

# THE INQUISITOR

**PROTECTION AND  
ENFORCEMENT OF  
HUMAN RIGHTS**

**THE IMPACT OF  
HUMAN RIGHTS  
JURISPRUDENCE ON  
WOMEN AND GIRLS**

*Much more than a lesson in  
schools, a topic at a Seminar  
or a theme for a day*

**COLOMBO PORT CITY  
SPECIAL ECONOMIC ZONE  
LAW AT A GLANCE**

**MECHANISMS FOR  
SETTLEMENT OF INDUSTRIAL  
DISPUTES IN SRI LANKA**

**TEAM'S FAVORITE  
CASE LAWS**

**PLUS MUCH MORE!**





# NSBM

National School of Business Management



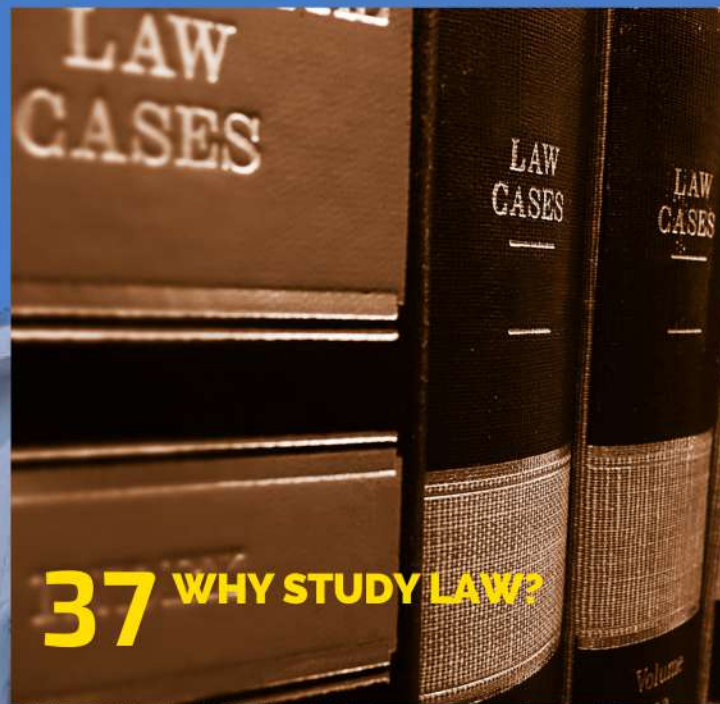


# NSBM

National School of Business Management



# CONTENTS



**37** WHY STUDY LAW?



EMPOWER YOUR  
FUTURE WITH NSBM  
LLB (HONS)

**38**

LLB PROGRAMME AT  
NSBM



**10**

TEAM'S FAVORITE  
CASE LAWS

- 01** THE EDITORIAL BOARD
- 02** WHAT IS THE INQUISITOR?
- 03** ABOUT THE BUSINESS LAW SOCIETY
- 04** TOP BOARD AND EXECUTIVES OF THE BUSINESS LAW SOCIETY 2022/23
- 06** PROJECTS OF BLS
- 09** JUSTUS

---

**15** EXCLUSIVE!  
ARTICLES FROM EXPERTS  
AND STUDENTS

---

- 35** CROSS WORD PUZZLE
- 39** MORE PUBLICATIONS BY BLS

# THE EDITORIAL BOARD



**Editor-in-chief**

Gavindu  
Siriwardena



**Coordinator**

Gevin  
Anthony



**Editor/Writer**

Niyomi  
Ranasinghe



**Graphic Designer**

Hirusha  
Hasarindu

## Advisory Panel

Ms. Jayani Perera - Former Head  
Ms. Samithri Wanniyachy - Mistress-in-charge  
Prof. Shanthi Segarajasingham - Professor in Law

Thisandu Ranasinghe -  
Photography/ Graphic  
Designing  
Ranuk Siriwardena -  
Photography



# WHAT IS THE INQUISITOR?

The "Inquisitor" Magazine is the latest publication from the Business Law Society of NSBM. The passion project of a small team, the magazine is meant to make learning and getting up to date with the recent incidents in legislation accessible and enjoyable to those who don't have a knowledge of Law.

As the first installment of the magazine, this issue of the "Inquisitor" will feature introductions to the Business Law Society and what it does for the student community of NSBM; a few activities for readers to exercise their knowledge of law, a look into the legislations of different fields through the eyes of an expert, and case laws that stood out to the team when they studied the Business Law module.

In terms of the future Issues of the magazine, Readers can expect to see much more exciting content and insights into the legal environment.

# ABOUT THE BUSINESS LAW SOCIETY



Inaugurated in February 2021, the Business Law Society (BLS) of NSBM is a society that seeks to provide vast knowledge for undergraduates, postgraduates or anyone interested in the numerous aspects of the corporate legal sector.

We as Business Law Society of National School of Business Management (NSBM), functioning under the Faculty of Business, are dedicated to our mission of providing a gateway for business undergraduates to access diverse areas of business law. Our vision as a student circle is a solid understanding of business law by facilitating their learning of law related areas. We stand for ethical practice of law, social responsibility and discipline at the highest level of quality and integrity.

Throughout 2021 to 2023, we faced the Covid-19 pandemic, power cuts as well as the national economic crisis. Through these difficulties, BLS managed to continue its projects such as the webinar series "Setting Precedent", interviews, workshops "Precision", CSR activities, and fund raising activities.



# Top Board and Executives of the Business Law Society 2022/23



1st Row (left to Right) - Niyomi Ranasinghe, Ms. Jayani Perera (Former Head of Department of Legal Studies), Ms. Samithri Wannachi (Mistress-in-charge), Bhagya Mandakini,

2nd Row (left to Right) - Gavindu Siriwardena, Dushani Alahakoon, Rachel Hettiarachchi, Kaveesha Siriwardena, Nimna Vithanage, Hirusha Hasarindu

3rd Row (left to Right) - Ruchira Wijesingha, Gevin Anthony, Sadul Dimalsha



President - Niyomi  
Ranasinghe



Vice President - Bhagya  
Mandakini



Secretary - Gevin  
Anthony



Assistant Secretary -  
Rachel Hettiarchchi



Treasurer - Seynila  
Suriyaarachchi



Vice Treasurer -  
Nimna Vithanage



Executive - Gavindu  
Siriwardena



Executive - Hirusha  
Hasarindu



Executive - Ruchira  
Wijesingha



Executive - Kaveesha  
Siriwardena



Executive - Sadul  
Dimalsha



Executive - Dushani  
Alahakoon



Executive - Chamika  
Abeypala

# PROJECTS OF BLS

## Project Setting Precedent

An interview series with renowned lawyers of the country from the corporate sector, covering matters from corporate law, setting up examples, the law in the business world, learning law, joining the Bar and answering the current problems that we face. The first phase of this initiative was having the privilege of interviewing Mr Faizer Musthapha, second was with Dr Nishantha Punchihewa, the third was conducted with Dr Dan Mallik. The fourth interview was done with the Dean of faculty of Business, Ms Thilini and Ms Marini who is a Lawyer and social activist. The fifth was with Mr Boopathi Kahathuduwa.



## Precision Workshop Series

This is a workshop series conducted by a set of experts in the field of Business Law over a sequence of days to provide undergraduates with precise tips and techniques on the A to Zs of Business Law. The first session was conducted by Ms Jayani Perera on how to write answers for the Business Law examination. The second session was conducted by our lecturers Mr Gishan Abhayagunaratna, Mr Kasun Dissanayake and Ms Naduni Abeywardena on Effective Reading and Note-taking and the third session was also conducted by Ms Jayani, on the topic of Business and Industrial Law.



# PROJECTS OF BLS

## BLS Kuppi Session

This session was conducted by our fellow undergraduates to the undergraduates who need help in studying business law and ethics.



## Project Mending Minds

This project reflects our passion to create awareness and bringing down the stigma around mental well-being. As the first initiative, we shed light on the rising incidents of cyberbullying by conducting two webinars inviting professionals who could share their insights on the topic and its grave repercussions along with valuable advice on how to protect ourselves online.

## CSR

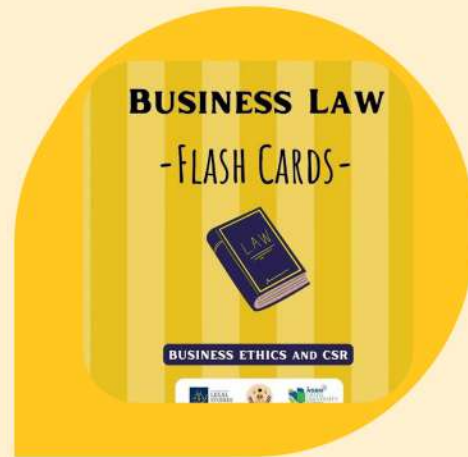
The Department of Legal Studies along with the Business Law Society of NSBM, initiated its first step towards the #GrowGreenforSL CSR Project for the year 2022/23. Along with the guidance of the management at NSBM we have decided to grow and maintain a crop of chillies and ladies fingers to help manage the food crisis that is to come.



# PROJECTS OF BLS

## Flashcards

In this series of Flash Cards we highlight the important features of a Contract, Business Ethics and CSR and EPF and Overtime Salary where you will find easy-to-understand definitions and characteristics to help you study and excel at the Business Law examination.

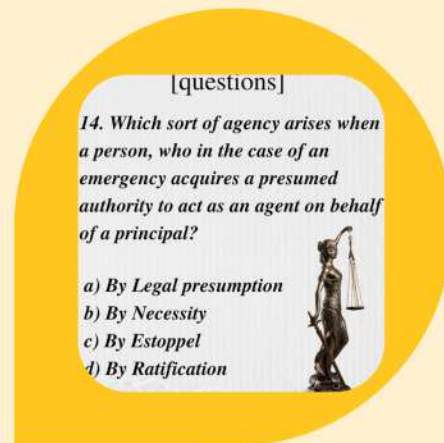


## Project Case Laws Uncovered

This project was initiated for the benefit of the non-law students to obtain an understanding of case laws in business law. Our social media team along with undergraduates who are following business law modules, have created a series of animated videos on case laws shared via YouTube.

## Question and Answer

We engage with the students by creating multiple-choice questions, polls and Q & As related to the corporate legal sector on our official Facebook and Instagram social media pages.



## Fund Raising

Apart from educational programs we did fund raising activities specially in food fiesta which was held at NSBM premises

# JUSTUS



This is the final main event carried out and initiated by the Business Law Society and the Department of Legal Studies. It celebrates the anniversary of the initiation of the Department, in which Business Law Society has a deep bond with for being the first ever society created under the department name.

It is a special event that initiates and launches events and projects to be carried out or completed by the department such as the De Jure Booklet by the previous Business Law Society board of term 21/22.

Justus consists of various kinds of activities within its agenda, such as entertainment sessions conducted by students.

One example of such a session is the Mock Trial carried out in the previous year, which allowed Business Law students to showcase their talents and their passion for law through this performance, leaving many of the audience impressed and intrigued.

There are also educational events as well, for instance for the panel discussions we organize and invite renowned Lawyers and other experts in the legal environment to engage in communication with one another to provide greater insight to us and the audience.

The event also hosts two of the most important ceremonies for the Business Law Society, the completion of the term of the previous Business Law Society board, and the installation of the new Board, in which the previous board will be awarded for their services during their term.





# THE TEAM'S FAVORITE CASE LAWS

Five case Laws that the team found interesting studying Business Law

## FISHER V BELL (1961)

Fisher v Bell (1961) was a UK legal case that dealt with the issue of differentiating an offer from an invitation to treat.

The facts of the case state the Defendant, Bell, owned a shop and had displayed a flick knife in the window of the shop for sale. The Plaintiff, Fisher, who saw the knife in the window, claimed that the display of the knife constituted an offer for sale. Fisher then brought a lawsuit against Bell for selling an offensive weapon without a proper license, which was in violation of the Restriction of Offensive Weapons Act 1959.

The court held that according to contract law, display of the knife in the window of the shop did not constitute an offer for sale and that Bell could not be held liable for selling an offensive weapon without a proper license. The court determined that the display of the knife in the window was an invitation to treat, even though the average person would perceive the knife as being offered for sale.

### Key Words:

- Offer - The offer is the offeror's attempt at entering into a contract with another

# CARLIL V CARBOLIC SMOKE BALL CO. [1892]

Carlill v Carbolic Smoke Ball Co. was a landmark English contract law case that took place in 1892 and remains an important precedent in the development of contract law and thus, is often one of the first legal cases taught to law students. The case involved the Carbolic Smoke Ball Company, a medical business which sold a smoke ball device which they claimed to prevent the flu. The company ran an advertisement that offered a reward of £100 to anyone who contracted the flu after using the smoke ball as prescribed for 14 days, as well as making a deposit of £1000 to a bank to build trust in their product.

Mrs. Carlill purchased and used the smoke ball as directed but still contracted the flu. She sought to collect the advertised reward from the company, but the company refused to pay. The Carbolic Smoke Ball Company argued that the advertisement was not a binding offer, but instead a mere tradesman's puff, and therefore not enforceable. Mrs. Carlill took the matter to court seeking to recover her reward. The main legal issue in the case was whether the advertisement constituted a binding offer that could be enforced, or whether it was merely an invitation to treat that created no legally binding obligations.

The court held that the advertisement constituted a binding offer, because it contained clear and specific terms, including the amount of the reward, the conditions for its payment, and the time limit for acceptance. In addition, the act of depositing £1000 in the bank signaled the company's intentions to enter legal relations. The court also held that Mrs. Carlill's use of the smoke ball as prescribed constituted acceptance of the offer, even though she did not express her acceptance to the company as she had fulfilled the terms and conditions to the offer. In the end, the court held that the company was legally obligated to pay her the reward, because a binding contract had been formed through the offer and acceptance.

## Key Words:

- **Invitation to treat** - An invitation to to treat is an act which leads to the offer, which is made with an aim of inducing or negotiating the terms.
- **Acceptance** - Acceptance is an expression of assent to the terms proposed by the offeror in their offer.

# GUNTHING V LYNN (1831)

This case sets precedent for characteristics of offer under an agreement, which is the second element of a contract, and it revolves around a horse seller and a buyer.

## What do you all think happened here between a buyer and a seller?

The buyer of the horse and the plaintiff of this case (Gunthing) promised the vendor (Lynn) that if the horse was lucky they would pay £5 more for it or buy another horse from them. In the horse race, the horse lost, and while Lynn wanted the buyer to fulfill the conditional payment he promised, Gunthing refused and claimed the horse didn't fulfill his condition. Due to this reason, Gunthing sued Lynn.

## Was it really necessary for Gunthing to sue Lynn?

The most important question was whether the buyer's offer to purchase the horse for a higher price if it was 'lucky' or to buy another horse could be regarded as a legitimate offer for the purpose of the sale. This would demonstrate whether or not the seller could rely on the payment as reason to enter into contract.

## Do you think Gunthing won the case? / Will Lynn buy the horse?

It was held by the court that the requirement to pay \$5 more for the horse if it was lucky was determined to be too vague to establish a legally binding agreement between the parties. An agreement's terminology must be precise so that the parties can understand the terms on which they are agreeing. Due to this, the court only found the £63 horse purchase to be the most important aspect of the parties' legal agreement and the only aspect of the transaction that was sufficient.

### Key Words

- **Terms - A term is a component included in the contract, the breach of which entitles the innocent party to claim damages, repudiate the contract or both, depending on the nature of the breach.**



# STILK VS MYRICK (1809)

Stilk v Myrick (1809) is a well-known English case that dealt with the issue of a crew member's obligation to complete their voyage under the terms of a contract. This case is widely recognized as a landmark decision in the field of contract law and continues to be an important precedent for the principle of consideration in contract law.

The facts of the case are as follows: the Plaintiff, Stilk, was a sailor on a ship captained by the Defendant, Myrick. After sailing to a Russian port from England, two sailors from a crew of 10 on the ship fled. Despite attempts to find replacement sailors, Captain Myrick couldn't find anyone in an island near St. Petersburg. Afterwards, Myrick offered to pay the remaining sailors extra if they managed to complete the return voyage to England, to which all the sailors agreed. However, when the ship arrived back at the port, the captain refused to pay the extra amount he promised. Therefore, Stilk took action to sue the captain in the high court of justice for breach of the contract.

**What do you all think the issue was?**

The issue is whether there is valid consideration of this agreement or not. Because consideration can be in the form of promise, performance with a legal value and according to the case, Myrick has given a promise to the crew members.

**Was the outcome favorable to the crew members?**

It was decided in court that the sailors were obliged to do all that they could under any kind of emergency during the voyage without the extra payment. This is because there wasn't fresh consideration in the contract or in other words, the crew was doing nothing different in addition to what they were already obligated to perform.

## Key Words

- **Consideration - According to English Law, for a contract to be formed, a benefit of financial value must be exchanged between the parties. This exchanged value is referred to as consideration**

# BROGDEN V METROPOLITAN RAILWAY COMPANY (1877)

Brogden v Metropolitan Railway Company (1877) was a landmark English case in the field of contract law. The case dealt with the issue of whether an offer made by one party to another party creates a binding contract even if the other party has not accepted the offer.

The facts of the case are as follows: the Plaintiff, Brogden, was a coal merchant who supplied coal to the Defendant, the Metropolitan Railway Company. Brogden had a longstanding relationship with the company and had supplied coal to the company for several years. However the business dealings they conducted on a regular basis were of an informal nature as the plaintiff and the defendant did not have a formal agreement. The parties determined that a formal contract would be best for their commercial interactions in the future. A draft contract was created by the Metropolitan Railway and delivered to Brogden for consideration. This draft was slightly modified by the plaintiff, who also filled in several sections. He returned to the defendant with this updated paper.

## Did they create a new contract?

Although Metropolitan Railway filed this paperwork, they never informed the plaintiff that they accepted the amendments made to the contract. Business activity went on as normal during this period, and Brogden kept supplying coal to the Metropolitan Railway.

## What was the issue actually?

When a disagreement occurred, the question in this case was whether Brogden and the Metropolitan Railway had a contract and if the formal agreement they had was legitimate.

## Is there really a contract between them?

According to the courts, a legal contract existed between the Metropolitan Railway, Brogden, and the suppliers. The revised draft of the agreement represented a counter offer, which the parties' actions indicated they had accepted as coal was supplied and the prices specified in the draft contract were paid. Hence, despite no notice of acceptance had been made, fulfilling the contract without any concerns was sufficient.

## Key Words:

- **Counter offer** – this is where the offeree make an offer themselves in response to an offer made by a party. This results in the original offer that was made, to be declined/rejected, thus, to enter a contract the party who received the counter offer should accept its terms.



Much more than a lesson in schools, a topic at a Seminar or a theme for a day - **The Impact of Human Rights Jurisprudence on Women and Girls**

Twenty-Eight years ago Hillary Clinton as First Lady addressing the Fourth UN World Conference in Beijing remarked:

“The International community has long acknowledged that both women and men are entitled to a range of protections and personal freedoms, from the right to personal security to the right to determine freely the number and spacing of the children they bear.” [1]

She also further emphasized that no one should be forced to remain silent for fear of religious or political persecution, arrest, abuse or torture. She added that, “Tragically, women are most often the ones whose human rights are violated.”

Sadly, the women and girls living in Sri Lanka at present have not received the protection laid out and undertaken by Governments in the Beijing Declaration and Platform of Action in 1995. This is considered the most progressive blueprint ever for advancing women’s rights.

International Human Rights Day just ended and International Women’s Day is around the corner. There will be a great deal spoken about the Right to Dignity of women all over the world and also about the Rights of the Girl Child. This is mere tokenism in a country where most of the women and girls are not even aware of their human rights and freedoms.

Our Constitution has a Chapter dealing with the Fundamental Rights of all Sri Lankans. It was the Father of the Indian Constitution B. R. Ambedkar who clarified by asking a question: “What are we having this liberty for? And then going on to say: “We are having this liberty to reform our social system which is full of inequality, discrimination and other things which conflict with our Fundamental Rights.”[2]

**“Fundamental Human Rights tells us that all of us as members of the Human Family are equal and have inalienable power or privilege. It is given to us by law, nature or tradition.**

It is interesting to determine if we automatically get Human Rights when we are born or if the Government in particular has to give Human Rights to her people.[3]

Natural Rights are based on the principle that all people by nature have certain human rights simply by being human. These rights are higher than any human political system. Natural Rights do not come to people from their Governments. Because they do not come by Governments; Governments cannot legitimately take them away. Since they do not come from Governments of countries, some Governments of certain countries do not protect them either.

**“He who exalts his own belief, discrediting all others by behaving thus gives the hardest blows.**

It was John Locke the 17th century philosopher, who said that people do not give up their Natural Rights when they create a government.

Thomas Jefferson relied on Locke's Theories when he wrote the Declaration of Independence in the United States.

In complete contrast Legal Rights comes from Laws, Statutes and Court Decisions of a society's Government. A right is a legal right when it is protected by law.

Human Rights of women and Girls are often derided on the basis that they are Euro-centric. On the contrary, the seeds of Human Rights have religious and cultural origins. They are mostly derived from religions which came from Asia and the Middle East.[4]

The Eastern concept of 'Dharma' means what is 'good' and 'correct' – it is a duty binding on everyone.

According to Dharma and natural law, the ruler himself is subject to the law.

In the Middle East the Jewish, Christian and Islamic beliefs in making Human Beings in God's own image and likeness recognizes the unique dignity and value of the human person.

This is the basis to the Life of Dignity embodied in the Right to Life.

Furthermore, 23 centuries ago Asoka, the Buddhist Emperor of India said with regard to Freedom of Conscience. "He who exalts his own belief, discrediting all others by behaving thus gives the hardest blows."

In 1948 the Universal Declaration on Human Rights was adopted by the United Nations and its Preamble declares that: "it is essential if a man is not compelled to have recourse as a last resort, to rebellion against tyranny and oppression that human rights should be protected by the rule of law."

# The agitation for a Constitutional Bill of Rights in Sri Lanka commenced after the 1943 Declaration of the British Government on Constitutional Reform.

Sir Ivor Jennings the Constitutional Adviser who made huge contributions towards the making of the Soulbury Constitution held strong views with regard to the Constitutional incorporation of the Bill of Rights.

In 1958 he said:

“In Britain we have no Bill of Rights. We merely have liberty according to the law, truly I believe- that we do the job better than any country which has a Bill of Rights.”

In the 1972 Constitution a Chapter of Fundamental Rights was incorporated. This had many defects. These defects were remedied when a revised Bill of Rights was incorporated into the 1978 Constitution. The main defect being that the -

Fundamental Rights were not justiciable but these rights were merely an ornament embellishing the 1972 Constitution.

Under the present Constitution every person has the Right to Freedom of Thought, Conscience and Religion. Article 11 provides that no person shall be subjected to torture, cruel, inhuman or degrading treatment or punishment among other Fundamental Rights.

The Right to Equality before the law is enshrined in Article 12 of our Constitution.

Women's groups earlier focused on a concept of 'sameness' with regard to Article 12. Gender Equality as initially conceptualized by the women's movement, stressed the need for both men and women to have the same rights.

“ **According to the concept of Substantive Equality identical treatment does not result in genuine equality.** ”

The Concept of Equality has undergone a change in recent years.[5] The focus on 'sameness' has given way to a concept of equality that goes along with 'difference' and 'disadvantage'. Therefore, Formal Equality has given way to Substantive Equality that focusses on 'Equality of Outcome'. According to the concept of Substantive Equality identical treatment does not result in genuine equality.

For example, women who are pregnant or are Mothers may need access to special health care services and special facilities at their workplaces.

When evaluating a law or policy the question to be posed is this: does the law or policy eliminate some of the disadvantages experienced by women?

Parliamentarians, the Cabinet, Policy Makers, Professionals, Civil Society, Community Leaders and the media should be conscientized on the differences of Formal Equality with Substantive Equality.

---

The Legal Profession has an important role to play to solve the problems of the poor and the disadvantaged such as the implementation of welfare programmes that are not properly administered, to challenge action taken by authorities by exposing the contradiction between repressive practices used and existing principles of law, to seek redress for loss and damage resulting from abuses of power and to demand better services from public utilities.

Close networking of different Professionals is vital and integration and collaboration are important. The Legal Profession cannot function alone to alleviate the problems of the needy.

Human Rights Education of every man, woman and child living in our communities is vital in empowering individuals to defend their rights and those of others. This empowerment can also make a critical contribution to the Prevention of Human Rights violations.

It was Kofi Annan[6] who said:

**“Human Rights Education is much more than a lesson in schools or a theme for a day; it is a process to equip people with the tools they need to live lives of security and dignity.”**

**By Ms. Marini De Livera  
Attorney-at-law  
Human Rights Activist  
Founder of Sisters at Law**

#### Footnotes -

[1] Speech of Hillary Clinton (1995). Available at <http://acedemyatthelakes.org/> (Accessed 29 January 2023.)

[2] Available at <http://www.indiatvnews.com>

[3] Linda R. Monk, *The Bill of Rights -A USER'S GUIDE*(5th edn, Hachette Books, 2018) p7

[4] J.A.L.Cooray, *Constitutional and Administrative Law of Sri Lanka*, (2nd edn ,Sumathi Publishers 1995),603

[5] M Gomez and S Gomez, *Striking a Balance*,(1st edn, Shakti 2004) 11

[6] Available at [www.relicsworld.com](http://www.relicsworld.com)(accessed 29 January 2023)



Photo from theleader.lk

# COLOMBO PORT CITY SPECIAL ECONOMIC ZONE LAW AT A GLANCE

By Prof. Shanthi Segarajasingham<sup>[1]</sup>

**COLOMBO PORT CITY ECONOMIC COMMISSION ACT, No. 11 OF 2021, (CPCECA)** one of the most controversial statute was passed in Parliament on 20 May 2021. It created a ‘Special Economic Zone’(SEZ) and provided many exceptions to the application of the general laws of the country.

Creating economic zones to boost the economy is nothing new to the world. Similar economic zones have been already established in many countries including Singapore and Dubai.

According to the report of UNCTAD, there are over 7000 SEZs existing globally and it defines SEZ as ‘geographically delimited areas within which governments promote industrial activity through fiscal and regulatory incentives and infrastructure support’.[2] This gives us a basic understanding that SEZs are internationally accepted as an aspect to accelerate commercial transactions.

Sri Lanka already has a network of 14 export promotion zones, industrial parks and free zones since 1978. It not only brings in foreign revenue and employment opportunities to the country but also beneficial to multinational companies. The benefits include better geographical location, cheaper than Singapore and Dubai, no customs checks, easier international route etc.

This was the result of economic hardship the country suffered during the controlled economy period of 1970 – 1977. In this regard the first statute that was enacted was the Greater Colombo Economic-Commission Act No.4 of 1978 which established an autonomous Statutory Body called the GCEC to function directly under the President of Sri Lanka and vested with it the powers necessary for the development and resurgence of the economy of the country. The GCEC Act was amended after 14 years, in 1992, and thereby the name of GCEC was changed as Board of Investments. This law provides many benefits including tax holidays and customs duty exemptions.

The latest in the list is the SEZ of Port City which is a joint venture between the government of Sri Lanka and the project company, China Harbour Engineering Corporation (CHEC) Port City Colombo Pvt Ltd which is a subsidiary of China Communications Construction Company limited (CCCC).[3] According to the World Bank, SEZ model is thriving in China and Singapore due to their stable economies and efficient bureaucratic frameworks.[4]

Port City is a city development project in the central business District of Colombo, spanning 269 hectares of reclaimed land from the sea.



On completion, Port City Colombo will have over 5.6 million square meters of built space, with state of art and sustainable city design. Its lifestyle and business offerings will include world-class facilities and spaces in many sectors including banking, healthcare, education, entertainment, hotels, retail outlets and offices. [5]

The CPCECA arouse public agitation at its pre-enactment stage, since 2014, for reasons such as environmental harm and foreign invasion. Number of draft legislations were done and finally the CPCECA came in its present form because the different governments were firm with their decision. The Port City project is changing the geography of the Island and thereby the land extent of the Island is going to be larger while its territorial water space is going to be lesser. The CPCECA changed the legal framework existing in the country by introducing number of exceptions that are not afforded under the existing laws.

19 petitions were filed in the Supreme Court of Sri Lanka challenging the constitutionality of the Port City Bill on the grounds that the Port City is exempted from the regulations of the local authorities; that foreigners could be members of

the commission; that a compulsory arbitration requirement will oust the jurisdiction of the court; wide powers given to the commission in handling public finance and in granting exceptions overriding the Parliamentary power. The SC while suggesting amendments, ruled that the bill was not unconstitutional and it could be passed in parliament with simple majority. Certain writers suggest that the SC's determination is not an assessment of the broader socio-economic and political impact of the Port City Act on Sri Lanka since the SC, in determining the constitutionality of a Bill, limited the assessment to rule whether the provisions of the proposed Bill fit within ambit of the Constitution, and determining how the provisions of the Bill can be passed by the parliament.[6]

The preamble of the CPCECA clearly provides for the objectives which are, in brief, as follows:

- to establish a special economic zone;
- to establish a commission empowered to grant registrations, licenses, and approvals to carry on businesses activities in such zone;
- to provide for a single window investment facilitator to make transactions easy;
- to grant incentives and exemptions for the promotion of businesses;





- to enter into land related transactions within such zone;
- to promote and facilitate international trade, shipping logistic operations, offshore banking and financial services, information technology and business process outsourcing, corporate headquarters operations, regional distribution operations, tourism, and other ancillary services within such zone;
- to establish an international dispute resolution centre within such zone;
- to promote urban amenity operations and the settlement of a residential community within such zone.

The preamble goes on to provide that Directive Principles of State Policy enshrined in the Constitution of Sri Lanka requires the State to ensure by means of public and private economic activity, the rapid development of the country, and in the national interest the Government has considered it necessary to establish a SEZ to make business easy, to attract new investments, to facilitate the service economy, to promote foreign exchange inflow, to generate new employment opportunities and to develop technical, professional, technological and entrepreneurial expertise.

As said in the preamble, the CPCECA established a SEZ[7] which concept is nothing new. It also established a Colombo Port City -

Economic Commission (Commission) which is recognized as a body corporate with perpetual succession and has powers to facilitate, prepare, develop, amend, update, publish and enforce all Community Rules applicable within the Area of Authority of the Colombo Port City.[8]

In a nutshell, the foremost controversies in the CPCECA are as follows:

1. The commission has wide powers and it is considered as a ‘one stop shop’ or a ‘Single Window Investment Facilitator’ that can grant all approvals and licenses for the businesses within the SEZ. This includes environmental clearance, leasing of lands, transferring condominium parcels etc. These powers of the Commission are unmatched with the powers of the BOI that handles similar functions and the powers eliminate the regulation of Colombo Municipal Council and the UDA. However, approvals by the Commission can be done only with the concurrence with the relevant regulatory authority.[9]
2. The composition of the Commission is 5-7 members who shall be appointed by the President while ensuring that the majority including the Chairperson of the Commission are Sri Lankans. Although this composition is criticized for the reason of foreign involvement, it is not surprising that Sri Lanka being the host country had very less



bargaining power during the negotiations with the investor as the entire financing was by the project Chinese company.[10]

3. The accounts of the Commission shall be audited annually by a qualified auditor who may be an international firm of accountants. This removed the involvement the Auditor General. However, the provision requires submission of the account in Parliament.[11]

4. Provisions of the Companies Act No.7 of 2007, especially the provisions relating to off-shore companies are eliminated. The Commission can receive incorporation applications and recommend to the Registrar General of Companies to proceed to register such company as an offshore company in terms of Part XI of the Companies Act, No. 7 of 2007. [12]

5. Banking Act No 30 of 1988 is not applicable to off-shore banking companies that function within the SEZ. [13] Still for all, the Monetary Board may, through the Commission, call for information and reports as it may deem necessary.[14]

6. The Commission may grant exemption or incentives. In this regard, the application of a number of statutes that are listed under the Schedule II of the Act are eliminated. Such eliminated statutes include mainly, the Inland Revenue Act, No. 24 of 2017, Value Added Tax Act, No. 14 of 2002, Finance Act, No. 11 of 2002, Customs Ordinance (Chapter 235),

Termination of Employment of Workmen (Special Provisions) Act, No. 45 of 1971 and The Foreign Exchange Act, No. 12 of 2017.

7. Condominium Management Authority Law or the Apartment Ownership Law which are in force shall be operative within the SEZ Area until regulations are made under this Act. It means that the Commission might soon make new regulations that may not be necessarily compatible with the existing regulations applicable to the rest of the country.

8. Although the application of the Securities and Exchange Commission Act is retained, the Commission is granted powers to make regulations which, in addition to the SEC regulation, shall be applicable to all listed companies.[15]

9. A novel aspect is that an International Commercial Dispute Resolution Centre shall be established by the Commission to hear disputes[16] and it is made mandatory for all parties who enter into agreements with the Commission to include an arbitration clause to refer the dispute to this centre.[17]

10. Although the jurisdiction of the courts is not ousted, priority shall be given by courts in relation to any legal proceedings instituted in civil or commercial matters, where the cause of action has arisen within the ambit of SEZ the Colombo Port City, to hear such cases expeditiously on a day-to-day basis.[18]



Photo from dailynews.lk

The term ‘national interest’ has been used in the Act to justify the deviation from the general laws applicable to the country. The question always remains is that the sweeping powers and exemptions might lead to corruption for which, unfortunately, the country is also known for. Yet, it is the situation of ‘wait and see’ for the stakeholders.

By Prof. Shanthi Segarajasingham  
LL.B(Hons), M.Phil, Ph.D, ASTHE, Attorney-at-Law,  
Professor in Law, Department of Legal Studies,  
Faculty of Business, NSBM.

Footnotes -

- [1] LL.B(Hons), M.Phil, Ph.D, ASTHE, Attorney-at-Law, Professor in Law, Department of Legal Studies, Faculty of Business, NSBM.
- [2] See: <https://unctad.org/news/new-global-alliance-special-economic-zones-boost-development>
- [3] CCCC was incorporated in 2006 in China and it is listed on the Hong Kong and Shanghai Stock Exchanges.
- [4] See: FIAS, “Special Economic Zones: Performance, Lessons Learned, and Implications for Zone Development”, World Bank, Washington, 2008, pp. 2 and 29, <https://documents1.worldbank.org/curated/en/343901468330977533/pdf/458690WP0Box331s0April200801PUBLIC1.pdf>
- [5] Source: <https://www.portcitycolombo.lk/about/>
- [6] R A Piyumani Panchali, Agana Gunawardana, Sri Lanka’s Port City Economic Commission Act: A Social-Legal Insight, available at <https://www.isas.nus.edu.sg/papers/sri-lankas-port-city-economic-commission-act-a-social-legal-insight/>
- [7] Section 2 of CPCECA
- [8] S. 3
- [9] S. 6
- [10] S.7
- [11] S.15
- [12] S.41
- [13] S.42
- [14] S.51
- [15] S.56
- [16] S.62
- [17] S.32
- [18] S.63



Photo from Maga.lk

By Prof. A.Sarveswaran<sup>[1]</sup>

# Mechanisms for Settlement of Industrial Disputes in Sri Lanka

## Introduction<sup>[2]</sup>

The Industrial Disputes Act<sup>[3]</sup> has been enacted to provide the mechanisms for settlement of industrial disputes. The main objective of the Industrial Disputes Act is to settle industrial disputes, and maintain harmonious industrial relations to achieve industrial peace in the Country. The Act empowers the Commissioner of Labour and the Minister of Labour to intervene to settle industrial disputes.

## Mechanisms for Settlement of Industrial Disputes

The mechanisms in the Act for settlement of industrial disputes consist of collective bargaining, collective agreement, conciliation, arbitration, Industrial Court and Labour Tribunal. The Act and the mechanisms do not apply to the workmen in the public service.<sup>[4]</sup> The Act and the mechanisms apply to the workmen in the private sector workplaces and in the semi - government sector workplaces such as Corporations, Commissions, State -

Universities, State Banks, Authorities, Boards and Bureaus. It is not a mandatory legal requirement to have a written contract of employment to create employer-employee relationship for the purpose of the Act [5]

## Industrial Dispute

According to the Industrial Disputes Act 'industrial dispute' means "any dispute or difference between an employer and a workman or between employers and workmen or between workmen and workmen connected with the employment or non-employment, or the terms of employment, or with the conditions of labour, or the termination of the services, or the reinstatement in service, of any person..."<sup>[6]</sup> The interpretation to the words 'industrial dispute' in the Act is broadly worded, and includes all types of disputes relating to terms and conditions of employment and termination of services.

## **Powers of the Commissioner**

The Commissioner could settle an industrial dispute in accordance with the arrangements made by the parties for settlement of disputes[7] or by conciliation[8] or by referring the dispute for settlement by arbitration if the parties to the dispute give their consent for such reference.[9] If the parties to the dispute do not give their consent for settlement by arbitration, thereafter the Commissioner cannot refer the dispute for settlement by arbitration. Therefore, the reference by the Commissioner for arbitration is called voluntary arbitration.

## **Powers of the Minister**

The Act provides that “the Minister may, if he is of the opinion that an industrial dispute is a minor dispute, refer it, by an order in writing, for settlement by arbitration to an arbitrator appointed by the Minister..., notwithstanding that the parties to such dispute or their representatives do not consent to such reference.”[10] The Minister has the powers to refer an industrial dispute to be settled by arbitration even though the parties to the dispute have not consented for such reference. Therefore, the reference by the Minister for arbitration is called compulsory arbitration. The Minister has the powers to refer an industrial dispute to an Industrial Court as well.[11]

## **Collective Agreement**

The Act provides for collective bargaining and collective agreement for settlement of industrial disputes. If a trade union represents forty per centum of the workmen in the workplace, the employer cannot refuse to engage in collective bargaining with the trade union.[12] If the collective bargaining succeeds, it will result in an agreement called collective agreement.[13] A collective agreement binds the parties and the terms of the collective agreement become implied terms of the contract of employment between the parties.[14]

## **Conciliation**

The Industrial Disputes Act empowers the Commissioner to settle an industrial dispute by conciliation[15] or to refer the dispute to an authorized officer to be settled by conciliation.[16] The Commissioner or the authorized officer has to induce the parties to come to a fair and amicable settlement to the dispute.[17] If settlement is made, “a memorandum setting out the terms of settlement shall be drawn up ...and shall be signed by both parties to the dispute.” [18] The terms of the settlement bind the parties, and become implied terms of the contract of employment between the parties.[19] Conciliation is the best method for settlement of industrial disputes as it is based on the mutual agreement between the parties.

## **Industrial Arbitration**

As explained above, the Commissioner and the Minister have powers to refer an industrial dispute for settlement by arbitration.[20] An Industrial Arbitrator will have the same powers and functions with regard to industrial disputes referred by the Commissioner and the Minister. The Act provides: “when an industrial dispute has been referred under section 3 (1) (d) or section 4 (1) to an arbitrator for settlement by arbitration, he shall make all such inquiries into the dispute as he may consider necessary, hear such evidence as may be tendered by the parties to the dispute, and thereafter make such award as may appear to him just and equitable...”[21] The terms of the award made by an Arbitrator bind the parties, and become implied terms of the contract of employment between the parties.[22]

## **Industrial Court**

The Industrial Disputes Act provides for establishment of an Industrial Court by the Minister.[23] and refer any industrial dispute to the Industrial Court for settlement.[24] According to the Act, it shall be the duty of an Industrial Court “to make all such inquiries and hear all such evidence, as it may consider

necessary, and thereafter to take such decision or make such award as may appear to the court just and equitable".[25] The terms of the award made by an Industrial Court bind the parties, and become implied terms of the contract of employment between the parties. [26]

## Labour Tribunal

The Act provides for jurisdiction, powers and functions of a Labour Tribunal. A workman or a trade union on his behalf can make an application to a Labour Tribunal with regard to matters relating to termination of services, payment of gratuity to a workman who works in a workplace where less than fifteen workmen are employed, forfeiture of gratuity under the Payment of Gratuity Act and terms of employment and conditions of labour prescribed.[27] A Labour Tribunal has powers to conduct inquiries and hear evidence, and thereafter to make a just and equitable order[28] without being fettered by a contract of employment.[29] Most of the applications filed in Labour Tribunals are for relief relating to termination of services. In termination cases, a Labour Tribunal may order reinstatement or compensation for unjustified terminations.[30]

## Conclusion

Settlement of disputes by the methods of collective agreement and conciliation are based on the mutual agreement of the parties to the disputes. The Act provides special powers to an Industrial Arbitrator, Industrial Court and to a Labour Tribunal to make a just and equitable decision without being fettered by the unreasonable clauses in a contract of employment. The Labour Courts balance the interests of employer, workman and the society when they make just and equitable decisions. The mechanisms provided by the Act prevent escalation of industrial conflicts and promote settlement industrial disputes.

By Prof. A.Sarveswaran  
LL.B (Hons), M.A in International Peace Studies,  
M.Phil in Labour Law, Attorney -at-Law  
Senior Lecturer, Faculty of Law  
University of Colombo

## Footnotes -

- [1] Professor in Law, Faculty of Law, University of Colombo.
- [2] This Article has been written for the benefit of the Participants in Human Resource Management Programs and Business Management Programs.
- [3] No 43 of 1950 as amended.
- [4] Section 49.
- [5] See the interpretation to the word ‘workman’ in Section 48 of the Act.
- [6] Section 48.
- [7] 3(1)(a).
- [8] 3(1)(b) and (c).
- [9] 3(1)(d).
- [10] Section 4(1).
- [11] Section 4(2).
- [12] Section 32A(g).
- [13] Section 5(1).
- [14] Section 8(1).
- [15] Section 3(1)(b).
- [16] Section 3(1)(c).
- [17] Section 11(1).
- [18] Section 12(1).
- [19] Section 14.
- [20] Sections 3(1)(d) and 4(1).
- [21] Section 17(1).
- [22] Section 19.
- [23] Section 22(1).
- [24] Section 4(2).
- [25] Section 24 (1).
- [26] Section 26.
- [27] Sections 31B(1)(a),(b),(c) and (d).
- [28] Section 31C(1).
- [29] Section 31B(4).
- [30] Sections 33 (1), 33(3), 33(5) and 33(6).



# Protection and Enforcement of Human Rights

## Introduction

“Human Rights” is a mixture of religion, customs and human behaviors and closely allied with ethics and morality. This enables the man to lead a peaceful life in a free and prosperous background. This concept is gradually developed since ten centuries ago as a religious principle.

Everyone likes to be free from fear and enjoy civil and political rights, especially including economic, social and cultural rights. In order to lead a dignified life, individual must enjoy civil and political rights, as well as economic, social and cultural rights. Civil and political rights deal with protecting the people from arbitrary exercise of power by the state. Economic, social and cultural rights extend up to work, trade union freedom, right to an adequate standard of living including food, clothing and housing, right to education and to participate in cultural activities of the community. So, human rights cover every aspect of personal life irrespective of nationality, sex, ethnicity, color, language, cast or creed or any other status. On the other hand, all individuals are equally entitled to enjoy their rights without any discrimination.

## Evolution of Human Rights:

The concept of human rights is universally guaranteed by law in the form of treaties, customary international law, general principles and other sources of international law. The main objective of these laws is to ensure the inherent dignity and equality of all members of the human family. Every state has an obligation to protect and promote human rights for a Democratic society, otherwise a despotic type of regime is inevitable. The human right law is based on the principle of universality as emphasized in UDHR and also in other human right instruments. The Vienna World Conference, held in 1995 introduced a duty upon every member states ensure all human rights and fundamental freedoms of human beings. Almost all the states in the world have ratified at least one or more human right treaties creating a legal obligation. Human rights are inalienable, so that without a due process of law they should not be restricted.

Human Rights can be categorized as civil and political rights (right to life, equality before law and freedom of expression), economic, social and cultural rights (right to work, social security and education) and collective rights such as right to development and self determination.





Improvement of one right facilitates the improvement of the other rights and restriction affects the other way. Article 1 of UDHR enumerates “all human beings are born free and equal in dignity and rights.” Therefore, according to international law any kind of discrimination is prohibited. As mentioned earlier, human right laws emanate from treaties or agreements among states. Mostly they are found in multilateral treaties drafted at conferences of United Nation’s, International Labor Organization or other specialized bodies of UN. Apart from that there are several regional human right conventions. If a state has ratified or order to maintain the international relationship. Out of the human rights international documents, the ICCPR and ICESCR are considered most important because other universal treaties more specifically focused on preventing particular areas of human rights such as genocide, apartheid, torture and any ground of discrimination on the grounds of race and sex and the rights of children, refugees or migrant workers.

All the so called conventions are to eliminate all forms of racial discrimination, but there are -

several conventions aimed at special areas, such as the convention against discrimination in education, convention on elimination of discrimination against women, convention on the political rights of women, slavery convention, convention on forced labor and the convention relating to the status of refugees are some examples. The ultimate aim of those treaties is to ensure the protection of the inherent dignity of the individual. But even though there are myriads of laws, customs and practices to protect and promote human rights, the violations are in abundance. It is clear that many provisions of international treaties have been adapted in to the national legal systems of states. But many conflicts regarding human right violations occur due to political reasons. The war between Isreal and Palastine is based on a political issue. This commenced as a territorial conflict and many lives and properties have been destroyed so far. This war has been aggravated to use nuclear and chemical weapons against entire humanity by the perpetrators inconsistent to the accepted war-policies. Conflicts based on religious issue also can be amount to human right violations, as happening between Nigeria and Mianmar, and in Pakistan and Iran.



All those atrocities happen in the world, while the human right treaties are operated.

### **Necessity of Protecting & Promoting Human Rights:**

It is only after the second world war the international community compelled to open their eyes to pay more attention to safeguard human rights and formed the UNO with the objective of preventing future wars. Today the UNO acts as a monitoring body to maintain the global peace. As a result the instruments like ICCPR and ICESCR were drafted in 1996 to ensure human rights. The other important document addressing the human rights of the man is the UDHR, which protects every aspect of human rights. Other than the above conventions, Optional Protocol to the Covenant on Civil and political Rights, Convention Against Torture, Convention Against Genocide, Geneva Conventions, Convention on the rights of Child, Convention on the Elimination of all forms of Discrimination Against Women and the Charter of the United Nations are major UN conventions that address the human rights. In the field of human rights, the right to life is the most sacred, because without life, the other rights are of no use.

So in order to enjoy other human rights life should be secured. Presently, protecting and promoting human rights of individuals has become a timely needed necessity all over the globe. Due to this need some human right treaties have emerged in regional level. Some of them are European Convention on Human Rights, American Convention on Human Rights and African Charter on Human Rights etc.

### **Implementing Mechanism:**

Almost every human right treaties try to promote a higher standard of living, full employment, condition of economic, social and health progress, and international cultural and educational corporation with the universal respect for human rights, irrespective of race, sex, language or religion. Therefore all the states are responsible for implementing a proper mechanism to promote and protect the rights of the man. According to “**South Africa vs: Grootboom**”, an African case, it was held that providing a proper shelter with minimum facilities for mere survival of the man is an obligation of the state. It considered that, the African Charter on Human Rights is a main human right instrument and the African -



Commission on Human Rights is a quasi-judicial body to look into the matters of human right violation. The main role of this commission is to protect, promote and interpret human rights when referred to the commission. In addition to that, there is the African Court of Human Rights and people's Right with the integration of African Court of Justice. It now considered that, the African Court of Justice is the principal judicial organ in the African Union to monitor the human and people's rights. Justice O'Regon is of the view in "**State vs : Makwanyani**", that a man must live in the society with due respect as a human being or to be a part of a broader community to share the experience of humanity.

Likewise in America the Inter American Commission on Human Rights is an independent organ in America, to take measures to ensure the human rights of individuals. This body has the power to examine the violations of human rights and it functions as an adjudicatory and advisory body. The European Council in France is an old international organization with legal personality, recognized under public international law accepted by the UNO. This body is responsible for both European Convention on Human Rights

and the European Courts of Human Rights, and guarantees the democracy and fundamental human rights and freedoms of the people. Especially, this body pays more attention on torture, human trafficking, sexual exploitation and other violations against women.

In India there are enhanced domestic laws to protect human rights. The Indian constitution provides laws even up to protect lives of individuals. Indian courts developed the area of human rights covering all aspects of human life in "**Olgatellis vs Bombay Municipal Council**". Here the Court affirmed that each and every one in the society is entitled to lead an independent life with all the fundamental rights that accepted and respected by the civilized society. As decided in "**Sheela Barse vs: Maharastra**" Indian Supreme Court directed the government and the states to be vigilant on the life condition and health of general public.

### **The Sri Lankan scenario in the field of Human Rights:**

In Sri Lanka, for the first time in constitutional history, human rights provisions were introduced to the 1972 Constitution, but an implementing -



mechanism. There are no human right provisions at all in 1978 Constitution, but in chapter three there is a chapter called Fundamental Rights instead of human rights. According to article 126 of 1978 Constitution the Supreme Court is vested with powers to hear the fundamental right matters. In the matters of **“Sriyani Silva vs: Iddamal goda”** and **“Gerald Perera vs: A G”**, the Supreme Court was not reluctant to ensure the human rights of individuals, directing the government authorities not to violate the fundamental rights of people enshrined in the constitution. Furthermore, the Sri Lankan government has taken a gigantic step by establishing The Human Right Commission under Human Right Commission act No 21 of 1996. This facilitates the individuals to submit human right violations faced by them and obtain recommendations.

All the states are obliged to protect and promote human rights by way of series of human rights instruments. It is evident that there are many authoritative bodies in international, regional and domestic capacities. But, human right violations are in a rapid increase in every four corners of the world, owing to insufficient and -

weak mechanism to carry out the orders of the legal bodies. This happens when an international court order is to be implemented due to the principles of Dualism and Monism. In **“Nallarathnam Singarasa Case”**, the Supreme Court of Sri Lanka held that, Sri Lanka as a Dualist country is not binding to adhere with international provisions or recommendations to be carried out. But a different approach was adapted in **“Weerawansa vs: A G”**, announcing that, Sri Lanka as a signatory party to the ICCPR should follow its provisions as enumerated in 27(15) of '78 constitution.

### **Suggestions and Conclusion:**

Human being is the most valuable asset in the world. But due to hidden ulterior motives, the man arises against his fellow members. To avoid this, human rights of entire humanity should be ensured. It is with the establishment of the UNO, the world compelled to protect and promote human rights, by introducing human right conventions. They have been accepted by most of the states in the world. In all UN conventions, the provisions regarding human rights are of a great value, and the same are adapted by states to their domestic legislations too. But in the -

process of implementing the orders or recommendations, it seems that those provisions are just only mere words. Today the world has become a “global village” owing to the “internet age”. Therefore, compulsorily the human right provisions in UN conventions should be include into domestic legislations in the form of constitutions or enactments, to have a proper implementation mechanism, because the ratified UN documents provide a legitimate guidance in interpreting the human rights provisions in domestic legislations.

This helps domestic courts to promote the values of a democratic society, based on freedom and equality. The main purpose of UN conventions is to ensure the protection and promotion of human rights to maintain the peace among the world community. Every state should have these provisions in their legislations to overcome and remedy the human right matters.

### **Abbreviations:**

- 1) U N O – United Nations Organization
- 2) U D H R – The Universal Declaration of Human Rights
- 3) I C C P R – The International Covenant on Civil and Political Rights
- 4) I C E S C R – The International Covenant on Rights

### **Bibliography:**

- 1) International Law - Malcolm N Show.
- 2) Fundamental Rights in Sri Lanka - Dr. J Wickramarathna.
- 3) An Introductory Guide to Human Rights Law - Virginia A Leary / Suriya Wickramasinghe.

By W. M Hirusha Wijesooriya  
(Undergraduate)  
NSBM Green University Town

# HAVE YOUR ARTICLE FEATURED IN THE NEXT ISSUE!

Email us your articles on any of the following topics and, see it in our next issue

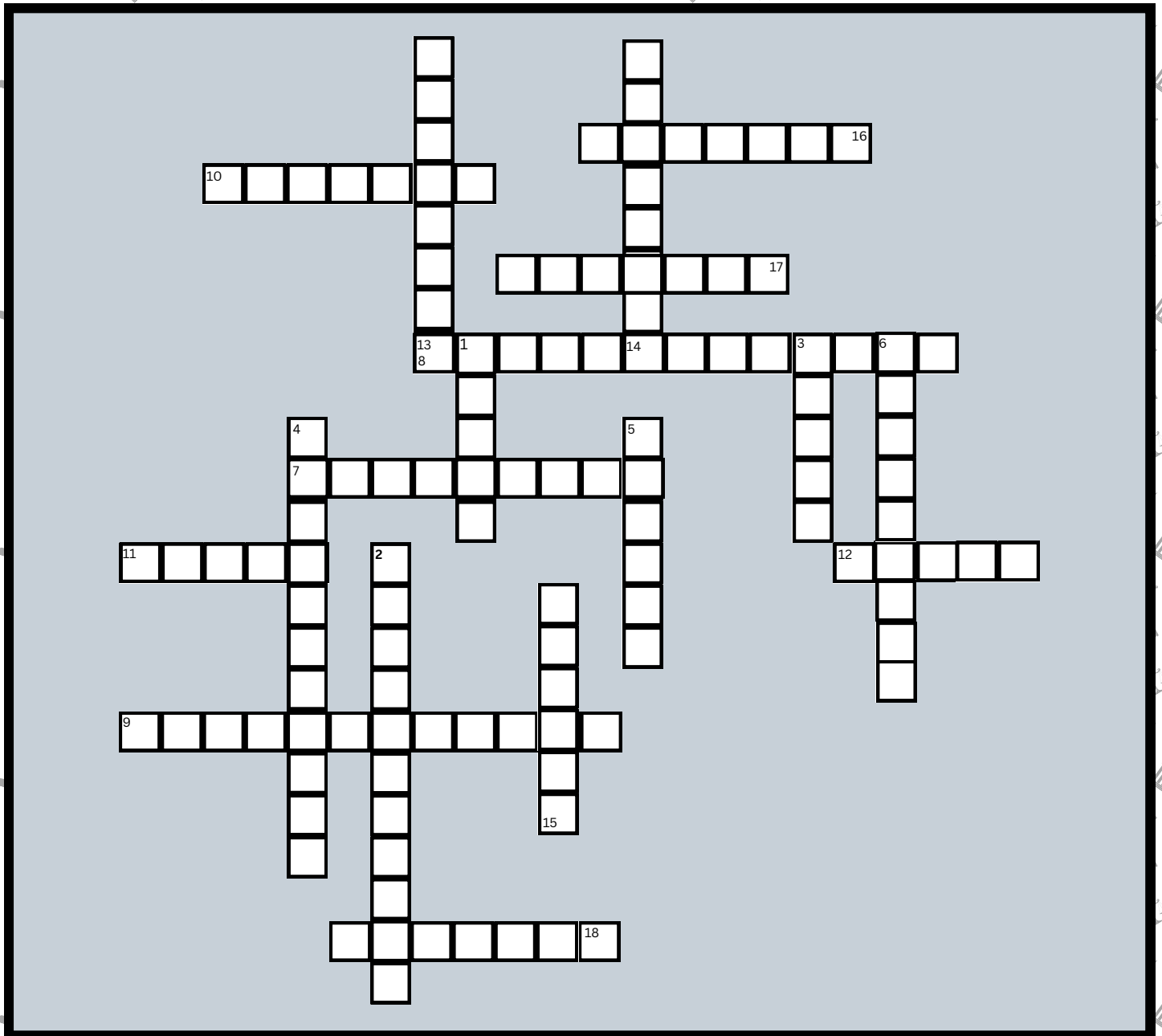
1. What the legal system can do to protect the environment
2. The obstacles in regulating the internet
3. Are businesses regulated adequately?
4. Child rights in Sri Lanka and how they can be improved.

- Submissions can be done via email to before December 2023.
- Maximum word count - 1000 words (Arial: 12, Line Spacing: 1.5, Alignment: Justified).
- Mention your Name, Student ID number, Batch, and Degree in your article.
- The closing date for submissions will be 25th January 2022
- Articles must be related to one of the given topics to be featured in the magazine.
- The selection and publishing of the received articles in the magazine will be up to the decision of the editorial board and the MICs

**Good Luck!**

# Test Your Knowledge in Business Law

## With a Crossword Puzzle



## Top to Bottom

1. Made by a party to enter a contract with another
2. Element of a contract that dictates its manner of execution for the contract to be valid
3. An important statement/ obligation in a contract.
4. An organization owned by 2 or more individuals
5. A set of rules that defines allowable actions or correct behavior.
6. Another term given to statutes

## Down to Up

13. The ability or inability of a person to enter a contract
14. Paid annually to shareholders
15. Values a person possesses that let them tell right from wrong

## Left to Right

7. A consensus reached by two contracting parties
8. A mandatory exchange of value in a contract
9. An organization with the power to make a country's laws
10. A category certain employees belong to in law
11. Contracts with third parties on behalf of a principal
12. Giving consent to an agreement to make it legal

## Right to Left

16. Compensation to a party for the losses they have suffered due to a breach in contract
17. Only parties to a contract are legally bind to it
18. The party that receives an offer



# Why have a Career in Law?

## Why Learn it?

By studying law, you can understand how the legal system works, gain knowledge about your rights and responsibilities, and learn how to resolve disputes in a peaceful and fair manner. This can be useful for personal and professional growth and can help you make informed decisions and participate in society more effectively.

## Learning law as a career can offer numerous benefits and opportunities. Here are a few reasons why:

- 1. Career Options:** A law degree opens up a wide range of career paths, including practicing law as a lawyer, working in the judiciary, becoming a legal consultant, or pursuing a career in politics, business, or non-profit organizations.
- 2. Critical Thinking:** Studying law requires developing critical thinking and analytical skills, which are valuable in any profession.
- 3. Social Impact:** Lawyers play a crucial role in promoting justice and protecting the rights of individuals and society. By pursuing a career in law, you can make a positive impact on people's lives.
- 4. High Demand:** There is a high demand for qualified lawyers globally, making it a stable and rewarding career choice.
- 5. Financial Rewards:** Law is often a well-paying profession, especially for those who have established themselves in the field.

Overall, learning law as a career can provide personal and professional growth, diverse career options, and the ability to make a meaningful difference in society.

# BACHELOR OF LAWS (HONOURS)

UGC APPROVED – OFFERED BY NSBM

Bachelor of Laws (Honours) offered by NSBM Green University is the platform for undergraduates who are willing to build up a successful career in the field of law. The LLB degree is designed in a unique way that would cater to address contemporary challenges in the national and global sphere while exposing the NSBM law undergraduate to both practical and theoretical aspects of law.

## PROGRAMME CONTENTS

Year 1	Year 2	Year 3	Year 4
<ul style="list-style-type: none"> <li>• Introduction to Law</li> <li>• Criminal Law</li> <li>• Legal Systems</li> <li>• Introduction to Legal Research and Legal Writing</li> <li>• Constitutional Law</li> <li>• Equity and Trust</li> <li>• Family Law</li> <li>• Law of Contracts</li> </ul>	<ul style="list-style-type: none"> <li>• Law of Property</li> <li>• Commercial Law</li> <li>• Negotiations</li> <li>• International Law</li> <li>• Law of Evidence</li> <li>• Administrative Law</li> <li>• Employment Law</li> <li>• Interpretation of Statutes</li> </ul>	<ul style="list-style-type: none"> <li>• Procedural Laws</li> <li>• Human Rights Law</li> <li>• Law of Delict</li> <li>• Internship</li> <li>• Law of the Sea</li> <li>• Company Law</li> <li>• Intellectual Property Law</li> <li>• Legal Advocacy Clinic</li> </ul>	<ul style="list-style-type: none"> <li>• International Investment Law</li> <li>• Environmental Law</li> <li>• Information Technology Law</li> <li>• Capstone Research Project</li> <li>• Jurisprudence</li> <li>• Banking and Finance Law</li> <li>• Tax Law</li> </ul>

## ENTRY QUALIFICATIONS

Students should have either of the following qualifications

- Two credit passes (2 C's) for English **and** Sinhala/ Tamil at G. C. E Ordinary Level
- and

Having three credit passes (3C's) in any stream (Commerce, Arts, Physical Science, Biological Science and Technology) from a single sitting at one of the following examinations or equivalent foreign qualifications is the minimum entry requirement.

- G.C.E. Advanced Level examination conducted by the Department of Examinations, Sri Lanka.
- G.C.E Advanced Level examination conducted by Pearson Edexcel, UK (London A/L).
- International Advanced Level examination conducted by Pearson Edexcel, UK.
- G.S.E Advanced Level examination conducted by Cambridge International Examination, UK

\* Candidates with impressive results at a foreign examination held outside Sri Lanka, deemed equivalent to G.C.E. (Advanced Level) Examination of Sri Lanka are eligible to apply for admission to universities in Sri Lanka.

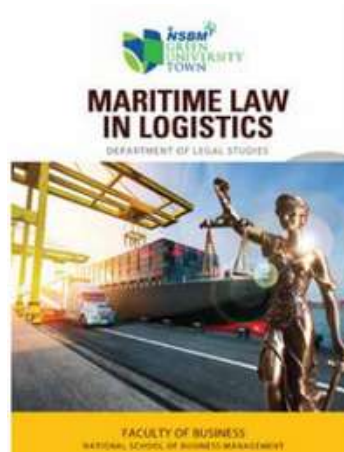
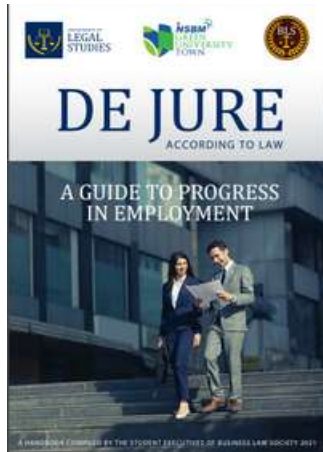
## EMPLOYMENT OPPORTUNITIES

Attorney- at- laws, International level legal advocates, Activists, Entrepreneurs, Academics and Legal Researchers

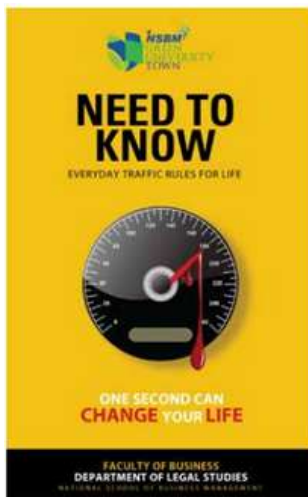
Visit [www.nsbm.ac.lk](http://www.nsbm.ac.lk) for more information

# OTHER BUSINESS LAW SOCIETY AND DEPARTMENT OF LEGAL STUDIES PUBLICATIONS

**DE JURE**  
A Guide to Progress in Employment



**MARITIME LAW IN LOGISTICS**



**Traffic Rules: Need to Know**

**Business Law for Beginners**



**Youtube - BLS NSBM** →



Follow our Youtube channel to watch all our video content featuring interviews with renowned lawyers, case law summaries and workshop footage for exam revision

**Instagram - nsbmbusinesslawsociety** →



Follow our Instagram page to stay up-to-date with all our latest postings on upcoming events, webinars and fundraisers

**Facebook - Business Law Society of NSBM** →



Follow our Facebook page to stay up-to-date with all our latest postings on upcoming events, webinars and fundraisers

# Message from the Mistress- in-Charge

Ms. Samithri Wanniyachy  
Lecturer  
Department of Legal Studies  
NSBM Green University Town



It is with great pride and pleasure I welcome you all to the Department of Legal Studies, NSBM Green University, on behalf of the Business Law Society (BLS). It is a memorable occasion for the Department of Legal Studies as we are reaching our second anniversary as a department. The Department of Legal Studies provides undergraduates with the best teaching and learning experience in Law.

Additionally, it builds undergraduates to be leaders in their field and valuable citizens to society. The department strives to mold students to thrive in multiple career opportunities as well as taking on further academic and professional qualifications. In order to tackle such endeavors, we aim to bestow undergraduates with high ethical standards, which we believe is facilitated by the opportunities for extra-curriculum through the Business Law Society.

As a recent example of such initiatives, The Inquisitor is intended to be a channel for gathering and disseminating knowledge pertaining important legal developments in the corporate world to the student community.

I'm really proud and greatly appreciate the efforts of the team of undergraduates for this great initiative. I wish the future teams all the very best in continuing what was started here.

# Message from the President



I'm very honored to be selected as the second president of the Business Law Society (BLS). In the initiation year of BLS, I was appointed as the event executive. That one year's hard work got me to the position I have today.

Business Law Society is a subject circle where we aim to educate undergraduates in the field of law and ethics.

As the President of the Business Law Society, throughout this one year period, my team and I organized successful webinars related to Maritime Law, and workshops of revision session with 120+ participants with the help of Ms Jayani and Ms Samithri. With the guidance of our Lecturers, we were able to conduct interviews on the topic of women in workplace with Ms. Marini De Livera and Ms. Thilini De Silva the Dean of the Faculty of Business at NSBM.

We as a subject circle, everyone in the society including myself contributed in planting trees as an CSR activity and for funding raising activities. I always seek to help my colleagues and other undergraduates who are seeking help studying the Business Law and Business Ethics Module. So with that aim, we all came up with different projects like revision sessions, study tips sessions by our lecturers and etc.

This magazine is the hard work of my enthusiastic BLS Executive member Gavindu Siriwardena, our MICs; Ms. Samithri Wanniachy the Mistress In Charge of BLS, Prof. Shanthi Segarajayingham as well as renowned lawyers who contributed in sharing their knowledge.

"Inquisitor" is the first magazine published by Business Law Society. The goal of this magazine is to provide individuals an understanding about the broad concept of law to the individuals who do not have a prior knowledge about the legal environment. I'm glad to part of this first issue. We hope readers love our work and look forward to further issues going forward.

Niyomi Ranasinghe  
(Undergraduate)  
President of Business Law Society  
NSBM Green University Town

# Editor's Note

It is with great pride that I lead this project into fruition. The fact that you are reading this now brings me great joy, as it means that we did succeed in publishing our magazine. The “Inquisitor” is meant as an extension to what the business Law Society of NSBM does, which is to make learning about Law fun and accessible to those who do not have any prior knowledge in the field.

This being the first issue of the “Inquisitor”, it will also be a chance for yourself to learn about the Business Law Society and what it is that we do for the students of NSBM. The main feature is the collection of articles we have compiled for you to read and gain an inkling of what are the goings on in the subject matter.

I'd like to take this opportunity to extend my gratitude to the personalities who had a part in completing this project. The former Head of the Department of Legal Studies, Ms. Jayani Perera who gave us the opportunity to pursue this project as well as giving valuable suggestions on the approach to making this magazine. Our Mistress-in-Charge Ms. Samithri Wanniyachy for providing the resources and helping us at every step of this endeavor. Professor Shanthi Segarajasingham who provided an article and advice for the magazine. The Head of the Department, Ms. Anne Pathirana for her guidance in finalising the publication. The President of the Business Law Society, Niyomi Ranasinghe for being a valuable teammate from the beginning and doing much of the content of this issue. Executive Member Hirusha Hasarindu for lending his excellent designing skills to several of the pages as well as the beautiful cover. The Secretary Gevin Anthony for contacting lawyers for articles and providing content. My friends; Thisandu Ranasinghe, Ranuk Siriwardena and Bhagya Herath for their assistance and lovely photos. And of course I thank all the Lawyers who provided us with such wonderful articles.

With that, I hope you enjoy the first issue of the Inquisitor as our small team had to work on a tight schedule amongst many other difficult challenges in order to make this publication happen.

Gavindu Siriwardena  
(Undergraduate)  
Executive Member of Business Law Society  
NSBM Green University Town



# THE INQUISITOR

**Thank You Very Much for Reading  
Stay Tuned for Future Issues!**