



NOTICE FOR SPECIAL ENTRANCE EXAMINATION APPLICANTS

SRI LANKA LAW COLLEGE SPECIAL ENTRANCE EXAMINATION SYLLABUS

Commercial Law

Subject Area	Recommended Reading
<ol style="list-style-type: none">1. Principles of Shipping Law2. Carriage of Goods by Sea No. 21 of 19823. Implied Obligations in a Contract of Affreightment - including<ul style="list-style-type: none">• The undertaking as to seaworthiness• Obligation of Reasonable Dispatch• Obligation not to deviate from the agreed route• The obligation to nominate a safe port• The Obligation not to ship dangerous goods4. The types of Charterparties<ul style="list-style-type: none">• The Voyage Charterparty• The arrived Ship• The preliminary voyage• The loading and discharging operation• The Time Charterparty• Description of the vessel<ul style="list-style-type: none">-Period of hire-Payment for hire-The off-hire clause• Bareboat Charterparty/Demise Charterparty	<p>John F. Wilson - Carriage of Goods by Sea; ISBN 978-1-4058-4669-1</p> <p>Carver on Bills of Lading - ISBN 0421-564-709</p> <p>Richard Aikens and others - Bills of Lading - ISBN 978-1-84311-438-3</p> <p>Christopher Hill - Maritime Law - ISBN 1-84311-255-8</p>

5. The Bills of Lading and their functions

- As receipt for goods shipped
- As evidence of the contract of carriage
- As a document of title

6. The Bills of Lading and third parties

7. Application of the Hague Visby Rules -including

- Duties of the Carrier
- Rights and Immunities of the Carrier
- Indemnities and Bill of Lading
- Limitation of liability
- Deviation
- Dangerous Cargo
- Obligations of the Shipper

8. Bills of Lading issued under Charterparties

9. Exceptions

- Common law exceptions
- Act of God
- Act of the queen's enemies
- Inherent vice
- Hague /Visby exceptions
- Act, neglect or default of the master, pilot or servants of the carrier in the navigation or in the management of the ship
- Fire, unless caused by the actual fault or privity

- Bars to the exceptions
 - Negligence
 - Unseaworthiness
 - Fundamental breach

10. Breach of Contract

- Conditions and warranties
- Intermediate terms

Industrial Law

Subject Area	Recommended Reading
<p>01. Types of Employment</p> <ul style="list-style-type: none"> • Permanent employment • Probationary employment • Temporary employment • Fixed term employment • Casual employment • Seasonal employment <p>02. Terms and Conditions of Employment</p> <ul style="list-style-type: none"> • Shop and Office Employees' Act • Wages Boards Ordinance <p>03. Trade Union Law</p> <ul style="list-style-type: none"> • Right to form a trade union • Trade Unions Ordinance • Right to strike • Limitations to strike <p>04. Settlement of Industrial Disputes</p> <ul style="list-style-type: none"> • Industrial dispute • Powers of the Commissioner • Powers of the Minister • Collective agreement 	<p>S.R.De Silva, Contract of Employment (EFC)</p> <p>S.R.De Silva, Law of Dismissal (EFC)</p> <p>S.R.De Silva, The Transformation of Labour Law and Relations (Stamford Lake)</p> <p>S.R.De Silva, The Legal Framework of Industrial Relations in Sri Lanka (H.W.Cave & Company)</p> <p>Nigel Hatch, Commentary on the Industrial Disputes Act (Friedrich- EbertStiftung)</p> <p>S.Egalahewa, A General Guide to Sri Lanka Labour Law (Stamford Lake)</p> <p>Further Reading:</p> <p>Understanding Labour Law (Ministry of Labour)</p> <p>Relevant Legislation</p> <p>Relevant Cases</p>

- Conciliation
- Arbitration
- Industrial Court
- Labour Tribunal
- Just and equitable decisions

05. Termination of Employment

- Constructive Termination
- Vacation of post
- Disciplinary termination
- Reliefs for termination
- Non-disciplinary termination

Law of Contract

Subject Area	Recommended Reading
<ol style="list-style-type: none"> 1. The constituent elements of a contract 2. The formation of a contract 3. Capacities of parties to contract 4. Applicability of “consideration” under English Law and “<i>justa causa</i>” under Roman-Dutch Law in Sri Lanka 5. Terms of contract and their effect 6. The effects of exclusion clauses and unfair terms under the Laws of Sri Lanka 7. Factors tending to defeat contractual liability 8. Performance and Discharge of contract 9. Remedies for breach of contract under the Laws of Sri Lanka 10. Methods of resolution of contractual disputes in Sri Lanka 	<p>Jack Beatson, Andrew Burrows and John Cartwright, <i>Anson’s Law of Contract</i> (31st edn, Oxford University Press 2020)</p> <p>Hugh Beale, <i>Chitty on Contracts</i> (34th edn, Sweet & Maxwell 2021)</p> <p>Ewan McKendrick, <i>Contract Law: Text, Cases and Materials</i> (10th edn, Oxford University Press 2022)</p> <p>C.G. Weeramantry, <i>The Law of Contracts</i>, vol 1 & 2 (Stamford Lake 1967)</p>

Constitutional Law

Subject Area	Recommended Reading
<p>1. A comparative study of the Ceylon Constitutional Order in Council and 1st and 2nd Republican Constitutions in relation to the concepts of Sovereignty and the Doctrine of Separation of Powers</p> <p>2. The Rule of Law and the enforcement of Fundamental Rights under the 2nd Republican Constitution.</p> <ul style="list-style-type: none"> • Freedom from Torture • Freedom from Arbitrary arrest and detention • right to equality • freedom of speech and expression <p>3. Language rights (with special emphasis on Chapter IV and the 16th Amendment to the 2nd Republican Constitution</p> <p>4. Freedom of Religion in the Ceylon Constitutional Order in Council and the 1st and 2nd Republican Constitution</p>	<p>1. The Doctrines of Sovereignty and Separation of Powers in the Law of Ceylon by Dr. C. E. Amarasinghe.</p> <p>2. Constitutional and Administrative Law of Sri Lanka by Joseph A. L. Cooray.</p> <p>3. Reflections on the Constitution and constituent assembly by L. J. M. Cooray.</p> <p>4. Judicial Role under the Constitution of Ceylon/ Sri Lanka by M.J.A Cooray.</p> <p>5. Sri Lanka – A nation in conflict by H. L. De Silva PC.</p> <p>6. Evolution of Constitutional Governance in Sri Lanka by Prof. Laxman Marasinghe.</p> <p>7. The Provincial Government Rights and Duties under the 13th amendment by Prof Laxman Marasinghe.</p> <p>8. Fundamental Rights in Sri Lanka (3rd Edition) by Jayampathi Wickremaratne.</p> <p>9. Fundamental Rights in Sri Lanka – A commentary by Justice S. Sharvananda.</p> <p>10. Decisions of the Supreme Court on Parliamentary Bills – published by the Parliament Secretariat.</p> <p>11. Decisions of the Constitutional Court of Sri Lanka.</p> <p>12. Law of Elections by Dr. Jayatissa De Costa PC.</p>

<ol style="list-style-type: none">5. The concept of decentralization and devolution of power in Sri Lanka with reference to the 13th Amendment to the 2nd Republican Constitution6. Judicial review of legislation and executive decisions in Sri Lanka7. Constitutional provisions in the 2nd Republican constitution relating to territorial integrity, sovereignty, national security and public order, cultural heritage and the environment8. Constitutional provisions relating to independence of the Judiciary9. Provisions relating to franchise and elections in the 1st and 2nd Republican Constitutions10. Provisions relating to Good Governance in the 2nd Republican Constitution	
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Legal History and Legal Systems of Sri Lanka

Subject Area	Recommended Reading
<p>1. INTRODUCTION</p> <p>1(1) Laws of Sri Lanka- <i>Personal and Territorial Legal Systems of Sri Lanka.</i></p> <p>1(2) The Court Systems</p> <p>1(2)(i) Ancient Ceylon-courts system.</p> <p>1(2)(ii) Colonial Courts systems: Dutch Period; British Period.</p> <p>1(2)(iii) Court systems in the independent Sri Lanka: <i>The Independent Constitution of 1947; 1972 Constitution of the Republic of Sri Lanka; 1(2) (5) The System of Courts under the 1978 Constitution of the Republic of Sri Lanka.</i></p> <p>1(3) Law Reports, Digests and Text Books.</p> <p>2. SRI LANKAN LEGAL SYSTEM & SUB LEGAL SYSTEMS IN FORCE</p> <p>2(1) Multiple System of Law in Sri Lanka; <i>Ancient period (pre-colonial times); 2(1) (ii) Colonial and Post Colonial Periods.</i></p> <p>3. DUTCH PERIOD</p> <p>3(1) <i>The Administration of Justice under the Dutch Government (1656-1796): (i)</i></p>	<p>1. <i>Recommended Reading</i></p> <p>(i) Cooray, L.J.M <i>An Introduction to Legal System of Sri Lanka.</i></p> <p>(ii) Nadarajah, T. <i>The Legal System of Ceylon in its Historical setting.</i></p> <p>(iii) Tambiah, H.W. <i>Principles of Ceylon Law.</i></p> <p>(iv) Weeramantry, C.G. <i>Invitation to Law.</i></p> <p>(v) Williams, Glanville <i>Learning the Law.</i></p> <p>(vi) Tiruchelvam, N. <i>A Socio-Legal Study of Dispute Settlement in Sri Lanka.</i></p> <p>2. <i>Further Reading</i></p> <p>(i) Denning, Alfred Thompson <i>Due Process of the Law.</i></p> <p>(ii) Hayley, F.A. <i>A Treatise on the Laws and Customs of the Sinhalese.</i></p> <p>(iii) Hooker, M.B. <i>Legal Pluralism.</i></p> <p>(iv) Allen, C.K. <i>Law in the Making.</i></p>

<p>Administrative system; (ii) Judicial Administration;</p> <p>(iii) Law Applicable.</p> <p>3(2) Court System during the Dutch Period:</p> <p>Dutch Courts were 'Courts of Record' (i) Raad van Justitie; (ii) Prerogative powers of the Governor; (iii) Landraad; (iv) Civile Raad (Civil Court); (v) Tribunals or Quasi Judicial fora; (vi) Judicial Functions carried out by Public officials.</p> <p>3 (3) Roman Dutch Law the Common Law of Sri Lanka.</p> <p>4. RECEPTION OF ENGLISH LAW</p> <p>4(1) Reception of English law by Statutes.</p> <p>4(2) Reception of English Law through Judicial Activism.</p> <p>5. SOURCES OF LAW</p> <p>5 (1) Legislation as a Source of Law;</p> <p>5 (2) Doctrine of Binding Precedent:</p> <p>5(3) Custom as a Source of Law; 5(4) Religion as a Source of Law; 5 (5) Equity as a Source of Law.</p> <p>6. CONFLICTS & SPECIAL LAWS</p> <p>6 (1) Introduction to Conflict of Laws and Special Laws; 6 (2) Kandyan Law: Sources and Applicability; 6 (3) Tesawalamai Law: Sources and Application of Tesawalamai; 6(4) Muslim Law: Sources and Applicability of Muslim Law</p> <p>7. Sri Lanka Court System.</p>	<p>(v) Lee, R.W. <i>An Introduction to Roman Dutch Law.</i></p> <p>(vi) Vanden Horst, M.H. <i>The Roman Dutch Law in Sri Lanka.</i></p> <p>(vii) Zander, Michael <i>The Law Making Process.</i></p> <p>(viii) Thambiah, H.W. - <i>The Judicature in Sri Lanka in its Historical Settings.</i></p> <p>(ix) Cooray, M.J.A. - <i>Judicial Role under the Constitution of Ceylon/Sri Lanka: A Historical and Comparative Study.</i></p> <p>(x) Halsbury - <i>Laws of England.</i></p>
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7. ADMINISTRATION OF JUSTICE AND COURT SYSTEM

7(1) Courts system under the 1972 Constitution: Administration of Justice Law, No. 44 of 1973.

7(2) Courts system under the 1978 Constitution: Judicature Act, No.2 of 1978.

8. ALTERNATIVE DISPUTE SETTLEMENT TECHNIQUES

Alternatives to formal justice system;
Conciliation Boards Act No. 10 of 1958;
Mediation Boards Act, No. 72 of 1988.

Administrative Law

Subject Area	Recommended Reading
<p>1. Grounds of Judicial Review (Students will have to be familiar with the grounds of judicial review as explained in the renowned GCHQ case (Council of Civil Service Unions and Others v. And Minister for the Civil Service, (1985) AC 374). They will have to be able to explain the four grounds of judicial review with illustrations.)</p> <p>2. Rationality (This is one of the grounds of judicial review. What does this mean and what is the threshold for judicial review under this head? What is the history of rationality review? Awareness of the landmark decision in <i>Wednesbury</i> and the subsequent authorities reviewing the <i>Wednesbury</i> principles is required.)</p> <p>3. Proportionality (What is the controversy associated with proportionality review? A candidate will be expected to take a position on the controversy and defend their views.)</p>	<p>General Administrative Law – Wade and Forsyth [11th Edition]</p> <p>Right to a fair hearing <i>Dissanayake v Kaleel</i> – (1993) 2 SLR 135</p> <p>Legitimate Expectation <i>Thilakarathnalage Ariyamala v Land Reform Commission</i> – CA (Writ) 310/2014. Decided on 10th May 2019.</p> <p><i>Ariyaratne and Others v N.K. Illangakoon and Others</i> - [SCFR No 444/20012. Decided on 30th July 2019]</p> <p>Proportionality <i>KIA Motors v Consumer Affairs Authority and Others</i> - CA Writ Application 66/2013. Decided on 26th May 2020.</p> <p>Rationality <i>Wednesbury</i> case [1948] 1 KB 223</p>

4. Principles of Natural Justice

(A comprehensive awareness of the judicial authorities relating to the “Rule Against Bias” is expected.

The history and the controversy over the scope of application of the principles of natural justice.

With respect to Audi Alteram Partem, the candidate must be familiar with the following:

- (a) What constitutes a fair hearing?
- (b) Are there exceptions to this principle?
- (c) Do the principles of natural justice imply a duty to give reasons?)

5. Legitimate Expectation

(The ability to distinguish between procedural legitimate expectation and substantive legitimate expectation will be expected.

Significant developments have taken place in Sri Lanka with respect to substantive legitimate expectation? The student must be able to explain these developments and present his views on the suitability of these developments.)