

**UNIVERSITY OF COLOMBO, SRI LANKA**

**FACULTY OF LAW**

**BACHELOR OF LAWS EXAMINATION, YEAR I – 2018 (REPEAT)**

**Constitutional Law – I**

(Three Hours)

Total Number of Questions: 07

Answer any **Four** (04) questions **only**.

(Candidates will be penalized for illegible handwriting.)

1. “‘Rule of law’ has in recent times come in to its own. It is lauded by international agencies, pressed upon conflictual, post conflictual and ‘transitional’ societies, and of course talked up by politicians and lawyers, particularly judges all over the world.”

Discuss to what extent the concept has influenced the development of democratic governance in Sri Lanka. Support your answer with concrete examples.

2. “While the classification of powers of government into legislative, executive and judicial powers involves many conceptual difficulties within a system of government based on law it remains important to distinguish in constitutional structure and process between the primary functions of law making, law-executing, and law-adjudicating. If these distinctions are abandoned the concept of law itself can scarcely survive.”

Analyze the above statement with special reference to the doctrine of Separation of Powers in Sri Lanka.

3. 'It is often argued that 'parliamentary supremacy' is unsuitable for the contemporary context of Sri Lanka. However, the traditions by which Sri Lanka has been influenced continue to retain the sense that parliamentary supremacy exists within the Sri Lankan Constitutional matrix. Some further contend that parliamentary supremacy should be retained in order to prevent the judiciary from becoming law maker.'

Comment on the validity of the above statement. Support your answer with examples drawn from the post-independence Constitutions of Sri Lanka.

4. The judiciary has played a well recognized role in the development and evolution of society and ensuring good governance by those holding reigns of power. In that, perhaps, there can be no two views as to the significance of the role of the independent judiciary, viz- à -viz, the ultimate goal and good governance needed for a free society.

Do you agree? Your answer should identify the factors that would help to uphold such independence in a democratic society.

5. Harry was an employee of the Ministry of Higher Education of the Republic of Sereneland. His letter of appointment states that he should gain fluency in 'X' and 'Y' the both languages mainly used in Sereneland. Five years after his appointment, the Minister of Higher Education sends Harry a letter stating that his services have been terminated with immediate effect as he has failed to gain proficiency in 'Y'. Harry states that there was no proper evaluating method adopted by the Ministry of Higher Education to ascertain whether he has obtained the said proficiency and hence the termination of his services is unfair and unjust. Deeply disappointed by the circumstances, Harry writes an article to 'Sereneland Daily' criticizing the Ministry of Higher Education and its language policy. The article also criticizes Mr. Perera, the Minister of Higher Education. The following day of the publication of the article, Harry is arrested by the police for criticizing the Minister. Harry believes that his rights are violated.

Assuming that the legal system of Sereneland is similar to that of Sri Lanka, advise Harry.

6. Introduction of the 19<sup>th</sup> Amendment to the 1978 Constitution of the Democratic Socialist Republic of Sri Lanka intended to enhance good governance while restricting the powers of the office of the executive presidency.

Do you agree? Support your answer with three salient features of the 19<sup>th</sup> Amendment.

7. Write notes on any two (02) of the following only:

- a) Constitutionalism
- b) Committee system under the Donoughmore Constitution 1931.
- c) *Locus standi* in a fundamental rights petition.

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