

**UNIVERSITY OF COLOMBO, SRI LANKA**

**FACULTY OF LAW**

**BACHELOR OF LAWS EXAMINATION, YEAR I – 2017**

**LEGAL SYSTEM OF SRI LANKA**

(Three Hours)

Total Number of Questions: 07

Answer any **FOUR (04)** questions and **no more**.

**(Candidates will be penalized for illegible handwriting.)**

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01. In an environment, where on the one hand, the right to freedom of thought, conscience and religion has been guaranteed, the legal issues relating to cultural sensitivity and ethnic beliefs must be carefully addressed. On the other hand, the strengths and opportunities of a plural legal system must be appreciated in the law making process. Thus, reforming the law in a plural legal system is a real challenge.

Assess the validity of above statement with reference to the legal system of Sri Lanka. Your answer should be supported by the relevant Constitutional provisions, statutory provisions and case law.

02. Twelve years old Tharushi, the only child of Kamal, died in a vehicle accident caused by a driver, who was drunk. Kamal had devoted his entire life to raising his daughter, after the death of his wife during childbirth. Kamal is still suffering from the shock of the death of his daughter. He has filed a case in the Colombo District Court, claiming compensation for loss of care and companionship suffered by him, as a consequence of the death of Tharushi.

Assume that, you are the Counsel for Kamal. What are the possible legal arguments that can be brought up in the court for and against the claim of Kamal? Your arguments should be supported by the relevant authorities.

03. "English Law and Roman Dutch Law are foreign systems in Sri Lanka and the choice between either in a particular situation should be genuinely selective and pragmatic."

L.J.M. Cooray, *An Introduction to the Legal System of Sri Lanka*, (Stamford Lake, 2013) at p. 42.

In light of the above statement, discuss the areas in which the Sri Lankan legal system has selected English Law, instead of Roman Dutch Law. Your answer should refer to the relevant statutory provisions and case law.

04. Rahim and Sarah, a married Muslim couple adopted a daughter and named her Adira. They have two biological sons who are older than their adopted daughter. Twenty years after the adoption, Rahim met with an accident and is badly injured. Rahim has serious concerns about the future of their unmarried daughter, Adira.

Rahim and Sarah seek your advice on how they can ensure that, their properties are divided equally among their three children. Advise them, by citing relevant statutory provisions and case law.

05. Nelum met Arjuna at a friend's birthday party and they fell in love at first sight. Nelum is the only child of a wealthy Kandyan family and resides in Matale. Arjuna is an agricultural officer, who lives in Kandy with his parents. Arjuna's father Siripala was born in Galle and later on moved to Kandy with his family, as a consequence of his employment. Nelum and Arjuna decided to get married with their parents' blessing. Since Nelum is the only child, her parents want the couple to settle down in Matale and develop their agricultural properties. Arjuna's parents are also happy with this decision and want to arrange a customary marriage for Nelum and Arjuna. Nelum's parents are not happy with that suggestion and want Arjuna and Nelum to register the marriage as a *Binna* marriage.

Advise Nelum and Arjuna, about the possibility and the legal consequences of the suggestions made by their respective parents. Your answer must be supported by the relevant statutory provisions and case law.

06. Bala, who was born to Jaffna Tamil parents, married Bamini in 1990. After the marriage, Bala and Bamini decided to go to Canada to live with Bala's uncle. After 2000, Bala started visiting Jaffna once in two years. He built an auditorium in Jaffna, in the school that he had attended. Bala's parents gifted their house in Jaffna to him before they died. Bala mortgaged the house to raise capital to start an export business. He bought a land in Wellawatte with the intention of building an office for the export business. Bala dies suddenly in 2015, without making a last will. Bamini claims that, Bala's property must be divided under General Law since they are not governed by Thesawalamai. Advise her, citing relevant authorities.
07. You are expected to advise which court/tribunal has the jurisdiction to hear the following cases. You are also expected to discuss the nature of the legal action / remedy available in each situation. Your answer should be supported by relevant authorities.
- a) Ravi and Radha contracted a marriage in 2007 under General Law and set up their matrimonial home in Colombo. In 2016, Radha was forced to leave the matrimonial home, due to Ravi's drug addiction and consequent sexual abuse.
  - b) Lalith was arrested by the police, while he was on his way to the office. He was taken to a nearby police station, as one of the suspects in a murder that happened two weeks previously. He was kept under police custody for fifteen days and was severely assaulted and had injuries all over his body.
  - c) A 16 year old girl 'X' was abducted and murdered by a gang of 3 males. The suspects have been arrested by the police and the Attorney General wishes to file the indictment against the suspects.

- d) Kavitha is employed at a reputed private bank, as a banking executive. Her position is a permanent in nature. Her line manager had denied her feeding hours to feed her six month old baby and subsequently, the Head of Human Resources issued her a letter of termination.
- e) Police investigations had revealed that Kamal had stolen his neighbour, Vimala's gold jewellery, worth 100,000 Rupees. The police officers have been instructed to institute a legal action against Kamal.

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