

THE OPEN UNIVERSITY OF SRI LANKA  
FACULTY OF ENGINEERING TECHNOLOGY  
BACHELOR OF INDUSTRIAL STUDIES  
FINAL EXAMINATION 2009/2010



MEJ5253- INDUSTRIAL LAW  
DATE : 25<sup>th</sup> March 2010  
TIME : 0930hrs - 1230hrs  
DURATION : 03 Hours

INSTRUCTIONS:

- Answer any five (05) questions.
- All questions carry equal marks.

1. (a) *Roman Dutch* law is considered as a residuary law or Common law of Sri Lanka. How do you justify this statement? Give reasons.

(b) Briefly explain the followings

- (i) *Thesawalamai* Law
- (ii) *Kandyan* Law
- (iii) *Muslim* Law
- (iv) *English* Law

2. *AB* and Company is a garment factory which operates on 3 shifts. *Suranga* is a person who has to attend for each and every electrical maintenance in the factory during his shift. There is no supervision and he had to attend whenever there was an electrical maintenance. *Suranga* used his own equipment for the electrical maintenance. He was attending this job more than 4 years.

Sometimes he had to buy electrical items whenever there was a requirement for an electrical maintenance. *Suranga* was paid on daily fee of Rs.500/= and he was also paid Rs.100/= for each and every maintenance which he attended during the shift. Further he was paid on the Bills submitted by him pertaining to the electrical items which he required for the maintenance.

On this day *Suranga* was found submitting a fraudulent Bill to the Finance Department of the *A.B* and Company in order to reimbursement. As *Suranga* tried to mislead the management by producing a fraudulent Bill the Management decided not to get his service in future and this was informed to him by the Management.

Now *Suranga* seeks your advice on the followings,

- (a) Is *Suranga* an employee of the *AB* and Company?
- (b) What is the legal remedy *Suranga* can obtain?

3. *Gajaba* purchased a Can of paint, a product of *Balck and White* Company from *Rawana* who is the owner of *Rawana* stores. *Gamunu*, a son of *Gajaba* opened the Can and later contacted with skin disease. Discuss the liability of *Rawana*.
4. What are the laws enacted by the Parliament pertaining to welfare of the Sri Lankan employees? Explain
5. (a) What are the requirements for a valid contract. Explain  
(b) Explain the contractual remedies available to an aggrieved party.
6. Explain following types of employment.
- (a) Seasonal employment.
  - (b) Fixed term contracts
  - (c) Internees
  - (d) Probationers
  - (e) Casual employment
7. (a) What do you mean by strict liability?  
(b) What is meant by public and private nuisance?
8. Write short notes on the followings
- (a) Sustainable development
  - (b) Negligent professional acts
  - (c) Occupier's liability
  - (d) *Rylands Vs. Fletcher*
  - (e) *Y.G. De Silva Vs. Associated News Papers Ceylon Ltd. (A.N.C.L)*

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