

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF ENGINEERING TECHNOLOGY
BACHELOR OF INDUSTRIAL STUDIES
FINAL EXAMINATION -2006/2007
MEJ5253- INDUSTRIAL LAW



043

DATE : 31 MARCH 2007
TIME : 1330-1630 HRS
DURATION : 3 HOURS

Answer any five (05) questions.

All questions carry equal marks.

1. 1.1 "Roman Dutch law is called the common law or residuary law of Sri Lanka"
Do you agree with the above statement? Give reasons for your answer.

1.2 Describe the meaning, scope and the application of the following laws in Sri Lanka.

(a) English law

(b) Kandyan Law
2. Explain the difference between the contract of employment and contract for employment.
3. Tikiri purchased a packet of sausages from Guneratne (the owner of Guneratne stores). Tikiri's son Lakmal ate the sausages and got a stomach-ache because of the consumption of sausages.

Lakmal seeks your assistance to claim damages from Guneratne or the manufacturer of sausages and also would like to know if any other legal remedy is available to him.
4. Briefly explain the various types of employments recognized under Sri Lankan labour law.
5. Sujith is a civil engineer. He designed a pillared verandah for Ranjan's house. One of the pillars designed by Sujith cracked a few months after the completion of the house and fell down causing injury to Ranjan. However, the injuries were not life threatening. While Ranjan was being taken to the hospital there was a huge traffic jam. Consequently, there was a delay of one hour in obtaining medical treatment and as a result Ranjan died.

Discuss the liability of Sujith.

6. The Board of Editors of the Journal on "Industrial Law for Engineers" wants to publish brief scholarly notes on the following in the forthcoming edition of the journal. As a person who has expertise in this area of law, you have been requested by the Board to prepare notes on **any four** of the following for the above purpose.

- (a) Industrial Disputes Act.
- (b) Trade Union Ordinance.
- (c) Employees Provident Fund Act.
- (d) Employees Trust Fund Act.
- (e) Gratuities Act.

7. Explain the provisions in the Industrial Disputes Act, No. 43 of 1950 relating to the settlement of disputes between contending parties.

8. Write short notes on the following.

- (a) Private and public nuisance
- (b) Contributory negligence
- (c) *Rayland Vs. Fletcher*
- (d) Strict liability

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