

**UNIVERSITY OF COLOMBO, SRI LANKA**  
**FACULTY OF LAW**  
**BACHELOR OF LAWS EXAMINATION, YEAR I - 2017**  
**LEGAL METHOD**

(Three Hours)

Total number of questions: 07

Answer any **FOUR** questions **only**.

(Candidates will be penalized for illegible handwriting.)

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1. "The social purposes of law must be stressed more than the sanctions, for law is to be regarded as a social institution which can be improved by intelligent effort."

Roscoe Pound, 'Fifty Years of Jurisprudence' (1938) 52 Harvard Law Review 777, 812.

Critically discuss the above statement with reference to any two schools of legal thought and support your answer with practical examples.

2. "The principle behind the adversarial legal system is to place distance between the investigation taking place and the person who ultimately decides the outcome. In comparison, in an inquisitorial system the Judge is involved throughout the process and actually steers the collation and preparation of evidence."

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

3. Nuno a driver attached to PickYou taxi service which operated in the capital city of Seeland, is charged under section 2 of the Road Safety Act for reckless driving. In 2000, the Parliament of Seeland enacted the Road Safety Act in view of the alarming increase in the number of injuries and deaths from road accidents. Section 2 of the Act states: "any person who recklessly operates any motor vehicle on any public highway shall be guilty of an offence."

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Traffic Police officers, having observed Nuno using his mobile phone while driving his vehicle, indicted him under section 2 of the Road Safety Act. However, Nuno denies the charge and claims that he has exercised a reasonable degree of watchfulness to avoid danger to others when driving the vehicle.

Assume, the legal system of Seeland is similar to that of Sri Lanka and that you are the judge hearing this case. Discuss the rules of interpretation that you would use in deciding this case. Support your answer with case law.

4. A case based on 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 Full Bench decision of the Supreme Court of Sri Lanka in a case based on facts X, Y, and Z and delivered in 1987;

(b) A judgement of the Privy Council in appeal from Ceylon in a case based on facts X, Y, Z and W;

(c) A judgement of the Supreme Court of India in a case based on facts X, Y, and Z and delivered in 2015; and

(d) A judgement delivered in 2008 by a bench of three judges of the Court of Appeal of Sri Lanka in a case based on facts X, Y, and Z.

5. In January 2017, Seeland enacted 'The Prevention of Cruelty to Animals Act, No 2 of 2017'. The Preamble to this Act states: "an Act to prevent unnecessary pain, suffering and cruelty to animals."

Section 5 of the Act provides: "It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent unnecessary pain, suffering and cruelty to animals". In July 2016, *Avihimsa* Foundation (AF), an animal rights organization of Seeland, conducted a study and reported that during the temple festivals, elephants are manacled, chained and forced to walk on tarred road surfaces, thereby inflicting pain and suffering on animals.

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The study further reveals that elephants are held captive for the pleasure and enjoyment of their human masters. In view of the disturbing revelations, the AF alleges that elephant participation in the annual processions inherently violate the provisions of the Prevention of Cruelty to Animals Act. Nevertheless, the organizers of the annual pageants are of the view that using elephants in religious ceremonies is a long-standing religious tradition closely associated with the culture of the country and deeply embedded in the minds of the Seeland community.

*Avihimsa* Foundation now seeks your advice as to the validity of the custom. Advise it, citing relevant cases. Assume the legal system of Seeland is similar to that of Sri Lanka.

6. Assume that you are invited to present a paper at the Junior National Law Conference whose theme is titled: "Law in the 21st Century: The Need for Law Reform". Your paper is required to focus on "The Impact of Mediation an Alternative Method of Dispute Resolution in the Legal Landscape of Sri Lanka". Your presentation should include the current Sri Lankan legal framework governing mediation, its rationale, pros and cons and recommendations for law reform, if any, to create an effective and efficient mediation Board system in Sri Lanka.

Draft your paper with reference to relevant legal provisions and practical examples.

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

(a) "X" an Attorney-at-Law had a desperate struggle at the last minute to meet the time bar for filing an application for leave to appeal on behalf of his client in the Supreme Court of Sri Lanka. Due to the delay from his part, he failed to lodge the application in the Court within the stipulated period of time;

(b) "Y" is an Attorney-at-Law who requested the crime OIC of the police station to refer cases to him and promised to pay the OIC Rs. 10000 per month;

(c) "Z" an Attorney-at-Law requested his client to prepare a fake deed and produce it at the trial; and

(d) "M" and "N", two lawyers representing opposing parties, had a fight during the trial using inappropriate words in front of the clients and the judge.

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