

UNIVERSITY OF COLOMBO, SRI LANKA

FACULTY OF LAW

DEGREE OF MASTER OF LAWS IN PRIVATE AND COMPARATIVE LAW- 2024/25

SEMESTER I END EXAMINATION.

(Comparative Law – TLLM1134)

(Three Hours)

Total number of questions: 04

Answer **THREE (03)** questions and **no more**
(Candidates will be penalized for illegible handwriting)

01. The Common Law and Civil Law divide constitutes one of the fundamental building blocks of comparative law. However, this division is not so clear cut in modern times.

Analyse the validity of the above statement with reference to relevant legal examples with special emphasis on Sri Lanka.

(20 Marks)

02. Answer all questions.

Assume that you are a lecturer of comparative law, and you are teaching your class on 'legal transplants'. One of your students challenges the fact that legal transplants, in the sense of adopting a foreign law, is possible. He states that no law that is transplanted from one jurisdiction to another retains its original character, making the so-called transplanted law, something fundamentally different.

- (i) You are required to discuss the proponents and opponents of the debate related to whether transplantations retain their original character or whether they are fundamentally different to the source law.

(8 marks)

- (ii) Analyse the discussion in (i) with special emphasis on legal transplantation with illustrations from any two areas of law.

(12 Marks)

03. Discuss and analyse the main aims and functions of the traditional comparative law methodology and discuss the advantages and disadvantages of engaging in

comparative law through this methodology. Support your answer with relevant legal authority.

(20 Marks)

04. Assume you are a legal researcher for a leading comparative law scholar. Your employer has recently recruited a new junior research officer to assist him in his research. Your employer is interested in conducting research that travels beyond the traditional comparative law methods. You have been asked to draft a research guide for the new researcher which sets out a guide regarding one of the extensions to the traditional method which is comparative postmodern research.

You are required to write a detailed report on how postmodern comparative research is conducted and the important aspects that may be considered within such research. You may also analyse the merits and criticisms of this form of comparative research. Support your answer with relevant legal examples.

(20 Marks)
