

**THE OPEN UNIVERSITY OF SRI LANKA  
 MASTER OF TECHNOLOGY IN INDUSTRIAL  
 ENGINEERING PROGRAMME  
 FINAL EXAMINATION – 2009/2010  
 LWJ 7101/LWP 2101 – THE LAW AND INDUSTRY**



**DURATION – THREE (03) HOURS.**

**DATE : 01.03.2010**

**TIME: 9.30 – 12.30 hrs.**

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

**SECTION - A**

01. i. "The Roman Dutch law is described today as the 'common law' of Sri Lanka".  
Do you agree with the above statement? Give reason for your answer.
- ii. Briefly describe the court system of Sri Lanka with reference to their powers.
02. Briefly discuss the importance of following institutions as source of Law.
- i. Judiciary (the court)
- ii. Legislation
- iii. The constitution

**SECTION - B**

03. Ibrahim decided to sell his Nissan car on 4<sup>th</sup> February 2009. He put a notice in front of his gate. The notice is as follows;

**Nissan car is available for immediate sale:**

Specifications are,

Vehicle class	: Motor Car
Make	: Nissan Sunny
Model	: Nissan N-25
Colour	: Blue
Type of Fuel	: Petrol
Registration No.	: 301 - xxxx
Year of manufacture	: 1998

Sale price Rs. 500,000/-. Anyone who wishes to buy the car please contact, Ibrahim No. 20, Galle Road, Mt. Lavinia or call over at 2566780 within 10 days of this notice.

On the very first day Binura saw this notice and sent a letter to Ibrahim stating that he will buy the car if the sale price will be reduced by Rs. 50,000/-. Ibrahim's wife kept the letter inside the office drawer and failed to inform Ibrahim. Tisara saw the same notice on 10<sup>th</sup> February 2009 and telephoned Ibrahim and said that he would like to buy the car for Rs. 500,000/-. Ibrahim sold the car to Tisara.

Decided whether a valid contract is created between the following parties.

- (a) Ibrahim and Binura
- (b) Ibrahim and Tisara

04. Identify the difference between the following.
- (a) Innocent misrepresentation and fraudulent misrepresentation.
  - (b) Common mistake and unilateral mistake.
  - (c) Conditions and warranties.

#### SECTION - C

05. What do you mean by the Rule in Rylands v. Fletcher? Briefly explain the defenses available to the Rule.
06. i. Discuss the difference between public and private nuisance.
- ii. What do you mean by the concept of delictual liability in Sri Lanka?

#### SECTION - D

07. Fantastic footwear Ltd. Is a small company which manufactures latest design of footwear and marketed in various parts of Sri Lanka. Santha is a supervisor of the quality assurance unit and has been working for 10 years. Being dissatisfied with Kumar, a show designer's performance, Santha made a complaint about Kumar to the management. But no action has been taken against Kumar. There was no improvement in Kumar's work as well. One day Santha met the Senior Manager and inquired about this. Since there was no proper response from the Senior Manager, Santha made allegations against the management. Heated arguments were taken place between Senior Manager and Santha. The management terminate Santha's service due to misbehaviour.

Santha consults you to resolve this dispute under the Industrial Dispute Act.

Advise him.

08. (a) Discuss the different types of employment prevail in Sri Lanka.
- (b) What are different types of tests that have been developed by the courts to determine the employer-employee relationship?

-Copyrights reserved -