>
<td>01</td>
<td>1</td>
<td>11</td>
<td>276</td>
</tr>
<tr>
<td>85/86</td>
<td>55</td>
<td>130</td>
<td>17</td>
<td>69</td>
<td>04</td>
<td>12</td>
<td>01</td>
<td>01</td>
<td>01</td>
<td>1</td>
<td>01</td>
<td>211</td>
</tr>
<tr>
<td>Sri Jayawardenepura</td>
<td>84/85</td>
<td>11</td>
<td>35</td>
<td>08</td>
<td>84</td>
<td>09</td>
<td>30</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>149</td>
</tr>
<tr>
<td>85/86</td>
<td>14</td>
<td>68 **</td>
<td>06</td>
<td>31</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>99</td>
</tr>
<tr>
<td>Kalasitha</td>
<td>84/85</td>
<td>13</td>
<td>46</td>
<td></td>
<td>05</td>
<td>18</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>64</td>
</tr>
<tr>
<td>85/86</td>
<td>14</td>
<td>45</td>
<td>05</td>
<td>17</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>62</td>
</tr>
<tr>
<td>Matara</td>
<td>84/85</td>
<td>36</td>
<td>63</td>
<td>03</td>
<td>06</td>
<td>01</td>
<td>01</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>71</td>
</tr>
<tr>
<td>85/86</td>
<td>36</td>
<td>63</td>
<td>03</td>
<td>06</td>
<td>01</td>
<td>02</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>71</td>
</tr>
<tr>
<td>Jaffna</td>
<td>84/85</td>
<td>42</td>
<td>02</td>
<td>02</td>
<td>01</td>
<td>01</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>15</td>
</tr>
<tr>
<td>85/86</td>
<td>36</td>
<td>63</td>
<td>03</td>
<td>06</td>
<td>01</td>
<td>02</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>71</td>
</tr>
<tr>
<td>Rohuna</td>
<td>84/85</td>
<td>69</td>
<td>125</td>
<td>16</td>
<td>63</td>
<td>211</td>
<td>383</td>
<td></td>
<td>27</td>
<td>111</td>
<td>10</td>
<td>17</td>
</tr>
<tr>
<td>85/86</td>
<td>66</td>
<td>268</td>
<td>04</td>
<td>78</td>
<td>18</td>
<td>57</td>
<td>169</td>
<td></td>
<td>227</td>
<td>54</td>
<td>158</td>
<td>28</td>
</tr>
<tr>
<td>Total</td>
<td>84/85</td>
<td>69</td>
<td>125</td>
<td>16</td>
<td>63</td>
<td>211</td>
<td>383</td>
<td></td>
<td>27</td>
<td>111</td>
<td>10</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>85/86</td>
<td>66</td>
<td>268</td>
<td>04</td>
<td>78</td>
<td>18</td>
<td>57</td>
<td></td>
<td>169</td>
<td>227</td>
<td>54</td>
<td>158</td>
</tr>
</tbody>
</table>

**Notes:**
1. † Included under FGIA
2. ‡‡ Not obtainable
3. ** Included under PIM