

UNIVERSITY OF COLOMBO, SRI LANKA

FACULTY OF LAW

BACHELOR OF LAWS EXAMINATION, YEAR I (Online) – 2021

Legal Method

(Three Hours)

Total Number of Questions: **06**

Answer any **THREE (03)** questions only.
(Candidates will be penalized for illegible handwriting.)

1. “Law must be stable and yet it cannot stand still. Hence all thinking about law has struggled to reconcile the conflicting demands of the need of stability and the need of change.”

Do you agree with the above statement? Discuss, with reference to any two schools of legal thought, and support your answer with examples.

(100 marks)

2. “The adversarial mode of proceedings takes its shape from a contest or a dispute: it unfolds as an engagement of two adversaries before a relatively passive decision maker whose principle duty is to reach a verdict. The non-adversarial mode is structured as an official inquiry.”

Critically comment on the validity of the above statement with particular reference to the ‘role of judge’ in these two systems.

(100 Marks)

3. Mathru, is a minor fishing community group, living in the coastal area of the State of Chandar. As a practice, all male members of the community engage in fishing activities when they reach the age of 15 years in order to learn about the practical and technical skills of fishing.

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In January 2021, the government of Chandar amended the *Women, Young Persons and Children Act of 1956*. Section 9 of the Amended Act, [No 2 of 2021] states that: “no master of any vessel shall employ any person under the age of sixteen years.” The Grama Niladari of the Mathru instructed the Community about the change in the law. However, the Community is disappointed with the amended law and claimed that engaging in fishing after reaching the age of 15 years is a long-standing tradition, closely connected to their culture and livelihood. Furthermore, they claimed that their fisheries activities would be affected if they were not given proper training in a timely manner. An elderly group in the Community would like to challenge this law, and seeks your advice on the validity of the custom.

Advise them, citing relevant cases. Assume that the legal system of Chandar is similar to that of Sri Lanka.

(100 Marks)

4. The government of Lakeland enacted the legislation on ‘Prohibition of All Forms of Inhumane and Degrading Treatments Against Another Human Body Act of 2021.’

Section 3 of the Act states that:

“No person shall engage any inhumane act that harms or ill-treat any person’s body.”

Somaya, a citizen of Lakeland is a renowned social activist who works against religious hatred and for women empowerment. She organized a campaign on “Stop Hatred, Spread Kindness” that invaded social media. In response, a group from the local community argued that Somaya’s campaigns were targeting a particular religious group in the guise of promoting equality to further popularize her YouTube channel. In November 2021, an intolerant group from the community set fire on Somaya’s house and her all belonging were destroyed including laptop, documentation, and other technical devices. In the aftermath of this incident, the group acted against Somaya shared on social media sites a video containing some clips of the burned house titled ‘God’s gift to brainless woman’. In December 2021, Somaya lodged a complaint at the police station claiming that the above group was responsible for the incident. Accordingly, police arrested some activists of that group and charged them under Section 3 of the above Act. The suspects argue that under the said law, sharing images

and videos of a burned down house does not fall under the definition of ‘harm or ill-treatment against another human body’. They further state that, they were unaware of the incident and were not involved in any arson activities and only express their views.

Assume that you are the Judge hearing this case, discuss the rules of interpretation that you would apply in interpreting the provision of the statute. Assume the legal system of Lakeland is similar to that of Sri Lanka.

(100 Marks)

5. A case based on facts X, Y, and Z is being argued before a bench of three Judges in the Supreme Court of Sri Lanka. Citing relevant authorities to substantiate your answer, discuss the applicability of the following judgments:

(a) A judgment delivered in 2019 by a bench of three judges of the Court of Appeal of Sri Lanka based on facts X, Y, and Z;

(b) A Full Bench decision of the Supreme Court of Sri Lanka in a case based on facts X, Y, and Z and delivered in 2018;

(c) A judgment of the Supreme Court of India in a case based on facts X, Y, and Z delivered in November 2011; and

(d) A judgment of the Privy Council in appeal from Ceylon in a case based on facts X, Y, and Z.

(25X4 = 100 Marks)

6. Assume that you are a member of the sub-committee appointed by the Ministry of Justice to make recommendations to modernize the current alternative dispute resolution (ADR) mechanism of Sri Lanka in the post COVID-19 pandemic era. Restricting the contextual reference to both mediation and arbitration, prepare a draft proposal for law reform citing relevant statutory provisions and practical examples.

(100 Marks)
