

UNIVERSITY OF COLOMBO, SRI LANKA

FACULTY OF LAW

DEGREE OF MASTER OF LAWS BY COURSEWORK - 2023/24

SEMESTER I END EXAMINATION

Law of Delict- TLLM11316

(Three Hours)

Total number of questions: 04

Answer any **Three** questions.

(Candidates will be penalized for illegible handwriting)

01. 32-year-old Nirmala is the sole breadwinner of her family. Her old parents were looked after by her. She was employed at a branch of Medibank Limited in Palawatta. Whilst she was standing in front of her fellow employee's desk, a signboard which stood nearby fell onto her, sustaining serious injuries. She was at work at the time of the incident, when she was called to the desk of her fellow employee, who was employed as a sales consultant in the same branch. She had to undergo serious orthopedic surgery for her spinal code done by a specialist. At the consultation, she was advised by the specialist to bed rest for about six months after the surgery, but the risk associated with the procedure was not revealed. Now she complains that she is unable to move herself after one year of the surgery.

Nirmala seeks your opinion on the possibility of claiming damages from any potential defendants, as per the laws governing this situation. Advise Nirmala.

(20 Marks)

02. Answer **BOTH** parts (a) ^{and} (b).

a) 'Varying judicial approaches towards the concept of non – fault liability under tort/delict creates ambiguity in its application and calls out for statutory intervention'.

Do you agree with the above statement? You are expected to select any one area within the scope of non-fault liability and analyse the above statement in light of statutory authorities drawn from at least one comparative jurisdiction of your choice.

- b) Nimal is a doctor, who runs a private medical center in his area since 2015. Nimal complains that the defendant company owns a brick-powdering mill which pollutes the atmosphere next to his clinic. He also complains that pollutants entering the clinic are causing inconvenience to him and his patients. He further mentions that the machine used for crushing bricks is operated without permission from the Municipality and it is with excessive noise.

Advise Dr. Nimal.

(10X2=20 Marks)

03. Answer **BOTH** (a) and (b).

- (a) Discuss the main ways in which violations of privacy have been recognized in Sri Lanka with legal authority, in comparison with a jurisdiction of your choice.

(6 marks)

- (b) In January of 2021, while Seylanka was just recovering from the deadly Covid pandemic, Seylanka also went into a severe economic crisis. Mr. Kodi, a very prominent lawyer uploaded a Facebook post written by him entitled "A list of politicians that are directly responsible for the economic crisis of Seylanka" and within this post he wrote that, "it was the direct inaction of the executive and the administrative branches, mismanagement of funds and the unwise lowering of taxes that resulted in the economic crisis in Seylanka." Mr. Kodi did not stop here, but he went ahead and filed a case in the Supreme Court of Seylanka where he repeated these sentiments and added "of course, the former President (Mr. A) is an uneducated and incompetent man who would not be able to run a hotdog stand let alone a country." Having gotten to know of what transpired in court, through the court transcripts, the former President (Mr. A) has launched a case of defamation against Mr. Kodi.

Assuming the law in Seylanka is similar to that of Sri Lanka, as Mr. Kodi's attorney, advise him with legal authority.

(14 Marks)

(20 Marks)

04. Answer EITHER (a) or (b).

(A) Critically analyse the possibilities and the pressing need for the advancement and application of the concept of statutory delicts within the country's legal framework, considering the relatively underdeveloped nature of statutory delict in the legal landscape of Sri Lanka.

(B) 'Common law consists of myriad rules developed over many centuries involving great judicial minds. Delicts/torts principles are among these'.

Critically analyze how delict/tort case law has contributed to the development of Common law of Sri Lanka up to date. Support your argument/s with relevant legal authorities.

(20 Marks)
