00320

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF ENGINEERING TECHNOLOGY
DEPARTMENT OF MATHEMATICS AND PHILOSOPHY OF ENGINEERING
BACHELOR OF TECHNOLOGY HONOURS IN ENGINEERING/
BACHELOR OF INDUSTRIAL STUDIES HONOURS/
BACHELOR OF SOFTWARE ENGINEERING HONOURS- LEVEL 3
FINAL EXAMINATION (OBT) – 2019/2020
LLJ3245 INTRODUCTION TO LAWS OF SRI LANKA
DURATION – TWO HOUR

DATE: 11 of August 2020 **TIME: 9.30 am- 11.30 am**

Answer all questions

Candidates will be penalized for illegible handwriting

1. (a) ''.. Sri Lanka is a country having multiple legal systems. While some laws are introduced by colonial powers others have indigenous roots''

Discuss the composition of the Sri Lankan legal regime in the light of the above statement

. (10 marks)

(b) Saravanan – a Tamil national who is born in Colombo decided to settle down in Jaffna to start a business. He moves to Jaffna and buys a house with the objective of permanently living there. After settling down in Jaffna he married Pramodha a Sinhalese woman from Kandy. Pramodha also settles down in Jaffna. Together they had two children – Rajini and Danush. Explain whether Thesavalamai law applies to Saravanan and Pramodha.

Will your answer differ if Pramodha obtains a divorce after living for some time in Jaffna?

(15 Marks)

(Total 25 Marks)

2. Advise the following individuals on which court of law they should file action in the following situations. You are expected to give reasons for your answer.

a) Samantha's car is hit by a lorry driven by Janaka and he gets severely injured. Samantha claims Janaka's driving was negligent and seeks damages.

b) Anton is a university student. The university administration decides to impose a regulation making it mandatory for all students to wear a uniform. Anton thinks the University is acting outside its powers.

c) Rani finds out that her husband Chirath is involved in an extra marital affair. She seeks a divorce and also claims the custody of their only son.

d) A group of men came to Sarath's house at night and abducted him. His wife claims that she identified some of the men as constables of the local police station. She alleges that Sarath has been detained in some unknown place and expects the court to order the police to produce him.

e) Fathima is an employee in a government department who is accustomed to wear a head scarf according to her religious beliefs. The Home Affairs Minister issues a new circular prohibiting public employees from wearing any attire covering their heads. Fathima thinks women of her faith are discriminated by this circular.

(5×5=25 Marks)

3. a) Explain the two concepts (a) separation of powers (b) supremacy of the Parliament. Do you think these concepts are contradictory in principle? What model do you think is better suited to safeguard fundamental rights and democracy? You are expected to justify your answer.

(15 Marks)

b) Give Dicey's definition of rule of law and explain its meaning using your own words and examples.

(10 marks)

(Total 25 Marks)

4. Explain the legal consequences of the following instances.

a) Sumith who works in Qatar promises his wife living in Sri Lanka to send 10,000 LKR every month if she refrains from coloring her hair. She keeps her word, but Sumith does not send the money as he promised. His wife threatens to sue Sumith.

b) Ravi is a regular drinker. One day at a drinking session in the bar, he bets to sell his branded watch just for 2000 LKR to Nalaka - a fellow drinker if he removes his shirt in public. Nalaka accepts the challenge and the next day when he asked for the watch Ravi claims he was too drunk and cannot recall that he made such an offer.

c) Jananthan visits a store and chooses a perfume that was exhibited on one of the shelves. Once he approached the counter, the sales woman refused to sell the perfume saying that some other customer has reserved it. Jananthan argues that by exhibiting the perfume with a price tag the store has made an offer to him and once he decides to buy it a contract is formed. Thus, the sales woman cannot refuse to sell the perfume.

d) Chandrika is the 15 year old daughter of a multimillionaire businessman. Her chess coach befriends her and one day she agrees to sell her valuable necklace to him at a price lower than the usual market price. Once Chandrika's father gets to know this, he objects to the transaction.

e) Lakmal buys a laptop from a shop and the seller assures that the machine is in good condition. After a couple of days the seller sends Lakmal a letter which states that he would not assume responsibility for any defect in the laptop if there is any. After a few days, Lakmal finds an issue with the hard drive. The seller refuses to take responsibility invoking the letter he sent.

(5×5=25 Marks)

5. a) Explain the different types of employment categories. In your opinion, what is the most preferable category in terms of employment security? Justify.

(10 marks)

b) Amrith owns a trishaw and uses the software application called Nuber in order to get in touch with passengers. One day, Trisha connecting through Nuber went on a hire in Amrith's trishaw. Amrith who was under the influence of alcohol behaved inappropriately towards Trisha. She cancelled the ride and called Nuber headquarters to complaint about Amrith's misbehavior. Nuber replied stating that Amrith is not their employee. They further stated that Amrith is a self-employee having his own vehicle and Nuber has no control over his business. Nuber is only a facilitator connecting passengers with drivers like Amrith.

Advice Trisha whether she can sue Nuber for the inappropriate behavior of the driver.

(15 Marks)

(Total 25 Marks)

6. a) Focusing on the salient features of the National Environmental Act No. 48 of 1980 discuss how the act provides a framework for the protection of the environment.

(10 Marks)

b) Explain the role of the Consumer Affairs Authority established under the Consumer Affairs Authority Act No. 09 of 2003.

(15 Marks)

(Total 25 Marks)

7. Write short notes on the following.

a) Labour tribunals

b) Right to environment as a human right

c) Fundamental rights under the 1978 Constitution

d) Right to information commission

e) Constituent elements of a crime **(5×5= 25 Marks)**

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