

THE OPEN UNIVERSITY OF SRI LANKA
LL.B DEGREE PROGRAMME - LEVEL 3
1st CONTINUOUS ASSESMENT TEST -2006/2007
LEGAL METHOD - LWU 1412
DURATION - 40 MINUTES



Date: 5th September 2006

Time: 11.30 a.m. – 12.10 p.m.

Answer ONE question only.

Illegible handwriting will be penalized.

- (1) Mr. Gamage who is an eminent lawyer has recently taken on a case dealing with computer crime. He requests his new assistant Priyantha to find out what laws have been passed by parliament and what cases have been decided with regard to this subject. He tells Priyantha that one of the recent judgments has been critically analyzed by a retired judge in an article and asks Priyantha to locate this article as well.
- (a) Priyantha seeks your advice with regard to the legal material he needs to refer to gather the information required by Mr. Gamage. Advise Priyantha, briefly explaining the nature and importance of these materials. (Students are only required to discuss legal material and knowledge of computer crime is not expected.)
- (b) Are there any technological innovations, which have made it easier to obtain or store information, which is of importance to persons like Priyantha who are in the legal profession? Explain your answer.
- (2) “In early times judges, rarely and even then only reluctantly, departed from the application of the plain meaning of the words of a statute. The judge of today however is not fettered by the words of a statute in giving a judgment which accords with the spirit of the statute”

(14 Marks)

(06 Marks)

Do you agree with the above statement? Explain your answer with the aid of applicable rules of interpretation and relevant case law.

(20 Marks)