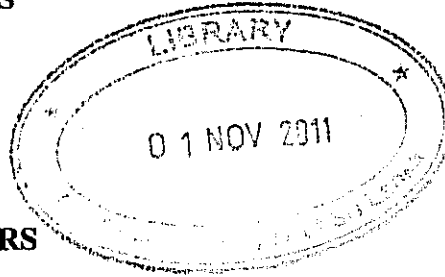


**THE OPEN UNIVERSITY OF SRI LANKA  
FACULTY OF ENGINEERING TECHNOLOGY  
BACHELOR OF INDUSTRIAL STUDIES  
FINAL EXAMINATION – 2010/2011**



**MEJ5253 – INDUSTRIAL LAW**

**DATE : 24<sup>th</sup> March 2011**  
**TIME : 0930hrs – 1230hrs**  
**DURATION : THREE (03) HOURS**



**ANSWER ANY FIVE (05) QUESTIONS. ALL QUESTIONS CARRY EQUAL MARKS**

**QUESTION 01**

- (i) What are the sources of law recognized in Sri Lanka? Explain briefly.
- (ii) 'Roman Dutch Law is considered to be the common law of Sri Lanka'. Discuss.

**QUESTION 02**

- (i) Explain the hierarchy of existing system of courts in Sri Lanka.
- (ii) 'Supreme Court is the highest and the final superior court in Sri Lanka and it has jurisdiction with regard to several matters'. Explain the different areas over which the Supreme Court has exclusive jurisdiction.

**QUESTION 03**

- (i) Briefly explain the scope and application of English law and Kandyan law in Sri Lanka.
- (ii) Sita, a Sinhalese girl marries Joseph, a Jaffna Tamil, born, educated and resident in Jaffna. Under what law would Sita be governed during the subsistence of the marriage.

Would your answer be different if Joseph had settled down in Colombo long before the marriage?

**QUESTION 04**

- (i) What are the requirements for the formation of a valid contract under the Law of Contract? Explain.
- (ii) What is understood by (a) cross offer (b) counter offer? Briefly explain giving examples.

**QUESTION 05**

- (i) Nimal booked a room at a hotel for three days. He paid the room charges at the reception and went to his room. When he entered the room he saw a notice which stated that 'The hotel management is not liable for lost or stolen valuable articles of the guests, unless such articles are handed over to the management for safe custody'. Nimal lost his purse with Rs. 10,000/= in it. He seeks your advice to sue the hotel. How would you advise?
- (ii) What are illegal contracts? Explain.

**QUESTION 06**

- (i) Courts have developed certain 'tests' over the years to ascertain the 'nature of employment'. Briefly explain these tests.
- (ii) Explain the following two types of employment.
- (a) Probationer
  - (b) Seasonal employment

**QUESTION 07**

Write short notes on any four of the following.

- (a) Labour Tribunals
- (b) The Industrial Dispute Act
- (c) Strict Liability
- (d) Duty of Care
- (e) Private Nuisance

**QUESTION 08**

- (i) Explain the rule in *Rylands V Fletcher* (1868) and its application in Sri Lanka.
- (ii) 'A defendant can be relieved from liability by raising certain defenses to the above rule'. Briefly explain these defenses.

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