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The Open University of Sri Lanka
Faculty of Engineering Technology

Study Programme	:	Bachelor of Industrial Studies
Name of the Examination	:	Final Examination
Course Code and Title	:	**MEJ 5253 Industrial Law**
Academic Year	:	2013/14
Date	:	12 thAugust 2014
Time	:	0930 hrs. – 1230 hrs.
Duration	:	3 hours

General instructions

1. Read all instructions carefully before answering the questions.
2. This question paper consists of 8 questions. All questions carry equal marks.
3. Answer any 5 questions only.

QUESTION 01

(i) Explain the difference between Personal Law and Territorial Law, giving examples.

(ii) Write short notes on the following.

(a) Roman Dutch Law
(b) English Law

QUESTION 02

(i) Explain the hierarchy of existing system of Courts in Sri Lanka.

(i) "Supreme Court has jurisdiction over several matters. What are they? Explain.

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QUESTION 03

(i) State the requirements for the formation of a valid contract.

(ii) Ruwan entered a shop reputed for selling antique items and saw on a shelf an antique statue of God Vishnu. The price marked was Rs. 250.00. When he took the item to the cashier for making the payment, Ruwan was informed that there has been a mistake as the price of the statute is Rs. 2,500.00 and not Rs. 250.00. Ruwan insisted that there is a contract between him and the antique shop that the price of the statute is Rs. 250.00 and he will not pay a cent more. He said that he would seek a court order to force the shop to sell him the statute at Rs. 250.00.

Advise Ruwan as to whether there is a contract and whether he will succeed in the application in the Court.

QUESTION 04

(i) Explain the capacity of parties to contract.

(ii) Pahan booked a room at a hotel for three days. He paid the room charges at the reception and went to his room. When he entered the room he saw a notice which stated that 'The hotel management is not liable for lost or stolen valuable articles of the guests, unless such articles are handed over to the management for safe custody'. Pahan lost his purse with Rs. 10,000 /= in it during his stay in the hotel. He seeks your advice to sue the hotel. How would you advise?

QUESTION 05

(i) Briefly explain the tests employed by the Courts to ascertain the nature of employment.

(ii) Briefly explain the different types of employment.

QUESTION 06

(i) Explain the different methods available for settlement of industrial disputes.

(ii) On what grounds can an employer terminate the services of an employee? Explain.

QUESTION 07

(i) What is meant by 'strict liability'? Explain.

(ii) What are the major defences to the rule in *Rylands V Fletcher* (1868) which can be raised to relieve the defendant from liability? Explain.

QUESTION 08

Write short notes on any four of the following.

(i) Industrial Dispute Act

(ii) Labour Tribunals

(iii) Defence of consent

(iv) Private Nuisance

(v) Precautionary principle

(vi) Polluter pays principle

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