

The Open University of Sri Lanka
Faculty of Engineering Technology



Study Programme	: Bachelor of Industrial Studies
Name of the Examination	: Final Examination
Course Code and Title	: MEJ 5253 Industrial Law
Academic Year	: 2012/13
Date	: 01 st August 2013
Time	: 1330 hrs. – 1630 hrs.
Duration	: 3 hours

General instructions

1. Read all instructions carefully before answering the questions.
2. This question paper consists of 8 questions. All questions carry equal marks.
3. Answer any 5 questions only.

QUESTION 01

- (i) “Roman Dutch Law is considered to be the common law of Sri Lanka”. Discuss.
- (ii) Explain the difference between Personal Law and Territorial Law, giving examples.

QUESTION 02

- (i) “District Court has jurisdiction over certain matters. What are they? Explain.
- (ii) Explain the hierarchy of existing system of Courts in Sri Lanka.

QUESTION 03

- (i) State the requirements for a valid offer.
- (ii) **A** writes to **B** and says: “I hear that you are thinking of selling your television. If it is in good order and if the price is right, I would like to buy it. Please advise me by return post”.
B wrote back saying: “The television is in good working order and is cheap at Rs.

25,000.00". To this A replied saying: "I accept your offer and will buy the television for Rs. 25,000.00". Shortly after receiving this letter from A, B received an offer of Rs. 30,000.00 from his next door neighbor. As a result B now wishes to sell the television to his neighbor.

- (a) Advise B.
- (b) Would your answer be any different if B had said in his letter to A: "The television is in good working order and cheap at Rs. 25,000.00. Please advise by return post whether you wish to buy the television".

QUESTION 04

- (i) Explain the following giving examples.
 - (a) Executory consideration
 - (b) Past consideration
- (ii) Ranjith and his wife booked in at a hotel and received a key with a room number on it. On reaching the room he observed behind the door a notice which gave various information concerning times of meals, etc. The notice also said that the hotel would not accept any liability for the loss of jewellery or other valuable items from a room. Owing to negligence of a room maid, the door to Ranjith's room was left open and jewellery belonging to Ranjith's wife was stolen.

Advise Ranjith whether he can claim against the hotel on the assumption that this was their first visit to the hotel.

QUESTION 05

- (i) What are illegal contracts? Explain.
- (ii) Briefly explain the remedies available for an injured party in the case of a breach of contract.

QUESTION 06

- (i) "Control test is one of the tests used to ascertain the nature of employment". Discuss.
- (ii) On what grounds can an employer terminate the services of an employee? Explain.

QUESTION 07

- (i) What are the major defences to the rule in *Rylands V Fletcher* (1868) which can be raised to relieve the defendant from liability? Explain.
- (ii) ABC Construction Co.(Ltd.), a construction company incorporated in Sri Lanka has undertaken to construct a shopping mall on a building site belonging to Mr. Perera. The site adjoins a playing field which is used by small children. The site is fenced by the Construction Company with loose barbed wire. One day, Nuwan, a small child comes into Mr. Perera's building site to collect a ball and falls into a deep well excavated on the premises for obtaining water for construction purposes. Nuwan is drowned.

Discuss the liability of the Construction Company and Mr. Perera.

QUESTION 08

Write short notes on any four of the following.

- (i) Industrial Dispute Act
- (ii) Labour Tribunals
- (iii) Defence of consent
- (iv) Contributory negligence
- (v) Precautionary principle
- (vi) Polluter pays principle

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