

**THE OPEN UNIVERSITY OF SRI LANKA  
FACULTY OF HUMANITIES AND SOCIAL SCIENCE  
DEPARTMENT OF LEGAL STUDIES  
LL.B DEGREE PROGRAMME 2020/2021  
FINAL EXAMINATION- LEVEL 3  
INTRODUCTION TO THE LAWS OF SRI LANKA- LLU 3703/ LWU  
DURATION – THREE (03) HOURS**



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**DATE: 02.09.2020**

**TIME: 09.30am-12.30pm**  
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**TOTAL NUMBERS OF QUESTIONS 06**

**ANSWER FOUR (04) QUESTIONS ONLY**

**ILLIGIBLE HANDWRITING WILL BE PENALISED**

1. Saman was an engineer in Ceylon Electricity Board in Kandy. His parents were permanent resident of Pilimatalawa. Saman's father, Ran Banda was a kandyan and had contracted a deega marriage in 1948 with Saman's mother, Lalani who was a resident of Elpitiya. While Saman was working there, he started an affair with Amali who worked as an accountant in the same work place. Amali's father, Jayalath was a resident of Hikkaduwa and had married her mother, Bisomenike who was a Kandyan. They had registered their marriage under the General Law in 1960 and lived in Peradeniya. Amali and Saman wish to register their marriage under the Kandyan law.
- a) Can Saman and Amali register their marriage under the Kandyan law? **(15 Marks)**
- b) Would your answer be different if Amali's father registered his marriage with her mother as a binna marriage under the Kandyan law in 1950? **(10 Marks)**

Discuss your answer with reference to relevant statutes and judicial decision.

2. The principles lay down by the Campbell vs Hall (1774) and the Proclamation of 1799 ensured the continuity of existing laws in Sri Lanka. However, English law entered into the Sri Lankan legal system as an alien system. It has happened by two separated method.

Write an essay explaining those two methods with relevant statutes and case laws.

**(25 Marks)**

3. Manoharan was born in Canada in 1980 and his parents were Tamils of Jaffna. When Manoharan was 10 years old his parents came back to Sri Lanka and resided in Jaffna. He had entered to Hindu College, Jaffna and completed his school education. In 2000 Manoharan passed LLB entrance examination and entered the Open University of Sri Lanka. After completion of his degree and professional qualification he joined to NCB bank, Colombo as a legal officer. In 2007, Manoharan married Amritha who was a legal officer of the same bank. Amritha was a native of Jaffna and her parents were also Jaffna Tamils. After their marriage, they bought a house in Wellawatta and lived there. By the marriage they had two children named Dewa and Thara. In 2012 Amritha got a transfer to the Jaffna NCB branch and children admitted to Jaffna Girls School. Manoharan built a new house in Jaffna and Amritha and children lived in the said house with Manoharan's parents. Manoharan tried to get a transfer to NCB Jaffna branch but it was not possible. Monoharan lived in Wellawatta home and regularly sent money to his family. He used to visit his family once in a month. In 2020, Manoharan suddenly died in a motor accident in Kurunegala while travelling to Jaffna.

Amritha consulted you as to whether Manoharan is governed by Thesawahami or general law? Advise her.

Would your answer be different if Manoharan native town Batticoloae and his family lived there? **(25 Marks)**

4. 'Muslim Law is the one of the laws of Sri Lankan legal system that has different features among other laws. It has a long history and it has developed gradually with the influence of other systems of law and religious principles. However, there are some conflicting areas in Muslim law, in the existing legal system in Sri Lanka. There is an ongoing debate on changing some controversial concepts of Muslim law'.

Depend of your knowledge on Muslim Law and considering above statement write an article to be published on a law journal on the topic of 'Muslim Law and Contemporary Issues in Sri Lanka '.

Your article should be supported with relevant statues and case law. **(25 Marks)**

5. 'Conflict of law can take place when contrary legal principles and concept apply within the same jurisdiction. It can occur between personal laws themselves or personal laws and the dominant general law. Similarly, a conflict of law can take place within the dominant law itself'.

Do you agree with above statement?

Discuss the theoretical and practical knowledge on Problems of Pluralism in Sri Lankan legal system with reference to above statement.

You should make recommendation to avoid this conflicting situation. **(25 Marks)**

6. Write brief notes on the following topics.
- a) Judicial organs and officers an administration of Justice under the Kandyan Kingdom during the pre -colonial era. **(10 Marks)**
  - b) The Court system that existed during the Dutch period. **(05 Marks)**
  - c) The hierarchy of the current court system and the powers vested with the Court. **(10 Marks)**

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