

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LLB (HONOURS) DEGREE PROGRAMME – LEVEL 03
FINAL EXAMINATION 2022/23
LEGAL METHOD AND LEGAL WRITING – LLU3602
DURATION: 03 (THREE) HOURS



Date: 25th February 2024

Time: 1.30 p.m. – 4.30 p.m.

Total number of questions: 08

Answer **Five (05)** questions only, selecting at least **Two (02)** questions from **part I** and **Three (03)** questions from **part II**.

Candidates will be penalized for illegible handwriting.

PART I – LEGAL WRITING

Answer any **TWO (2)** questions from this section.

1. (a) Compare the inductive reasoning and deductive reasoning methods that are used to build legal arguments. (10 marks)
- (b) i. What do you understand by critical writing in a legal answer? (2 marks)
- ii. Write a brief note on the importance of critical writing in a legal answer. Provide examples where necessary. (08 marks)
- (10 + 02 + 08 = 20 marks)
2. (a) Analyse the following three techniques that could be used in reading legal sources.
- i. Scanning
- ii. Skimming
- iii. Focused reading
- (10 marks)

(b) i. List out the different parts of a case report. (5 marks)

ii. Explain each part that you listed above. (5 marks)

(10 + 05+05 = 20 marks)

3. (a) Explain the step-by-step process of writing case notes.

(12 marks)

(b) Briefly examine the IRAC (Issues, Rules, Application, and Conclusion) method which facilitates legal reasoning.

(08 marks)

(12 + 08 = 20 marks)

PART II – LEGAL METHOD

Answer any **THREE (03)** questions from this section.

4. Identify the following concepts associated with the theory of judicial precedents and discuss them by providing the necessary examples.

a). A key factual point or chain of reasoning in a case that drives the final judgment.

b). A common suggestion or observation made by a judge, which may not necessarily contribute to resolving the case, and as such, it is not legally binding on other courts but may still be cited as persuasive authority in future cases.

c). Previous decision, which has been wrongly decided and judges do not wish to follow it.

d). Rejecting and invalidating an earlier decision of a lower court or a court of equal standing. As a result, earlier decision becomes null and void and the new decision becomes an authoritative substitute for old.

(4× 5 = 20 Marks)

5. 'Equity was introduced on the basis that justice cannot be achieved when there is rigidity in the law.'

In light of the above statement, examine the significance of equity as a source of law. Your answer should be supported by practical examples and case law.

(20 Marks)

6. Lakasa is an indigenous community living in the forests of the central highlands of the state of Makara. The Lakasa people celebrate the festival called "Lulu" in March every year to express the identity of their community by observing the ancient traditions and customs of the state of Makara. Hala is a law student who attended one of these festivals to conduct research and realized that Lakasa community performs a ritual of slaughtering wild animals such as deer, rabbits and Bisons in the Lulu festival. Hala noted that these killings would be a violation of the provisions of the Prevention of Illegal Hunting of Wild Animals Act (the Act) of the state of Makara. Section 02 of the Act states as follows:

"No person shall hunt, shoot, kill or capture any wild animal or destroy any egg of any bird or reptile in any sanctuary."

Therefore, Hala filed an action challenging the ritual of sacrificing wild animals in the name of God in the Lulu festival. The leader of the Lakasa community argued that this ritual was in existence since the time of their ancestors, and they believe that their community will be protected from wild animal attacks as a result of pleasing the God thorough sacrifices, and thus, this festival cannot be fully performed without the said sacrificial ritual.

Assume that you are asked to draft a report focusing on the legal issues regarding this case. Your report should be intended to advise the disputing parties whether this ritual establishes a valid custom.

Prepare your report including the relevant statutory provisions and case law. Further, assume that the law of Makara is similar to the law of Sri Lanka,

(20 Marks)

7. 'The binding nature of international treaties in domestic law depends on how the state in question has presented itself in international law.'

Examine the above statement in relation to international treaties as a source of law. Provide relevant examples where necessary.

(20 Marks)

8. Write short notes on the following topics.

- i. Classification of law.
- ii. Contribution of jurists for the development of Kandyan law.
- iii. Key factors to the operation of judicial precedent.
- iv. The legal profession of Sri Lanka.

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