

**UNIVERSITY OF COLOMBO, SRI LANKA**  
**FACULTY OF LAW**

**BACHELOR OF LAWS EXAMINATION, YEAR I – 2019 (Repeat)**

**LEGAL SYSTEM OF SRI LANKA**

(Three Hours)

Total Number of Questions: 07

Number of pages in the paper: 04

Answer any **FOUR (04)** questions and **no more**.  
(Candidates will be penalized for illegible handwriting.)

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01. Saman was the chief accountant of the ABC Company. He had a very close bond with his mother since he lost his father by the age of twelve. On 10<sup>th</sup> of February 2020, Saman met with an accident and died as a result of the negligent driving of a motor vehicle by Ruwan. Saman was 22 years old and unmarried at the time of his death. Saman's mother wants to file a civil case against Ruwan to claim damages for the loss of financial support sustained by her as a result of the death of her only child. Saman's mother wishes to claim damages for loss of love, care and companionship of her beloved son.

Discuss whether Saman's mother is entitled to claim the damages mentioned above, according to the existing law of the country, by specifically focusing on the statutory modification of Roman-Dutch Law in Sri Lanka. Your answer should be supported by the relevant statutes and case law authorities.

**(25 Marks)**

02. Discuss the importance of the role of the judiciary in the reception of English Law in the Legal System of Sri Lanka. Your discussion should be supported by the relevant legal authorities.

**(25 Marks)**

03. A Kandyan father named Hondahamy died, leaving three children namely, Appuhamy, Podihamy, and Manike. Podihamy married Kirihamy and Menike married Hethuhamy. Both husbands are from Galle. Soon after the death of their father, Podihamy and Manike left their Mulgedera (ancestral home). Now, they have been prevented from entering into the ancestral home by Appuhamy. He argued that his sisters' marriages are 'diga' marriages and therefore, they do not have rights over their deceased father's estate.

Explain the rights of the two daughters of Hondahamy under the Kandyan Law of intestate succession.

**(25 Marks)**

04. Answer **both** (A) and (B):

(A) "In a country such as Ceylon, where there are many races and creeds and a number of Marriage Ordinances and Acts, the inhabitants domiciled here have an inherent right to change their religion and personal law and so to contract a valid polygamous marriage. If such inherent right is to be abrogated, it must be done by statute."

*Lord Upjohn in the Attorney General v. Reid, (1964) 67 NLR 25 at p.25*

Discuss whether this judicial point of view correctly reflects the current legal position in Sri Lanka with reference to the application of Muslim Law. Support your answer with relevant legal authorities.

**(15 Marks)**

(B) Abdul is the adopted son of Rahim and Zuhana. Rahim wants to leave his entire estate to Abdul. Razik is Rahim's elder brother. Razik told Rahim that Abdul would be inherited the estate, even under the intestate succession law, as Abdul has been adopted under the Adoption of Children Ordinance, No. 24 of 1941.

Do you agree with Razik's opinion? Support your answer in light of relevant legal authorities.

**(10 Marks)**

05. Surya was born in Jaffna in 1990. His parents, who lived in Jaffna for generations owned a valuable house and agricultural lands in the village. Surya met Radhika when he was studying at the University of Colombo. They fell in love and decided to get married. Radhika is the only daughter of a wealthy business family in Colombo. Surya wishes to stay in Colombo after the marriage, and work as the chief executive officer in the Business establishment belongs to Radhika's father, which is situated in Wellawatta.

Surya wishes to know whether the personal law applicable to him will be changed if he resides in Colombo after the marriage. Radhika wants to know whether her marriage with Surya has a legal effect on her.

Explain the law applicable to Surya and Radhika. Your answer should be supported by relevant legal authorities.

**(25 Marks)**

06. Efficiency in courts can refer to many dimensions of court performance, including structure, accessibility, quality of judgments and equality for litigants.

Discuss the above statement in the light of the contemporary court system of Sri Lanka.

**(25 Marks)**

07. "One of the outcomes of inter-ethnic relations of minority ethnic groups with majority community is pluralism, which is all about different ethnic groups preserving their unique culture and behavior, while still sharing common native values and goals."

Gordon, Milton, *Assimilation in American Life* (Oxford University Press, 1964, Pp 71-73)

Discuss the above statement in light of the merits and demerits of the Plural Legal System of Sri Lanka.

**(25 Marks)**

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