

The proposed amendment to the Revocation of Irrevocable Deeds of Gifts in the Ground of Gross Ingratitude Act No. 05 of 2017: A Critical analysis with reference to related Roman-Dutch Law Principles

Abstract:

The Roman-Dutch Law principle of *justa causa* is based on the values of generosity, kindness and affection helping to create legally binding obligations upon parties in instances of gifts and donations under the Sri Lanka legal system. Under the Roman-Dutch Law, the donee has a right to revoke a deed of the gift due to 'gross ingratitude' and this aspect is governed by the Revocation of Irrevocable Deeds of Gifts under the Ground of Gross Ingratitude Act No. 05 of 2017 in Sri Lanka. At the outset, this piece of legislation has numerous errors in terms of favoring to avoid risks faced by the banking sector rather than the property interests of individuals, duration of litigation, and neglecting the title registration framework. The proposed bill was gazetted on 29th April 2022 and appears to resolve such issues in terms of revisiting the principles of Roman-Dutch law which are neglected by the principal enactment. Therefore, the objective of this research is to appreciate the changes made by the proposed bill and highlight issues that need to be resolved in light of Roman-Dutch Law principles relating to the specific ongoing economic crisis in the country. In investigating this issue and achieving the objective, library-based research under the qualitative method is utilized as the appropriate methodology. The findings of this research will demonstrate the negative and positive outcomes of reducing the time period to three years within which an action shall be filed to revoke an irrevocable deed of gift on the ground of gross ingratitude, appreciate the provisions introduced for the registration of *lis pendens* and covering the area of title registration within the application of this amendment. In conclusion, it is suggested that the proposed bill shall be addressed these impacts for effective implementation.

Keywords: Revocation of Irrevocable Deeds of Gifts, Roman-Dutch Law, Time period for the institution of the action, Title registration, registration of *lis pendens*.