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 Institue may well create a further interest in the subject.

[Annexes I-V follow]

ANNEX I

TABLE 4.1

UNDERGRADUATE ENROLMENT IN UNIVERSITIES 1983/84 - 1985/86

Academic Stream & Year	University	University of Colombo	University of** Peradeniya	University of Sri Jaye-wardenepura	University of Kelaniya	University of Moratuwa	University of Jaffna	University of Ruhuna	Eastern University (BUC)	Total
Arts	83/84	989	2117	1343	1733		809	337		7328
	84/85	959	1426	1342	1676		804	339		6546
	85/86	995	1505	1242	1620		742	407		6511
Commerce and Management Studies	83/84	429		1405	432		497	132		2895
	84/85	460		1468	465		573	226		3192
	85/86	471		1573	481		587	255		3367
Law	83/84	322								322
	84/85	392								392
	85/86	461								461
Science	83/84	640	565	424	394		629	224	144	3020
	84/85	638	555	350	400		595	349	131	3018
	85/86	660	499	380	446		609	416	115	3125
Medicine	83/84	857	477				383	281		1998
	84/85	960	512				337	384		2193
	85/86	966	546				360	473		2345

(Contd. on next Page)

[Annex II follows]

ANNEX II

TABLE 4.9

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

Course of Study	Academic Year & Sex	1983/84		1984/85		1985/86	
		F	T	F	T	F	T
Diploma (not postgraduate)	National Diploma in Science	07	19	05	12	—	—
	„ „ in Mathematics (1975)	06	10	08	19	—	—
	„ „ Mathematics (1979)	61	163	07	20	—	—
	Higher National Diploma in Management (1975)	53	170	28	110	—	—
	„ „ „ (1978)	47	225	23	57	—	—
	Technology (84/85)	—	—	562	3481	—	—
	Technology	—	—	—	—	545	3908
	Technology (Electrical, Electronics, Telecommunications)	787	3366	791	3382	—	—
Certificate	Foundation	838	1927	—	—	—	—
	Technology (Civil)	67	496	70	596	—	—
	Enterpreneurship	296	1425	96	384	30	159
	Pre-School Education	157	158	176	178	267	271
	Professional English	738	1319	2145	4247	1010	1967
Degree	BSc Degree Programme (Science)	764	1442	1538	2261	760	1572
	(Engineering)	—	—	—	—	05	31
	Bachelor of Law	—	—	167	562	179	554
Postgraduate	Diploma in Education	725	1528	491	997	874	1388
	M. Phill	—	—	—	—	01	01
Total		4546	12248	6107	16306	3671	9851

[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. NADARAJA, *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;*

A. A. A. FYZEE, *Outline of Mohammedan Law* (Introduction and Chapter 1);

H. M. Z. FAROUQUE, "Muslim Law in Ceylon — a Historical Outline" in the *Muslim Marriage and Divorce Law Reports* Vol. 4;

J. D. M. DERRETT, *Introduction to Modern Hindu Law* (Chapter 1);

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

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.

(*b*) The Constitutional history of Sri Lanka since 1796, especially after 1946. The Constitution of the Democratic Socialist Republic of Sri Lanka.

(*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

J. A. L. COORAY, *The Constitutional and Administrative Law of Sri Lanka;*
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* or
E. C. S. WADE, AND G. PHILLPS, *Constitutional Law* or
HOOD 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;*
A. J. WILSON, *The Gaullist System in Asia — The Constitution of Sri Lanka;*
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. SEERVAI, *Constitutional Law of India;*
DOROTHY PICKLES, *The Fifth French Republic;*
BERNARD SCHWARTS, *American Constitutional Law.*

Roman Law

An outline of the history of Roman legislative and judicial processes and of the sources of Roman Law. The Law of Person Property, Succession, Obligation and Actions.

Recommended reading
R. W. LEE, *A Historical Conspectus of Roman Law;*
B. NICHOLAS, *Introduction to Roman Law;*
R. W. LEE, *Elements of Roman Law or*
R. W. LEAGE, *Roman Private Law.*

Further reading or reference

H. F. JOLOWICZ, *Historical Introduction to the Study of Roman Law;*
W. W. BUCKLAND, *A Manual of Roman Private Law,*
A Textbook of Roman Law;
J. A. C. THOMAS, *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

K. BALASINGHAM, *The Laws of Ceylon*, (Vol. II), Law of Persons;
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;*
H. R. HAHLO, *The South African Law of Husband and Wife;*
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);
G. L. PEIRIS, *The Law of Property in Sri Lanka* (3 Volumes).

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;*
R. W. LEE AND A. M. HONORE, *The South African Law of Property, Family Relations and Succession;*
T. W. PRICE, *Possessory Remedies in Roman-Dutch Law;*
J. C. WALTER PEREIRA, *The Laws of Ceylon;*
E. R. S. R. COOMARASWAMY, *The Conveyancer and Property Lawyer.*

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. Testimentary 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'OYLY, *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. HOGAN, *Criminal Law;*
C. S. KENNY, *Outlines of Criminal Law* (edited By J. W. C. Turner);

J. W. C. TURNER AND A. L. ARMITAGGE, *Case in Criminal Law;*
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;*
R. RATANIAL AND D. THAKORE, *Law of Crimes.*

Law of Obligation I

The nature of a contract. The formation of contract (including reality of consent, capacity of parties, formalities, causa and consideration, legality of object). The operation of contract including the persons affected by a contract. The content of the contract and the duty of performance. The determination of contract. Remedies for breach of contract. Plurality of parties. Elements of the law relating to certain special contracts (sale, hire, donation, loan, suretyship and carriage).

Recommended reading

R. W. LEE, *An Introduction to Roman-Dutch Law* (Book III Part I);
R. W. LEE AND A. M. HONORE, *The South African Law of Obligation;*
G. C. CHESHIRE, AND C. H. S. FIFOOT, *Law of Contract or*
G. H. TREITEL, *The Law of Contract or*
SIR W. R. ANSON, *Law of Contract.*

Further reading

C. G. WEERAMANTRY, *The Law of Contracts;*
J. W. WESSELS, *Law of Contract in South Africa;*
K. BALASINGHAM, *The Law of Ceylon;*
G. WILLE, *Principles of South African Law.*

English

Reading. Comprehension.

SYLLABUSES FOR THE FINAL EXAMINATION IN LAWS
PART II

Administrative Law and Local Government Law

Definition of Administrative Law. Administrative authorities. Judicial control of administrative action. The doctrine of *ultra vires*. Error on the face of the record. Natural Justice. The ordinary remedies and remedies of public law. Liability of public authorities. Proceedings involving the State. Public Corporations. Subordinate legislation. Statutory tribunals and inquiries. The parliamentary Commissioner for Administration.

The History of Local Government in Sri Lanka in modern times. Local authorities and Development Councils, their role, organisation, composition, functions, powers and duties. Legal liability of local authorities and Development Councils. By-Laws of local authorities. Elections to local authorities and Development Councils: the writ of *quo warranto*. The Central Government's relationship with local authorities and Development Councils. Judicial control of local authorities and Development Councils.

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

Recommended reading

J. A. L. COORAY, *The Constitutional and Administrative Law of Sri Lanka;*

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;

EDGAR FERNANDO, *Local Government Elections in Ceylon; Report of the Commission on Local Government*, Sessional Paper XXXIII of 1972;

U. K. HICKS, *Local Government and Finance in Ceylon* (pp. 107 — 118 of J. R. Hicks and others, Paper by Visiting Economists, Planning Secretariat, Colombo 1959);

G. L. PEIRIS, *Essays on Administrative Law in Sri Lanka.*

Further reading

J. A. G. GRIFFITH AND H. STREET, *Principles of Administrative Law;*

S. A. DE SMITH, *Judicial Review of Administrative Action;*

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

J. F. GARNER, *Administrative Law;*

BERNARD SCHWARTZ AND H. W. R. WADE, *Legal Control of Government;*

J. A. G. GRIFFITH AND H. STREET, *A Case Book of Administrative Law;*

D. C. M. YARDLEY, *A Source Book of English Administrative Law;*

A. R. B. AMERASINGHE, *Public Corporations in Ceylon;*

I. ZAMIR, *The Declaratory Judgement;*

W. G. FRIEDMANN, *Law in a Changing Society;*

W. A. ROBSON, *Nationalised Industry and Public Ownership;*

H. STREET, *Justice in the Welfare State;*

A. T. MARKOSE, *Judicial Control of Administrative Action in India;*

A. FAZAL, *Judicial Control of Administrative Action in India and Pakistan.*

SIR W. IVOR JENNINGS, *Principles of Local Government Law;*

SIR WILLIAM O. HART AND J. F. GARNER, *Introduction to the Law of Local Government and Administration;*

U. K. HICKS, *Development from Below* (Chapters 5 and 10).

Law of Obligations II

The nature of delict. The requirements of liability in the Aquilian action and the actio injuriarum. Strict Liability. The parties who may sue or be sued. Vicarious liability Remedies. (including remoteness of damage). General defences. Survival of actions. Specified wrongs. Wrongs against the person (including the causing of death). Wrongs against chastity and the marriage relationship. Wrongs against property. Liability for breach of statutory duty. Interference with contractual and business relations. Abuse of legal procedure. Liability for

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);

R. G. MCKERRON, *The Law of Delict in South Africa;*

E. B. WIKRAMANAYAKE, *The Law of Delict in Ceylon.*

Further reading

R. W. LEE AND A. M. HONORE, *The South African Law of Obligations;*

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;*

D. M. WALKER, *The Law of Delict in Scotland;*

SIR P. H. WINFIELD, *A Textbook of the Law of Tort or*

SIR J. W. SALMOND, *The Law of Torts or*

H. STREET, *The Law of Tort;*

A. R. B. AMERESINGHE, *Defamation in the Law of South Africa and Ceylon;*

C. F. AMERESINGHE, *Defamation and other Aspects of the Actio Injuriarum in Roman-Dutch Law in Ceylon and South Africa;*

C. F. AMERESINGHE, *Aspects of the Actio Injuriarum Roman-Dutch Law;*

A. R. B. AMERESINGHE, *Adultery as an Injuria in South African and Ceylon Law.*

A. R. B. AMERESINGHE, *Actions for Malicious Abuse of Judicia Proceedings in the Law of South Africa and Ceylon;*

G. L. PEIRIS, *Some Aspects of the Law of Unjust Enrichment in South Africa and Ceylon;*

B. H. ALUVIHARE, *An Introduction to the Law of Delict.*

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.

Recommended reading

L. J. M. COORAY, *The Reception in Ceylon of the English Trust.*

Further reading

P. H. PETTIT, *Equity and the Law of Trusts;*
G. W. KEETON, *Law of Trusts;*
D. B. PARKER AND R. R. MELLOWS, *The Modern 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;*
H. L. A. HART, *The Concept of Law.*

Interpretation of Statutes and Documents

General principles of construction. Admissibility of extrinsic evidence. Particular rules of construction. Implied terms. Interpretation of statutes including interpretation of retrospective legislation.

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;*
E. R. S. R. COOMARASWAMY, *A Textbook of the Law of Evidence in Ceylon;*
G. D. NOKES, *An Introduction to Evidence.*

Further reading or reference

SIR J. FIRZJAMES 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;*
S. L. PHIPSON, *Manual of the Law of Evidence.*

Commercial Law I

Sale of Goods : The law relating to sale of goods under the Sale of Goods Ordinance.

Agency : Nature and creation of the relationship of principal and agent. The scope of the agent's authority. The relations between principal and third parties. Rights and duties of principal and agent *inter se.* Termination of agency.

Partnership : Nature and formation of partnership. Relations of partners and persons dealing with them. Relations of partners *inter se.* Dissolution of partnership and its consequences.

Commercial Law II

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. JOCOBS, *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;*
H. W. BRIGGS, *The Law of Nations;*

Oppenheims International Law, Edited by Hersch Lauterpacht;
IAN BROWNLIE, *Principles of Public International Law;*
E. LAUTERPACHT, *International Law* (Collected papers of Hersch Lauterpacht).

Conflict of Laws

The nature of Conflict of Laws. Fundamental conceptions. Classification, Renvoi, Domicile, Public policy. The rules relating to the jurisdiction of the courts of Sri Lanka in cases involving a foreign element. The principles relating to family law and corporations, contracts, torts, property (including succession) procedure, evidence.

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. SCHMITTHOFF, *A Textbook of the English Conflict of Laws;*
J. H. C. MORRIS, *Cases on Private International Law.*

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

G. L. PEIRIS, *Criminal Procedure in Sri Lanka under the Administration of Justice Law No.* 44 *of* 1973.

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 THAMBIAH, *A Note on the Ceylon Law of Indictments and Charges;*
G. D. NOKES, *An Introduction to Evidence;*
R. CROSS, *Evidence;*
G. L. PEIRIS, *The Law of Evidence in Sri Lanka.*
E. R. S. R. COOMARASWAMY, *A Textbook of the Law of Evidence in Ceylon.*

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. WICKREMASINGHE, *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. ABEYSEKERA, *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. ABEYSEKERA, *Industrial Law and Adjudication* (Vols. 3 and 4);
G. H. L. FRIDMAN, *The Modern Law of Employment;*
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;*
REISENFELD 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 VISCOUNT SIMON,
Reports of Ceylon Tax Cases (Volumes I-III);
S. SABAPATIPILLAI, *Digest of Ceylon Tax Cases;*
S. BALARATNAM, *Income Tax, Wealth Tax and Gifts Tax in Sri Lanka;*
HANNAN AND FRANSWORTH, *Principles of Income Tax;*
BARRY PINSON, *Revenue Law; Reports of U.K. Tax Cases,* Vols. 1 - 49.

[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.

Preliminary Reading. Glanville L. Williams – Learning the Law (Stevens, London). B. Metzger, – A Student's Research Guide to the Laws of Ceylon (Ceylon Law College, Colombo).

ROMAN LAW

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

Recommended Reading. R. W. Lee – An Historical Conspectus of Roman Law (Sweet & Maxwell, London). B. Nicholas – An Introduction to Roman Law (Clarendon Press, Oxford) or R W. Lee – Elements of Roman Law (Sweet & Maxwell. London) or R. W. Leage - Roman Private Law (Macmillan, London)

Further Reading or Reference. H. P. Jolowicz and B. Nicholas — Historical Introduction to the Study of Roman Law (Cambridge University Press). W. W. Buckland – A. Manual of Roman Private Law (Cambridge University Press) W. W. Buckland — A Textbook of Roman Law from Augustus to Justinian (Cambridge University Press).

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 citzenship 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.

Recommended Reading: A. J. Wilson - An introduction to Civics and Government (Tutorial Publishers, Colombo.) J. A. L.

Cooray - The Constitutional and Administrative Law of Sri Lanka (Hansa Publishers, Colombo). W. Ivor Jennings and H. W. Tambiah - The Dominion of Ceylon — the Development of its Laws and Constitution (Stevens, London). Part I. S. A. De Smith — Constitutional and Administrative Law (Penguin Books, Harmondswarth)

Further Reading or Reference ; O. Hood Phillips —Constitutional and Administrative Law (Sweet & Maxwell, London) E. C. S. Wade and G. Phillips—Constitutional Law (Longmans, London) Sir Kenneth Wheare—Modern Constitutions (Oxford University Press). S. Namasivayam — The Legislatures of Ceylon 1928—1948 (Faber and Faber, London). S. Namasivayam—Parliamentary Government in Ceylon 1948—58 (K. V. G. de Silva Colombo.) A. J. Wilson—Politics in Sri Lanka 1947—1973 Macmillan. London). J. A. L. Cooray—Constitutional Government and Human Rights in a Developing Society (Colombo Apothecaries, Colombo) L. J. M. Cooray Reflections on the Constitution and the Constituent Assembly (Hansa Publishers. Colombo) Sir Kenneth - Roberts—Wray —Commonwealth and Colonial Law (Stevens, London). Sir Kenneth Wheare — The Constitutional Structure of the Commonwealth (Clarendon Press, Oxford). O. Hood Phillips — Reform of the Constitution (Chatto and Windus, London). H. Street—Freedom, the Individual and the Law (Penguin Books, Harmondsworth) Sir Kenneth Wheare —Maladministration and its Remedies (Stevens, London)

ADMINISTRATIVE LAW

The nature of Administrative Law, its definition and scope Judicial control of administrative powers. Judicial review of administrative action ; remedies, including mandates in the nature of writs of mandamus, quo warranto, certiorari and phohibition. Natural justice. Administrative justice. Statutory tribunals and inquiries. Legal proceedings involving the State and other public authorities. Actions by and against State officers. Public Corporations. Delegated legislation.

Recommended Reading. J. A. L. Cooray — The Constitutional and Administrative Law of Sri Lanka (Hansa Publishers, Colombo) H. W. R. Wade—Administrative Law (Clarendon Press, Oxford). S. A. De Smith—Constitutional and Administrative Law (Penguin Books, Harmondsworth.)

Further Reading or Reference. J, A. G. Griffith and H. Street-Principles of Administrative Law (Pitman. London). S. A. De Smith—Judicial Review of Administrative Action (Stevens, London). E. C. S. Wade and G. Phillips— Constitutional Law (Logmans, London). J. F. Garner — Administrative Law (Butterworth London). Bernard Schwartz and H. W. R Wade —Legal control of Govenment (Clarendon Press Oxford).

J. A. G. Griffith and H. Street—A case Book of Administrative Law (Pitman, London). D. C. M. Yardley — A Source Book of English Administrative Law (Butterworth, London) A. R. B Amerasinghe— Public Corporations in Ceylon (Lake House Investments, Colombo). I. Zamir — The Declaratory Judgment (Stevens, London). W. G. Friedmann— Law in a Changing Society (Stevens, London). W. A. Robson—Nationalised Industry and Public Ownership (Allen and Unvin, London) H. Street —Justice in the Welfare State (Stevens, London). A. T. Markose —Judicial Control of Administrative Action in India (Madras Law Journal Office, Madras). A. Fazal—Judicial Control of Administrative Action in India and Pakistan (Clarendon Press, Oxford).

LOCAL GOVERNMENT LAW

The history or local government in Sri Lanka in modern times. Local Authorities and their organization. Election to local authorities. The Composition, functions, powers, duties and legal liability of local authorities. The functions and duties of People's Committees. The Central Government and local authorities, including central control. Local government finance. Judicial control. The Local Government Service.

Recommended Reading. V. Kanesalingam—A. Hundred Years of Local Government in Ceylon 1865—1965 (Modern Plastic Works, Colombo) Edgar Fernando—Local Government Elections in Ceylon (Sathkorale Multi-Purposes Co-operative Sccieties Union Ltd) Report of the Commission of Local Government, Sessional Paper XXXIII of 1955 (Government Press, Colombo). Report of the Committee of Inquiry on Local Government Sessional Paper VII of 1972 (Government Press, Colombo). U K. Hick—Local Government and Finance in Ceylon (pp 107—118 of J. R. Hicks and others. Papers by Visiting Economists, Planning Secretariat, Colombo 1959).

Further Reading or Reference Dr. W. Ivor Jennings—Principles of Local Government Law (University of London Press). Sir William O Hart—Introduction to the Law of Local Government and Administration (Butterworth, London). U K. Hicks—Development from Below (Clarendon Press, Oxford) Chapters 5 and 10.

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 introdution, 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 Mukkuvar Law. The chief sources of law with special reference to Sri Lanka : custom, legislation and judicial

decision (including the doctrine of *stare decisis*). The literature of the law, with special reference to the law reports of Sri Lanka, Great Britain, South Africa, India, Australia, Canada and the U. S. A. The historical development of the judicial system of Sri Lanka. The organisation and the jurisdiction of the different courts and the more important administrative tribunals (including the Judicial Committee of the Privy Council, the Court of Appeal, Industrial Courts, Labour Tribunals, Quazi Courts, and Courts Martial) and of Conciliation Boards. The legal profession.

Recommended Reading. T. Nadarajah — The Legal System of Ceylon in its Historical Setting (E. J. Brill, Leiden). L J. M. Cooray — An Introduction to the Legal System of Ceylon (Lake House Investments, Colombo).

Further Reading or Reference. R. W. Lee — An Introduction to Roman-Dutch Law (Clarendon Press, Oxford) General Introduction. H. R. Hahlo and E. Kahn — The South African Legal System and its Background (Stevens London) Chapters 10, 15-17. H. W. Tambiah — Principles of Ceylon Law (H. W. Cave, Colombo) Parts 1 to 4. C. G. Weeramantry — The Law of Contracts (Weeramantry, Colombo) Vol 1 Chapter 2. K. Balasingham — The Laws of Ceylon (Sweet and Maxwell, London, and. H. W Cave, Colombo) Vol. 1. H. W. Tambiah — Sinhala Laws and Customs (Lake House Investments, Colombo). F A Hayley — A Treatise on the Laws and Customs of the Sinhalese (H. W Cave, Colombo). F. Modder — The Principles of Kandyan Law Stevens, London). H. W. Tambiah — The Laws and Customs of the Tamils of Ceylon (Tamil Cultural Society of Ceylon, Colombo). H W. Tambiah — The Laws and Customs of the Tamils of Jaffna (Times of Ceylon, Colombo). T B. Dissanayake and A. B Colin de Soysa — Kandyan Law and Buddhist Ecclesiastical Law (Dharmasamaya Press, Colombo) A. A. A. Fyzee — Outlines of Muhammadan Law, (Oxford University Press) Introduction and Chapter 1. J. D M Derret — Introduction to Modern Hindu Law (Oxford University Press) Chapter I. R. David and J. E C. Brierly — Major Legal Systems in the World Today (Stevens, London).

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.

Recommended Reading. G. L. Peiris — General Principles of Criminal Liability in Ceylon (Lake House Investments, Colombo). G. L. Peiris — Offences under the Penal Code of Ceylon (Lake House Investments, Colombo).

Further Reading or Reference. R. Cross and P. A. Jones — An Introduction to Criminal Law (Butterworth, London). J. C. Smith and B. Hogan — Criminal Law (Butterworth, London). C. S. Kenny — Outlines of Criminal Law (Cambridge University Press). Ratanlal Ranchhoddas and D. K. Thakore — The Indian Penal Code (Bombay Law Reporter Office, Bombay). G. L. Williams — Criminal Law — The General Part (Stevens, London). J. W. C. Turner and A. L. Armitage — Cases on Criminal Law (Cambridge University Press). R. Cross and P. A. Jones — Cases on Criminal Law (Butterworth, London). D. W. Elliott and J. C. Wood — Casebook on Criminal Law (Sweet & Maxwell, London). R. C. Nigam — The Law of Crimes in India. Sir Hari Singh Gour — The Penal Law of India (Law Publishers, Allahabad).

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).

For Further Reading or Reference. R. F. Dias — Commentary on the Ceylon Criminal Procedure Code (Colombo Apothecaries, Colombo). J. F. Archbold — Pleading, Evidence and Practice in Criminal Cases (Sweet and Maxwell, London). R. R. Crossette-Thambiah — A Note on the Ceylon Law of Indictments and Charges (M. D. Gunasena, Colombo.) G. D. Nokes — An Introduction to Evidence (Sweet and Maxwell, London). R. Cross — Evidence (Butterworth, London). G. L. Peiris — The Law of Evidence in Sri Lanka (Lake House Investments, Colombo). E. R. S. R. Coomaraswamy — A Textbook of the Law of Evidence in Ceylon (Coomaraswamy, 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 power and the reciprocal duty of support). Minority. Marriage (the contract to marry, the legal requisites and the legal consequences of marriage, nullity, divorce and judicial separation). guardianship. persons of unsound mind. Juristic Persons.

Recommended Reading. R. W. Lee — An Introduction to Roman-Dutch Law (Clarendon Press, Oxford) Book I.

Further Reading or Reference. K. Balasingham — The Laws of Ceylon : Vol. II Law of Persons (Sweet and Maxwell, London) H. W. Tambiah — Principles of Ceylon Law (H W. Cave. Colombo) R. W. Lee and A. M. Honore—The South African Law of Property, Family Relations and Succession (Butterworth (Africa), Durban). G. Wille — 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. Landon and Juta, Cape Town). H. R Hahlo — The South African Law of Husband and Wife (Juta, Cape Town) E. Spiro — The Law of Parent and Child (Juta, Cape Town). P. Arunachalam — A Digest of the Civil Law of Ceylon (Stevens and Haynes, London). Volume I. J C. Walter Pereira — The Laws of Ceylon (Government Printer, Colombo) C E. Jayewardene — The Roman - Dutch Law of Divorce (Colombo Apothecaries, Colombo). P. M Bromley — Family Law (Butterworth, London).

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. Hoaley — A Treatise on the Laws and Customs of the Sinhalese (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 Constitution of the Kandyan Kingdom (Government Printer, Ceylon).

MUSLIM LAW

Marriage. Legitimacy. Minority. Guardianship. Gifts. Intestate succession. Wakfs.

Reference. A. A. A. Fyzee — Outlines of Muhammadan Law (Oxford University Press). F. B. Tyabji — Principles of Muhammadan Law (Butterworth. Calcutta) D. F. Mulla — Principles of Muhammadan Law (Tripathi. Bombay).

THESAVALAMAI

Rights to propetry created by marriage. Guardianship. Inheritance. *Mudusum. Thediatheddam.* Servitudes. Planter's interest. *Otti* mortgage. Pre-emption.

Recommended Reading. T. Sri Ramanathan – Thesawalamai (Nadaraja Press, Colombo).

Further Reading or Reference H. W. Tambiah—The Laws and Customs of the Tamils of Jaffna (Tamils of Ceylon. Colombo). H. W. Tambiah—The Laws and Customs of the Tamils of Ceylon (Tamil Cultural Society of Ceylon, Colombo).

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.

Recommended Reading. R. W. Lee—An Introduction to Roman-Dutch Law (Clarendon Press, Oxford). Book II.

Further Reading or Reference. K. Balasinghm—The Laws of Ceylon (Sweet and Maxwell, London) Volume III and IV. H. W. Tambiah—Principles of Ceylon Law (H. W Cave, Colombo) H. R. Hahlo and E. Kahn—The Union of South Africa—The Development of its Laws and Constitution (Stevens, London and Juta, Cape Town). G. Wille—Principles of South African Law Juta, Cape Town). R. W. Lee and A. M. Honore—The South African Law of Property, Family Relations and Succession (Butterworth [Africa] Durban). T. W. Price—Possessory Remedies in Roman-Dutch Law (Juta. Cape Town). J. C. Walter Pereira—The Laws of Ceylon (Government Printer, Colombo). E. R. S. R. Coomaraswamy—The Conveyancer and Property Lawyer (Coomaraswamy, Colombo).

LAW OF SUCCESSION AND TRUSTS

Testamentary and intestate succession. Fideicommissa. The general nature of equitable principles and remedies. The principles of the law of trusts in Sri Lanka.

Recommended Reading R. W. Lee—An Introduction to Roman-Dutch Law (Clarendon Press, Oxford) Book IV T. Nadaraja—The Roman Dutch Law of Fideicommissa as applied in Ceylon and South Africa (Voet Publishing House, Colombo). L J. M. Cooray— The Reception in Ceylon of the English Trust (Lake House Printers, Colombo).

Further Reading or Reference, P. H. Pettit—Equity and the Law of Trusts. G. W. Keeton—Law of Trusts (Pitman, London) D. B Parker and R. R. Mellows—The Modern Law of Trusts (Sweet and Maxwell, London). H. G Hanbury — Modern Equity (Stevens, London). E. H. T. Snell—Principles of Equity (Sweet and Maxwell, London). J. A. Nathan and O. R. Marshall—A. Casebook on Trusts. J. A. Nathan — Equity through the cases and Judicial Exposition (Stevens, London).

LAW OF OBLIGATIONS I — (LAW OF CONTRACT)

The nature of contract. The formation of contract (including reality of consent, capacity of parties, formalities, *causa* and consideration, legality of object). The operation of contract (including the persons affected by a contract and the duty of performance). The determination of contract. Remedies for breach of contract. Plurality of parties. Elements of the law relating to certain special contracts (sale, hire, donation, loan, suretyship and carriage).

Recommended Reading. R. W. Lee—An Introduction to Roman-Dutch Law Clarendon Press, Oxford) Book III Part I. R. W. Lee and A. M. Honore—The South African Law of Obligations (Butterworth (Africa) Durban) G. C Cheshire and C. H. S. Fifoot—Law of Contract (Butterworth) London), or G. H. Trietel—The Law of Contract (Stevens, London), or Sir W. R. Anson—Law of Contract (Clarendon Press, Oxford).

Further Reading or Reference. C. G. Weeramantry—The Law of Contracts (Weeramantry, Colombo). J. W. Wessels—Law of Contract in South Africa (Hortors Johnnesburg. K. Balasingham—The Laws of Ceylon (Sweet and Maxwell, London). G Wille—Principles of South African Law (Juta, Cape Town). H R. Hahlo and E Kahn — The Union of South Africa—The Development of its Law and Constitution (Stevens, London and Juta, South Africa).

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 used. Vicarious liability Remedies (including remoteness of damage). General defences. Su[illegible]val

of actions. Specific wrongs. Wrongs against the person (including causing of death). Wrongs against chastity and the marriage relationship. Wrongs against property. Liability for breach of Statutory duty. Interference with contractual and business relations. Abuse of legal procedure. Liability for defamatory and for non-defamatory statements. Liability for animals. Obligations *quasi ex contractu*, *negotiorum gestio*, enrichment without cause.

Recommended Reading. R. W. Lee—An Introduction to Roman Dutch Law (Clarendon Press Oxford) Book III Parts ii and iii. R G. Mckerron—The Law of Delict in South Africa (Juta, Cape Town). E. B. Wikramanayake—The Law of Delict in Ceylon (Frewin, Colombo).

Further Reading or Reference. R. W. Lee and A. M. Honore—The South African Law of Obligations (Butterworth (Africa) Durban). G. Wille—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). D. M. Walker—The Law of Delict in Scotland (The Scottish Universities Law Institute, Edinburgh). Sir P. H. Winfield—A Textbook of the Law of Tort, (Sweet and Maxwell, London), or Sir J. W. Salmond—The Law of Torts (Sweet and Maxwell. London), or H. Street—The Law of Torts (Butterworth, London). A. R. B. Amerasinghe--Defamation in the Law of South Africa and Ceylon (H. W. Cave, Colombo). C. F. Amerasinghe—Defamation and other Aspects of the Actio Injuriarum in Roman Dutch Law in Ceylon and South Africa (Lake House, Colombo). C. F. Amerasinghe—Aspects of the Actio Injuriarum in Roman-Dutch Law (Lake House Investments, Colombo). A. R. B. Amerasinghe—Adultery as an Injuria in South African and Ceylon Law (Times of Ceylon, Colombo). A. R. B. Amerasinghe —Actions for Malicious Abuse of Judicial Proceedings in the Law of South Africa and Ceylon (Times of Ceylon, Colombo). G. L. Peiris—Some Aspects of the Law of Unjust Enrichment in South Africa and Ceylon (Lake House Investments, Colombo). B. H. Aluvihare—An Introduction to the Law of Delict (Associated Newspapers of Ceylon, Colombo).

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.

Recommended Reading. R. W. M. Dias—Jurisprudence (Butterworth, London). D. Lloyd — Introduction to Jurisprudence (Stevens, London). Sir J. W. Salmond — Jurisprudence (Sweet and Maxwell, London).

Further Reading or Reference G. W. Paton – A Textbook of Jurisprudence (Clarendon Press, Oxford). D. Lloyd—The Idea of Law. C. K. Allen—Law in the Making (Clarendon Press, Oxford). W. Friedmann — Legal Theory (Stevens, London) W. Friedmann—Law in a Changing Society (Stevens, London) H. L. A. Hart—The Concept of Law (Clarendon Press, Oxford).

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.

Recommended Reading. E. B. Wikramanayake—Civil Procedure in Ceylon (Frewin, Colombo). K. D. P. Wickremasinghe —Civil Procedure in Ceylon. W. G. Odgers– Pleadings and Practice (Stevens, London). D. H. Parry—Law of Succession (Sweet and Maxwell, London). Dudley Gunawardena — Court Procedure and Practice in Testamentary Actions.

LAW OF EVIDENCE

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

Recommended Reading: G. L. Peiris—Law of Evidence (Lake House Investments, Colombo). E. R. S. R. Coomaraswamy— A Textbook of the law of Evidence in Ceylon (Coomaraswamy, Colombo). G. D. Nokes — An Introduction to Evidence (Sweet and Maxwell, London)

Further Reading or Reference: Sir J. Fitzjames Stevens—A Digest of the Law of Evidence (Macmillan, London). R. Cross— Evidence (Butterworth, London). Wills — The Principles of Circumstantial Evidence (Butterworth, London) M. Monir— Principles and Digest of the Law of Evidence (University Book Agency, Allahabad) S. L Phipson—The Law of Evidence (Sweet and Maxwell, London). S. L. Phipson –manual of the Law of Evidence. (Sweet and Maxwell, London).

COMMERCIAL LAW

PAPER I —Law of Agency, Partnership, Company Law, Principles of Insurance Law.

PAPER II — Sale of Goods, Principles of Shipping Law. Hire Purchase, Bills of Exchange and Cheques and Promissory Notes.

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.

Principles of Insurance Law. The nature of the contract of Insurance, Insurable interest, *uberrimae fidei*, indemnity, doctrine of subrogation.

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.

Recommended Reading. T. M. Stevens — Mercantile Law (Butterworth, London). J. Charlesworth — Mercantile Law (Stevens, London). R. Lowe — Commercial Law (Sweet and Maxwell, London). Sir Arthur Underhill — Principles of the Law of Partnership (Butterworth, London). Sir M. D. Chalmers — Sale of Goods (Butterworth, London). B. Jacobs — Law of Bills of Exchange, Cheques, Promissory Notes and Negotiable Instruments generally (Sweet and Maxwell, London). J. Charlesworth — Company Law (Stevens, London). Payne's Carriage of Goods by Sea (Butterworth, London).

Further Reading or Reference. W. Bowstead — Agency (Sweet and Maxwell, London). Sir F. Pollock — Law of Partnership (Stevens, London). N. Lindley — Law of Partnership (Sweet and Maxwell, London). P. S. Atiyah — The Sale of Goods (Pitman, London). Sir J. B. Byles — Bills of Exchange (Sweet and Maxwell, London). A. M. R. Topham — Company Law (Butterworth, London). L. C. B. Gower — The Principles of Modern Company Law (Stevens, London). A. G. Guest — The Law of Hire Purchase (Sweet and Maxwell, London). W. S. Weerasooria — Casebook on the Law of Banking and Cheques in Ceylon (Banker's Training Institute of Ceylon, Colombo).

INTERPRETATION OF STATUTES AND DOCUMENTS

General principles of construction. Admissibility of extrinsic evidence. Particular rules of construction. Implied terms. Interpretation of statutes, including interpretation of retrospective legislation.

Recommended Reading. S. Namasivayam — The Drafting of Legislation (Ghana University Press, Accra). Sir Charles E. Odgers — The Construction of Deeds and Statutes (Sweet and Maxwell, London). R. Burrows — Interpretation of Documents (Butterworth, London)

Further Reading or Reference. P. B Maxwell — The Interpretation of Statutes (Sweet and Maxwell, London). W. D. Craies — Statute Law (Sweet and Maxwell, London). R. F. Norton — Deeds. Sir Arthur Underhill and J. A. Strahan — Interpretation of Wills and Settlements.

TRUST ACCOUNTS AND BOOK-KEEPING

General principles of book-keeping with emphasis on double entry, cash and bank transactions (including bank reconciliation), trial balance, Profit and loss account and balance sheet. Separate bank account for clients, Ledger accounts of clients. Disbursements and Bill of Costs. Cash Book of Trustees, Executors and Administrators, Investment Accounts, Beneficiaries' Accounts, Apportionment of Income and Capital. Final Account of Trustees.

Recommended Reading. D. Cousins — Teach Yourself Book-keeping (English Language Book Society, London). L. C. Cropper — Elementary Book-keeping (Macdonald and Evans, London). Thornton — Elementary Book-keeping. X. A. M Fernando — Practical Book-keeping (Lake House Investments, Colombo).

Further Reading or Reference. H. Hughes-Onslow — A Lawyer's Manual of Book-keeping (Butterworth, London). S T. Wait — A Textbook of Practical Book-keeping — W M. A. Wahid, Colombo). J. L. Prince — Solicitors' Book-keeping. A. Fieldhouse — The Student's Elementary Commercial Book-keeping. E. E. Spicer & E. C. Pegler — Practical Book-keeping and Commercial Knowledge (H. P. L. Publishers, London).

PROFESSIONAL ETHICS

Role of the lawyer. Professional conduct. Duty of the lawyer to the courts. Duty to the clients. Conflicting interests. Negotiations with opposite party. Advertising. Candour and fairness. Upholding the honour of the profession. Pecuniary matters. Fees for professional services. Offiice Routine.

Recommended Reading. Sir Thomas Lund — International Bar Association Book II Professional Ethics (Sweet and Maxwell, London; American Bar Association — Canons of Professional Ethics (The American Bar Foundation).

Further Reading or Reference. J. E. Singleton — Conduct at the Bar and Some Problems of Advocacy (Sweet and Maxwell, London). Sir Malcolm Hilbury — Duty and Art in Advocacy (Stevens London). Henry S. Drinker — Legal Ethics (Columbia University Press, New York.) W. W. Boulton — A Guide to Conduct and Etiquette at the Bar of England and Wales (Butterworth, London). R. Megarry — Lawyer and Litigant in England.

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 including agreements, to sell, purchases and 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.

Recommended Reading. S. Katiresu — The Notary's Manual (S Ragunath, Jaffna). E. R. S. R. Coomaraswamy — The Conveyancer and Property Lawyer (Coomaraswamy, Colombo) (Volume I, Parts I and II).

Further Reading or Reference. G. L. Kothari — Principles and Precedents of Conveyancing Draftsman. Sir Charles E. Odgers — Construction of Deeds and Statutes (Sweet and Maxwell, London). J H. Kelly — Kelly's Draftsman (Butterworth, London). J. F. R. Burnett — Elements of Conveyancing. A. Gibson — Conveyancing (Law Notes Lending Library, London).

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.

Recommended Reading. W P N. de Silva — Industrial Law and Relations in Ceylon (K. V. G. de Silva, Colombo). S. R. de Silva — The Legal Framework of Industrial Relations in Ceylon, (H. W. Cave, Colombo). W. E. M. Abeysekera — Industrial Law

[Annex V follows]

TABLE 4.5

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

University & Academic Year		Arts		Comm & Mgt Studies		Law		Education		Science		Medicine		Dental Sur.		Veterinary Science		Agriculture		Engineering		Architecture		Total	
		F	T	F	T	F	T	F	T	F	T	F	T	F	T	F	T	F	T	F	T	F	T	F	T
Colombo	84/85	31	95	05	41	16	63	109	178	05	23	05	10											171	410
	85/86	38	155	04	78	18	57	69	134	11	15	05	12											145	451
Peradeniya	84/85	14	38					98	193	06	38	04	06			—	01	†	†	††	††			122	276
	85/86	—	—					55	130	17	69	04	12			—	—	†	†	—	—			76	211
Sri Jayewardenepura	84/85	11	35	08	84					09	30													28	149
	85/86	14	68	**	**					06	31													20	99
Kelaniya	84/85	13	46							05	18													18	64
	85/86	14	45							05	17													19	62
Moratuwa	84/85																			02	05	18	33	20	38
	85/86																			02	31	11	47	13	78
Jaffna	84/85	—	—					04	12	02	02	01	01											07	15
	85/86	—	—					36	63	03	06	01	02											40	71
Ruhuna	84/85	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
	85/86	—	—	—	—	—	—	—	—	12	20	01	02	—	—	—	—	02	05	—	—	—	—	15	27
Total	84/85	69	214	13	125	16	63	211	383	27	111	10	17	—	—	—	01	—	—	02	05	18	33	366	952
	85/86	66	268	04	78	18	57	160	327	54	158	11	28	—	—	—	—	02	05	02	31	11	47	328	999

Notes: (1) † Included under PGIA
(2) †† not obtainable
(3) ** Included under PIM

[End of Annex V and of Document]