00321

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) – 2021/2022
LLJ3245 INTRODUCTION TO LAWS OF SRI LANKA
DURATION – TWO HOUR

DATE: 30th of January 2023 **TIME: 1.30 p.m – 3.30 p.m**

Total Number of questions: 06

Answer four (04) questions only

Candidates will be penalized for illegible handwriting.

(1) (a) Law is an important factor in your daily routine, and law is there to regulate us, empower us, and formally limit human conduct and activities.

Do you agree with the above statement? Explain 'what is law' with reference to the above statement.

(10 marks)

(b) Identify various sources of law and describe their importance to human society in the 21st century.

(15 marks)

(2) Saman is a businessman, who carried on a relationship with Nadeesha for two years. One day Saman called his girlfriend Nadeesha and asked her to transfer some amount of money to his bank account. Since she refused to do that transaction, Saman threatened her. A few days later, Nadeesha's mother got to know that the land which she gifted to Nadeesha had been transferred to Saman's name by way of a deed of gift. However, Nadeesha claimed that she never signed any such deed of gift, and it should be a forged document. Therefore, Nadeesha wanted to stop their relationship. On the 9th of October 2022, Saman and Nadeesha met each other to discuss these issues. However, things went wrong and unexpectedly Saman assaulted her in public.

On the night of the 14th of October 2022, Saman broke into Nadeesha's place and raped her. Furthermore, he robbed the house and took some jewelry which belongs to Nadeesha.

On the 17th of October, Nadeesha went to the police station and lodged a complaint against Saman. Once she is on her way back home, Saman confronted her with a broken beer bottle and stabbed her three times saying that "Since you revealed all that happened between us, I will kill you". As a result of that stabbing, Nadeesha died.

1. List five criminal conducts in this scenario

(10 marks)

2. In which court the case should be heard against Saman for the murder of Nadeesha? Explain reasons for your answer.

(5 marks)

3. Explain the role of the Police and Judiciary (Court) as criminal administrative bodies in this matter. (10 marks)

(3) Advice following parties regarding the court of law, they should refer their cases. You should explain the reasons for your advice.

(a) Kamal and Amal are friends for ten years. There was a strong disappointment regarding their political views among themselves. As a result, Kamal and Amal fought, and Amal was injured very badly. Consequently, Amal lost his tooth. Advice Amal.

(b) Namali leased her land to Kamal for a term of three years. However, Kamal forcefully occupied that land after the completion of three years. Now, Namali wants to file a case against Kamal for the unlawful occupation of land after the completion of three years lease agreement. Advise Namali.

(c) Sarani and Sandun got married on 25th May 2017 and gave birth to a child named Sadunika. Now she issixyears old. Since the parents are divorced, the child is with the maternal grandmother. Hence there is no security and welfare for the child in that place. Therefore, Sarani wants to get custody of her child. Advise Sarani.

(d) Rajeshwaram was one of 40 officers who applied for the position of Assistant Director of a Government Organization. However, a circular was issued to conduct that recruitment using an ethnic quota system. As a result, Rajeshwaram was not promoted since he was a Tamil candidate. On the other hand, the other 30 Sinhala candidates were chosen as Assistant Directors of that government Organization. Advise Rajeshwaram.

(e) The Government decided to construct a building near the Sinharaja forest area, and it requires an Environment Impact Assessment to be approved. However, Government authority is going to commence the project without obtaining that Environmental Impact Assessment. As an Environmental activist, from which court that you can halt/ stop that project?

(5x5 = 25 marks)

(4) (a) Sunimal has been working for ABC Bank since the 1st of January 2015, as a bank cashier. During the COVID-19 pandemic lockdowns, the need for front desk cashiers reduced drastically. Therefore, ABC Bank decided to terminate the employment of three cashiers from their staff. Furthermore, the management introduced automated machines to carry out the functions of the cashiers.

Explain the legality of termination of the employment of Amal in this non-disciplinary matter.

(15 Marks)

(b) According to the Employee's provident Fund Act No. 15 of 1958 (EPF),

1. What are the percentages contributed by the employer and employee?
2. Who are the excluded persons from the coverage EPF? Mention only five of them in your answer.

(5x2=10 marks)

(5) Discuss whether a valid contract had been created in the following scenarios.

(a) Rahul wants to buy a MAC laptop which is manufactured in the United States. Therefore, Rahul went to ABC (Pvt) Ltd and specifically asked for a MAC laptop which is made in the United States and paid 30, 000/= as an advance payment. However, ABC (Pvt) Ltd imported a MAC laptop from China and sold it to Rahul by stating that the laptop was made in the United States.

(b) Malan entered into a contract with a famous singer in order to organize a musical concert. The concert is scheduled to be held on the 31st of January 2023. Despite the contract, the singer is refusing to perform in the said concert for the agreed payment in that contract and consequently threatened Malan to increase his payment. As Malan has already invested a large sum of money to organize this concert, he reluctantly agreed to pay this increased amount.

(c) Mr. Fernando wanted to import cotton from the ship which was leaving from India on 14th of December 2022. The ship owner is Mr Prathiman and he has two ships which have been scheduled to sail on the same day. One ship contains cotton, and the other ship contains iron. However, Mr. Prathiman thought that Mr. Fernando was referring to the ship which contains iron. He sent it to the Sri Lankan port and informed Mr. Fernando about the shipment.

(d) Sunimal entered into a contract with Amal to sell polythene below the thickness of 20 microns. The contract was formed in 2015 for a two-year period and the Government of Sri Lanka enacted a law in 2016 prohibiting the *'manufacture, sale, offer for sale, offer free of charge, exhibition, or use of polythene product of twenty microns or below in thickness.*

(e) Madawa parked his car in the car park of ABC supermarket. There is a notice displayed in the car park which mentions "park at own risk". Madawa met with an accident in the car park. Madawa wants to claim damages from the ABC supermarket.

(5x5 = 25 marks)

(6) Write short notes on the following

(a) Vicarious Liability
(b) Consideration and *Justa Causa*
(c) Restrictions on Fundamental Rights
(d) Incapacitated parties to a contract
(e) Invitation to treat

(5x5 = 25 marks)