



LL.B Degree Programme
Level 03
Academic Year-2022/2023

Timetable & Course Plan



Department of Legal Studies
Faculty of Humanities and Social Science
The Open University of Sri Lanka

Dear Student,

You are Welcome to Level 03 of the LL.B Degree Programme. There are four courses in Level 03. As given in table below.

Courses of the Level 03

<i>Name of the course</i>	<i>Course code</i>
<i>Constitutional Law I</i>	<i>LWU1201/LLU3901</i>
<i>Principles of Equity</i>	<i>LWU 1202/LLU3502</i>
<i>Introduction to the Laws of Sri Lanka</i>	<i>LWU1411/LLU3703</i>
<i>Legal Method</i>	<i>LWU 1412/LLU3904</i>

- ***With this study guide you will find following documents.***

<u>Content</u>	<u>Page</u>
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Dr. W.A.S.S.Wijesinghe
Head
Department of Legal Studies

LL.B DEGREE PROGRAMME LEVEL 03
ACADEMIC YEAR 2022/ 2023
DAY SCHOOL DATES ON ZOOM

No.	Month	Saturday	Sunday
1st	July 2023	22 nd	23 rd
2nd	August 2023	05 th	06 th
3rd	August 2023	19 th	20 th
4th	September 2023	02 nd	03 rd
5th	September 2023 October 2023	30 th	01 st
6th	October 2023	14 th	15 th
7th	November 2023	04 th	05 th
8th	November 2023	18 th	19 th
9th	December 2023	09 th	10 th
10th	January 2024	13 th	14 th

LL.B Degree Programme 2022/2023
Level 03 - Scheduled Day Schools on Zoom

Sinhala Medium

Day	Time	Course	Day School Academic
Saturday	8.00a.m. – 10.00 a.m.	Legal Method LLU3904	Ms. Wasana Panditharatne
Saturday	10.30 a.m. – 12.30 p.m.	Constitutional Law I LLU3901	Ms.S. Hewameealla Ms. Taniya Kavindi
Sunday	8.00a.m. – 10.00 a.m.	Principles of Equity LLU3502	Ms. Shashika Rajapaksha
Sunday	10.30 a.m. –12.30 p.m.	Introduction to the Laws of Sri Lanka LLU3703	Mr. Ruchira Rosa / Ms. Nisanka Jayarathne

English Medium

Day	Time	Course	Day School Academic
Saturday	10.30 a.m. –12.30 p.m.	Introduction to the Laws of Sri Lanka LLU3703	Mr. Gamini Gunsekara
Saturday	1.30 p.m. – 3.30 p.m.	Legal Method LLU3904	Ms. Lakmali Manamperi
Sunday	8.00a.m. – 10.00 a.m.	Principles of Equity LLU3502	Ms. Ruwanthika Ariyaratna
Sunday	10.30 a.m. –12.30 p.m.	Constitutional Law I LLU3901	Dr. Sanath Wijesinghe / Mr. A.G. Fransiscus

Tamil Medium

Day	Time	Course	Day School Academic
Saturday	8.00a.m. – 10.00 a.m.	Principles of Equity LLU3502	Ms. K.Pritivi
Saturday	10.30 a.m. –12.30 p.m.	Constitutional Law I LLU3901	Ms. M.R.Rijana
Sunday	8.00 a.m. – 10.00 a.m.	Introduction to the Laws of Sri Lanka LLU3703	Mr. Kamal Ahamed
Sunday	10.30 a.m. –12.30 p.m.	Legal Method LLU3904	Mr. A. Punithasekaran

LL.B. Degree Programme - Academic Year 2022/2023

Level 3 – Dates and Timetable for CAT Test

CAT I

Date	Subject	Time	Lessons to be studied
22.09.2023	Constitutional Law 1 LLU3901	09.30am -10.30 am	Lessons 1- 6
22.09.2023	Principles of Equity LLU3502	11.30 am -12.30 pm	Lesson 1- 3
24.09.2023	Introduction to the laws of Sri Lanka LLU3703	09.30am -10.30 am	Lessons 1 - 4
24.09.2023	Legal Method LLU3904	11.30 am -12.30 pm	Lessons I-3 of Block I and supplementary reading material

CAT II

Date	Subject	Time	Lessons to be studied
01.12.2023	Constitutional Law 1 LLU3901	09.30 am-10.30am	Lessons 7-12
01.12.2023	Principles of Equity LLU3502	11.30 am -12.30pm	Lessons 1-7
03.12.2023	Introduction to the laws of Sri Lanka LLU3703	09.30 am-10.30am	Lessons 1-7
03.12.2023	Legal Method LLU3904	11.30 am -12.30pm	All lessons of Block 01 and supplementary reading material

Tentative dates for the Final Examination:

Final Examination will be held from March 2024

LL.B Degree Programme
Academic year 2022/2023
Course Plan

Course/Course Code

LWU1201/ LLU3901 – Constitutional Law I

1. Objective of the course

This course intends to define the nature of constitutional law as the supreme law of the country. It deals with the constitutional history of the country to help you to gain better understanding of the exists constitution. While discussing the important provisions of the 1978 constitution this course, focuses on identifying and analyzing the fundamental concepts of constitutional law such as Independence of the judiciary, Sovereignty of parliament, Separation of power, Rule of law, and Fundamental rights. This course examines comparative constitutional examples to enlighten students on contemporary developments constitutional law in other countries.

2. Course content

LWU1201/ LLU3901 Constitutional Law 1 Course of LL.B Degree Programme is basically consisted with three printed blocks as follows;

- Block 1 (Lesson 1 –10)
- Block 2 (Lesson 11-20)
- Block 3 (Lesson 21-32)

Block I

1. Nature of the Constitutional Law
 2. Principles of Constitutional Autochthony
 3. Constitutional History
 4. The Donoughmore Constitution 1931-1947
 5. The Soulbury Constitution 1947-1972
 6. The Soulbury Constitution (continued.)
 7. Legislative Supremacy of the British Parliament
 8. Legislative Supremacy of the Ceylon Parliament under the Soulbury Constitution
 9. Legislative Supremacy of the National State Assembly under the First Republican (1972) Constitution in Sri Lanka
 10. Legislative Supremacy of the Parliament of Sri Lanka under the Second Republican (1978) Constitution.
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Block II

11. The Rule of Law
12. The Rule of Law (continued.)
13. The Separation of Powers
14. Separation of the Powers in the United States of America under the British Constitution
15. Separation of the Powers in Sri Lanka
16. Separation of the Powers in Sri Lanka (continued.)
17. Separation of the Powers in Sri Lanka (continued.)
18. Sri Lanka as Republic within the Commonwealth.
19. Republican Constitution of 1972.
20. Republic Constitution of 1972 (continued.)

Block III

21. The Independence of the Judiciary
22. Understanding the Second Republican Constitution in Sri Lanka
23. The Composition of Parliament: part I, the First Parliament
24. The Composition of Parliament: part II, Future Parliament
25. The President of the Republic of Sri Lanka part I
26. The President of the Republic of Sri Lanka part II
27. Fundamental Rights: Their Nature and Scope
28. Fundamental Rights: Their Enforcement
29. Constitutional Amendments
30. The Referendum
31. Ombudsman
32. Social Action Litigation-The Indian Experience

3. Delivery Mode**a) Day schools**

Day Schools are very important knowledge delivery mode in LLB Degree Programme.

b) Seminars

In addition to the Day Schools, special seminars may be conducted in the Regional Centers.

4. Method of Assessment (CA test and Final Examination)

An important component in the Open University study system is the continuous Assessment System (CA). Under this scheme students are required to sit for Assessment Tests continuously held throughout the academic year prior to the holding of year end final examination. In the open university study system, 30% of your examination marks are allocated for Continuous Assessment Tests while the balance 70% examination marks are allocated for the final examination. In order to sit for the final examination, a student should obtain a minimum average OCAM 35%. Therefore, paying an attention to CA tests is very important.

Assessment	Mode	No. of lessons to be covered	Duration
CAT 01	Classroom Test	Lessons 1- 6	1 Hour
CAT 02	Classroom Test	Lessons 7-12	1 Hour
Final Examination	Classroom Test	Entire Syllabus	3 Hours

5. Supplementary materials (Printing/LMS)

Online course

In addition to the course materials, all cases, legislation and past examination papers relevant to your course are provided online. You will be issued with a document at registration giving all relevant information including the manner in which you should register and how the password to access online course could be obtained. Please access this online facility at any of the Nodes Centers situated in your regional center or using online facilities in your home, your office or at any Internet café. You can express your view on issues that we raise at the online course and discuss academic matters to the course through this online facility. This online course will be of immense use specially to busy employed students and the students in the regional centers as it helps them to maintain contacts with their course coordinator/Teacher online.

Online course material (19th Amendment to the Constitution)

In addition to the Moodle page you will be given an audio-visual course material on 19th Amendment to the Constitution. You are supposed to view the audio-visual course material and make a note about the changes that have been introduced by 19th Amendment. This material is uploaded to constitutional law LMS page.

Supplementary material on independence of the judiciary

Moreover, you will be given supplementary material on ‘independence of judiciary’ in addition to the existing lesson on Block III of constitutional law I course materials. This session is consisted of updated case laws pertaining to the independence of the judiciary.

6. Recommended Readings

- Nanayakkara V.K., In Search of a New Sri Lankan Constitution, 2nd ed. A Stamford Lake Publication, 2016.
- Cooray J.A.L., Constitutional and Administrative Law of Sri Lanka; A Commentary on the Constitution and the Law of Public Administration of Sri Lanka (Sumathi Publishers, 1995).
- Dicey A.V., Law of the Constitution, (London, McMillan, 1939)
- Professor De Smith S.A., Constitutional and Administrative Law (London, Penguin Books, 1971)
- Mastermab R., The Separation of Power in the Contemporary Constitution, (Cambridge, Cambridge University Press, 2011)

7. Learning outcomes

After completing this course, you will be able to;

- to discuss the constitutional evolution of Sri Lanka.
 - to examine the basic concepts in constitutional law (Rule of Law, Independence of the Judiciary, Sovereignty of Parliament etc.)
 - to identify the importance of the role of judiciary towards enriching constitutional jurisprudence.
 - to analyze and evaluate the current developments in the existing Sri Lankan constitution.
 - to critically analyze the constitutional provisions of the existing constitution and identify the weaknesses.
 - to make suggestions on constitutional Reforms to the existing constitution.
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LL.B Degree Programme
Academic year 2022/2023
Course Plan

1. Course/Course Code

LWU 1202/LLU3502 - Principles of Equity

2. Objective of the Course

Dear Students,

Welcome to the LWU 1202 Principles of Equity course in Level 3, LL.B Degree Programme. This is a 05 credits course. Basically, this course has been designed to enlighten the history and the developments of the principles of Equity and the evolution of the Law of Trusts. This course attempts to examine and analyses the English Law of Trusts before and after the enactment of Trusts Ordinance. In addition to that this course provides complete knowledge about the various provisions of the Trusts Ordinance in relating to Express Trust, Constructive Trusts and Charitable Trusts.

3. Course Content

The current syllabus of the Principles of Equity course contains two printed blocks of course materials in all three mediums. The content of the Course is as follows;

Block 1

- Lesson I - The Nature and History of Equity
- Lesson II - The role of Equity after the implementation of the Judicature Act.
- Lesson III - The Maxims of Equity
- Lessons IV - Trusts
- Lesson V - Express Trusts
- Lesson VI - Express Trusts (Contd.)
- Lesson VII - Express Trusts (Contd.)

Block 2

- Lesson VIII - Constructive Trust
 - Lesson IX - Constructive Trusts (Contd.)
 - Lessons X - Beneficiaries and Trustees
 - Lessons XI - Charitable Trust
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4. Delivery Mode

(a) Day Schools

Day Schools are very important knowledge delivery mode in LL.B Degree Programme. In this course 20 hours of Day Schools will be held throughout the academic year.

(b) Seminar

In addition to the Day Schools, special seminars may be conducted in the Regional Centers.

5. Method of Assessment

In the OU study system, 30% of your examination marks are allocated for Continuous Assessment Tests (CAT) while the balance 70% examination marks are allocated for the final examination. This means that before you sit for the final examination, you get an opportunity to earn a maximum 30% of your examination marks. In order to sit for the final examination, a student should obtain a minimum average OCAM 35%. It is seen therefore that obtaining marks at CA is essential for successful completion of a course. In this course you are required to sit for two CA tests and the final examination.

Assessment	Mode	No. of lessons to be covered	Duration
CAT 01	Class Room Test	Lessons 1- 3	1 Hour
CAT 02	Class Room Test	Lessons 1- 7	1 Hour
Final Examination	Class Room Test	Entire Syllabus	3 Hours

6. Supplementary Materials

Currently no supplementary materials available for this course. However, you will be informed when Moodle and other supplementary materials on the Law of Trusts are available.

7. Recommended Reading

Reading of following recommended books will help you to supplement the materials given in the course book and widen your knowledge on different topics.

- L.J.M. Cooray, *The Reception in Ceylon of the English trust*
- Parker & Mellows, *The modern Law of Trusts*
- Keeton, G.W, *The Law of Trusts*, 8th Edition
- Snell, *Principles of Equity* 28th Edition 1982
- Philip H. Pettit, *Equity and the Law of Trusts*
- Curzon, *Law of Trusts*
- Underhill's *Law of Trusts and Trustees*
- A.E. Keuneman, *Notes on the Law of Trusts*
- Walker, *The English Legal System*
- Maudsley & Martin, *Modern Equity*
- Nathan's *Equity through the Cases* 4th Edition 1961

8. Learning Outcome

After completing the Principles of Equity course you should be able to ;

- Understand and critically analyze the history and the development of Law of Equity in English Legal system.
 - Evaluate the Trust concepts encompassed in the Trusts Ordinance.
 - Examine the different ways of establishing constructive trusts under the provisions of the Trust Ordinance and analyze its applicability in Sri Lankan case law.
 - Understand the rights and liabilities of beneficiaries and trustees , and
 - Understand the difference between the definition of a charitable trust under the Trusts Ordinance and English law.
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LL.B Degree Programme
Academic Year 2022/2023
Course Plan

1. Course/Course Code

LWU1411/LLU3703- Introduction to the Laws of Sri Lanka

2. Objective of the course

Dear Student,

Welcome to LWU 1411/LLU3703- Introduction to the Laws of Sri Lanka course of the LL.B Degree Programme. Introduction to Laws of Sri Lanka is an interesting course as it gives you a good knowledge about all laws applicable in Sri Lanka such as the General Law which includes English Law and Roman-Dutch Law and also personal laws such as Kandyan Law, Tesawalamai and Muslim Law. This course is very important as it provides the foundation for you to study other courses such as Family Law, Law of Contract, Land Law, Law of Delict etc. at higher levels.

3. Course content

Your course material consists of two blocks. Block I contain 10 lessons from lesson 1 to 10 while Block II has 6 lessons from lesson 11 to 15.

Block I

1. History of laws in Sri Lanka
2. Reception of Dutch laws during the British period
3. Kandyan Law
4. History of Indigenous Tamil Laws
5. Muslim Law
6. Reception of English Law through legislation
7. Reception of English Law through judicial decisions
8. Development in the Roman-Dutch Law
9. Contemporary Developments in Indigenous Laws
10. Problems of Pluralism in the Sri Lankan Legal System

Block II

11. Administration of Justice in The Pre-Colonial Period
 12. Administration of Justice under The Colonial Rules, 1505-1832
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13. Administration of Justice and the Development of the Court System up to Independence (1833-1947)
14. Major changes in the court system and the administration of Justice during the post-independence period – Part I
15. Major changes in the court system and the administration of Justice during the post-independence period – Part II

4. Delivery Mode

- a) Day schools
- b) Seminar

Ten-day schools of 2 hours duration will be held during the academic year. Though Day Schools are not compulsory, we advise all of you to attend Day Schools as it provides an opportunity to discuss problems you encounter in studying your course materials with your teacher.

5. Method of Assessment (CA Test and Final Examination)

In the Open University study system, 30% of your examination marks are allocated for Continuous Assessment Tests (CAT) while the balance 70% of your examination marks are allocated for the final examination. In order to sit for the final examination, a student should obtain a minimum average OCAM 35%. This means you get an opportunity to earn a maximum of 30% of your examination marks before you sit for the final examination. It is seen therefore that obtaining marks on CA tests is essential for the successful completion of a course. In this course, you are required to sit two CA tests and a final examination.

In the LLB degree programme, you are required to sit 2 Continuous Assessment Tests (CAT).

Assessment	Number of lessons to be covered	Duration
CAT I	Lessons 1- 4	1 Hour
CAT II	Lessons 1-7	1 Hour
Final Examination	Entire Syllabus	3 Hours

6. Supplementary materials (Printing/LMS-Moodle page)

Online access

In addition to the course materials, all cases, legislation and past examination papers relevant to your course are provided via LMS (online). You will be issued with a document at registration giving all relevant information including the manner in which you should register and how the password to access the online course could be obtained. You can express your view on issues that we raise at the online course and discuss academic matters to the course through this online facility. This online course will be of immense

use, especially to busy employed students and the students in the regional centres as it helps them to maintain contact with their course coordinator/ Teacher online.

Please follow Day Schools, read cases and legislations and update your knowledge through the online facility. Consider this course as one which provides knowledge regarding all laws that are applicable in Sri Lanka.

7. Recommended Reading

- The Legal System of Ceylon –Cooray L.J.M.
- The Judicature in Sri Lanka in its Historical Settings – Thambiah H.W.
- The Laws and Customs of the Sinhalese or Kandian Law – Hayley, F.A.
- The Legal System of Ceylon in its Historical Settings – Nadaraja T.

8. Learning Outcomes

After completing this course, you will be able to

- Understand and identify the legal history of Sri Lanka
 - Determine the nature of pluralism in the Sri Lankan Legal System
 - Investigate the matters arising from the legal pluralism
 - Examine the contemporary developments in Sri Lankan Legal System
 - Analyse the difference between Sri Lanka and other jurisdictions.
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LL.B Degree Programme
Academic Year 2022/2023
Course Plan

1. Course/Course Code

LWU1411/LLU3904 - Legal Method

2. Objectives of the course

Legal Method is one of the core courses of the LL.B Degree Programme and forms the foundation for the successful study of law. This course provides you with an understanding of the evolution of the law and helps you to identify the sources of the law in Sri Lanka, their content and how to access them.

The objective of this course therefore is to help you to identify the following;

- 1 Basic legal terminology
- 2 Legal material
- 3 Sources of law in Sri Lanka
- 5 Rules governing interpretation of statutes
- 4 The historical background of the law (Roman law)

3. Course Content

This course deals with the following topics;

Part 1-Legal Method

- Legal terminology
 - Legal material
 - Sources of law in Sri Lanka (i.e. The constitution, legislation, case law, opinions of jurists, equity, custom and religion)
 - Rules governing interpretation of statutes
 - The basic rules of interpretation (literal rule, golden rule and mischief rule)
 - Presumptions of statutory interpretation (*ejusdem generis*, *generalia specialibus non derogant*, rule against retrospective operation of the law)
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Part 2- Roman law

- History of Roman law
- Sources of Roman law
- Family law including paternal rights, marriage, guardianship and minority
- The law of succession (intestate and testate succession)
- The law of things (i.e. possession and ownership, methods of acquiring ownership, and servitudes)
- The law of obligations (i.e., Contracts, quazi contracts, delicts and quazidelicts)

4. Delivery mode

Day Schools are a very important knowledge delivery mode in LL.B Degree Programme. In this course 10-day schools of 02-hour duration will be held throughout the academic year.

5. Method of Assessment

The assessment for the course will consist of the following components

1st Continuous Assignment Test

2nd Continuous Assignment Test

Final examination

In order to sit for the final examination, a student should obtain a minimum average OCAM 35%.

Assessment Methods

Assessment	Number of lessons to be covered	Duration
CAT I	Lessons I-3 of Block I and supplementary reading material	1 Hour
CAT II	All lessons of Block 1 and supplementary reading material	1 Hour
Final Examination	All study material (Blocks 01 and 02 + supplementary reading material	3 Hours

6. Course material

This course consists of the following study material:

Block 1 - Legal Method

Block 2 – Roman law

Supplementary material on Interpretation of Statutes (available on the LMS)

7. Learning outcomes

At the end of this course, you should be able to;

- 1 Identify the basic legal terminology.
- 2 Identify the sources of law in Sri Lanka, their content and application.
- 3 Describe rules of statutory interpretation and t h e i r application .
- 4 Explain the historical background and evolution of law.

8. Recommended readings

- *Learning the Law*, Glanville Williams, 14th Edition, 2010
- *An Introduction to the Legal System of Ceylon*, L.J.M. Cooray, Stamford Lake (pvt) ltd., 1972
- *Maxwell on Interpretation of Statutes*, P St. J Langen, LexisNexis India, 1969

Contact Details for student

Position/Division	Name	Contact No	Email
Head/Law	Dr. W.A.S.S.Wijesinghe (Senior Lecturer)	011-2881574	hdlaw@ou.ac.lk
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	Mr. W.D.Manoj (Principles of Equity)	011-2881432/ Ext: 2307	wdman@ou.ac.lk
	Ms. D.M.N.M.Jayarathne (Introduction to Laws of Sri Lanka)	011-2881432/ Ext: 2308	dmjay@ou.ac.lk
	Ms. M.R.Rijana (Legal Method)	011-2881432	rijanariyaj97@gmail.com
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Senior Assistant Registrar /Student affairs Registration issue/Personal Information Changes)		011-2881205/ Ext:1261	
Colombo Regional Centre(Inquiry for day school details of Colombo Centre)		011-2881420	
Finance Division		0112881016	
Library		011-2881254/ Ext:8103	