

THE OPEN UNIVERSITY OF SRI LANKA
MASTER OF TECHNOLOGY IN INDUSTRIAL ENGINEERING PROGRAMME
THE LAW AND INDUSTRY – LWP2101/LWJ7101
FINAL EXAMINATION 2011/2012
DURATION - 3 HOURS



DATE: 20TH FEBRUARY 2012

TIME: 09.30 A.M TO 12.30 P.M

Answer FIVE (05) questions only with at least ONE from each section.

Students will be penalized for illegible handwriting.

Section A

1. Explain the meaning, the scope and the application of General Law and Personal Laws in Sri Lanka (20 Marks)
2. i. Describe the exception to the traditional view that only the party affected can initiate action against the breach of fundamental rights and explain the usefulness of this exception. (12 Marks)
- ii. What are the rights embodied in Articles 10 to 14 of the Sri Lankan Constitution of 1978. (08 Marks)

Section B

3. i. Anton entered into a contract in July 2011 to build a block of flats for Sky Line. The agreed date for completion of the building was end December 2012. However since building material prices increased, making the contract unprofitable for Anton, he abandoned the project in September 2011 and now refuses to complete the building. In the meantime Sky Line had already found buyers for the flats.

What is the consequence of Anton's action, and what remedies are available to Sky Line? (10 Marks)

- ii. What would be the position of Sky Line and Anton if the government passed a law prohibiting high rise buildings being constructed in that location for security reasons? (10 Marks)

4. Although a valid contract is created, subsequent factors can lead to it being invalidated.

Briefly discuss the different factors which could result in a valid contract subsequently becoming invalid. (20 Marks)

Section C

5. When courts reduce the damages to be paid to a claimant in a case of negligence, it means that they have considered the fault of the defendant as well as the claimant." "

Explain the above statement in the light of the principle of contributory negligence and decided case law. (20 Marks)

6. Sunil intends to invest his money in Sakvithi Investment Ltd. Before doing so he asked for information about the financial position of Sakvithi Investment Ltd from Jayaweera Consultants Ltd. Jayaweera Consultants Ltd. is in the business of advising on financial investments.

Jayaweera Consultants Ltd. has given a very positive report to Sunil about Sakvithi Investment Ltd. and advised him to invest his money there. In view of this report and advice Sunil invested his money in Sakvithi Investment Ltd. and suffered a severe financial loss.

Sunil wishes to seek damages from Jayaweera Consultants Ltd. for the loss he has suffered.

Advice Sunil.

(20 Marks)

Section D

7. Edward has been employed as an Assistant Accounts Clerk at Scrooge & Marley since 10.07.2011. His appointment was subjected to a six month probationary period. Although the period of six months ended on 10.01.2012, Edward was neither made permanent nor was he asked to vacate his post.

Advise Edward.

(20 Marks)

8. 'A Labour Tribunal's jurisdiction mainly lies with termination of services of workmen.'

Comment

(20 Marks)

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