

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
BACHELOR OF LAWS EXAMINATION, YEAR I - 2019
LEGAL METHOD

(Three Hours)

Total number of questions: 07

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

(Candidates will be penalized for illegible handwriting.)

1. 'The law is used as a means to shape society and regulate people's behaviour. It is an attempt to control the human conduct through the help of Law.'

Do you agree with the above statement? Discuss, with reference to any two schools of legal thought and support your answer with practical examples.

2. "Reason and reflection require us to recognize that in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him."

Black J in *Gideon vs Wainwright* (1963) 372 US 335.

Critically comment on the validity of the above statement with reference to the key characteristics of the adversarial system which challenges justice and fairness. Compare your answer with the situation under the inquisitorial system of adjudication.

3. 'The goal of statutory interpretation is to discover the intention of the legislature, gathered from the words used in the statute.'

Discuss the above statement in light of the Rules of Statutory Interpretation substantiating your answer with case law jurisprudence and practical examples.

4. A case based on facts A, B, and C, is being argued before a bench of three judges in the Court of Appeal 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 delivered in 2011 in a case based on facts A,B and C;

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(b) A judgment of the Privy Council in appeal from Ceylon in a case based on facts A, B, C and D;

(c) A judgment of the Supreme Court of India in a case based on facts A, B, and C and delivered in December 2004; and

(d) A judgment delivered in 2018 by a bench of three judges of the Court of Appeal of Sri Lanka in a case based on facts A, B and C.

5. Seeland is a multi-cultural country with a majority of Shaki community. The country also has a considerable minority population of Sillu community living there for past 300 years. As a long-standing tradition, women of Sillu community follow a custom that requires all Sillu women to wear a veil. In May 2019, Seeland enacted the 'Prohibition of Full-Face Veils in Public Act' which bans and outlaws full-face covering in public. The section 2 of the Act forbids a full-face covering in public and imposes a fine of Rs.15,000 and/or imprisonment of up to 6 months.

The Government justified the implementation of the new law as a necessary safety measure in the wake of terrorism and security threats, following a string of extremist terrorist attacks that occurred in late April 2019. In last October, two Sillu women wearing a veil in public were arrested and charged under section 2 of the Act. The two women strongly argue that wearing a veil is their own choice and it is a deep-rooted tradition closely associated with their culture. Furthermore, the religious leaders of the Sillu community argue that the veil symbolizes devotion and piety and it is a vehicle for distinguishing between women and men and a means of controlling male sexual desire.

Your advice is sought as to the validity of the custom. Write your advice assuming the legal system of Seeland is similar to that of Sri Lanka.

6. Assume that you are invited to present a paper at a conference organized by the Ministry of Justice under the theme of "Alternative Dispute Resolution (ADR) in the 21st Century: Prospects, Challenges and the Way Forward for Sri Lanka".

Draft a paper to be in line with the theme of the conference.

7. 'There is concern within the legal profession that professional standards of legal practitioners are declining.'

Do you agree with the above statement? Critically discuss with reference to the rules of professional ethics and responsibilities of lawyers in Sri Lanka. Substantiate your answer with practical examples and case law.
