

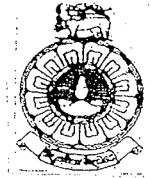
THE OPEN UNIVERSITY OF SRI LANKA

BACHELOR OF SCIENCE DEGREE PROGRAMME – LEVEL 3

FINAL EXAMINATION – 2023/2024

LLU3261/LWU1161 – UNDERSTANDING LAW

DURATION – TWO(02) HOURS



Date : 15.10.2023

Time : 9.30 a. m – 11.30 a. m

Total Number of Questions – 06

Answer four (04) questions only.

Candidates will be penalized for illegible handwriting.

1. Select the correct Court that has jurisdiction to hear the cases below. Give reasons for your answer.
- (i) Mahinda and Nalini have no children and they have decided to adopt Sayuri .
 - (ii) An actress was appointed as a Minister in the country X. It was revealed that she has dual citizenship both in the country X and country Y.
Isuru now wants to question the right to hold public office by the actress.
 - (iii) Sandun was caught of stealing (Theft) Rs 5000 worth of valuable articles from Fathima's house.
 - (iv) Sanath wants to file a divorce case against Neela.
 - (v) Raaja was taken into custody by the Police and brutally attacked while in custody. His family members were not allowed to visit him either. Later, Police learnt that they have mistaken Raaja for the real Culprit and he was released.. Raaja's wife complaints that Raaja' right hand got dislocated.

(5 x 5 = 25 Marks)

2.

- (i) "Even though Personal Laws and Territorial Laws in Sri Lanka appear similar, they are different from each other." Discuss the above statement providing examples.

(15 Marks)

- (ii) Discuss the applicability of Thesawalami law in Sri Lanka. Your answer should be supported with relevant case law.

(10 Marks)

3. Assume that you have been invited as the Guest Speaker for the special event organized by the 'Ministry of Labour and Foreign Employment'. You are required to deliver a speech on '**Current laws on welfare of employees in Sri Lanka and remedies available under Common law and Statutory law when services are terminated by the Employer.**'

In your speech, include at least 04 Statutes that you have learned.

(25 Marks)

4.

- (i) Define the below terms.

a. Employer

b. Employee

(05 Marks)

- (ii) What are the methods available for settling industrial disputes according to the Industrial Disputes Act No.43 of 1950?

(10 Marks)

- (iii) There is an industrial dispute between the employees and employers of a company called "Green Food Lanka". They want to resolve their dispute with least intervention of a 3rd party and with a minimum cost. What is the best industrial resolution method available for them? Explain your answer with justifiable reasons.

(10 Marks)

5. Rishma owns a company called "Youth Spirit" which mainly engages in fashion designing. Rishma designs new modern designs and posts photographs of them on the company website/ social media profiles to attract customers. Whenever a new stock of clothes is to be introduced, Rishma seeks the assistance of her friend Ishara who works as a Professional photographer. Rishma pays Ishara after every photoshoot she completes, and the payment is calculated on the basis of the number of hours that Ishara has to work. Ishara brings her own cameras and other equipment and is required to wear the Uniform of the company during the photoshoots. In addition, Ishara has a small studio installed at her house.

Ishara consults you to have a legal opinion on the nature of employment contract with Rishma. Discuss with relevant legal principles and tests applied.

(25 Marks)

6. Select five Concepts/ Doctrines from the below and write short notes on them.

- (i) Doctrine of Separation of Powers
- (ii) Restrictions on Fundamental Rights
- (iii) Types of employment
- (iv) Sources of law
- (v) Termination of Contract by operation of law
- (vi) Duties of Commissioner of Internal Trade under the Consumer Protection Act No. 1 of 1979

(5 x 5 = 25 Marks)