



THE OPEN UNIVERSITY OF SRI LANKA

**MASTER OF TECHNOLOGY IN INDUSTRIAL
ENGINEERING PROGRAMME**

THE LAW AND INDUSTRY – LWP2101/LWJ7101

FINAL EXAMINATION 2012/2013

DURATION: THREE (03) HOURS

DATE : 24. 08. 2013

TIME: 9.30 A.M. 12.30 P.M.

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

Student will be penalized for illegible handwriting.

Section – A

01. Examine the roles of
- (a) the legislature
 - (b) the courts
- as sources of law in Sri Lanka.
- (10 x 2 = 20 marks)
02. “Tesawalamai law applies within a limited geographical area and to a limited section of the Tamil populations of Sri Lanka.”
- Discuss.
- (20 marks)

Section – B

03. Explain the difference between the two terms in each of the following.
- i. Causa and consideration.
 - ii. Offer and invitation to treat.
 - iii. Unilateral mistake and mutual mistake.
 - iv. Fraudulent misrepresentation and innocent misrepresentation.
 - v. Discharge of a contract by operation of law and discharge of contract by breach of contract.
- (5 x 4 = 20 marks)

04. Briefly describe the legal position of each of the instances given below.
- i. Mohan holds a gun to Piyal's head and threatens to kill him unless Piyal signs a contract gifting his house to Mohan. Piyal signs the contract.
 - ii. Kamal enters into a contract to supply heroin to Pethum.
 - iii. Kala agrees to perform at a musical show but dies on the day before the show.
 - iv. Kelum a trader in Colombo enters into a contract to deliver some tomatoes to Mahesh in Kandy. He puts a term into the contract which states as follows, 'I will not be liable if the tomatoes are not in good condition when they reach you'.

(4 x 5 = 20 marks)

Section – C

05. Piyadasa, who is a chena cultivator, cleared the jungle between his and his neighbor Sunimal's land for agricultural purposes. After predicting the direction of the wind and reserving 10 feet strips from the sides of his land and his neighbor's lands as safety precautions, he set fire to the cleared plot of land. However, the direction of the wind changed and the fire went out of control, spread to the Sunimal's property, and destroyed it. Sunimal now wishes to sue Piyadasa claiming compensation for the property damage. Do you think that Sunimal's claim will be successful? Discuss.

(20 marks)

06. Avaron Housing Developments gets the service of Duminda contractors to build a seven story housing scheme. They were also given the task of maintaining the building during and after the construction period. Duminda contractors sub contracted the electrical work of the entire building to Sparks workers. One day,

Mr. Silva came to inspect a completed house as a potential buyer after Avaron Housing advertised the sale of apartments in the completed first and second floors of the building. While inspecting the building Mr. Silva tripped over a metal bar which had been placed on the floor by an employee of Sparks works while the were wiring the house. He broke his leg and had to be hospitalized for more than a month, and lost his opportunity to travel abroad to complete important business tasks.

Discuss the liability of Avaron Housing, Duminda Contractors and Spark workers to Mr. Silva.

(20 marks)

Section – D

07. Mervin was employed by Jekyll & Hyde Company Ltd. As a Clerk with effect from 10.06.2012. His appointment was subject to a six month probationary period. Soon after joining, Mervin became a member of the trade union of the company and he was also elected as the secretary of the trade union. After the first six months of service, Mervin's probationary period was extended by a further period of three months. At the end of the extended period of probation, Mervin's services were terminated by the company on the ground that his services were not satisfactory.

Advise Mervin.

(20 marks)

08. Explain the different method provided in the Industrial Disputes Act for the settlement of industrial disputes.

(20 marks)

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