

**THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LL.B DEGREE PROGRAMME - LEVEL 04
FINAL EXAMINATION - 2020/2021 (OPEN BOOK TEST)
LLU4707/LWU2313 – FAMILY LAW
DURATION – THREE (03) HOURS**



DATE: 03rd September 2021

TIME:9.30 AM – 12.30 PM

Illegible handwriting will be penalized

Total Number of Questions 06

Answer FOUR (04) questions only

Please note that it is mandatory to discuss the answers for the questions chosen by you with reference to decided cases and statutory provisions

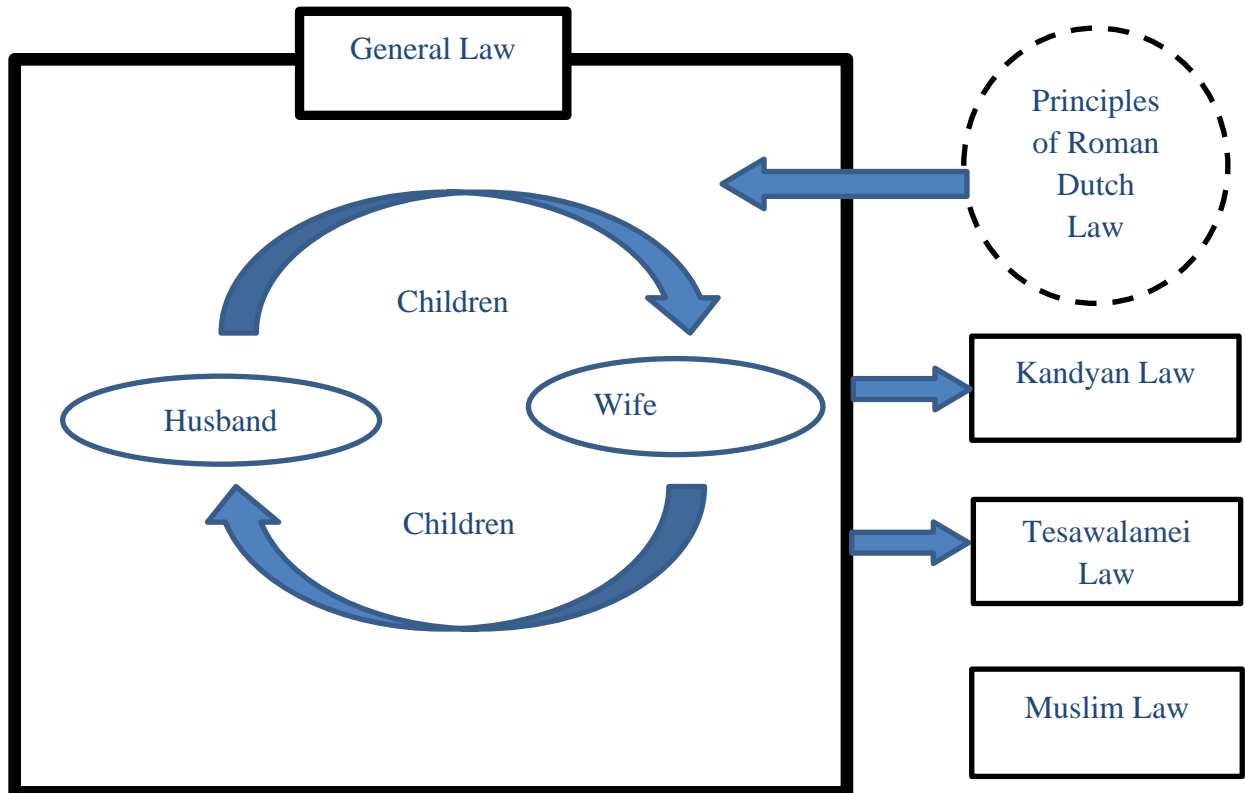
1. Sivakumar and Devani registered their marriage under general law in 2012. Since they were unable to have children even after several year of marriage, Sivakumar suggested that they should adopt a child. However, Devani was unwilling to do that . Nevertheless, Sivakumar intimated his intention to adopt a child to Gokulan, who was one of his friends in Jaffna. Later Gokulan told Sivakumar that there is an 11 years old boy named Viran in his village, who could be adopted by Sivakumar. Viran’s parents have six children altogether, but did not have a sufficient income to maintain them. Sivakumar went to Jaffna to meet Gokulan and together with him, visited Viran’s house. They requested permission from Viran’s parents to adopt Viran. Viran’s parents conceded to the request, thinking Viran could live a better life with Sivakumar and his family.

(i) Discuss whether it is legally possible for Sivakumar to adopt Viran. (15 Marks)

(ii) Assume that Sivakumar and Devani are a foreign couple living in Canada. Discuss whether they can adopt Viran under the existing Sri Lankan law.

(10 Marks)

2. Discuss the law relating to maintenance obligations in Sri Lanka using the diagram below.



(25 Marks)

3. *“The traditional Roman Dutch viewpoint that the father has a preferential right to the custody of his minor child during the subsistence of a marriage was neither absolute nor beyond the control of the law and could be interfered with in exceptional circumstances, such as the danger to life, health and morals of the child”*

Jayarajan vs. Jayarajan (1999) 1 Sri L.R. 113

Discuss the above legal position in relation to the father’s preferential right to the custody and the best interests of child.

(25 Marks)

4. Rani and Samantha got married in 2010. After the marriage they lived at Samantha's parents' house. After sometime, Rani understood that Samantha was not the person that she expected. Due to the factors such as Samantha's parents consistent inquiries from Rani in relation to dowry, Samantha being addicted to liquor, Samantha had frequent quarrels with Rani, the married life became a bitter experience for Rani. In the meantime there were rumours that Samantha was engaged in an intimate relationship with another woman called Nimali in the same village, and Rani inquired about it from Samantha. Samantha did not give any answer and scolded her stating that if she could not live with him under the same roof anymore, she should leave the house. However, thinking that if they will have a baby the family life could improve, Rani performed her duties patiently. Rani subsequently discovered that the rumours about the relationship between Samantha and Nimali were in fact true, and that they had been having that relationship even before the marriage. Subsequently Rani went to her parent's house and Samantha did not make any inquiries about her thereafter.

- (i) Rani is willing to dissolve the marriage. Can Rani succeed in her case? Discuss
(15 Marks)
- (ii) Assume Rani delivered a baby in 7 months after she left the matrimonial home. Samantha is refusing the paternity of the child. Discuss the legal position on Rani's ability to establish the legitimacy of the child. (10 Marks)

5. Assume that you are a member of a Committee appointed to look into the disparities between laws relating to marriage and to draft a uniform law relating to marriage. Prepare a report addressing the issues and disparities in relation to the following aspects

- Requirements for a valid marriage
- Dissolution of marriage

(25 marks)

6. Prepare a report critically evaluating the rights of children in Sri Lanka covering the topics specified in the table given below. Your evaluation should cover the two broad areas mentioned in column 'A' under three aspects mentioned in column 'B'

| A | B |
|--|--|
| <ul style="list-style-type: none">• Right to education• Sexual harassment | <ul style="list-style-type: none">• Statutory Law in Sri Lanka• Court involvement• International law |

(25 Marks)

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