

THE OPEN UNIVERSITY OF SRI LANKA  
 BACHELOR OF SCIENCE DEGREE PROGRAMME - LEVEL 03  
 FINAL EXAMINATION - 2016/2017  
 LWU 1161 - UNDERSTANDING LAW  
 DURATION - TWO (02) HOURS



DATE - 08<sup>th</sup> August 2017

Time - 1.00-3.00 pm

Answer only four (04) questions.

Illegible handwriting will be penalized.

01. (a) You are supposed do deliver a speech about the constitutional history of Sri Lanka. Prepare a draft for the speech giving special emphasis to the two republican constitutions of 1972 and 1978. (10 marks)
- (b) Explain the concept 'supremacy of the Parliament'? (10 marks)
- (c) State Professor Dicey's definition on Rule of Law. (5 marks)
- (Total = 25 marks)

02. (a) Select any three (3) fundamental rights enshrined in the Sri Lankan constitution and provide a brief illustration on each. You are expected to refer to practical examples in your illustration. (15 marks)

(b) In the village X, the dead body of a murdered four-year-old girl was found and it was revealed that she was sexually assaulted before the murder. Ranjan, a 26-year-old villager from the neighborhood was arrested by the police on suspicion of having committed the murder. Ranjan is considered as a trouble maker by fellow villagers and previously been involved in other crimes. While Ranjan was in custody, the police inflicted severe torture on him to extract a confession from him regarding the murder. Can Ranjan make a successful legal claim on the ground of fundamental rights infringement? Discuss.

(10 marks)  
 (Total = 25 marks)

03. (a) List the different legal systems in Sri Lanka. (5 marks)
- (b) Explain any two (2) of legal systems that you identified in above (a). (10 Marks)
- (c) What is the difference between a 'territorial law' and a 'Personal Law'? You are expected to support your answer by drawing examples from the Sri Lankan legal regime.

(10 marks)

(Total = 25 marks)

04. (a) Explain the requirements of a valid offer referring to practical examples from day to day life. (15 marks)

(b) Discuss whether valid contracts are formed in the following scenarios.

I. Malathi is the wife of Nalaka. Early in their marriage Nalaka promised Malathi that he would provide her 5000/= each month to purchase personal items such as clothes and cosmetics. Nalaka observed his promise in the first few months. But later as disputes emerged between the couple and the marriage became unhappy Nalaka refused to keep his promise. Malathi intends to sue Nalaka for breach of contract.

(05 marks)

II. Champa is a school teacher, who travels to school by bus. Velu, a three wheeler driver whose child is also a student in the same school offers her a lift and tells her that as he takes the child to school everyday he would be pleased to provide transportation for Champa as well. When asked about the payment Velu refused to accept any payment stating that he wanted to do this out of respect for his child's teacher. Champa accepts his offer.

(5 marks)

(Total = 25 marks)

05. (a) Explain the factors affecting contractual capacity. (10 marks)
- (b) What is the difference between a condition and a warranty? (5 marks)

(c) What are the requirements for a valid exemption clause? (5 marks)

(d) Differentiate express terms of a contract from implied terms. (5 marks)

(Total = 25 marks)

06. Discuss the legal consequences of following scenarios.

(a) A priest knowing that his followers would do anything for him due to their faith influences a follower who is an old lady to draw her last will on his favour.

(b) Nilupuli enters in to an agreement with Channa to sell her house to him for 2 million rupees. Channa thinks that Nilupuli intends to sell her house located in Kesbewa but what Nilupuli actually meant is one of her houses located in Rajagriya.

(c) Lakshan forms an agreement with Ruwan to obtain Ruwan's support for his business. The 'business' Lakshan engaged in is drug dealing which includes large scale heroine distribution. Lakshan promises a monthly payment to Ruwan for his support.

(d) Mayuran demands from his former girl friend Pramila to pay him a monthly amount of 5000/= threatening that he would leak their private photographs if she refuses to agree. Out of fear, Pramila submits to his threat.

(e) Prathibha sells her mobile phone to Karthik claiming that the phone contains applications to browse internet. But after receiving the phone Karthik finds out that the claim was untrue and that Prathibha has deliberately deceived him.

(Marks 5 X 5 = 25)

(Total = 25 marks)

07. (a) Explain the different ways in which a contract can be terminated. (15 marks)

(b) What are the remedies available for breach of contract? (10 marks)

(Total = 25 marks)

08. (a) Briefly explain different types of employment. (15 marks)

(b) Explain how the law differentiates between a contract of employment and a contract for employment. (10 marks)

(Total = 25 marks)

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