

THE OPEN UNIVERSITY OF SRI LANKA
 FACULTY OF HUMANITIES AND SOCIAL SCIENCES
 DEPARTMENT OF LEGAL STUDIES
 LL. B DEGREE PROGRAMME – LEVEL III
 FINAL EXAMINATION 2023/2024
 LLU3703 - INTRODUCTION TO THE LAWS OF SRI LANKA
 DURATION – 03 HOURS



Date: 14th May 2025

Time: 1.30 p.m. – 4.30 p.m.

Total Number of Questions – 08

Answer FIVE (5) Questions Only.

Candidates will be penalized for illegible handwriting

- 1) Imagine you are a distinguished legal scholar in Sri Lanka, and you have invited to deliver a lecture on the topic of “The Influence of English Law on the Sri Lankan Legal System” at the Annual Research Forum for Young Asian Researchers.

Develop a detailed outline for your lecture incorporating the relevant case law, statutory provisions and other legislative illustrations that demonstrate the impact of English law on Sri Lanka's legal regime.

(20 Marks)

- 2) Bandara, a man subject to Kandyan Law, married Ran Manika on January 2, 1980 under the provisions of Kandyan Law. The couple had two children from the marriage. However, in July 1985, during the subsistence of that marriage, Bandara converted to Islam. Following his conversion, Bandara decided to contract a second marriage with Kusuma. Thereafter, he contracted his 3rd marriage with Fathima in September 1991. The situation has led to a series of legal questions regarding the validity of Bandara's second and third marriages under the Muslim Law.

Analyse the above-mentioned factual situation and explain the validity of the second or subsequent marriages under the Muslim Law.

Illustrate your answer with the relevant statutory provisions and case law.

(20 Marks)

- 3) Sri Lanka's legal framework consists of multiple personal laws that govern various aspects of family life, including marriage, inheritance, and property rights. These personal laws are influenced by distinct religious, cultural, and ethnic traditions. While they have served the needs of their respective communities, recent social and cultural developments have highlighted the need for reform in certain areas.

Given the dynamic nature of Sri Lankan society, certain provisions within personal laws appear to be outdated and may no longer reflect the evolving societal values. There are specific areas where immediate modifications are necessary to ensure that the law keeps pace with contemporary social changes and upholds the principles of justice, equality, and human rights.

In the light of the above statement, analyze three key issues within Sri Lanka's personal laws that require immediate modification.

Support your answers with the relevant statutory provisions and case law.

(20 Marks)

- 4) Priyantha is a Director of Education attached to the Zonal Education Office in Matale. He is the only child of Kiri Banda, a traditional Kandyan farmer from Gampola, and Chandrani, a woman originally from Ambalangoda. Kiri Banda and Chandrani were married under the Kandyan law in 1948.

While working in Matale, Priyantha met Senuri; a science teacher at a reputed national college. After a two-year relationship, they decided to get married. Senuri's family is from Nugegoda and her parents are low-country Sinhalese, governed by the General Law of Sri Lanka.

As the wedding was approaching, both families became involved in deciding under which legal regime the marriage should be registered. Priyantha's parents insist on registering the marriage under Kandyan Law, in keeping with their heritage and family identity. In contrast, Senuri's parents prefer registration under the General

Marriage Ordinance, as their family does not follow the Kandyan customs, and that General Law offers a more inclusive and modern framework.

Priyantha and Senuri wish to know whether there is any possibility to register their marriage under the Kandyan Law.

- (a) Explain the possibility of registration of their marriage under the Kandyan Law.

(10 Marks)

- (b) If Priyantha's father was a low- country Sinhalese and his mother a Kandyan woman and they had entered into a Binna marriage in 1948, would your answer in part (a) be different.

(10 marks)

- 5) Select any two of the following landmark cases concerning the application of personal laws in Sri Lanka. For each selected case, provide a concise and comprehensive explanation including facts, the legal issues and an analysis of the *ratio decidendi* of the judgment.

(a) *Natalie Manel Abeysundara v. Christopher Abeysundara* (1988) 1 SLR 185

(b) *Williams v. Robertson* (1886) 8 SCC 36

(c) *Sivagnanalingam v. Sunetheralingam* (1988) 1 SLR 86

(d) *Abdul Carder v. Razik* (1950) 52 NLR 156

(10x2 = 20 Marks)

- 6) Ganesh was born in 1970 to Tamil parents lived in Trincomalee. At the age of five, his family relocated to Jaffna, where he received his primary and secondary education. Upon completing school at the age of 18, Ganesh remained in Jaffna and worked on his uncle's farm and continued to reside there.

In 1995, Ganesh married Radha, a Tamil woman from Jaffna. The couple lived and worked on the farm until Radha's sudden death in 2001. After Radha's death, Ganesh moved to Kandy and secured employment at a tea estate. In 2002, he married

Kamalini, a woman employed at the same estate. After their marriage, Ganesh and Kamalini lived in Kandy.

In 2003, Ganesh purchased a house in Jaffna and invited his elderly parents to live with him. Also, he expressed his intention to the parents that he wished to live in Jaffna permanently. However, in 2006, before he could relocate, Ganesh passed away unexpectedly.

Kamalini seeks your advice as to whether Ganesh is governed by Thesawalamai Law or General Law.

Support your answers with the relevant statutory provisions and case laws.

(20 Marks)

- 7) "...these statutes (the statutes of Batavia) by altering and modifying the jurisprudence of Holland endeavored to reconcile the government of the company to the spirit of the natives"

Karonchihamy v Angohamy 8 N.L.R. 1

In light of the above statement, discuss the reception of the statutes of Batavia in Sri Lanka during the Dutch period.

(20 Marks)

- 8) Write Short notes on **any two (02)** of the following.

- (a) Administration of justice in Sri Lanka from 1833 – 1947.
- (b) Contemporary developments in the Kandyan Law
- (c) Administration of justice during the pre-colonial period
- (d) Major changes in the court system and the administration of justice during the post-independence period

(10X2 = 20 Marks)

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