



00701



THE OPEN UNIVERSITY OF SRI LANKA

EXAMINATION ENGLISH FOR ACADEMIC PURPOSES – (LEGAL STUDIES)

(LTE3603/LEE3605/LSC2207)

FINAL EXAMINATION (2022/2023)

Date : 08th April 2024

Time : 03 hours
(9.30 a.m. – 12.30 p.m.)

INDEX NO. :

CENTRE :

I.D. NO. :

Instructions : This paper contains 12 pages.
Read all instructions.
Answer all questions.

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Question No:		Marks Obtained	Maximum
Part A	1		20
Part B	2		30
	3		15
Part C	4		<u>35</u>
	Total	=====	<u>100</u>

Percentage %

Signature of Examiner :

Name of Examiner :

PART A – GRAMMAR AND VOCABULARY

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1. Fill in the blanks given below with appropriate words. Use only **ONE** word for each blank.

In the Sri Lankan legal system, succession law is divided into two categories: testate and intestate succession. Testate (1) occurs when a person dies with a last (2), and properties are distributed according to it. (3)..... succession, on the other hand, happens when (4) person dies without a will, and properties (5) divided according to inheritance law. The Wills Ordinance (6) 1844 introduced freedom of testation, allowing illegitimate children (7) inherit from either parent's will.

The General Law (8) Matrimonial Rights and Inheritance Ordinance 1847, influenced (9) English principles, ensures equal inheritance rights (10) spouses and children. According to Section 24, all (11)..... inherit equally from their parents' intestate property, regardless (12) their biological or adopted status. The presumption (13)..... "Children" means legitimate children is adopted (14)..... the Sri Lankan legal system.

Non-Muslims can opt (15) contract marriage under the General Law, (16) their property rights follow Kandyan and Thesawalamai (17)..... . The Matrimonial Rights and Inheritance Ordinance apply (18)..... intestate succession, while the Jaffna Matrimonial Rights (19)..... Inheritance Ordinance governs those under Thesawalamai Law. Kandyans (20) the Kandyan Law Ordinance No-39 of 1938, while Muslims are governed by the Muslim Marriage and Divorce Act No. 13 of 1951 and the Muslim Intestate Succession Ordinance, No. 10 of 1931. The law applicable to Muslim intestacy is determined by their sect, with the Shafie sect prevailing in Sri Lanka.

(20 marks)

PART B - WRITING

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IMPORTANT :

Marks will be deducted for untidy handwriting, incorrect spelling and punctuation and errors in grammar.

Marks will be allocated for the content, structure and language of your essay.

Your ability to use argumentative language coherently and effectively will be considered while allocating marks.

2. Write an essay on ONE of the following topics.

Write an essay on the given topic. Your essay should

- a) be 04 paragraphs in length.
- b) contain an introduction and a conclusion.
- c) have at least one argument in favour of the topic and at least one argument against the topic.
- d) should be between 250 – 300 words in length

Topics

- A) “Can the implementation of capital punishment effectively deter crime rates in a country?”.
Argue for or against this position.
- B) “Regular use of the internet and various devices can lead to mental ill-health.”
Argue for or against this position.

(30 marks)

3. Read through the information and complete the affidavit to be filed in Kasuni's maintenance application along with the petition by matching the missing parts with the blanks.

Kasuni de Alwis married Praveen Wjewardena on the 20th of November 2008. As Kasuni's parents were Roman Catholics, they objected to their only daughter getting married to a Buddhist. Soon after their marriage, the couple rented a house at Daham Mawatha, Maharagama. Kasuni was working in a private firm as a computer analyst, however, as Praveen didn't want her to be employed, she resigned from the job just before their marriage. Praveen was a Managing Director at a reputed private food company in Colombo and his monthly income exceeded Rs. 300,000/=. Their two daughters Mandree and Adree were born on 22nd October 2009 and 12th May 2013 respectively. Since their younger daughter started schooling Praveen's behaviour changed. He started suspecting his wife who escorts the child to and from school and later went to the extent of abusing and assaulting her. Kasuni, a devoted Christian, tried to tolerate everything for the sake of their family. But, on the 25th of August 2016, Praveen left home and never returned. Kasuni met him at his parental home at Athurugiriya Road, Homagama and pleaded with him to return. However, Praveen refused to come back or pay the house rent. Kasuni had no alternative but to come back to her parents at Vihara Road, Kiribathgoda. Being unemployed, Kasuni now finds it impossible to make ends meet. Finally, she decides to sue Praveen for maintenance.

(15 marks)

Choose the correct phrases from the list below and fill in the blanks by writing the correct phrase numbers in the blanks. There are 15 blanks for you to fill in. One is done for you.

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In the Magistrate's Court of Colombo

Kasuni de Alwis,
No 37, Vihara Road,
Kiribathgoda.

.....

No. 5166/A

vs

Praveen Wijewardena
No. 23, Athurugiriya Road,
Homagama.

.....

I,1....., of No 37, Vihara Road, Kiribathgoda being
a Catholic do hereby as follows.

1.
2. I got married to the defendant above namedand
after the said marriage we rented
.....
3. As a result of the said marriage on 22nd
October 2009 and 12th May 2013 respectively.
4. Since then he never returned nor
maintained me and the children.
5. The defendant is a Managing Director of a reputed Private Food Company and
his monthly income is around Rupees Three Hundred Thousand (Rs.
300,000/=). He has sufficient means to maintain the family.
6.
7.
8. I am unemployed and therefore have no means to support the children and
myself.
9.

Signed and declared at
..... 15th day of January, 2017

}

Praveen Wijewardena

.....
Justice of the Peace / Commissioner for Oaths



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Phr

PART C – READING & COMPREHENSION

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Answers should be written in complete sentences in your own words as far as possible. Marks will be deducted for grammar and spelling mistakes.

4. Read the following passage and answer the questions given below.

Existing General Law on Divorce in Sri Lanka

The Marriage Registration Ordinance No. 19 of 1907 serves as the foundational legislation governing divorce in Sri Lanka. Primarily applicable to the Tamils and low-country Sinhalese, this ordinance outlines the legal framework for marital dissolution. Additionally, it affords the Kandyan Sinhalese the option to select either the Kandyan Law or the general law of divorce proceedings. Section 19(2) of the Marriage Registration Ordinance defines three primary grounds for divorce, namely adultery, malicious desertion, and incurable impotence at the time of marriage.

Professor Shirani Ponnambalam, in her analysis of adultery, underscores the crucial element of engaging in sexual intercourse outside of lawful wedlock. It's imperative to note that adultery implicates a married individual, regardless of the civil status of the other party involved. The burden of proof required mirrors that of a criminal offence, demanding evidence beyond a reasonable doubt. This places a significant burden on the innocent party, as gathering evidence for adultery is inherently challenging. Moreover, the ramifications of adultery extend beyond mere legal implications, affecting one's dignity profoundly.

Malicious desertion serves as the second ground for divorce, with cruelty often subsumed within this category. To establish grounds for divorce under this provision, parties must demonstrate both animus and factum. Moreover, malicious desertion can be categorized into two distinct forms: simple and

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Beyond the grounds specified in the Marriage Registration Ordinance, the Civil Procedure Code outlines alternative avenues for divorce. Parties may seek judicial separation for two years, after which a decree of divorce may be granted in the absence of reconciliation. Alternatively, if spouses live apart for seven years, either party may petition for the dissolution of the marriage. Under this provision, proving matrimonial fault is unnecessary, indicating a shift towards the doctrine of marital breakdown over assigning blame. **This** suggests policymakers aimed to introduce the doctrine of the breakdown of marriage rather than determining the guilt or innocence of the parties.

- Adapted from a Journal Article -

Questions

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1. Read the given passage and identify whether the following statements are 'True', 'False' or 'Not Given'. (Cross 'X' or circle the relevant box.)

a. The Marriage Registration Ordinance mainly applies to Tamils and Sinhalese.

T	F	NG
---	---	----

b. Marriage Registration Ordinance deals with marital dissolution only.

T	F	NG
---	---	----

c. Kandyan Sinhalese are required to follow the Kandyan Law in all their legal proceedings.

T	F	NG
---	---	----

d. As section 19(2) of the Marriage Registration Ordinance spells out there is no certain number of grounds where a divorce can be filed.

T	F	NG
---	---	----

e. The key aspect of adultery is engaging in sexual intercourse with someone other than one's lawful spouse.

T	F	NG
---	---	----

(01 x 5 = 05 marks)

2. Are these statements 'True' or 'False'?

(Circle the relevant letter 'T' or 'F')

Write a statement in your own words to support your answer.

a. Adultery does not apply to consensual sexual relationships between unmarried individuals. T / F

b. Adultery is a criminal offence and it requires proof beyond a reasonable doubt. T / F

c. Cruelty is the second ground for divorce. T / F

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d. In general, to get a divorce, both animus and factum elements must be proven. T / F

e. In simple desertion, the innocent party is either forcefully removed or circumstances compel them to leave the matrimonial home. T / F

(02 x 5 = 10 marks)

3. Select the most suitable answer for the following questions.

1) How is malicious desertion categorised into two?

a. Depending on how the desertion has occurred.

b. By nature of proving the element of factum.

c. Both a and b are correct.

d. None of the above is correct

2) An important fact for a divorce case would be,

a. The intention of the termination of the marital relationship.

b. Reasonable cause for abandonment is crucial.

c. Both a and b are correct

d. None of the above is correct

3) What is one of the grounds for divorce mentioned in the text?

a. Betrayal

b. Incurable impotence

c. Domestic violence

d. Financial disagreement

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- i) **imperative** in paragraph 2 line 11.
- ii) **ramifications** in paragraph 2 line 16.
- iii) **subsumed** in paragraph 3 line 19.
- iv) **substantiation** in paragraph 4 line 30.
- v) **marital discord** in paragraph 6 line 44.

(01 x 5 = 05 marks)

.....*End of the question paper*.....