

ශ්‍රී ලංකා විවෘත විශ්වවිද්‍යාලය  
මානව ශාස්ත්‍ර හා සමාජ විද්‍යා පීඨය  
නීති අධ්‍යයන දෙපාර්තමේන්තුව  
නීතිවේදී උපාධි පාඨමාලාව - 3 වන මට්ටම  
අඛණ්ඩ ඇගයීම් පරීක්ෂණය I - 2017/18



LWU1411/LLU3703 – ශ්‍රී ලංකාවේ නීතිය පිළිබඳ නැඳින්වීමක්  
කාලය පැය 1 යි

දිනය: 2019 අගෝස්තු 08

වේලාව: පෙ.ව.9.00 පෙ.ව.10.00

අපහැදිලි අත් අකුරු සඳහා ලකුණු අඩු කරනු ලැබේ

එක් (01) ප්‍රශ්නයකට පමණක් පිළිතුරු සපයන්න.

01. " 1815 දී උඩරට රාජධානිය බ්‍රිතාන්‍යයන්ට පවරා දීමෙන් පසුව පවා උඩරට නීතිය එහි මුල් තත්වයෙන් පැවති අතර ප්‍රාදේශීය නීතියක් වශයෙන් දිගටම අදාල කර ගන්නා ලදී"

ඉහත ප්‍රකාශය සමඟ ඔබ එකඟ වන්නේද?

ව්‍යවස්ථාපිත ප්‍රතිපාදන හා නඩු තීරණ ඇසුරින් සාකච්ඡා කරන්න. (ලකුණු 20)

02. පිරිමි දරුවන් තිදෙනෙකුගෙන් යුත් පවුලක පවුලේ වැඩිමහල් දරුවා ලෙස නිමලන් 1985 දී කොළඹදී උපත ලැබීය. ඔහුගේ මව ඉන්දිය සම්භවයක් සහිත කාන්තාවක් වූ අතර පියා ශාපනයේ පදිංචි ද්‍රවිඩ ජාතිකයෙකු විය. සිය පියාගේ සේවා ස්ථානයේ මාරුවක් හේතුවෙන් කුඩා වියේදීම ඔවුන්ට මන්නාරමට යාමට සිදු විය. නිමලන් පවුලේ අය සමඟ මන්නාරමේ ජීවත් වූයේය. ශාපනය විශ්ව විද්‍යාලයට ඇතුළත්ව අධ්‍යාපන කටයුතු සිදුකිරීම පහසු වුවද නීතිවේදී උපාධිය සඳහා ඔහු කොළඹ විශ්ව විද්‍යාලය තෝරා ගත්තේය. ඔහු විශ්ව විද්‍යාල අධ්‍යාපනය නිම වන තෙක් කොළඹ විසු සිය පියාගේ වැඩිමහල් සහෝදරයාගේ නිවසේ වාසය කළේය. නීතිවේදී උපාධිය සම්පූර්ණ කිරීමෙන් පසු ත්‍රිකුණාමලයේ පදිංචි කාන්තාවක වූ රධී සමඟ විවාහ විය. විවාහ උත්සවය රධීගේ නිවසේ පැවැත්වීය. විවාහයෙන් පසු නව යුවල අවුරුද්දක පමණ කාලයක් රධීගේ නිවසේ වාසය කළහ. පසුව නිමලන් ගේ පියා විසින් ත්‍යාග කළ මන්නාරමේ පිහිටි ඉඩමක නව නිවසක් සාදා ඔහු රධී සමඟ එහි ජීවත් වීමට පටන් ගත්තේය. ඔවුන්ට දරුවන් දෙදෙනෙකු වූ අතර දරුවන් ශාපනයේ ප්‍රසිද්ධ පාසලක අධ්‍යාපනය ලැබීය.

නිමලන් ඔහුගේ සහෝදරයන් දෙදෙනෙකු සමඟ ශාපනයේ ඉඩමක හවුල්කරුවෙකු විය. හදිසි මුදල් අවශ්‍යතාවයක් මත නිමලන් ඔහුගේ කොටස ඔහුගේ සහෝදරයන්ට නොදන්නවා කොළඹ මිතුරෙකුට විකිණීය. රධීගේ දෙමව්පියන් බැලීමට යන අතරතුර සිදු වූ රිය අනතුරකින් නිමලන් මරණයට පත් විය.

නිමලන් පාලනය වූ නීතිය සහ ඔහු විසින් සිදු කළ ඉඩම විකිණීම පිළිබඳ නෛතික තත්වය සම්බන්ධයෙන් රධී ට උපදෙස් දෙන්න.

ඔබේ පිළිතුර ව්‍යවස්ථාපිත ප්‍රතිපාදන හා විනිශ්චිත නඩු තීරණ ආශ්‍රයෙන් තහවුරු කරන්න. (ලකුණු 20)

THE OPEN UNIVERSITY OF SRI LANKA  
FACULTY OF HUMANITIES AND SOCIAL SCIENCES  
DEPARTMENT OF LEGAL STUDIES  
LL.B DEGREE PROGRAMME – LEVEL 3  
CONTINUOUS ASSESSMENT TEST I – 2017/2018  
LWU1411/LLU3703 – INTRODUCTION TO THE LAWS OF SRI LANKA  
DURATION – ONE (01) HOUR

01423



DATE: 08<sup>th</sup> August 2019

TIME: 09.00a.m. – 10.00a.m.

Illegible handwriting will be penalized

Answer ONE (01) question only

01. “Even after the Kandyan Kingdom was ceded to the British in 1815 the Kandyan law retained its original nature and continued to be applied as a territorial law.”

Do you agree with the above statement?

Discuss with reference to statutory provisions and the case law.

(20 marks)

02. Nimalan who was born to a family of three male children in Colombo in 1985, was the eldest child of his family. His mother was an Indian decedent and his father was a Tamil resident in Jaffna. As a result of their father being transferred they had to move to Mannar when they were small. Nimalan lived with his family in Mannar. Although it was easier for him to do his studies at the University of Jaffna for his LL.B Degree, he opted the University of Colombo. He stayed at his father’s elder brother’s house at Colombo until he completed his university education. After completing LL.B Degree he got married to Radhi who is a resident in Trincomalee. The marriage ceremony was held at Radhi’s house. After the marriage, the newly wedded couple stayed at Radhi’s house for about one year. Thereafter, Nimalan built a new house on a land gifted by his father in Mannar and started living there with Radhi. They had two children and the children studied at a reputed school in Jaffna.

Nimalan co-owned a land with his two brothers in Jaffna. Due to a sudden financial need Nimalan sold his share to a friend in Colombo without informing his brothers. Nimalan died by a road accident while he was on his way to see Radhi’s parents.

Advise Radhi on the law applicable to Nimalan and the legal position of the land sold by him.

Support your answer with statutory provisions and case law.

(20 marks)

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இலங்கை திறந்த பல்கலைக்கழகம்  
 மானுடவியல் மற்றும் சமூக விஞ்ஞானங்கள் பீடம்  
 சட்டக் கற்கைகள் திணைக்களம்  
 சட்டமணி பட்டப்படிப்புக் கற்கைநெறி - மட்டம் 3  
 தொடர்மதிப்பீட்டு பரீட்சை II - 2017/2018  
 LWU1411/ LLU3703 இலங்கையின் சட்டங்களுக்கான ஓர் அறிமுகம்  
 காலம் - ஒரு (01) மணித்தியாலம்

திகதி 08.08.2019

நேரம் மு.ப 9.00 - மு.ப. 10.00

தெளிவற்ற கையெழுத்திற்குப் புள்ளிகள் குறைக்கப்படும்  
 ஒரு வினாவிற்கு மட்டும் விடையளிக்குக.

1. "1815இல் கண்டிய இராசதானி பிரித்தானியருக்கு விட்டுக்கொடுக்கப்பட்ட பின்னரும் கூட, கண்டியச் சட்டம் அதனது சுயமான இயல்புடன் தொடர்ந்து நிலைத்திருந்ததுடன், ஒரு இடஞ்சார் சட்டமாகவும் தொடர்ந்தும் பிரயோகிக்கப்பட்டு வருகின்றது."

மேலுள்ள கூற்றுடன் நீர் உடன்படுகின்றீரா?

நியதிச்சட்ட பிரிவுகளையும் தீர்ப்புச் சட்டங்களையும் எடுத்துக்காட்டி கருத்துரைக்கുക.

(20 புள்ளிகள்.)

2. மூன்று ஆண் பிள்ளைகளைக் கொண்ட ஒரு குடும்பத்தில் மூத்த பிள்ளையான நிமலன் என்பவன் 1985இல் கொழும்பில் பிறந்தான். அவனது தாய் ஒரு இந்திய வம்சாவழியைச் சேர்ந்தவராயிருந்ததுடன், அவனது தந்தை யாழ்ப்பாணத்தில் வதியும் ஒரு தமிழராய் இருந்தார். அவர்கள் சிறுவர்களாய் இருந்தவேளை அவர்களது தந்தைக்கு இடமாற்றம் கிடைத்ததன் விளைவாக அவர்கள் மன்னாரிற்கு இடம்பெயர்ந்தார்கள். நிமலன் அவனது குடும்பத்துடன் மன்னாரில் வசித்தான். அவனது சட்டமணிப் பட்டப்படிப்புக் கற்கைநெறியினை யாழ்ப்பாணப் பல்கலைக்கழகத்தில் கற்பது அவனிற்கு இலகுவானதாகவிருந்த போதிலும், அவன் கொழும்பு பல்கலைக்கழகத்தினைத் தேர்வு செய்தான். அவன் தனது பல்கலைக்கழகக் கற்கையினை நிறைவு செய்யும் வரையில் கொழும்பிலுள்ள தனது தந்தையின் மூத்த சகோதரனின் வீட்டில் தங்கியிருந்தான். சட்டமணிப் பட்டப் படிப்பினைப் பூர்த்தி செய்ததன் பின்னர், அவன் திருகோணமலையில் வசித்த ரதி என்பவளைத், திருமணஞ் செய்து கொண்டான். திருமண வைபவம் ரதியினுடைய வீட்டில் நடைபெற்றது. திருமணத்தின் பின்னர், புதிதாகத் திருமணமான தம்பதியினர் ஒரு வருட காலத்திற்கு ரதியினுடைய வீட்டிலேயே தங்கியிருந்தனர். அதன்பின்னர், நிமலன் அவனது தந்தையினால் கொண்டையளிக்கப்பட்ட மன்னாரிலுள்ள காணியில் புதிய

THE OPEN UNIVERSITY OF SRI LANKA  
 FACULTY OF HUMANITIES AND SOCIAL SCIENCES  
 DEPARTMENT OF LEGAL STUDIES  
 LL.B DEGREE PROGRAMME – LEVEL 3  
 CONTINUOUS ASSESSMENT TEST I – 2017/2018  
 LWU1411/LLU3703 – INTRODUCTION TO THE LAWS OF SRI LANKA  
 DURATION – ONE (01) HOUR



DATE: 08<sup>th</sup> August 2019

TIME: 09.00a.m. – 10.00a.m.

Illegible handwriting will be penalized

Answer ONE (01) question only

01. “Even after the Kandyan Kingdom was ceded to the British in 1815 the Kandyan law retained its original nature and continued to be applied as a territorial law.”

Do you agree with the above statement?

Discuss with reference to statutory provisions and the case law.

(20 marks)

02. Nimalan who was born to a family of three male children in Colombo in 1985, was the eldest child of his family. His mother was an Indian decedent and his father was a Tamil resident in Jaffna. As a result of their father being transferred they had to move to Mannar when they were small. Nimalan lived with his family in Mannar. Although it was easier for him to do his studies at the University of Jaffna for his LL.B Degree, he opted the University of Colombo. He stayed at his father’s elder brother’s house at Colombo until he completed his university education. After completing LL.B Degree he got married to Radhi who is a resident in Trincomalee. The marriage ceremony was held at Radhi’s house. After the marriage, the newly wedded couple stayed at Radhi’s house for about one year. Thereafter, Nimalan built a new house on a land gifted by his father in Mannar and started living there with Radhi. They had two children and the children studied at a reputed school in Jaffna.

Nimalan co-owned a land with his two brothers in Jaffna. Due to a sudden financial need Nimalan sold his share to a friend in Colombo without informing his brothers. Nimalan died by a road accident while he was on his way to see Radhi’s parents.

Advise Radhi on the law applicable to Nimalan and the legal position of the land sold by him.

Support your answer with statutory provisions and case law.

(20 marks)

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வீடொன்றைக் கட்டியதுடன் ரதியுடன் அங்கேயே வாழ ஆரம்பித்தான். அவர்களுக்கு இரு பிள்ளைகள் இருந்ததுடன், அப்பிள்ளைகள் யாழ்ப்பாணத்திலுள்ள புகழ் பெற்ற பாடசாலையொன்றில் கல்வி கற்றனர்.

நிமலன் யாழ்ப்பாணத்திலுள்ள ஒரு காணியைத் தனது இரண்டு சகோதரர்களுடன் இணைந்து கூட்டுச்சொந்தம் கொண்டிருந்தான். திடீர் பொருளாதாரத் தேவை காரணமாக, அவனது சகோதரர்களுக்கு அறிவிக்காமல், நிமலன் தனது பங்கினை கொழும்பிலுள்ள ஒரு நண்பனுக்கு விற்றான். நிமலன் ரதியினுடைய பெற்றோர்களைப் பார்க்கச் சென்ற வழியில் வீதி விபத்தொன்றில் உயிரிழந்தான்.

நிமலனுக்குப் பிரயோகமாகும் சட்டம் பற்றியும், அவனால் விற்கப்பட்ட காணி தொடர்பான சட்டநிலைமை பற்றியும் ரதிக்கு அறிவுரை வழங்குக.

உமது விடையினை நியதிச்சட்ட பிரிவுகளினாலும், தீர்ப்பு சட்டங்களினாலும் ஆதாரப்படுத்துக.

(20 புள்ளிகள்.)

*புதிப்புரிமை பெற்றது.*

