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ACHIEVING RESILIENCE THROUGH DIGITALIZATION, SUSTAINABILITY AND
SECTORAL TRANSFORMATION

LAW

ABSTRACTS



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ORAL PRESENTATIONS

Legislating the National Intelligence Services in Sri Lanka: A Comparative Analysis

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Abstract

National Intelligence Services Act is a long overdue legislation. Separate legislation for national intelligence is of paramount importance to mount intelligence operations that empower and enhance high-grade and high-quality intelligence. Accordingly, a reasonable query arises about the anatomy of such legislation. This study committed to finding viable connotations and considerations of the prospective National Intelligence Services Act of Sri Lanka compared to the similar legislations of other jurisdictions. This study based on a qualitative research methodology instigates with the black letter approach apprehending existing legal regimes and concludes with a comparative study with similar laws of the selected jurisdictions. The researcher has referred to structured interviews and black letter instruments with legal binding as its primary sources, while research journal articles, committee reports, and special reports as secondary resources. This study recommends governing legal principles of Sri Lanka in formulating the national intelligence Legislation. Further, it proposes connotations and considerations for the legislation, the establishment of national intelligence institutions with their power, functions, and administration, authorized acts in the intelligence operation which includes intelligence cycle and counterintelligence of overt and covert operations, and the introduction of the intelligence warrants and their mandates, intelligence oversight measures, and intelligence tribunal for complaint handling and interpretation of terms that facilitate the smooth application of such legislation in Sri Lanka. Finally, the study stresses two aspects - the legal protection of the intelligence community and individual liberty as the foremost principles in formulating the prospective National Intelligence Services Act of Sri Lanka.

Keywords: *Intelligence Legislations, Intelligence Warrants, Intelligence Tribunal*

“Living in Adultery” as a Ground for Losing the Opportunity to Claim Maintenance: A Critical Appraisal of the Sri Lankan Judicial Standpoint

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Abstract

The common law reciprocal duty of maintaining the spouses has been part of the Sri Lankan legal regime with the incorporation of the maintenance law directions, with the enforcement of Maintenance Ordinance, No. 19 of 1889, which was subsequently repealed by the Maintenance Act, No. 37 of 1999. “Living in adultery” has been recognized as an exemption to qualify to claim maintenance from the spouse as per the provisions of both statutes. Nevertheless, the scope of the term, “living in adultery” has been developed by the domestic judiciary following numerous approaches of construction. This research aims to evaluate the effectiveness of the domestic judiciary in dealing with the concept of “living in adultery”. It also analyses different approaches used by the judiciary in interpreting the term and determining whether the burden of proof required to establish “living in adultery” has been consistently applied in accordance with Sections 3, 4, and 5 of the Maintenance Ordinance (1889) and Section 2(i) proviso of the Maintenance Act (1999). The black letter approach and comparative legal research methodologies have been employed in order to achieve the objective of the study. Finally, the study reveals that the judicial determination under both statutes has attempted to construct the phrase “living in adultery” based on the circumstantial evidence provided by each case, yet the level of burden of proof expected to establish the “living in adultery” shall remain unclarified.

Keywords: *Maintenance, Living in Adultery, Burden of Proof, Sri Lanka*

A Time-Travel to “Nova-Species”: Influence of Naturalism in Roman Law on the Ownership in Modern Copyright Law

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Abstract

This research aims at analysing the impact of Naturalism-based Roman Law principles on certain concepts in modern Intellectual Property Law (IPL). Roman civilization was historically at its peak in literature and artistic creations. Therefore, an effective legal framework was much needed, for the well-being of the society. Based on the roots of Naturalism, it is to explore how modern concepts of IPL are influenced by Naturalistic ideologies such as in acquiring the ownership of artistic creations. The main objective of this research is to seek how morality-based Naturalism shaped modern IPL principles such as originality in determining the ownership of copyright. The secondary objective is to examine whether the academic and judicial interpretations of determining the claims on copyright ownership could go back to their roots based on Naturalistic Roman Law principles. The research methodology is based on the legal research methodology; a library-based secondary data analysis. The expected outcome is of the nature of policy research, in order to guide more progressive approaches on academic and judicial interpretations through exploring the Naturalistic roots of the modern laws on copyright.

Keywords: *Intellectual Property Law, Principles of Roman Law, Naturalistic School of Thoughts*

Exploring the Child Custody Laws in Sri Lanka: Balancing Parental Rights and Best Interest

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Abstract

Modern legislation is heavily influenced by how parent-child relationships are shaped, and its fundamental objective is to act in the child's best interests while respecting parental rights. The best interests of the child are taken into account as a primary factor when deciding on a custody arrangement. The primary objective of this research is to examine the complex interplay between parental rights and the best interests of children within the legislative framework of Sri Lankan child custody and how to safeguard the well-being of children involved in custody disputes. This research also assesses how child custody laws affect parental rights and children's welfare and offers suggestions for a fair strategy. To solve the research challenge, this study employs a qualitative research methodology to examine national legislation, judgments made by international courts, and pertinent textbooks. The results imply that parental rights are recognized while the child's best interests are given priority under Sri Lanka's custody rules. This research emphasizes the necessity of both concepts coexisting peacefully and suggests adequate standards for determining the best interests of the child in custody disputes. Equal parental rights are observed, and it suggests creating a framework for promoting stable households. In conclusion, this study contributes to establishing healthy parent-child connections and defending the welfare of children involved in custody disputes by providing useful guidelines and examining pertinent legal frameworks.

Keywords: *Child Custody, Parental Rights, Best Interest*

Future of Workplace Health and Safety: A Legal Perspective

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Abstract

Health and safety standards are different based on the situation at the workplace. For instance, the production process requires a set of standards that may be different from the functioning of management at the operational level. The concept of 'health and safety at the workplace' articulates a Human Rights Based Approach (HRBA) since health and safety are always linked to basic human rights specifically the right to life. On the other hand, the International Labour Organization (ILO) through its labour standards have provided a series of normative backgrounds in health and safety and more recently there are inclusions in terms of return to work in the New Normal. 'New Normal' is recognized by the international community such as World Health Organization and ILO as the changes in the conservative human activities in society, individually and collectively due to the constraints imposed by the COVID-19 pandemic. In this context, it is pertinent to seek whether the Sri Lankan legal framework sufficiently ensures a healthier and safer workplace in the New Normal for the labour force when measured against international labour standards. This research would be qualitative legal research based on primary and secondary legal sources. The black letter approach and international and comparative research methodologies were utilized to analyze the legal background in a comparative manner. When analyzing the Sri Lankan legal framework, the benchmarks of the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Health Services Convention, 1985 (No. 161) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) was evaluated against the domestic standards based on the theoretical approach of HRBA. The study suggested legal reforms to improve the employers' duty of protecting the employee and the State's obligation, to protect the employee which is the ultimate objective of Labour Law.

Keywords: *Health and Safety, Employers' Duty, Future Workplace*

Equilibrium of Cybersecurity and Data Privacy: Analysing Cyber Terrorism in International Context

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Abstract

Since the dawn of information technology, terrorists have used cyberspace as a weapon to carry out their intentions. At the moment, cyber technology provides cyber terrorists with a comprehensive and complicated set of information and instruments with which to continue their attacks on governments. The usage of tools and the motivations of cyber terrorism has an impact on cyber security and data protection both directly and indirectly. This study identifies the effect of cyber terrorism on cyber security and data protection and focuses on the relevant cases that have arisen out of cyber terrorism and legal frameworks that have been established in addressing cyber terrorism, cyber security, and data protection. The study analyses the new trends of cyber security risks arising through cyber terrorism and examines how data breaches affect privacy and lead to cyber-terrorism. This primary research is evident almost at every stage of cyber-attack it affects cyber security and data protection as a subsidiary result. This study has identified the insufficiency of laws addressing cyber terrorism. This qualitative research is primarily supported by case laws, journal articles and statutes. Primarily it is evident the necessity of separate direct laws as well as Penal Code recognition for cyber terrorism and amendments should be taken place to address cyber terrorism, cyber security, and data protection from time to time depending on the innovations of cyber technology, for the perception of minimizing the terrorist attacks and negative impacts on it.

Keywords: *Information Technology, Cyber Terrorism, Cyber Security, Data Protection, Cyber Space*

Combating Online Child Sexual Exploitation and Abuse in Sri Lanka: Towards a Statutory Response

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Abstract

The pervasive nature of the internet has facilitated a significant increase in online child sexual exploitation and abuse worldwide. Since the transnational aspect of these crimes poses a challenge for law enforcement agencies, a global concern has arisen from the imperative to protect children from harmful experiences and support survivors. This concern is also relevant to Sri Lanka, prompting the need to assess the adequacy of the country's legal framework. This research aims to determine whether Sri Lanka possesses an adequate legal framework to combat online child sexual exploitation and abuse. This involves identifying the definition and scope of the offence, reviewing domestic and international legal standards, analysing lacunas in domestic law, and proposing recommendations to address those lacunas. A desk review of primary and secondary resources, including international legal instruments such as the Convention on the Rights of the Child, the Optional Protocol on the Sale of Children, Child Pornography, and Prostitution, the Lanzarote Convention, and the Budapest Convention, as well as domestic legal provisions in the Penal Code and the Computer Crimes Act, was conducted. The study revealed that Sri Lanka currently lacks an adequate legal framework to combat online child sexual exploitation and abuse effectively. There is no specific legislation directly addressing this offence. Hence, Sri Lanka should enhance its efforts to implement new legislation targeting online child sexual exploitation and abuse. Only then can Sri Lanka make significant progress in the fight against online child sexual exploitation and abuse, fulfilling its obligations to protect the rights of its children.

Keywords: *Domestic Laws, Lacunas, Online Child Sexual Exploitation and Abuse, International Standards, Sri Lanka*

“Flying Without Souls”: A Comparative Analysis of Laws Governing Drones in Sri Lanka and the European Union

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Abstract

This research evaluates whether the degree of consistency and relevancy of drone and Unmanned Aerial Vehicle (UAV) laws existing in Sri Lanka (SL) is sufficient to cater for society’s needs compared to the laws governing the European Union (EU). To reach the objective of the research, it adopted a qualitative research method that includes personnel interviews, a library-based black letter approach, and a comparative analysis of international materials. In the inception of the discussion, this research highlights the challenge of formulating a viable and normative law in character pertaining to drones, which is an inevitably necessary and integral task. In the research, both the EU Regulation 2019/947 of 2019 and the Civil Aviation Authority of SL’s regulation UAS-IS-2022 on implementing standards requirements for the operation of pilotless aircraft were extensively examined to identify the credentials for the operation of unmanned aircraft in the two regimes. In the analysis of EU Regulation 2019/947, it was found and appreciated that higher consistency prevailed in the regulations governing drones on the regulations affecting registration, certification, privacy rights, assessing operator competency, and commercial utilisation compared to the SL regime. The research concludes that the SL regulation for Implementing Standards UAS-IS-2022 and the requirements for the operation of pilotless aircraft entails significant legal flaws in the areas of registration, certification, privacy rights, assessing operator competency, and commercial utilisation. Finally, the research proposes six recommendations based on its findings to rectify the existing defaults in the prevailing drone regulations in SL.

Keywords: *Unmanned Aerial Vehicle, Drone, European Union, European Union Regulation 2019/947, Sri Lankan Regulation UAS-IS-2022*

Impact of Artificial Intelligence on Legal Practice in Sri Lanka

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Abstract

Artificial Intelligence (AI) a machine-based system used to ease the human workload, has been popular globally and its influence can be seen even in developing countries like Sri Lanka. Although it has dominated areas such as machine problem detecting, calculating and speech recognition, it is questionable whether this sophisticated technology can address the traditional roles of legal practice. The research aims to explore the positive and negative influence of AI in the legal field while determining the degree to which this technology should be incorporated into the legal sector in Sri Lanka. The research was carried out as a literature survey with a comparative analysis of other jurisdictions. Currently, many countries including the USA have used AI-based tools such as LawGeex, Ross Intelligence, eBrevia and Levertton in legal practice due to their efficiency, accuracy and ease of use. Findings revealed that AI can be used even in Sri Lanka for legal research, preliminary legal drafting and codification of law. But according to the prevailing economic and social background of Sri Lanka, it will be discriminatory to totally rely on an AI-induced legal system since it may create barriers to equal access to legal support for the common masses. Also, excessive dependency on AI will be a barrier to innovative legal actions such as public interest litigation since it would not assess the humanitarian aspect. Hence, it is concluded that AI should be used in Sri Lankan legal practice with limitations.

Keywords: *Artificial Intelligence, Artificial Intelligence Based Legal Practice, Digitalization*

The Prevention of Domestic Violence Instigated by the Insane: An Analytical Study on the Sri Lankan Perspective

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Abstract

Domestic violence is an enormous, hidden problem in Sri Lanka, and in most cases, it happens within marriage or family life, as aggression aimed toward women and children and, on some occasions, men are also identified as victims. Domestic violence may lead to create physical and psychological issues which are followed by short-term and long-term issues. The domestic violence issues in Sri Lanka mainly governs by the Prevention of Domestic Violence Act No.34 of 2005. However, the act does not specifically express how this applies in an event that occurs through an insane person. Moreover, in the Sri Lankan context, it appeared that in sometimes this violence happened because of mental disorders and mental unsoundness. This study focuses on accessing the accuracy and effectiveness of the domestic legal mechanism which acts in protecting the rights of the people and it focuses on insane people in society who are subjected to domestic violence as victims or the aggressor. In the investigation process, the qualitative method of research was used simultaneously with the black letter method in collecting information and studying this lacuna. The present study will be guided to concentrate on insane people in the legal framework of domestic violence in Sri Lanka.

Keywords: *Insanity, Domestic Violence, Sri Lanka*

Recommendations to Improve the Legal Framework in Sri Lanka on Combating Involvement of Convertible Virtual Currencies in Narcotic Drugs and Psychotropic Substances Trafficking

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Abstract

Trafficking of illicit drugs and psychotropic substances has become a contemporary issue in the world due to its abusive characteristics, health problems, and transnational crimes. Each state fights against illicit drug trafficking at different levels. Sri Lanka is a signatory party to the three primary international conventions on control of drugs, generally called the 1961, 1971, and 1988 Conventions. Furthermore, Sri Lankan legal framework provides a control mechanism to combat illicit drug trafficking, which also extends to combat natural and synthetic drugs. Using developed technologies, modern-day drug traffickers deviate from traditional drug trafficking methods and are being used new technologies to conduct and make trafficking efficient. The scrutiny operates to find out the gaps in the Sri Lankan legal framework for combatting modern technology-based illicit drug trafficking trends in terms of Convertible Virtual Currencies (CVC). Also, the research paper identifies the gaps and makes suggestions to uplift the criminal justice system of Sri Lanka in combatting illicit drugs and their trafficking through CVC, which would be a severe problem in the near future due to high-tech drug trafficking. The sources used to conduct the research were mainly Internet sources and official reports issued by international legal enforcement authorities against illicit drug trafficking, domestic statutes, and books.

Keywords: *Drug Trafficking, Convertible Virtual Currencies, Legal Reforms*

Legalizing Right to Die as a Fundamental Human Right in Sri Lanka

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Abstract

Many nations throughout the world are debating and considering whether or not to recognize the right to death as a fundamental human right. The debate over the legality of the right to die has special significance in Sri Lanka, a country that is profoundly entrenched in cultural values of compassion, empathy, and respect for human autonomy. This qualitative research based on primary and secondary sources argues for and against making the right to death a fundamental human right in Sri Lanka, with particular emphasis on legal ramifications and countries where euthanasia, the right to die is legalized and/or criminalized. Furthermore, this research provides recommendations that need to be implemented in Sri Lanka and further discusses the right to die as a fundamental human right. Hence, the study has provided an in-depth comparison with the international arena of law on euthanasia and why voluntarily passive euthanasia should be legalized in Sri Lanka.

Keywords: *Euthanasia, Right to Die, Sri Lanka*

The Interplay of Realms in Shaping Access to Safe and Legal Abortion Services in Sri Lanka in Cases of Rape-Induced Pregnancies

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Abstract

In Sri Lanka, abortion is only permitted when the life of the mother is in danger, yet, making it is illegal in most cases. Regardless of the legal restrictions, women still seek and access illegal abortion services. It is evident that Rights Groups have been advocating for the decriminalization of abortion in the country for many years with the aim of ensuring safer and equitable access to abortion services as the clandestine practices pose significant risks to women's health and well-being, occasionally resulting in tragic consequences, including loss of life. Therefore, this paper revolves around analyzing the multifaceted factors influencing access to abortion focusing on the interconnections between legal, social, economic and healthcare sectors with the prime goal of striving towards ensuring women's reproductive rights, safeguarding their health and preventing unnecessary loss of life. The study begins by examining the legal frameworks surrounding abortion in both Sri Lankan and UK jurisdictions. Furthermore, the study investigates the social attitudes, cultural beliefs associated with abortion, economic implications of accessing safe and legal abortion services and the healthcare sector's role in providing reproductive healthcare services for survivors of rape seeking abortion services. By examining the interplay between these sectors in the two jurisdictions, the study aims to identify barriers and facilitators that shape access to safe and legal abortion services in case of rape-induced pregnancies in Sri Lanka and to raise the urgent need for comprehensive reforms by drawing insights from best practices observed in the UK jurisdiction.

Keywords: *Rape Induced Pregnancies, Abortion, Reproductive Rights*

Confidentiality of Trade Secrets During Court Proceedings in Sri Lanka: A Comparative Analysis

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Abstract

Trade secrets are an intellectual property strategy used by businesses to protect commercially valuable information which generates a competitive advantage. In Sri Lankan context, the majority of small and medium-scale enterprises and traditional knowledge-based enterprises depend on trade secret protection to protect their intellectual creations. Secrecy, inter alia, is an integral element of trade secret protection. Protection is available until confidential information is kept as a secret. Advancement of technology created novel avenues to commit trade secret misappropriation requiring trade secret holders to institute litigation. However, court proceedings being public proceedings and the lack of legal provisions to preserve the confidentiality of trade secrets during court proceedings makes trade secret holders reluctant to disclose confidential information as such disclosure amounts to the expiry of trade secret protection. Said practical difficulties adversely affect the enforcement of the rights of trade secret holders. The paper firstly analyses legal provisions under Sri Lankan Law on the preservation of confidentiality of information during court proceedings. Secondly, a comparative analysis is employed to analyse the existing law in Sri Lanka compared with the United States and the United Kingdom jurisdictions. The doctrinal method is used to analyse the law at present and identify lacunas in the law. Comparative method assisted in comparing best practices adopted by selected jurisdictions. Findings revealed that countries with legal provisions to preserve the confidentiality of trade secrets during court proceedings assist in better enforcement of the rights of trade secret holders. The paper recommends introducing procedural laws to facilitate the confidentiality of trade secrets in Sri Lankan court proceedings.

Keywords: *Trade Secrets, Court Proceedings, Confidentiality, Misappropriation*

An Analysis of Duty to Reason-Giving in Administrative Law

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Abstract

The duty to give reasons for a decision is a part of the audi alteram partem, which is indispensable in Administrative Law. Earlier, the principles of natural justice did not include any general rule that reasons should be given for decisions by administrative authorities. Therefore, failure to give reasons has not been considered as a violation of natural justice principles. Nevertheless, this approach changed from time to time. This study analyzes the previous and new approaches in Sri Lanka, especially with reference to current Sri Lankan university cases compared to the United Kingdom (UK) and Indian jurisdictions. In this research, the changes in the duty to provide reasons for a decision by administrative authorities, the violation of principles of natural justice, the right to equality, and the right to information have been discussed. In this research, both doctrinal and comparative research methodologies are employed to analyse primary and secondary data. Finally, this research analyses the development of administratively affiliated judgments in Sri Lanka with special reference to selected jurisdictions. The research concluded that Sri Lanka has developed in administrative jurisdiction compared to main common law countries such as India and the UK.

Keywords: *Administrative Law, Natural Justice, Audi Alteram Partem, Duty to Give Reasons for Decision, University Cases*

Recognizing the Principle of State Responsibility in Land Based Marine Pollution as a Response to State Sovereignty

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Abstract

The seas and oceans as the largest eco-system in the world have been polluted from various sources throughout history. This global issue is mainly caused by states through land-based sources. Even though there are international rules, regulations and standards to prevent and control marine pollution through land-based sources by states, in the contemporary legal arena, States utilise the principle of sovereignty to escape from their obligation towards land-based marine pollution. Since the states have their own sovereignty within their territory, it has become difficult for the international community to intervene in the activities that cause land-based marine pollution. However, Customary International Law has answered this growing issue by recognising that international law also includes States' responsibility towards other states and the world to protect the environment. Further, this concept of customary law was adopted by the United Nations Convention of the Law of the Sea, 1982, and the obligation imposed through the Convention was inadequate to control the said problem. Based on doctrinal research methodology, this study will analyse international conventions, case laws, law reports and law journals to identify how the international law concept of sovereignty has been re-interpreted by the international customary law concept of State Responsibility. Further, this will analyse the insufficiency of the adoption of this concept at the global level and how this lacuna has been well addressed and answered by soft laws and regional legal orders to regulate land-based marine pollution activities.

Keywords: *Land Based Marine Pollution, State Sovereignty, State Responsibility*

The Impact of Parental Alcoholism on Children's Rights

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Abstract

The long-standing family relationship between parents and child is essential for continuous development of children that intern determines the future prospects of the young generation. In the initial stage of human life, they learn everything from their parents' actions and behaviours. Thus children's physical and psychological development mostly relies on their parent's actions and reactions. However, the situation has changed due to the expansion of "Parental Alcoholism" which has become a societal issue. This study focused on the effects of parental drinking on children in terms of physiological and psychological functioning in order to identify the negative impact that caused an extreme social burden to the country. A Grama Niladari division area was sampled and a total number of 10 families which include 38 members selected with their consent to respond to the questionnaire. The findings were derived from the discussion with local authorities such as Police and Grama Niladari and also through the questionnaire. Collected details were examined using basic tools of Statistical Package for Social Science. During the analysis special consideration was given to children's rights such as the right to life, right to shelter, right to have a safe environment, right to know and be cared for by his or her parents, right to family life, right to survival, protection, development and participation. Findings indicated that most of these cases were not reported due to fear of social isolation and lack of attention to alcoholism-related issues. It was also found that the majority of children who are members of these families suffer from physical and mental influences that affect their normal life including isolation from society. Hence, this study recommends supporting parents as primary guardians to adopt non-violent, positive parenting and reduce vulnerable situations. Further, it is recommended to implement the International Child Safeguarding Standards and enacting Laws and law enforcement.

Keywords: *Parental Alcoholism, Children's Rights, International Child Safeguarding Standards*

POSTER PRESENTATION

Adequacy of Constitutional Provisions in Sri Lanka to Recognize Custodial Death as a Violation of Right to Life: A Comparative Analysis with India

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Abstract

Custodial death is one of the worst crimes in civilized society which is governed by the rule of law. The deaths of accused/suspects remain a very controversial topic not only in a particular country or region but in the world and it has been happening for a quite long time in Sri Lanka. Sri Lankan Criminal Justice System sorely lacks substantial legislative provisions to regulate the right to life due to the fact that it is questioned whether any specific provision to address custodial deaths in the constitution. Many other nations have already recognized this right as fundamental and adopted comprehensive legislative provisions for custodial deaths. Both constitution and the Supreme Court of India have forbidden custodial torture in a progressive manner. But it is questioned whether Sri Lanka's constitutional provisions are adequate to address this issue. Hence, there is an urgent requirement to address this issue and fix this deficiency in the existing justice delivery framework in Sri Lanka to set legitimate principles for custodial deaths. This study aims to analyse the main theoretical debates within the academic field in order to identify the current lack of custodial deaths in Sri Lanka, analyse how custodial deaths cases are handled within the framework of the Indian jurisdiction and Sri Lankan jurisdiction and use the finding of the study to make proposals and recommendations to use it in the human rights field. The qualitative method, including primary data and secondary data, was used for this research. The study concludes that there are less and no adequate constitutional provisions available in the current constitution of Sri Lanka to address issues pertaining to custodial death compared to the Indian Constitution. Hence, an urgent constitutional amendment is required to address the issue.

Keywords: *Custodial Deaths, Human Rights, Protection, Right to Life, Torture*

Legal Aspects of Challenges and Privacy Concerns in Establishing and Maintaining a Forensic DNA Database in Sri Lanka

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Abstract

This research has been conducted to identify the legal aspects of challenges and privacy concerns in establishing and maintaining a forensic DNA database in Sri Lanka. Establishing a forensic DNA database in Sri Lanka raises legal, financial, and practical issues. This research observes the laws and regulations in an international context and identifies the lack of legislation in the country that concerns the legal aspects of establishing a forensic DNA database. A qualitative research methodology is adopted to collect primary and secondary data. Lack of a specified DNA identification act, legality of the DNA concerning privacy and human rights, issues in accessing, protecting, and securing DNA information, and retention and deletion of DNA information were identified as the main legal issues in establishing a national forensic DNA database. Sri Lanka must strike a compromise between the need for effective law enforcement and the preservation of private information in the establishment of a forensic DNA database.

Keywords: *DNA, Legal, Forensic*

Intellectual Property Law Vs Human Rights Law: A Re-Examination of the Relationship Between Two Distinct Legal Regimes in Light of Digitalization and Sustainability

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Abstract

In simple terms, intellectual property rights are rights that recognize and provide incentives for inventions connected to social development. On the other hand, human rights are basic natural rights that are inheritable and contingent upon human dignity. While the right to protection of the “moral and material interests” of an individual’s intellectual product is enshrined in the canon of international human rights, it could be argued that the dominant regime of intellectual property rights has historically come into conflict with other fundamental human rights of ordinary customers of intellectual property. The paper, hence, re-examines their relationship; firstly, for the impacts of intellectual property rights on the realization of human rights such as the right to health, which has become much more visible following the adoption of the ‘TRIPS’ Agreement and digitalization, and secondly, due to the increasing importance of intellectual property rights that has led to the need for clarifying the scope of human rights provisions protecting individual contributions to knowledge, while drawing a distinct line between intellectual property rights that protect and grant exclusive rights to new creators and the possible infringements it may cause for individual human rights of ordinary customers, and proceeds to identify that in relation to human rights, two strains of intellectual property thoughts have become increasingly prevalent: the first deals with the integration of human rights, while the second explores the possibilities of intellectual property as a mechanism of social justice and sustainability. The information necessary to conduct the study was collected through statutory analysis, while library research, provides secondary information by analogies of relevant scholarly articles and books. The paper in conclusion proves that intellectual property protection of the future must protect fundamental human rights by ensuring access to life-saving and life-improving technologies with sustainability while continuing to respect the material and moral interests of the individuals behind these vital innovations in a digitalized world.

Keywords: *Intellectual Property Protection, Human Rights, Sustainable Digitalization, Social Justice, Socio-Economic Development*

The Legal Protection of Coral Reefs in Sri Lanka: A Critical Analysis

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Abstract

Sri Lanka, being an island nation, has an abundance of coral reefs and reef ecosystems situated around the country. However, they are currently under the threat of rapid deterioration due to adverse human activities. Even though this deterioration is happening at an alarming rate, it does not receive the necessary attention of society. This paper seeks to analyze the Sri Lankan legal framework on the protection of coral reefs to ascertain whether it provides a satisfactory framework to protect the coral reefs situated around the country against the threats of damage. This research employed the comparative legal method to compare Sri Lankan law with international standards to determine the lessons for law reform. The methodology of this paper is mainly based on the black letter approach and data is gathered from both primary and secondary sources. This study concludes that the Sri Lankan legal system is inadequate to address the threats faced by coral reef ecosystems which escalates the destruction and thereby, recognizes the importance of adapting from international standards to the Sri Lankan legal system to preserve these invaluable resources for future generations.

Keywords: *Protection of Coral Reefs, Sri Lankan Legal Framework, International Standards*