

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

**BACHELOR OF LAWS EXAMINATION, YEAR I-2018**

**Constitutional Law-I**

(Three Hours)

Total Number of Questions: 07

Answer **FOUR** (04) questions **ONLY**.  
(Candidates will be penalized for illegible handwriting.)

1. "The concepts of 'Rule of Law' and 'Constitutionalism' have many things in common though in their practical application they have their separate concerns."

Do you agree with this statement? Discuss the scope of these two principles using relevant examples.

2. It is argued that while the Soulbury Constitution of Ceylon and the Second Republican Constitution of Sri Lanka recognize the doctrine of separation of powers, the First Republican Constitution of Sri Lanka followed the converse.

In light of the above statement, analyze, with reference to constitutional jurisprudence of Sri Lanka, the importance of the doctrine of separation of powers in a constitutional government.

3. "The Nineteenth Amendment to the Constitution has weakened the constitutional powers of the President over the Legislature, the Executive and the Judiciary in the country."

Do you agree? To what extent does this statement represent the present position? Support your answer with a discussion of the relevant provisions of the Constitution.

4. Assume that the students union of the Faculty of Law has organized a lecture series to raise awareness about the current constitutional reform process among university students and that you are invited to deliver a lecture on 'Substance and Procedure of Constitution Making'. You are required to emphasize on the recent constitution making processes that are underway in the country.

Drawing examples from the 1<sup>st</sup> and 2<sup>nd</sup> Republican Constitutions of Sri Lanka, discuss three salient features which should find a place in the proposed new Constitution or in the Constitution making if Sri Lanka were to be a liberal constitutional democracy.

5. Disturbed by the constant strikes, demonstrations and disruptions of public order, the Government publishes a Bill for the enactment of "Prevention of Anarchy and Promotion of Public Order Act". Some of the salient features of the proposed Act are to the effect that – i) no government officer or trade union of officers belonging to the Ministries of Public Administration, Tourism, Forests & Wildlife, Justice, Education, Health, Transport, Sports, Housing, External Affairs and Utility Services can engage in any strike action; ii) no other government officer or trade union of officers can engage in strike action without giving three months' notice of the intention to engage in strike action; iii) no demonstration or procession can take place in any public place, public office or public roads; if demonstrations and processions were to be held they could be conducted subject to two months advanced notice and in places and during times specifically designated by the Police; iv) no officer of the government can express any view or opinion critical of the government policies. The proposed Act criminalizes the conduct which breaches the above provisions by rigorous imprisonment and forfeiture of the offender's property. At the same time, the Bill authorizes the Police to use whatever force that is, in their opinion, needed to quell any possible breach of these provisions and to detain any person who is involved in the breach thereof for any number of days until they think that the situation has returned to normal.

Discuss, with reference to decided cases, the constitutionality of any **three provisions** of the Bill.

6. "The Parliament of Sri Lanka under the Constitution of 1978 is not a supreme legislative body; nor does it enjoy the doctrine of sovereignty which is enjoyed by the British Parliament or the National State Assembly under the Constitution of 1972."

Do you agree? Discuss.

7. Independence of the judiciary requires suitable constitutional structures and protections not only to protect the judiciary as an institution but also to protect judges and others as individual officers of the judiciary.

Do you agree? Support your answer with relevant basic principles and authorities.

\*\*\*\*\*