

**UNIVERSITY OF COLOMBO - SRI LANKA**  
**FACULTY OF LAW**  
**MASTERS OF LAWS EXAMINATION – 2016/2017**

**COMPARATIVE LAND LAW**  
**(Three Hours)**

**Total No. of Questions: 04**

Answer **THREE** questions only selecting question No. **01** and **TWO** more.

**(Candidates will be penalized for illegible handwriting)**

1. “Land laws of any country should be framed to promote peace and order among, and development of, its people. This, however, cannot be said to be true of the land laws of Sri Lanka. Our land laws relating to legal institutions and concepts are in need of substantial reforms; if not, they would continue to be a source of conflict among the people and counter to the development of the country”.

Critically evaluate, with reference to a detailed study of any two land legislation of Sri Lanka and legal concepts and institutions underpinning them other than law relating to rent, partition and mortgage. Also provide, with reasons, your recommendations for the reform of the selected laws.

**(44 Marks)**

2. Critically evaluate the institution of servitude in the area of land law and the rationale underpinning its legal recognition. Elaborate the reforms that you would suggest for the improvement or limitation of this institution and give reasons for your suggestions. Support your answer with decided cases from Sri Lanka and any two other jurisdictions.

**(28 Marks)**

3. Critically analyse the provisions of the Recovery of Loans by Banks (Special Provisions) Act, No. 04 of 1990 and evaluate the merits and demerits of the Act in the context of land law and whether it has achieved the objectives for which the legislature enacted the law. Also, make any recommendations for the reform of the law from the perspective of rights of parties and economic development of the country.

**(28 Marks)**

4. A Committee has been appointed by the Ministry of Justice to research on land issues in Sri Lanka. Assume that you are a member of this Committee and you have been requested by your Chairperson to discuss issues of critical importance relating to laws of rent and partition in Sri Lanka, and whether the laws measure up to international standards. Submit a report, which includes a legal analysis, and proposals to address, the problems and issues referred to in your report.

**(28 Marks)**