

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
BACHELOR OF LAWS (REPEAT) EXAMINATION, YEAR I - 2018
LEGAL METHOD

(Three Hours)

Total number of questions: 07

Answer any **FOUR** questions only.

(Candidates will be penalized for illegible handwriting.)

1. "The law is a set of rules for society, designed to protect basic rights and freedoms. However, the law should also resemble morality."

Do you think that the law should resemble morality? Give reasons, drawing examples from any area of law. You are also expected to refer to relevant schools of legal thought.

2. Discuss the salient features of the adversarial system and inquisitorial system with particular reference to the role of the judge.

3. Compare and contrast any two rules of statutory interpretation. You are expected to elaborate your answer citing examples from case law.

4. A case based on facts X, Y, and Z, is being argued before a bench of two judges in the Court of Appeal of Sri Lanka. Discuss the applicability of the following judgments citing relevant authorities to substantiate your answer:
 - (a) A Full Bench decision of the Supreme Court of Sri Lanka delivered in 2017 in a case based on facts X, Y and Z;
 - (b) A judgment of the Privy Council in appeal from Ceylon in a case based on facts X, Y, and Z;
 - (c) A judgment of the Supreme Court of India in a case based on facts X, Y, and Z and delivered in December 2015; and
 - (d) A judgment delivered in 2018 by a bench of two judges of the Court of Appeal of Sri Lanka in a case based on facts X, Y and Z.

5. Discuss the importance of 'custom' as a source of law and the tests adopted by Sri Lankan Courts in determining the validity of a custom. Substantiate your answer with relevant legal provisions and case law.
6. Discuss alternative dispute resolution mechanisms adopted in the administration of justice system in Sri Lanka, highlighting their strengths and weaknesses. Also make recommendations to enhance their effectiveness.
7. Assuming that you have been assigned the task of preparing a short paper by a senior lawyer on "Ethics for Lawyers in Sri Lanka" to be distributed among young lawyers in Sri Lanka, write a short paper focusing at least seven (7) important aspects of professional ethics, which you think, are the most important for young lawyers in the contemporary Sri Lanka.
