

THE OPEN UNIVERSITY OF SRI LANKA
 MASTER OF TECHNOLOGY IN INDUSTRIAL ENGINEERING PROGRAMME
 FINAL EXAMINATION – 2016/2017
 LWJ7101 THE LAW AND INDUSTRY
 DURATION- THREE (03) HOURS



DATE: 27/11/2017

TIME: 09.30 a.m. to 12.30 p.m.

Answer FIVE questions only with at least ONE from each section

SECTION -A

1. Discuss the scope and application of the "Personal Laws" of Sri Lanka. (20 Marks)
2. Discuss the jurisdiction exercised by the following courts in Sri Lanka.
 - i. Supreme Court
 - ii. High Court
 - iii. District Court
 - iv. Magistrate Court

(05 marks x 4 = 20 marks)

SECTION -B

3. Distinguish between the two given terms in any four (04) of the following;
 - i. Invitation to treat and offer
 - ii. Fraudulent misrepresentation and innocent misrepresentation
 - iii. Consideration and causa
 - iv. Performance of a contract and breach of a contract
 - v. Mutual mistake and unilateral mistake
 - vi. Condition and warranty (05 marks x 4 = 20 marks)
4. Discuss the legal position in the following situations;
 - i. Anton offered to sell his house to Kanchana for ten million rupees. Kanchana, asked if she could buy it for 9.5 million rupees instead. Anton sold the car to Nalin for 9.5 million rupees. Does Kanchana have a remedy?
 - ii. Athula entered into a contract with Sena by which he promised to pay Sena Rs 20,000 for committing a theft of an important document from Athula's office. However, Athula refused to pay the money to Sena once he received the stolen document.

- iii. Lal parked his car in the car park of Bubby's Beer Bar and went into the bar for a drink. When he returned he found that his laptop which was in the car had been stolen. Bubbies Beer Bar claims that they are not liable as the notice at the entrance of the car park informs to all vehicle owners that they are not liable for any loss or damage resulting from parking in the car park.
- iv. Priyantha enters into a contract to teach 16 year old Rasika play the piano, and with Nishan and Co. (Ltd) to play the piano at their annual dance. Are these legally valid contracts?

(5 marks x 4 = 20 marks)

SECTION – C

5. Explain the legal principles relating to the following:

- i. Temporary employment
- ii. Casual employment
- iii. Probationary employment
- iv. Fixed-term employment

(5 marks x 4 = 20 marks)

6. Explain the mechanisms for settlement of industrial disputes under the Industrial Disputes Act of Sri Lanka.

(20 Marks)

SECTION – D

7. Discuss the following in light of Law of Nuisance in Sri Lanka;

- i. Kusuma, an old lady makes '*Ammage Kema*' lunch packets at home which have become very successful and attract many working customers. Lal, a young man who lives with his small family in the next door of Kusuma shares a common back yard. At the end her routine works, Kusuma dumps the refuse on common backyard every night. This creates noxious smells and a health risk.

Lal seeks your advice on any possible legal remedy.

(10 Marks)

- ii. 'Sundara Pura' is an urban slum community in Colombo. '*The Meat Corner*' a large meat processing company, located in the middle of the Sundara Pura

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dumps refuse in front of the community apartments. For a long time, this has been a threat to the daily activities of people at Sunadara Pura.

Advise members of the Sundara Pura on possibilities of obtaining legal relief.
(10 arks)

8. Explain any two (02) of the following statements illustrating your answer with case law;

- i. The employers are held liable for the torts of their employees that are committed during the course of employment.
- ii. A person who has control of dangerous premises owes a duty to persons coming upon the premises to take reasonable care for their safety.
- iii. A man cannot be charged with negligencé if he has no duty to exercise diligence.

(2x10 Marks each= 20 Marks)

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