

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LL.B. DEGREE PROGRAMME- LEVEL 3
CONTINUOUS ASSESSMENT TEST 02 - 2021/2022
LEGAL METHOD - LWU 1412/ LLU 3904



Date: 11th November 2022

Time: 11.30 a.m. – 12.30 p.m.

ANSWER **ONE** QUESTION ONLY.

Candidates will be penalized for illegible handwriting.

1. 'The doctrine of Judicial Precedent is often referred to as being a rigid doctrine. Although it is considered to be a fetter upon the legal system, there are ways of avoiding the strict application of the precedent.'

Critically comment on the above statement with reference to the doctrine of Judicial Precedent. Support your answer with relevant case law and appropriate examples.

(20 marks)

2. 'Each and every custom cannot be legally enforced. Customs must be proved before the courts as any other matter before they obtain the binding force of law.'

In light of the above statement, discuss the requirements that are necessary for local customs to be recognized as a source of law.

(20 marks)