

THE OPEN UNIVERSITY OF SRI LANKA
MASTER OF TECHNOLOGY IN INDUSTRIAL ENGINEERING PROGRAMME
FINAL EXAMINATION - 2009
THE LAW AND INDUSTRY- LWJ 7101 / LWP2101
DURATION - THREE (03) HOURS.



040

DATE : 8th APRIL 2009

TIME: 09.30am – 12.30pm

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

Candidates will be penalized for illegible handwritings.

SECTION- A

1. "The term 'source' refers to the different legal traditions or systems from which the law of a country is derived."

Comment on the above statement with reference to the different sources of law applicable in Sri Lanka.

2. Describe the various types of law available in the Sri Lankan legal system. Special attention should be paid on the scope and application of those laws.

SECTION - B

3. Even if all the ingredients that are necessary for the formation of a valid contract are present in a contract, it could be **invalidated** due to certain factors.

Identify at least **three** factors which can invalidate a contract. Critically analyze those factors with relevant cases and examples.

4. Sunimal who decides to watch a sinhala stage drama at the Kala Uyana Drama Theatre pays Rs. 1000 for balcony ticket. At the entrance to the theatre, a prominently displayed notice states that the proprietors of the theatre are not liable for any injury sustained by the patrons while they watch the drama within the premises. As a result of sitting on a defective chair in the theatre Sunimal suffers injuries.

- (a) Advice Sunimal
- (b) Would your answer be different if the notice of exemption is contained at the back of the drama ticket only in English?

SECTION -C

5. Royal Construction Ltd', a construction company incorporated in Sri Lanka, undertakes to construct a wedding hall on a building site which is adjoining to a public children park. The site was fenced with loose wire mesh. The construction company built a temporary tank in order to obtain water for construction. The tank was two feet high.

One day, Chamith, a small boy who used to play in the public children's park entered into the construction site to play with the water which is in the newly built water tank. While he was playing with water he fell into it and drowned.

Discuss the liability of Royal Construction Ltd with relevant legal theories and cases.

6. Though the rule in *Ryland v Fletcher* is recognized in English Law as creating a special type of strict liability without fault, there are so many exceptions to the application of this rule. This creates doubt in the existence of the rule.

Do you agree with this statement? Illustrate your answer with relevant legal theories, examples and cases.

SECTION -D

7. Confrontations between employers and their employees can cause considerable damage to the national economy and disrupt the smooth functioning of the society. The Industrial Disputes Act, No. 43 of 1950 has been passed with the intention of preventing, investigating and settling industrial disputes and for matters connected therewith.

Critically analyze at least three of the dispute settlement mechanisms from the Industrial Disputes Act, No. 43 of 1950. Support your answer with relevant examples and cases.

8. Aruna Industries employs more than two hundred employees to manufacture ballpoint pens. Saman, the quality controller of the company, has been working for Aruna Industries since 1990. On the 28th March 2009 his services were terminated on the grounds that the quality of ballpoint pens has not been checked properly by the quality controller and consequently the demand of the pen decreased in the market.

Saman seeks your advice as to whether he is entitled to any **statutory benefits**. Advise him.