



By - Laws

M.Phil - Ph.D Programme

(With Section 11)

Postgraduate Unit
Faculty of Law
University of Colombo.

By-Laws made by the Council of the University of Colombo under Section 135 of the Universities Act No. 16 of 1978, as amended by the Universities (Amendment) Act No. 7 of 1985.

THE HIGHER DEGREES IN THE FACULTY OF LAW BY-LAWS

These By-Laws may be cited as the Higher Degrees By-Laws No. 01 of 1992.

PART 1 -GENERAL

1. Any person who has been admitted by the authority and in the manner hereinafter provided to enter on a course of study or research, and who has satisfied the examiners in one of the forms of examination hereinafter prescribed, may be admitted to the Degree of Master of Laws, or the Degree of Master of Philosophy or the Degree of Philosophy, as the case may be provided that he has satisfied the conditions prescribed by these By-Laws or any other Rules, Regulations and By-Laws made by the University of Colombo.
2. A person who wishes to be a candidate for a Higher Degree offered by the Faculty of Law under these By-Laws shall make an application in response to a Notice of the University of Colombo, to the Registrar in the prescribed form furnishing an outline of the study which he proposes to pursue or such other information as he may be required to submit, and his qualifications for under taking the course of study or research.
3. Applications received by the Registrar shall be referred to the Head of the Department of Law for his/her observations and recommendations. The Higher Degrees Committee of the Faculty of Law shall go through the application and recommend to the Senate through the Faculty Board whose applications shall be accepted for registration.
4. Upon an application being accepted, the person concerned shall forthwith register as a postgraduate student of the University for the relevant Programme. He shall pay the registration, tuition, supervision and other fees as are prescribed by the Council. A teacher of this University, however, shall not be required to pay the registration and tuition fees.
5. The minimum period of registration for the Degree of Master of Laws, Master of Philosophy and Doctor of Philosophy shall be one year, two years and three years respectively, provided that the Faculty Board on the recommendations of the Higher Degrees Committee may extend the period for good reason in particular cases.

6. The effective date of registration in the case of the programmes leading to the Degree of Master of Philosophy and Doctor of Philosophy shall be the date on which the Senate approves the application.
7. A Postgraduate student who is accepted as a candidate for the Degree of Master of Philosophy or Doctor of Philosophy shall devote his time to his studies or engage in some form of approved research at this University or any other institution approved by the Faculty Board on the recommendation of the Higher Degrees Committee.
8. For each postgraduate student engaged in research, the Faculty Board on the recommendation of the Higher Degrees Committee shall appoint a teacher of the Faculty or specialist in the subject from outside the Faculty as supervisor or supervisors.
9. At the end of every six months, in the case of students registered for the programme leading to the Degrees of Master of Philosophy, the supervisor shall submit a written report to the Higher Degrees Committee regarding the work of the candidate. A supervisor shall also report to the Higher Degrees Committee when, in his opinion, a postgraduate student is not making satisfactory progress in his work or is not likely to reach the required standard.
10. Consequent upon the recommendations of the Higher Degrees Committee to that effect and in the opinion of the Faculty Board if a postgraduate student is not making satisfactory progress, the Faculty Board may recommend to the Senate the cancellation of the registration of the said postgraduate student and upon acceptance of such recommendation by the Senate such student shall cease to be a registered postgraduate student of the University.
11. On the expiry of six months from the date of registration for the programme leading to the Degree of Master of Philosophy or at any time thereafter, a candidate may apply to the Faculty Board through the Higher Degrees Committee for leave to transfer his registration for the course leading to the Degree of Doctor of Philosophy: provided that the Faculty Board may at its discretion, after receiving the recommendation of the Higher Degrees Committee permit a candidate of exceptional merit to register directly for the course leading to the Degree of Doctor of Philosophy without requiring registration initially for the course leading to the Degree of Master of Philosophy. Any such transfer or permission shall have to be approved by the by the Senate.

12. A postgraduate student may with the recommendation of the Supervisor request the Higher Degrees Committee to modify the tentative title of the thesis: after obtaining the recommendation of the Higher Degrees Committee the Faculty Board may recommend to the Senate for approval the modification of the tentative title of the thesis.
13. The Senate may in any special case, subject to any condition which it chooses to impose, authorize a candidate to work for a period not exceeding one year in any other University or institution.
14. At least for months before a postgraduate student is likely to submit his thesis to the University, he shall request his supervisor to notify the Registrar and the Dean of the Faculty of Law of his intention so as to enable them to make the required arrangements for the examination of the candidate.
15. On completion of his work a postgraduate student proceeding to a Higher Degree either wholly by thesis or partly by course-work and partly by extended essay shall submit to the Registrar, three copies of his thesis or extended essay, as the case may be, prepared in accordance with the rules regarding the format of essay set out in the schedule to these By-Laws.
16.
 - (i) The Faculty Board on the recommendation of the Higher Degrees Committee shall recommend to the Senate the appointment of examiners for the purpose of examining the candidates for Higher Degrees.
 - (ii) In the case of the examination of a thesis for the Degree of Doctor of Philosophy, two examiners- one preferably from outside the country shall be nominated.
 - (iii) In the case of examination of a thesis for the Degree of Master of Philosophy, two examiners shall be nominated.
 - (iv) In the case of the examination of an extended essay for the degree of Master of Laws on examiner and for the examination of written papers two examiners shall be nominated.
17. The examiners appointed by the Senate for the examination of candidates for the Higher Degrees shall submit to the Head of the Department of Law a written report on the thesis and/or the results of the written papers of the course-work examination.

18. After consideration of the report of the examiners of a candidate for a Higher Degree, the Board of Examiners shall report to the Senate whether in its view:
- (a) the degree for which the candidate has submitted himself for examination shall be awarded, or
 - (b) the degree for which the candidate has submitted himself for examination shall be awarded subject to such minor amendment or amendments to the thesis as may be specified, or
 - (c) in the case of a candidate who has submitted a thesis for the Degree of Doctor of Philosophy, the Degree of Master of Philosophy shall be awarded, or
 - (d) the degree shall not be awarded, but the candidate shall be permitted to resubmit his thesis within a specific period, or
 - (e) the degree shall not be awarded and the candidate shall either not be allowed to present himself again or shall be required to re-sit the whole or part of the examination, or
 - (f) The candidate shall be required to attend a repeat *viva voce* examination.
19. A candidate who satisfies either paragraph (a), (b) or (c) of By- Law 18 shall be entitled to be admitted to the Higher Degree as recommended by the Board of Examiners.
20. A candidate who fails the examination shall, subject to By-Laws 18(e) if engaged in research, re-submit the dissertation within one year of the release of his results, and if the Degree involves course-work, the candidate may be required to sit the papers again on the next subsequent occasion on which such written papers are held or to submit the extended essay within six months of the release of the results, as the case may be. No further time shall be allowed unless the Senate is satisfied that exceptional circumstances exist.
21. When a thesis is accepted for the award of a Degree, two copies shall be submitted to the Librarian, one of which shall not be available on loan. In the case of a typewritten thesis, the two copies shall be the original and the first carbon copy or a true and fair photocopy and the original copy shall not be available on loan. The second copy shall be available on loan to approved borrowers on demand. The same shall apply in respect of the extended essay too.

22. Each person consulting a thesis or an extended essay shall be required to sign a statement acknowledging that he had been given access to the thesis/extended essay for consultation and undertaking that no part of thesis/extended essay will be published or paraphrased without the prior consent of the author.

Part II
The Degree of Master of Laws

23. The programme leading to the Degree of Master of Laws shall be by coursework.
24. No person shall be registered for the programme leading to the Degree of Master of Laws unless he:
- (a) has obtained the Degree of Bachelor of Laws of this University or any other recognised university; or
 - (b) has passed the Master of Laws (Qualifying) Examination of this University consisting of such papers as have been selected by him with the concurrence of the Higher Degrees Committee; or
 - (c) Possesses qualifications or experience, which are deemed by the Faculty Board on the recommendation of the Higher Degrees Committee to be equivalent to the qualifications specified in clause (a) or (b) above. Each application under this clause shall be considered on its merits.
25. The Degree of Master of Laws shall be awarded on the successful completion of a courses of study consisting of two papers within the scope of one subject and extended essay comprising a maximum of fifteen thousand words on an approved subject/topic.
26. (a) A person registered for the programme leading to the degree of Master of Laws shall pursue a course for one year on any subject approved by the Faculty of Law.
- (b) The Senate shall prescribe by regulation the subjects, their syllabuses and reading lists for the above purpose. However, the Faculty of Law may decided, depending on the availability or resources and viability of conducting the course, not to offer any subject for the programme in any given year.
 - (c) After the successful completion of the course of study, a person registered for the programme shall sit for two papers in his area of study and shall submit an extended essay on a subject/topic previously approved by the Faculty.

- (d) The Faculty Board on the recommendation of the Higher Degrees Committee shall nominate a teacher of the Faculty of Law or a specialist in the subject from outside the Faculty to supervise a candidate in the preparation of the extended essay.
- (e) A candidate may be required to attend a viva-voce examination on the subject of the extended essay.

27. A person may be admitted to the Degree of Master of Laws if he,

- (a) has been a registered postgraduate student of the programme leading to the Degree of Master of Laws in the University of Colombo,
- (b) has thereafter pursued the approved course of study and research in the University,
- (c) has paid such registration, tuition, supervision, examination and other fees as are prescribed by the Council, and
- (d) has passed the examination by obtaining the required grades in the written papers and in the extended essay, and has satisfied the examiners at the oral examination when one is held.

28. (a) The required grade to be obtained in the written papers and the extended essay for passing the examination shall be a 'C' grade or above. A candidate's performance at the examination shall grade in the following manner:

Grade A	-	75%	-	100%
Grade B	-	60%	-	74%
Grade C	-	50%	-	59%
Grade D	-	40	-	49%
Grade E	-	00	-	39%

(b) A candidate who obtains Grade A in the written papers as well as in the extended essay shall be given a merit pass at the examination.

29. (a) A candidate who obtains the required grades in the written papers of the course-work but fails to secure the required grade in the extended essay may be required by the examiners, to resubmit the extended essay within the period specified by the Board of examiners, which period shall not exceed six months from the date of informing the candidate.

- (b) Where a candidate obtains the required grade in the extended essay but fails to secure the required grades in the written papers of the coursework, he may be permitted to sit for the written papers in next subsequent occasion.
- (c) A candidate who passes the examination leading to the Degree of Master of Laws under the above sub-paragraphs shall not be eligible to a merit pass.

Thesis :- M. Phil - **Part III**
 W. Count - 50,000/-
 Duration - 2 months ^{year} of Master of Philosophy

- 30. The programme leading to the Degree of Master of Philosophy shall be full time advanced study and research for a two year period.
- 31. No person shall be registered for the programme leading to the Degree of Master of Philosophy unless he:
 - (a) has obtained with First or Second Class Honours, the Degree of Bachelor of Laws of this University or any other recognized University: or
 - (b) has obtained the Degree of Master of Laws of this University or any other recognized University.
- 32. (i) A candidate for the programme leading to the Degree of Master of Philosophy shall undertake full time advanced study and research in the approved subject/area.
- (ii) The candidate shall thereafter, submit a thesis on the approved subject consisting of not more than fifty thousand words within two months of the termination of the two year period of registration. In exceptional circumstances the Senate, on the recommendation of the Higher Degrees Committee and the Faculty Board may grant extension of time for the submission of the thesis.
- (iii) The thesis shall represent a significant contribution to knowledge an examination or interpretation of existing material presented in a lucid and systematic manner.
- (iv) The thesis shall demonstrate the candidate's knowledge of the methods of research, his competence to present material systematically and his ability to exercise critical and independent judgment.
- (v) The candidate shall be required to submit himself for a viva-voce examination on the subject of the thesis.

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33. A candidate may be admitted to the Degree of Master of Philosophy, if he,
- (a) has been a registered postgraduate student of the programme leading to the Degree of Master of Philosophy in the University of Colombo,
 - (b) has thereafter pursued in the University or any other Institution approved by the Faculty Board on the recommendation of the Higher Degrees Committee an approved programme of research of at least two years duration, provided the minimum period stipulated shall not apply to teachers of the Faculty of Law,
 - (c) has paid such registration, tuition, supervision, examination and other fees as are prescribed by the Council; provided that a teacher in the Faculty of Law shall not be required to pay the registration and supervision fees, and
 - (d) has,
 - (i) presented a thesis acceptable to the examiners embodying research or , a subject approved by the Senate and,
 - (ii) satisfied the Board of Examiners at a viva-voce examination.
34. A candidate for the Degree of Master of Philosophy, who is required under By-Law 18 (d) to resubmit his thesis, shall do so after six months but within one year.

Part IV
The Degree of Doctor of Philosophy

35. The programme leading to the Degree of Doctor of Philosophy shall be full time advanced study and research for a three year period.
36. No person shall be registered for the programme leading to the Degree of Doctor of Philosophy unless he,
- (a) has obtained the Degree of Master of Philosophy (in Laws) of this University or any other recognized University; or
 - (b) has been registered for a programme leading to the Degree of Master of Philosophy in this University and his request for transfer to this programme, has been recommended by the Supervisor and approved by the Senate in terms of By-Law 11 of these By-Laws; or

- (c) has obtained a 'B' grade in the written papers of the coursework and in the extended essay of the examination leading to the Degree of Master of Laws of this University; or
 - (d) has obtained First or Second Class Honours in the Degree of Bachelor of Laws of this University or any other recognized University and the Senate in terms of By-Laws 11 of these By-Laws approved him to register directly for the course. \
37. (i) A candidate registered for the programme leading to the Degree of Doctor of Philosophy shall under-take full time advanced study and research in the approved subject.
- (ii) The candidate shall submit a thesis on the approved subject consisting of not more than eighty thousand words within six months of the termination of the three year period of registration. In exceptional circumstances extension of time may be granted by the Senate on the recommendation of the Faculty Board after obtaining the recommendation of the Higher Degrees Committee.
- (iii) The candidate shall submit a thesis on an approved subject demonstrating a knowledge of the methods of research, evincing competence to systematically and to exercise critical and independent and exhibiting lucid and scholarly presentation.
- (iv) The thesis shall represent a significant and substantial contribution in the particular field of learning.
- (v) The candidate shall be required submit himself for a viva-voce examination on the subject of the thesis.
38. The candidate consult the Head of the Department of Law and the proposed supervisor before completing the application form with regard to the tentative title of the thesis.
39. A brief synopsis of the proposed thesis prepared in consultation with the supervisor shall be submitted for the approval of the Senate through the Faculty Board and the Higher Degrees Committee within six months from the date of registration.
40. A candidate may be admitted to the Degree of Doctor of Philosophy if he,
- (a) has been a registered postgraduate student of the programme leading to the Degree of Doctor of Philosophy in the University of Colombo;

- (b) has thereafter pursued in the University an approved programme of research of at least three years duration, provided that the minimum period stipulated shall not apply to teachers in the Faculty of Law;
 - (c) has paid such registration, tuition, supervision, examination and other fees as are prescribed by the Council; provided that a teacher in the Faculty of Law shall not be required to pay the registration and supervision fee ; and
 - (d) has fulfilled the following conditions:
 - (i) That he has presented a thesis acceptable to the examiners embodying research on the subject selected by him and approved by the Senate' and
 - (ii) That he has satisfied the examiners at the viva-voce examination.
41. The Degree of Doctor of Philosophy may also be conferred on a candidate who has submitted a published work which, in the opinion of the examiners, represents a significant and substantial contribution to knowledge in the relevant field.
42. Every application made under By-Law 41, shall be accompanied by certificate from the application that the published work on which he bases his application has not been submitted for a Degree of this or any other University and that he has received no assistance in the compilation thereof other than the assistance which is specified in detail in the application.

PART IV – TRANSITIONAL PROVISIONS

43. Candidates who have already been registered under the By-Laws governing higher Degrees in the Faculty of Law No. 2 of 1982 for a Higher Degree shall hereinafter be governed by these By-Laws in the following manner:
- (a) Candidates registered for the Degree of Doctor of Philosophy shall be governed by the relevant provisions of the Degree of Doctor of Philosophy under these By-Laws.
 - (b) Candidates registered for the Degree of Master of Laws by research shall be governed by the relevant provisions of the Degree of Master of Philosophy under these By-Laws.
 - (c) Candidates registered for the Degree of Master of Laws by course-work shall be governed by the relevant provisions of the Degree of Master of Laws under these By-Laws.

44. Persons who completed by research the programme leading to the Degree of Master of Laws of the University of Colombo under earlier By-Laws No. 2 of 1982 and who have been awarded the Degree of Master of Laws by this University may apply to the Vice-Chancellor requesting that they be awarded the Degree of Master of Philosophy of the University of Colombo in place of the Degree of Master of Laws. Such persons shall surrender their certificates conferring the Degree of Master of Laws. The Vice-Chancellor may award the Degree of Master of Philosophy.
45. By-Laws No. 2 of 1982 governing Higher Degrees in the Faculty of Law are hereby repealed without any prejudice to what has already been done under such instrument.

Part V
Interpretation

46. In these By-Laws unless the context otherwise requires:
 - (a) "Council" means the Council of the University of Colombo constituted by the Universities Act-No. 16 of 1978
 - (b) "Registrar" means the Registrar, Acting Registrar, Deputy Registrar, Senior Assistant Registrar and any other officer authorized to sign for and on behalf of the Registrar of the University of Colombo.
 - (c) "Senate" means the Senate of the University of Colombo constituted by the Universities Act No. 16 of 1978
47. Any question regarding the interpretation of these By-Laws shall be referred to the Council whose decision thereon shall be final.

SCHEDULE

The format of each thesis to be submitted for a Higher Degree in the Faculty of Law, unless otherwise required by the Faculty, shall be on quarto paper measuring 10 ½" x 8" and typewritten on one side of the paper only, double spaced and with margins of at least 1 ¼" on the left side ¼" on the right side and ¼" at the top and bottom of each page.

The three copies to be submitted to the Assistant Registrar in charge of the subject of Examinations shall include the original copy and the first two carbon copies or clear and fair photocopies.

The thesis shall incorporate in the following order:

- (a) a title page giving the title of the thesis, the degree for which it is submitted, with the name of the Faculty, the full name of the author and the date of submission of the degree;
- (b) a table of contents;
- (c) the following declaration, signed by the candidate:
“I certify that this thesis does not incorporate without acknowledgement any material previously submitted for a Degree or Diploma in any University; and to the best of my knowledge and belief it does not contain any material previously published or written by another person or myself except where due reference is made in the text.”
- (d) an acknowledgement by the candidate of assistance rendered or work done by any other person or organization;
- (e) the main text;
- (f) appendices, if any ;
- (g) table of statutes;
- (h) table of cases;
- (i) bibliography.

Wherever possible, table shall be inserted in the proper place in the text, but comprehensive tables shall appear as an appendix/appendices.

The thesis shall be sewn, trimmed and bound and covered with dark cloth, leather or rexine, preferably blue.

On the spine of the thesis there shall be given in lettering of suitable size, the surname of the candidate and the title of the thesis, abbreviated if necessary. If the lettering will not fit across the spine it shall run along the spine reading from top to bottom.

When published papers are submitted as additional evidence they shall be bound at the back of the thesis as an appendix.