THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF ENGINEERING TECHNOLOGY
BACHELOR OF TECHNOLOGY HONOUERS IN ENGINEERING/
BACHELOR OF INDUSTRIAL STUDIES HONOURS IN ENGINEERING
FINAL EXAMINATION – 2016/17
OPEN BOOK TEST
LWJ3160 – INTRODUCTION TO THE LAWS OF SRI LANKA
LEVEL 3
DURATION – TWO (02) HOURS

DATE: 28th November 2017 **TIME: 1.30 p.m. to 3.30 p.m.**

Candidates will be penalized for illegible handwriting

Total number of questions 07

Answer FOUR (04) questions only

1. (i) What is the appropriate court to refer the following incidents to?

   a) Mihiri is planning to file a divorce action against her husband on the ground of adultery.

   b) Damith wishes to file a fundamental rights case with respect to the torture he underwent while in the police custody.

   c) The member of Parliament wishes to challenge the validity of a bill presented to Parliament.

   d) Wijaya is arrested by police while trying to break into a jewelry shop.

   (03 x 4=12 marks)

   (ii) Critically comment on the concept of "Parliamentary Supremacy" (13 marks)

2. "A plural legal system, consisting of laws of the Sinhala, Muslim and Tamil communities and laws introduced by the Europeans during their rule, operates in Sri Lanka"

   Discuss the Sri Lankan legal system in the light of the above statement. (25 marks)

3. (i) Discuss whether any fundamental right has been violated in the following situations.

a) Following Atula's murder, Rizwan was arrested by police kept in police custody for three days without giving him any reason.

b) Kamalini was selected for the post of assistant manager of a government department after an interview. But the head of the department decided not to grant the appointment when he discovered that Kamalini was pregnant.

(05 x 2 = 10 marks)

(ii) "The independence of the judiciary is a basic requisite for ensuring a free and fair society". Under the rule of law,

a) What do you understand by the term "Independence of the Judiciary"? Explain (07 marks)

b) Do you think that the independence of judiciary is expressly provided for in the Sri Lankan constitution?
Explain (08 marks)

4. (i) Who are the persons who cannot enter into a valid contract?

Explain (05 marks)

(ii) What is an exemption clause? Discuss with examples. (05 marks)

(iii) Explain the meaning of words of 'condition' and 'warranty'. (05 marks)

(iv) Sahani sent a letter to Palitha, on 03.07.2017 making an offer to sell her computer. In response to that letter, Palitha wrote to Sahani informing her that he was willing to buy the computer. The letter was posted on 05.07.2017. Sahani received the letter on 10.07.2017. However, Sahani had already sold her computer to Upuli on 09.07.2017.

Advise Palitha. (10 marks)

5. (i) Discuss the different types of employment. (05 marks)

(ii) " The Industrial Disputes Act No.43 of 1950 has introduced mechanisms for settlement of industrial disputes"

Discuss these methods. (20 marks)

6. (i) What do you understand by the terms "Offer" and "Acceptance"?

Explain (16 marks)

(ii) Discuss the validity of the following contracts?

a) Although Saman wanted to sell his jam factory to Binara he sold it to Ajith instead because Ajith threatened to destroy Saman's jam factory if he refused to do so.

b) Madhini makes an offer to sell her grand mother's ring with a synthetic stone to Gayani. Gayani thinks the stone in the ring is a diamond and buys the ring at an excessive price.

c) Anton places an advertisement in a newspaper to sell his motor vehicle. The advertisement states that he is the second owner of the vehicle, although he is in fact the fourth owner. He alters the documents pertaining to the vehicle and sells the vehicle to Elizabeth, who genuinely believes Adam's statement.

(03 x 3 = 09 marks)

7. Write notes on the following topics.

i. Separation of power
ii. Sources of law
iii. Court of Appeal
iv. Requirements for the formation of a valid contract.
v. Termination of employment.

(05x5=25 marks)

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