

Performance Report

Department of the Law Commission

January- December 2015

Department of the Law Commission

No.80, 4th Floor, Adhikarana Mawatha, Colombo 12

www.lawcom.gov.lk

Department of Law Commission

(No.80, 4th Floor, Adhikarana Mawatha, Colombo 12.)

01. INTRODUCTION

The Law Commission of Sri Lanka was established under the Law Commission Act No. 03 of 1969, and it is the main government institution which recommends legal reforms. The Department of Law Commission is constituted to extend administrative and research support.

02. VISION

To promote reform of the Law for good governance.

03. MISSION

Implementation of the functions prescribed in the Law Commission Act No 03 of 1969 for the promotion of the reform of the Law.

04. OBJECTIVES AND FUNCTIONS

The main object of the Law Commission is to promote the reform of the law. Following functions are executed by the Law Commission for the purposes of such promotion.

(I) The codification of Law.

(II) The elimination of anomalies.

(III) To take and keep under review the law, both substantive and procedural with a view to its systematic development and reform.

(IV) The repeal of obsolete and unnecessary enactments.

(V) The simplification and modernization of the law.

(VI) To receive and consider any proposals for the reform of the law.

(VII) To prepare and submit to the Minister, from time to time, programmes for the examination of different branches of the law with a view to reform.

(VIII) To obtain such information as to the legal systems of other countries.

(IX) To keep under constant review the exercise by bodies, other than parliament, of the power to legislate by subsidiary legislation with a view to ensure that they conform to well established principals and to the rules of law.

(X) To formulate programmes for rationalizing and simplifying legal procedures including procedures of an administrative character connected with legislation.

(XI) To formulate programmes for the codification of the law in Sinhala, Tamil and English.

05. PERFORMANCE DURING THE PERIOD (01.01 2015 - 31.12.2015)

January-February

Law Commission meetings were not held during this period.

March – 2015.03.28

The following Law Commission members were appointed as the New Law Commission members.

1. Mr. Romesh de Silva, P.C. (Chairman)
2. Prof. Lakshman Marasinghe
3. Mr. Palitha Fernando, P.C
4. Mr. J.M. Swaminathan
5. Mr. N. Selvakumaran
6. Mr. M. Ikram Mohamed, P.C.
7. Mr. S. Anil Silva, P.C.
8. Dr. Harsha Cabral, P.C
9. Mr. Manohara De Silva, P.C
10. Mr. Sanjeewa Jayawardena, P.C.
11. Mrs. Dharani S. Wijayatilake
12. Prof. Camena Gunarathne
13. Mr. G.G. Arulpragasam
14. Mr. Thisath Wijayagunawardane
15. Mr. Navin Marapana

The first meeting was held on 28th March 2015.

The new Law Commission was agreed to continue the approved programme of work of the previous Law commission for the year 2015 and also suggested to consider the following crucial legal issues.

- Bail Act
- Partition Act
- Custody of Children
- Marriageable Age
- Revocation of Gifts
- Parate –execution
- Amendments of Supreme Court Rule

April -2015.04.26

The Law Commission agreed to invite the views of the General Public on necessary reforms of the Law and the views of the professional associations.

The Law Commission published an advertisement to invite the General Public to forward their views on necessary legal reforms in following newspapers.

Silumina	– 2015.04.26
Sunday Observer	– 2015.04.26
Thinakaran	– 2015.04.26

May - 2015.05.15

- **Right of Paraveninilakaraya to institute a Partition Action**

The Law Commission member Mr.Navin Marapana presented the proposal of “Right of Paraveninilakaraya to institute a Partition Action” to amend the Partition Act No. 16 of 1951.

The following research areas were suggested by the Commission to be considered in future meetings.

1. Social Media and Right to Privacy
2. Amendments of Supreme Court Rules

- **“Expressway Regulations No. 2 of 2011”**

A proposal was submitted by Mr. T. Perninpanayagam on “Expressway Regulations No. 2 of 2011” to the Law Commission.

- **Sentencing Policy on Statutory Rape.**

Professor Camena Gunaratne and Mrs. Dharani Wijayatilake requested to revisit the recommendations given by the previous Commission on Sentencing Policy on Statutory Rape.

May - 2015.05.28

- **Right of Paraveninilakaraya to institute a Partition Action**

The Commission was agreed to forward the draft proposed amendments to the Partition Law (Rights of paraveninilakaraya to institute a partition action) to the Minister of Justice.

- **Revocation of Irrevocable Deeds of Gifts**

The Commission agreed to draft protective clauses to the draft amendment to the Revocation of Irrevocable Deeds of Gifts to ensure the rights of the *bona fide* purchasers and revisit the Partition Act.

- **Social Media and Right to Privacy**

The draft amendment on Social Media and Right to Privacy prepared by Mr. Swaminathan and Dr. Cabral were tabled and discussed.

- **Amendments to the Supreme Courts Rules**

The Chairman directed to Mr. Sanjeewa Jayawardena to draft a proposal to amend the Supreme Court Rules.

June – 2015.06.26

- **Amendments to the Court of Appeal (Appellate Procedure Rules 1990)**

The draft Proposed amendments to the court of Appeal (Appellate Procedure Rule 1990) prepared by Mr.Manohara De Silva, PC on the above topic was discussed and finalized.

The following topics were discussed.

- Punishment for Violation of Privacy
- Punishment for publishing or transmitting material containing sexual explicit act in electronic form.
- Punishment for publishing or transmitting material depicting children in sexually explicit act in electronic form.

July - 2015.07.10

- **Sentencing Policy on Statutory Rape**

The chairman highlighted the importance of Sentencing Policy on Statutory Rape identifying the back ground to the issue and the possible solution that can be suggested as the amendment.

- **National Medicines Regulatory Authority Act No: 05 of 2015**

Mr. Swaminadan brought to the notice of Commission on the above Act and informed that the Act repealed and replaced National Medicines Regulatory Authority Act No: 05 of 2015 certified on 19th March 2015, the Cosmetics Devises and Drugs Act No: 27 of 1980. The Act No. 05 of 2015 defines Medicines Cosmetics and borderline products. Mr.Swaminathan mentioned that the present Act has not provided any provision for the registration of cosmetics. This could cause serious effect on the members of the public.

After considering the above issue the Law Commission agreed to consider on which legislation should be introduced to provide for the registration of cosmetics as the repealed Act.

July – 2015.07.30

- **Reforms of Law on Limited Liability Partnership**

The Commission agreed to revisit the previous recommendations of the Law Commission on reforms of Law on Limited Liability Partnership at the request of the Institute of Chartered Accountants of Sri Lanka. (ICASL)

- **Motor Traffic Act**

Mr. Sanjeewa Jayawardena, P.C proposed to amend the Motor Traffic Act to include the liability and a higher level of care at the public transport.

September -2015.09.04

- **Social Media and Right to Privacy**

A research article was discussed on “Punishment for violation of Privacy”

September -2015.09.17

- **Partition Act**

The proposed amendment to the partition Act has been finalized.

- **Supreme Court Rules**

The improved draft on the Proposed Amendments to the Court of Appeal (Appellate Procedure) Rules 1990 was finalized.

- **Revocation of Irrevocable Deeds of Gifts**

The proposed draft has been finalized.

October -2015.10.16

A meeting was held on 16.10.2015 to share the views of professionals and the stakeholders on Social Media and Right to Privacy. The following representatives are participated.

- 1/Mr.S.Balapatabendi ,DSG,Attorney General's Department
- 2/ Mr.Sumathi Dharmawardena, DSG,Attorney General's Department
- 3/ Mr.Saliya Pieris, Deputy President Bar Association
- 4/ Mr.Dodawatta,ANCL

October -2015.10.19

At the invitation of the Hon.Minister of Justice the members of the Law Commission met the Minister on the 19/10/2015.

At the meeting the Commission presented to the Minister the following

- Proposed amendment to the Partition Law
- Proposed Violations of the Privacy Law
- Proposed Revocation of Donations Law
- An amendment to the Motor Traffic Act
- An amendment to the Supreme Court Rules

The Minister requested the Commission to look into the following matters

- 1/ Amendment to the Bribery Act
- 2/ Amendment to the Mortgage Act
- 3/ Amendment to the Civil Procedure Code

November -2015.11.20

The Commissioners suggested new proposal on the following areas to be discussed in the future Law Commission Meetings.

- Amendment to the Rent Act
- Amendment to the Civil Procedure Code
- Amendment to the Existing Divorce Procedure

December -2015.12.08

A meeting on proposed amendment to the Prevention on Terrorism Act held at the Ministry of International Trade and Commerce on 18/11/2015 chaired by Hon.Minister of Foreign Affairs and Hon. Minister of Development Strategies and Trade.

The Commission agreed to prepare a working draft on amendments to the Prevention on Terrorism Act.

December – 2015.12.18

A meeting was held to share the views on amendments to the Prevention on Terrorism Act. The following representatives are participated.

- 1/ Mr.M.A.Sumanthiran,Hon.M.P.
- 2/ Mr.Udaya Gammanpila,Hon.M.P.
- 3/ Mr.Shavindra Fernando,P.C.,Additional Solicitor General
- 4/ Mr.Yasantha Kodagoda,P.C.,Additional Solicitor General
- 5/ Mr.Geoffrey Alagaratnam, P.C., President,BASL
- 6/ Mr.Azard Navavi,State Counsel

07. FINANCIAL PROGRESS (01.01.2015 TO 31.12.2015)

(Capital and Recurrent)

Particular	Allocation For 2015	Expenditure as at 31 December 2015	%
Capital Expenditure	2,000,000	1,131,702	56.59%
Recurrent Expenditure	15,000,000	10,163,305	67.76%
Total	17,000,000	11,295,007	66.44%