

**UNIVERSITY OF COLOMBO, SRI LANKA  
FACULTY OF LAW**

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

**Family Law**

(Three Hours)

Total Number of Questions: 07

Answer **FOUR (04)** questions and **no more**.  
(Candidates will be penalized for illegible handwriting.)

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- 1) To what extent has the Sri Lankan family law complied with the international obligations stipulated in Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in terms of ensuring equal treatment in relation to women and girl children in marriage and family relations?

Discuss. You are required to cite relevant conventions, constitutional and statutory provisions and case law in support of your answer.

- 2) Suseela and Ravi married in April 2010. Two weeks after the marriage, Ravi went to New Zealand for six months on project work. Suseela refused to accompany him to New Zealand due to her work commitments at the office. Suseela gave birth to her daughter Geetha in December 2010. On his return to the country Ravi, through his parents, got to know about Suseela's close association with her colleague Nandan. Ravi quarrelled with Suseela about this relationship and asked her to stop it immediately. Suseela ignored this request and continued to associate with Nandan. Ravi now denies paternity of the child and refuses to maintain Suseela and the child.

You are required to discuss as to how you, as Suseela's Attorney-at-Law, will present your case before the court and meet the arguments of the opposing counsel. Your discussion should include the relevant statutory provisions and case law and the possibilities of admitting scientific evidence.

3) (i) Muslim law on marriage contains a far better approach towards the registration of marriages than the General law. Discuss.

(ii) Fathima's father makes arrangements to give his 15 year old daughter in marriage to Akram, a wealthy businessman. Fathima does not wish to marry Akram and wants to study and become a doctor.

You are expected to discuss the validity of the intended marriage between Fathima and Akram under Muslim Law. Support your arguments in the light of international and national legal standards, and relevant case law.

4) 'Sri Lankan law has not yet reached a consensus regarding the criteria pertaining to granting of custody and guardianship of the child'.

Do you agree with the above statement? Your analysis should be substantiated with reference to the international obligations undertaken by Sri Lanka. Reference to at least one other jurisdiction is required.

5) Kamala and Sarath got married in 1994 and are parents of three children. Nineteen year old Sara is a university student and seventeen year old Nimal is studying at a school in Colombo. Five year old Saduni is a child with special needs and Kamala wants to send her to a school for such children.

Sarath is a businessman and resides in Kandy looking after his estates. He has not visited his family for a few months now and has intentionally neglected to take care of their expenses.

Kamala finds it difficult to maintain herself and the children. When she asked for maintenance from Sarath, he said that his business was bankrupt and that he does not have a sufficient income to pay maintenance. Sarath claims that he has no responsibility to maintain Sara and thinks that it is of no use for Nimal to sit for his Advanced Level Examination, since the higher education institutes of the country are always on strike. He also thinks that spending for Saduni's education is an utter waste of money. He refuses to pay maintenance to Kamala saying she is in an adulterous relationship with someone else.

Advise Kamala in the light of the Maintenance Act No.37 of 1999. Support your answer with relevant case law.

- 6) "One of our reasons for recommending the principle of breakdown is that it would enable the courts to get to grips with the realities of the matrimonial relationship instead of having to concentrate on superficialities."

*Putting Asunder- A Divorce Law for Contemporary Society,*  
Report of the Committee appointed by the Archbishop of Canterbury (1964), p 58.

Does the above statement provide a rationale for giving up a fault based system for divorce? Discuss how Sri Lanka could reform its General law on divorce, drawing positive inspiration from at least one other jurisdiction and Kandyan law.

- 7) Surya and Sahani met at University of Colombo and contracted a marriage against the wishes of their families. Sahani severed all contacts with her family in Matara and lived with Surya in Colombo. After a few years, Surya lost his job and his parents accepted Surya and Sahani back into the family. Sahani and Surya went to live with Surya's parents in Hospital Road, Jaffna. Both Surya's parents had been born in Jaffna and Surya too had lived in Jaffna until he went to university. Subsequently they had a daughter, Nila and a son, Shyam. Surya's parents who had grown fond of the children gifted their house in Jaffna and a land in Trincomalee to Surya in which he started his own handloom factory.

Sahani was working at the Jaffna Hospital as a nurse and resigned to help Surya to set up the factory. When Surya was in dire financial need for construction of the factory, Sahani gave her savings and money which she obtained by pawning her gold jewellery, gifted by her parents before marriage. The factory rapidly developed and started making big profits. Surya bought a life insurance policy covering death or serious injury since he was frequently travelling to Colombo for business. In the meantime, Surya formed a relationship with Maya, a consultant to his business and they had a son by the name Siva.

While travelling to Colombo, Surya met with an accident and died. Nila is twenty four years and married. Shyam is fifteen years. Siva who is two years lives with Maya. Discuss the inheritance rights of Sahani and the children relating to the property owned by Surya.