

THE OPEN UNIVERSITY OF SRI LANKA
 FACULTY OF HUMANITIES AND SOCIAL SCIENCES
 DEPARTMENT OF LEGAL STUDIES
 LLB (HONS) DEGREE PROGRAM – LEVEL 3
 FINAL EXAMINATION - 2023/2024
 LLU3601-LEGAL SYSTEM AND LEGAL HISTORY OF SRI LANKA
 DURATION - 3 HOURS



DATE : 27th May 2025

TIME : 01.30 p.m - 04.30 p.m

Total Number of Questions 08.

Answer Five (05) Questions only.

Illegible handwriting will be penalized.

1. "The adoption of English Law in Sri Lanka has not only impacted legislation but also influenced the judicial activism during the British period."

In the light of the above statement discuss the different methods by which the English Law has been introduced in Sri Lanka.

Support your answer with the relevant examples and case law.

(20 Marks)

2. Ajith Karaliyadde and Manika Karaliyadde are the children of a Kandyan couple who lived in Gatambe. Ajith, got married to Gaveshi and they had 03 children. They lived in the ancestral property of Karaliyadde Walawwa in Kandy. Manika married to Mahendra; a government employee attached to the Southern Provincial Council in Galle. Two years after the marriage, Mahendra died in a motor accident during a political rally.

Manika lived alone in Galle for several years without any income. On her brother's request, she returned to Karaliyadde Walawwa in 2019 with the intention of settling down there permanently. Ajith expressed his willingness to give her one-fourth of the family property but he never took interests in executing of a title deed in favour of Manika.

In November 2020, Ajith was hospitalized due to a serious respiratory illness and died a few days later due to COVID-19 infection. Gaveshi later asked Manika to vacate the Walawwa arguing that as Manika had contracted a *Diga marriage*, and therefore had no right to inherit under the Kandyan Law.

Manika intends to file a case against Gaveshi claiming her inheritance rights under the Kandyan Law.

Discuss.

Support your answer with the relevant statutory provisions and case law **(20 Marks)**

3. "The Roman-Dutch Law is the residual law in Sri Lanka. The primary source of law is the Constitution. In the absence of a constitutional provision courts first consider whether the parties are governed by any personal Law and if not they apply Roman-Dutch Law."

LJM Cooray, Reception of Roman Dutch Law in Sri Lanka, (1974), p.296

Discuss the relevance of the Roman-Dutch Law as a source of Law in Sri Lanka.

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

(20 Marks)

4. "The complexities in modern socio-political and economic relations have created many challenges in the administration of justice in Sri Lanka"

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In the light of the above statement discuss the following challenges of the contemporary legal system of Sri Lanka.

- a) Independence of the judiciary
- b) Problems in the plural Legal System
- c) Delays in law enforcement mechanism

Illustrate your answer with practical examples.

(20 Marks)

5. In 2024, Sahil got married to Muskiya. Now they reside in Kandy. Since they do not have children from their marriage, they decided to adopt a three-year-old child named Shammaas from Batticaloa in this year.

Sahil and Muskiya seek your advice on the following matters,

- a) Are they legally permitted to adopt Shammaas under the Sri Lankan Muslim Law? **(05 Marks)**
- b) As an adopted child can Shammaas claim inheritance rights to his adoptive parents' property? **(06 Marks)**
- c) Since Sahil and Muskiya live in Kandy is there any possibility from them to be governed by the Kandyan Law? **(09 Marks)**

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

6. Chandran was born in Jaffna in 1979 and was selected for a degree program in management Studies at the Colombo Regional Centre of the Open University of Sri Lanka in 1998. After the graduation, he was employed by a leading multinational company in Colombo. His parents also moved to Colombo to live with him.

In 2005, his parents died by a road accident in Colombo. Their bodies were taken to Jaffna for final rites. Chandran had visited Jaffna many times while his parents were alive for family and business purposes. He often stayed at his ancestral home.

In 2012, Chandran got married to Mary, a Catholic girl from Ja-Ela. The marriage took place in Jaffna. Although Chandran owned a house in Jaffna, he decided to settle down in Ja-Ela with his wife and for that purpose he bought a new house from there.

In 2018, Chandran died in a tragic road accident without leaving a Last Will.

His brother Mayuran claims that since Chandran's housing properties at Ja-Ela and Jaffna are governed by Thesawalamai law, Mary has no entitlement to inherit his properties without a Last Will.

Mary now seeks your legal advice as to whether she has any rights to inherit Chandran's property under the Thesawalamai Law.

Advice Mary

Support your answer with relevant case law and statutory provisions.

(20 Marks)

7. "The legal system of any country represents the socio cultural and historical backgrounds"

In the light of the above statement discuss the merits and demerits of plural legal system of Sri Lanka.

Support your answer with practical examples.

(20 Marks)

8. Write short notes on **any two (2)** of the following topics.

- a) The law and the court system introduced by the Dutch in Sri Lanka
- b) *Campbell vs Hall* (1774) 1 Cowp 204, 98 ER 1045
- c) The Batavian Codes
- d) The legal system of Sri Lanka during the pre-colonial period

(10*2 = 20 Marks)