

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LL. B DEGREE PROGRAMME- LEVEL III
FINAL EXAMINATION (OPEN BOOK- ONLINE) - 2020/2021
LLU3904/LWU1412 - LEGAL METHOD
DURATION – 03 HOURS



Date: 08th September 2021

Time: 9.30 a.m. -12.30 p.m.

Number of Questions – 06

Answer FOUR questions only, selecting at least ONE question each from PART I and PART II.

Students will be penalized for illegible handwriting.

PART I- ROMAN LAW

1. Marcus, a Roman citizen, has two sons and a daughter named Paulinus, Nero and Aurelia. Paulinus has been co-habiting with Portia, another Roman citizen for many years and they have two children. Aurelia entered into a free marriage with Brutus and they also have two children.

Discuss the legality of the following actions of Marcus.

- (a) Marcus and his neighbor Romano are not in good terms with each other and Marcus has strictly forbidden his family members to enter Romano's garden. One day the two children of Paulinus entered Romano's garden searching their pet rabbit and forgot to close the gate when leaving. All Romano's cattle escaped and were lost. When Marcus heard of the incident, he became very angry and beats one of the children to death. He gave the other child to Romano in compensation for the loss suffered by Romano who demanded that he be compensated.

(12 marks)

- (b) Paulinus earned 1000 Aureus by serving in the Roman Army. He intends to buy an apple orchard using this money. Marcus objects to this and orders to use the money to buy a horse and a carriage for the family.

(07 marks)

(b) Nero intends to marry Venus who is the only daughter of Lothario, a wealthy land owner. Marcus does not consent to this marriage stating that Nero will have to wait a few more years to get married and he should marry someone that Marcus proposes.

(06 marks)

(12+07+06= 25 marks)

2. Titus and his slave Sulla carried a load of wheat to the market for sale. As they were passing through the marketplace, Casca and Darius blocked their way, insulting Titus and assaulting both of them with clubs. Titus was left with several broken bones while Sulla died due to a head injury. The sacks of wheat were damaged and scattered all over the road.

A high-ranking officer Gaius, a friend of Titus, approached the scene and Casca pelted stones at Gaius.

Discuss the legal issues arising from the above factual scenario.

(25 marks)

3. Discuss the legal consequences arising from the following situations.

(a) Anthony had a general right of way for all purposes over Juliano's land. Oscar bought the land from Juliano.

(b) Claudius had a right to use and enjoy the house belonging to Augustus. Claudius converted the house into an entertainment parlor.

(c) Julius gave his horse to Silvius as security for a loan. The horse kicked and injured a slave in Silvius' house.

(d) Diana handed over some precious gem studded jewelry to Iona for safe-keeping as Diana's house was destroyed by a fire. Iona refused to return the jewelry.

(25 marks)

PART II- LEGAL METHOD

4. Mr. Silva is currently arguing a case based on facts A, B and C before a bench of the Supreme Court of Sri Lanka.

Citing relevant authorities to substantiate your opinion, advise Mr. Silva on the applicability of the following judgements:

- (a) a judgement delivered in 1989 by a bench of three judges of the Supreme Court of Sri Lanka in a case based on facts A,B and C.
- (b) a Full Bench decision of the Supreme Court of India based on facts A and B delivered in 2020.
- (c) a judgement of the Privy Council in a case based on facts A,B,C and D delivered in 1979.
- (d) a Full Bench decision of the Supreme Court of Sri Lanka delivered in 1965 in a case based on facts A, B and C.

(25 marks)

5. ‘Sri Naga Bhavan in Nageswaram is a famous place of worship. Devotees of different faiths visit Sri Naga Bhavan for blessings. Each year in August sacrificing goats in the name of God Sri Naga takes place at the annual festival of Sri Naga Bhavan. During this year’s festival, many people brought goats to the premises and openly slaughtered them in a cruel manner. All goats were kept in a shed which was specially put up for the purpose of animal sacrifice. One part of the flesh of slaughtered goats was sold, while the rest was freely distributed among the people who attended the annual festival.

‘Hitha Mithuro’, a Non-governmental organization that serves for the protection and prevention of cruelty to animals decides to file an action against the Board of Trustees of Sri Naga Bhavan for violating the provisions of the Prevention of Cruelty to Animals Act. The Board of Trustees of Sri Naga Bhavan strongly denies the charges against them and argues that the sacrifice of goats is a long-standing religious practice over the last 150 years and therefore they have a legal right to perform the said practice annually.

‘Hitha Mithuro’ seeks your advice as to the validity of this practice of Sri Naga Bhavan. Advise them considering the requirements of a valid custom. Support your answer with the relevant case law.

(25 marks)

6. Kusal, who was registered as a voter in the 2018 electoral register, died in a motor accident during the same year. In 2019, a General Election was held and Kusal was listed as a voter based on the electoral register of 2018. On the election day, Ranjan went to the polling station with Kusal's polling card, and pretended that he was Kusal where he casted the vote. Ranjan is now being charged with the offence of impersonation under the provisions of the Elections Act which states that 'it is illegal to impersonate any person entitled to vote'. Ranjan argues that he cannot be charged with the said offence as it is only possible to impersonate a person who is entitled to vote and in fact a dead person cannot vote.

Examine the validity of Ranjan's argument with reference to the rules of statutory interpretation and presumptions of law. Substantiate your answer with relevant case law.

(25 marks)

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