

UNIVERSITY OF COLOMBO, SRI LANKA

FACULTY OF LAW

BACHELOR OF LAWS (REPEAT) EXAMINATION, YEAR 1-2019

LEGAL METHOD

(Three Hours)

Total number of questions: 07

Answer any **FOUR** questions only.

(Candidates will be penalized for illegible handwriting.)

1. Law is an imperative element for social control. Therefore, different theories have emerged to demonstrate how the law best serves society.

Explain how the interaction between law and society has been theorized using any two schools of legal thought.

(25 Marks)

2. Legal scholars have observed that considerable differences exist between the 'Adversarial' and 'Inquisitorial' justice systems, though elements of both systems often co-exist.

Compare and contrast the operation of these two systems with particular reference to the role of the judge.

(25 Marks)

3. Judges should focus only on the written words in the statute and they should not go beyond those words in order to give different interpretations.

Do you agree? Support your answer with reference to rules of interpretation and relevant authorities.

(25 Marks)

4. The state of Kandhar has been affected by the Covid-19 virus since early 2020. As an immediate and urgent step to contain the spread of virus the government of Kandhar enacted the Prevention of Covid-19 Act of 2020. Section 5 of the Act makes it compulsory for people to wear a face mask in public places. Further, Section 7 provides that every person owes a duty to prevent the spread of Covid-19, and those who do not adhere to the precautionary measures laid under this Act shall be penalized.

In a random checkup, the Police found a group of people wandering without wearing face masks at the railway station in the capital city of Kandhar. This group of people belong to 'Lulu', a minor community in Kandhar. The Chief of the community claimed that low-caste people cover their faces as a long-standing tradition of their community. The people belonging to high caste wear a piece of turmeric around their neck, as they believe this would help disinfecting. They further claimed that they did not violate any laws as they have taken the precautionary measures. Police officers also observed that low caste members in the Lulu community were wearing face masks.

Your advice is sought as to the validity of these customary practices. Write your advice assuming the legal system of Kandhar is similar to that of Sri Lanka.

(25 Marks)

5. Assume that you are invited to present a paper at a conference organized by the Bar Association of Sri Lanka under the theme of "Application of Judicial Precedent in Sri Lanka: A Critical Perspective."

Selecting an area of law, draft a paper highlighting the main components of the judicial precedent.

(25 Marks)

6. Sri Lanka has a rich tradition of dispute resolution mechanisms that enable parties to invoke the preferred mode of dispute settlement based on the nature of the disputes. Each method has its own objectives and techniques, as well as its own advantages and disadvantages. Discuss the above statement in light of the concept of arbitration as an alternative method of dispute resolution in Sri Lanka.

(25 Marks)

7. Consider the following situations with reference to professional ethics of legal practice:

- (a) Niro an Attorney-at-Law has a secret agreement with a police officer who is on duty near the court complex to solicit clients and distribute his name cards among the public and promises to pay the police officer Rs. 500 per case;
- (b) Bruno is an Attorney-at-Law and Nuno is his assistant working at the same office. Ranu is their client who owned supermarkets in several places in the country. Ranu is required to state his income to his attorney-at-law in order to support his case. Later he finds that both his lawyer and his assistant have revealed his business income to his competitor during and after the case;
- (c) Lal and Siri are two Attorneys-at-Law representing opposing parties, insulted each other during the trial. Lal yelled at Siri and his client in front of the clients and the judge using inappropriate words and referring to their personal information;
- (d) Karu an Attorney-at-Law, receives money from his client to register a deed. Due to Karu's failure to complete the task within the stipulated time, the client could not secure a bank loan. Karu spends the money to refurbish his office space.

(25 Marks)
