



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

**THE LAW AND INDUSTRY - LWJ7101**

**FINAL EXAMINATION 2013/2014**

**DURATION: THREE (03) HOURS**

**DATE : 06<sup>TH</sup> SEPTEMBER 2014**

**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. a) Discuss the conditions that must be satisfied in order to recognize the validity of custom as a source of law.

(10 marks)

b) Write notes on the followings:

i. Legislation as a source of Law in Sri Lanka.

ii. The opinion of jurists as a source of law.

(5 x 2 = 10 marks)

02. “The Tesawalamai are not customs of a race or a religion common to all persons of that race or religion in the island. They are the customs of a locality and apply only to Tamils of Ceylon who are inhabitants of a particular province...”

Ennis J. In *Spencer v. Rajarathnam* (1913) 16 NLR 321 at page 332

Discuss the above statement with reference to case law.

(20 marks)

**Section – B**

03. Discuss the validity of the following contracts entered into by A & B Builders Ltd. which is a company engaged in construction of buildings.
- i. A & B Builders Co. Ltd. influenced Sena to buy one of their houses by stating that the house was built with brick. However the house was actually built with concrete blocks.
  - ii. A & B Builders Co. Ltd, agreed to build a brothel house on Lake Road for Catherine who is currently carrying out her business by sending the prostitutes working for her to a hotel next to the proposed building site.
  - iii. A & B Builders Co. Ltd, entered into a contract with Bala, who is 15 years old to purchase a piece of land from him located on Flower Lane at a price below the current market value.
  - iv. A & B Ltd. agreed to sell one of their houses at 10% of its actual value to Silva a influential politician who threatened to destroy their business if they refused to do so.

(5 x 4 = 20 marks)

04. Write notes on any two (02) of the following

- i. The requirements to create a valid legal contract.
- ii. Methods of discharging a contract.
- iii. Terms of a contract.

(2 x 10 = 20 marks)

**Section – C**

05. a) Ratnasiri is an experienced mason. He is married and has two children. Ratnasiri was employed on a construction site by Jayatissa, a sub-contractor, who was paying him Rs. 900/- per day. The construction site is in Rajagiriya, where a 15-storey apartment block is being erected. When Ratnasiri was shifting bricks on the Seventh floor of a partially built apartment block he fell 80 feet and sustained severe injuries to his brain, abdomen and chest, and died before admission to hospital. It was revealed that the absence of proper safety precautions for the workman was the cause of the accident.

Ratnasiri's dependents seek your advice as to whether there are any legal remedies available to them. Advise them with reference to relevant case law.

(10 marks)

- b) Discuss the following defences with reference to case law.
- i. Contributory Negligence.
  - ii. *volenti non fit injuria*.

(10 marks)

06. a) Madhavan owns a detergent factory in a residential area in Katana. Selvi, a resident of Katana has informed the media that the factory has been emitting ammonia gas which caused around 100 residents to be hospitalized last week. One of the conditions imposed on the factory was that the dust or any other emissions should be controlled using adequate control mechanisms. However the factory failed to comply with this condition. Five samples were checked from the factory premises and the affected areas and it was confirmed that there was another toxic gas that had leaked from the factory on the day of the incident. Selvi consults you, as to whether there are any legal remedies available to the affected residents. Advise them with reference to relevant case.

(10 marks)

- b) Discuss the principle of private nuisance with reference to case law.

(10 marks)

**Section – D**

07. “The Industrial Disputes Act No. 43 of 1950 (as amended) provides various methods to settle industrial disputes and achieve industrial peace.”

Comment on the above statement with reference to the methods provided in the Industrial Disputes Act for settlement of industrial disputes.

(20 marks)

08. Write notes on any three (03) of the following.

- i. Probationary employment.
- ii. Casual employment.
- iii. Workmen Compensation Ordinance.
- iv. Tests to differentiate a contract of service from a contract for service.

(20 marks)

- Copyrights reserved -