



THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LLB (HONOURS) DEGREE PROGRAMME - LEVEL 3
CONTINUOUS ASSESSMENT TEST II - 2022/2023
LLU3406 – INTERPRETATION OF STATUTES AND DOCUMENTS
DURATION- ONE (01) HOUR

DATE: 24 October 2023

TIME: 1.30 p.m. – 2.30 p.m.

Number of questions: 02

Answer ONE (01) question only.

Candidates will be penalized for illegible handwriting.

1. Oliver, a construction laborer at BuildWell Construction Company in Alleonia, witnessed a coworker's fall from a great height at the construction site in 2020. This event caused Oliver severe emotional distress and trauma, affecting his ability to continue working in the same position. He requested a transfer to a less stressful position within the company, but the company denied his request. Due to deteriorating mental health, Oliver resigned from BuildWell Construction Company in 2021. He is now seeking compensation under Workers' Compensation Act No. 12 of 1983 of Alleonia, which covers injuries arising from work-related incidents. The preamble of Act underscores its purpose to secure the health and welfare of workers through effective injury management and compensation. Section 9 holds employers liable for compensating personal injuries arising from work-related accidents unless caused by willful disobedience of a safety order. However, an argument has arisen regarding the definition of "personal injury" in Section 17. BuildWell Construction Company argues that it exclusively pertains to physical injuries and doesn't encompass harm to mental health, property, or reputation.

Examine the possibility of paying compensation to Oliver under the Workers' Compensation Act of Alleonia. Your examination should focus on relevant rules and internal aids of interpretation supported by case law.

(20 marks)

2. The Government of Greenville has proposed a project to construct a massive hydroelectric dam across the river Green situated in the village of Willowbrook, home to approximately 5,000 residents who rely heavily on paddy cultivation as their primary source of livelihood. Willowbrook, a historically rich village, boasts a protected forest known as Everwood Forest, which includes an ecologically important sanctuary for several endangered species. Proponents of the project argue that it will provide clean energy to the nation and boost economic development. Opponents, including environmental activists and local communities in the village, claim that the construction of the dam will cause flooding of the village's residences and forest area, including the sanctuary for endangered species. Greenville's Constitution lacks a direct provision recognizing the right to a healthy environment or the right to life. However, a closer examination reveals an implicit acknowledgment of the right to life through Article 17 and Article 21(a) of the Constitution. Laura, a resident of the village, filed a fundamental rights petition against the government mentioning that her rights under articles 17 and 21(a) have been violated.

Assess the above situation in light of the potential rules of interpretation. Support your answer with case law where appropriate.

(20 marks)