

Sri Lanka Legal System Overview

Sri Lanka's legal system is a distinctive fusion of Roman-Dutch law, English common law, and customary traditions shaped by its colonial past and diverse cultural fabric.

Portuguese rule (1505–1658) had minimal legal influence, focusing primarily on trade and religious conversion.

Dutch rule (1658–1796) entrenched Roman-Dutch law as the foundation for civil matters, including contracts, property, and torts.

British rule (1796–1948) introduced English criminal law through the Penal Code and commercial law via ordinances.

Post-independence in 1948, Sri Lanka retained this hybrid framework, weaving in customary laws such as Kandyan, Muslim, and Thesawalamai systems.

The Constitution of 1978, amended 19 times, stands as the supreme law, establishing a unitary state with a blended presidential-parliamentary governance model.

The judiciary comprises the Supreme Court (highest appellate authority), Court of Appeal, High Courts, District Courts, and Magistrate's Courts.

Parliament, with 225 members elected every 5 years, serves as the primary legislative body.

The Attorney General's Department prosecutes criminal cases and provides legal counsel to the government.

Legal education is offered by the Sri Lanka Law College and universities such as Colombo and Peradeniya.

Criminal Law in Sri Lanka

The Penal Code of 1883 codifies criminal offenses, rooted in English legal principles.

Section 2 extends jurisdiction to crimes committed within Sri Lanka or by citizens abroad.

Section 53 outlines punishments: death, imprisonment, fines, whipping (rarely applied post-1948), and forfeiture.

Section 296 defines murder as intentional killing, punishable by death or life imprisonment.

Section 300 addresses culpable homicide not amounting to murder, carrying up to 20 years imprisonment.

Section 303 covers infanticide, with penalties akin to culpable homicide.

Section 314 defines robbery as theft with violence, punishable by 7–10 years, or 15 years if armed.

Section 366 criminalizes theft, involving taking movable property without consent, with up to 7 years imprisonment.

Section 380 penalizes house-breaking with 7 years, or 14 years if committed at night (Section 381).

Section 483 addresses forgery, altering documents with deceptive intent, with a maximum of 7 years.

Section 113A criminalizes abetment, aiding an offense, with penalties matching the principal crime.

The Code of Criminal Procedure (1979) governs arrest, trial, and appeal processes.

Arrests require warrants unless for cognizable offenses (e.g., theft, murder) under Section 32.

Magistrate's Courts conduct preliminary inquiries, escalating serious cases to the High Court.

High Court trials for grave offenses (e.g., murder) may involve a jury of 7, requiring a majority verdict.

The Bail Act (1997) allows discretionary bail, often denied for murder or terrorism-related charges.

The Evidence Ordinance (1895) regulates evidence admissibility, excluding hearsay except under exceptions like Section 32 (dying declarations).

Appeals from Magistrate's Courts proceed to the High Court within 14 days, then to the Court of Appeal, and Supreme Court with leave.

Family Law in Sri Lanka

Family law is pluralistic, reflecting the nation's historical and cultural diversity.

The General Marriage Registration Ordinance (1907) applies to Tamils and low-country Sinhalese, mandating registration for legal validity.

Section 18 sets the minimum marriage age at 18, requiring parental consent below 21.

Section 34 voids unregistered marriages under general law.

Divorce under the Civil Procedure Code (Section 597) is fault-based, citing adultery, malicious desertion, or incurable impotence.

Section 598 mandates a one-year separation before filing, except in cases of adultery or cruelty.

The Kandyan Marriage and Divorce Act (1952) governs Kandyan Sinhalese in the Central Province.

Kandyan marriages are monogamous, allowing divorce by mutual consent or fault (e.g., adultery).

Section 6 permits dissolution without court proceedings if both parties agree.

The Muslim Marriage and Divorce Act (1951) applies to Muslims, permitting polygamy (up to four wives).

Muslim divorce (talaq) allows husbands to unilaterally dissolve marriages, pronounced thrice over months.

Quazi courts mediate Muslim divorces, enforcing a 3-month iddah period for reconciliation.

Custody under general law prioritizes child welfare, adjudicated by District Courts.

Kandyan law traditionally favors paternal custody, while Muslim law grants mothers custody of children under 7.

The Maintenance Ordinance (1941) mandates support for spouses and children post-divorce, enforceable through courts.

Adoption lacks a statutory framework, recognized informally under welfare principles by District Courts.

Civil Law in Sri Lanka

Civil law is anchored in Roman-Dutch law, enriched by statutes and judicial precedent.

Contracts require offer, acceptance, and consideration, with legality enforced under Roman-Dutch principles.

The Sale of Goods Ordinance (1896) aligns with English law, governing commercial transactions.

Section 3 defines a sale as transferring property for a price.

The Prescription Ordinance (1871) sets limitation periods: 10 years for land disputes, 3 years for contracts, 1 year for torts.

Property law operates under the Land Registration Ordinance, requiring deeds for ownership.

The Registration of Title Act (1998) introduces a Torrens system in pilot areas like Gampaha.

Torts (e.g., negligence, defamation) offer damages or injunctions, based on Roman-Dutch concepts.

The Civil Procedure Code (1889) regulates civil litigation, from filing complaints to executing decrees.

Section 5 assigns jurisdiction by cause of action or defendant's residence.

Section 217 lists remedies: damages, specific performance, or injunctions.

Civil cases commence in District Courts, with appeals to the Court of Appeal and Supreme Court.

Car accidents fall under civil law when seeking damages for negligence, requiring evidence like police reports and witness statements.

Labour Law in Sri Lanka

Labour law balances worker rights and employer obligations through multiple statutes.

The Shop and Office Employees Act (1954) caps work at 8 hours daily, with overtime at 1.5 times pay.

Section 2 mandates minimum wages, adjusted periodically by the Wages Board.

The Workmen's Compensation Ordinance (1934) compensates workplace injuries (e.g., LKR 500,000 for death).

Section 3 imposes employer liability without proving fault.

The Termination of Employment of Workmen Act (1971) requires just cause or severance for dismissals.

The Trade Unions Ordinance (1935) legalizes unions, requiring registration with the Labour Department.

The Industrial Disputes Act (1950) establishes Labour Tribunals for resolving conflicts like unfair dismissal.

Section 31B allows reinstatement or compensation awards.

The Maternity Benefits Ordinance (1939) grants 12 weeks paid leave, with 6 weeks post-birth.

The Employees' Provident Fund Act (1958) mandates retirement savings: 8% employee, 12% employer contributions.

Constitutional Law

The Constitution of 1978 defines Sri Lanka as a democratic socialist republic.

Article 3 vests sovereignty in the people, exercised via Parliament, the President, and referenda.

Article 9 gives Buddhism foremost place, while safeguarding other religions.

Fundamental rights (Articles 10–14) include equality, free speech, religion, and assembly.

Article 126 allows Supreme Court petitions for rights violations within one month.

The President, elected for 5 years (two-term limit post-19th Amendment), heads the executive.

Parliament, with 225 members, legislates and approves budgets.

Judicial review (Article 140) empowers the Supreme Court to scrutinize administrative actions.

Customary Laws

Kandyan law applies to Sinhalese in the Central Province, preserving pre-colonial norms.

Kandyan marriages are monogamous, with equal inheritance among children.

Thesawalamai law governs Northern Province Tamils, emphasizing matrilineal property rights.

Section 1 requires spousal consent for land sales under Thesawalamai.

Muslim personal law, under the Muslim Marriage and Divorce Act, follows Sharia principles.

Inheritance under Muslim law assigns fixed shares (e.g., daughters receive half of sons' shares).

Environmental and Commercial Law

The National Environmental Act (1980) regulates pollution, imposing fines up to LKR 100,000.

The Forest Ordinance (1907) protects forests, penalizing illegal logging with 2 years imprisonment.

The Companies Act (2007) governs corporate registration and operations.

The Intellectual Property Act (2003) protects patents (20 years), trademarks (10 years renewable), and copyrights (life plus 50 years).

Legal Case Management Platform Overview

This platform streamlines legal services in Sri Lanka, efficiently connecting clients and lawyers.

Clients log in with credentials, accessing a dashboard to post and monitor cases.

Clients can post up to 3 Pending cases, specifying issue (e.g., "Car accident in Kandy"), district, and case type (e.g., civil).

Pending cases appear in gray, expiring after 14 days if no lawyer expresses interest.

Lawyers sign up with name, email, contact, and ID (e.g., bar certificate), pending admin approval.

Verified lawyers set districts (e.g., Colombo) and case types (e.g., criminal, civil), locked after their first case.

Lawyers browse Pending cases, filtering by their set districts and types, and express interest.

Clients receive notifications of interest, responding Yes/No within 48 hours.

Accepted cases become Ongoing (yellow-golden), enabling secure client-lawyer chat.

Lawyers add notes (e.g., "Prepared court submission") and tasks (e.g., "Court date: 12/01/2025").

Clients view notes for transparency but cannot edit them.

Lawyers close resolved cases, shifting status to Closed (red), with optional client feedback.

Expired cases (dark gray) notify clients after 14 days, prompting reposting if needed.

The Chatbot, Lexi, assists 24/7, answering queries based on this knowledge base.

Notifications cover lawyer interest, case updates, expiry, and inactivity reviews (10 days).

Car Accidents in Sri Lanka

Car accidents are governed by the Motor Traffic Act (1951), which mandates reporting and regulates road safety.

Section 152 requires drivers to report accidents involving injury or significant damage to the police within 24 hours.

Failure to report incurs fines up to LKR 25,000 or imprisonment up to 6 months.

Civil claims for car accidents fall under Roman-Dutch law, allowing damages for negligence or injury.

Victims must file civil cases in District Courts, supported by police reports, medical records, and witness statements.

Insurance claims are common; drivers should notify insurers within 48 hours to process compensation.

On this platform, clients post car accident cases as "civil" with district details (e.g., "Car accident in Colombo, civil case").

Lawyers interested in car accident cases can express interest, shifting the case to Ongoing upon client approval.

Platform Scenarios

Scenario 1: Client posts "Divorce in Galle, family case." Lawyer A expresses interest, client accepts, case shifts to Ongoing.

Scenario 2: Lawyer adds note "Filed petition on 10/20/2025" and task "Hearing on 11/1/2025."

Scenario 3: Pending case "Theft in Matara" expires after 14 days, client notified.

Scenario 4: Client posts "Car accident in Colombo, civil case," Lawyer B expresses interest, case becomes Ongoing.

Scenario 5: Lawyer adds note "Submitted police report" and task "File damages claim by 12/15/2025."

Scenario 6: Client posts "Labour dispute in Negombo," lawyer adds task "File tribunal claim."

Scenario 7: Lawyer closes "Assault case in Kandy" after plea bargain.

Additional Statutes

The Bribery Act (1954): Up to 10 years for public sector corruption.

The Motor Traffic Act (1951): Fines for unlicensed driving (LKR 25,000) and accident reporting failures.

The Mediation Boards Act (1988): Resolves disputes under LKR 25,000.

The Arbitration Act (1995): Enforces commercial arbitration awards.

The Consumer Affairs Authority Act (2003): Protects against unfair trade practices.

Judicial Processes

Criminal trials require proof beyond reasonable doubt, with prosecution presenting evidence first.

Civil trials involve pleadings, framing issues, and hearings, concluding with enforceable judgments.

Appeals from District Courts go to the Court of Appeal within 60 days.

Supreme Court appeals require a substantial question of law, granted via special leave.

Extended Legal Context

The Evidence Ordinance (1895) governs evidence admissibility in courts.

Hearsay is generally inadmissible unless under exceptions (e.g., dying declarations under Section 32).

The Prescription Ordinance (1871) sets limitation periods for civil claims (e.g., 10 years for land disputes).

The Mediation Boards Act (1988) promotes alternative dispute resolution for minor disputes.

The Intellectual Property Act (2003) safeguards trademarks, patents, and copyrights.

More Criminal Law

Section 120: Sedition, up to 2 years for inciting disaffection.

Section 383: Extortion, 10 years maximum penalty.

Section 493: Bigamy, 7 years under general law.

More Family Law

Section 19 of Marriage Ordinance: Unregistered marriages void.

Section 34 of Kandyan Act: Divorce by mutual consent.

Muslim law: Talaq requires 3 pronouncements over 3 months.

More Civil Law

Section 5 of Civil Procedure Code: Jurisdiction by action location.

Section 217: Remedies include damages or injunctions.

Car accident claims require proof of negligence, filed within 3 years under the Prescription Ordinance.

More Labour Law

Section 2 of Shop Act: Overtime at 1.5x rate.

Section 10 of Workmen's Compensation: Covers medical costs for workplace injuries.

More Platform Features

Clients receive email and in-app notifications for all case updates.

Lawyers can filter Pending cases by district and case type for efficiency.

The platform logs actions (e.g., case posting, interest expressed) with timestamps.

Clients can upload documents (e.g., police reports, medical records) when posting a case.

Lawyers can download client-uploaded files for Ongoing cases.

More Judicial Details

High Court sittings occur in provincial capitals (e.g., Colombo, Kandy).

Supreme Court hears constitutional cases monthly in Colombo.

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