

THE OPEN UNIVERSITY OF SRI LANKA
MASTER OF TECHNOLOGY IN INDUSTRIAL
ENGINEERING PROGRAMME

FINAL EXAMINATION - 2006

LWJ 7101/LWP 2101 – THE LAW AND INDUSTRY

DURATION : THREE (03) HOURS



035

Date : 02nd May 2006

Time: 9.30 a.m. – 12.30 p.m.

Answer FIVE questions only with at least ONE from each section.

SECTION – A

01. Explain the scope of application of systems of Laws within the Sri Lankan Legal Systems.
02. Discuss the importance of following institutions as sources of Law.
 - i. Legislation
 - ii. Customs
 - iii. Opinions of Jurists.

SECTION – B

03. Bernard is the owner of 'Ben Groceries' in Maradana. Determine the legal status of the following transactions.
 - a) Bernard agreed to sell the building in which the 'Ben Groceries' is housed, to Raveendran on the condition that Raveendran should use the building only as a place of residence. However, both parties did not know that the area has been declared as an exclusively industrial area.
 - b) Bernard sold his business to Kumar. Rohana, a customer of Bernard, sent an order for a consignment of goods without knowing the change of the ownership. Kumar executed the order. Rohana is refusing to pay the price to Kumar.
04. Dilhara is the owner 'Dil Gardens & Music Hall'. He agreed to rent 'Dil Gardens & Music Hall' to Weersekera, a leading organizer of indoor concerts, at the rate of Rs. 2,500/- per day. Weersekera planned to use the music hall for four concerts on four different dates during January and March 2006, and wanted to provide a variety of extravagant entertainment, including a singing performance by Pandith Amaradeva. However, on 30th December 2005, a week before the first concert was to be held, the music hall got destroyed as a result of a fire which was of no fault of either party. Weersekera sued Dilhara for breach of contract for failing to rent the music hall.

Advise Dilhara.

SECTION - C

05. Today the test of being a servant does not depend on whether the person concerned submits to orders, but rather on whether he or she is an integral part of the organization.

Discuss.

06. "There are so many exceptions to the rule in Rylands Vs Fletcher that it is doubtful whether there is much of the rule left".
(St. Annes well Brewery Vs Roberts (1928))

Discuss.

SECTION - D

07. "The freedom of employers to decide the terms and conditions they wish to include in a contract of service with an employee, is limited by legislation".

Discuss the accuracy of the above statement in the light of existing labour legislation in Sri Lanka.

08. "Built to Last" is a building construction company that has been engaged by Majestic College to build a five story building. During the construction work one of the scaffoldings collapses and Thomas who is working on top of it, at the time, falls to the ground and is permanently paralyzed. Sylvester, who was working under the scaffolding is also injured and breaks several bones, making him unable to work for at least six months.

Several days later, a musical show is held in the school ground and many workers stay back after working hours to watch it. They climb to the top of the building that is being constructed to get a better view of the school ground and also consume alcohol. During the evening a fight breaks out among them and Peter, a mason who is working on a 2 year contract with 'Built to Last' is pushed off the building and dies. Several of the other workers suffer minor injuries.

Discuss the liability of 'Built to Last' for the above injuries/deaths under the Workmen's Compensation Ordinance.

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