

UNIVERSITY OF COLOMBO, SRI LANKA

FACULTY OF LAW

BACHELOR OF LAWS (REPEAT) EXAMINATION, YEAR I (Online) – 2020
(held in 2021)

Legal Method

(Three Hours)

Total Number of Questions: **06**

Answer **THREE (03)** questions and **no more**.
(Candidates will be penalized for illegible handwriting.)

01) The term 'law' defies a single definition. For some scholars, law is a social phenomenon, and it should meet the social expectations of people, while others disagree with that proposition.

Do you agree? Discuss the above statement citing a law which has been created in response to meet the competing social expectations and another which is not necessarily so. Support your answer drawing from relevant schools of thought.

02) The adversarial system attempts to ascertain the truth of a matter through a competitive process between prosecution and defence, whereas the inquisitorial process grants more power to the judge who oversees the process.

Critically Comment on the validity above statement with particular reference to the role of the judge in these two systems.

03) The State of Seelanica consists of diverse cultural groups and ethnicities. Tongo people are devotees of Shindumaala temple, who believe that Tongo women between the ages 12 and 55 should not enter their historic Shindumaala temple because they consider women to be 'unclean' and 'impure'. The government of Seelanica enacts the Prohibition of Discrimination Against Women Act, No.10 of 2021.

Section 3 of the Act provides,

'No woman or girl shall be subjected to discriminatory treatments based on biological factors.'

In August 2021, the Council of Priests of Shindumaala temple organized a religious conference to celebrate 1500 years of excellencies in the temple. Due to the alleged impurity, the Priests strongly declared that, the tradition of Shindumaala temple does not allow women to enter the premises.

In September 2021, the Non-Governmental Organization called Vinyaa Women's Organization found the video of the religious conference that stated the prohibition of women entering the temple, alleging the Shindumaala Priests violating section 3 of the Act. However, the Council and devotees deny the allegation and argue that exclusive male participation is an ancient religious practice dating back centuries. Furthermore, both men and women of the Tongo community have traditionally followed this practice deeply embedded in their heritage.

Vinyaa Women's Organization expects your advice on the validity of this custom. Advice Vinyaa by referring to the relevant case law. Assume that the legal system of Seelanica is similar to that of Sri Lanka.

04) Judicial pronouncements and opinions have a significant impact on the development of the law.

Do you agree with this statement? Discuss with reference to application of the judicial precedent as a Common Law heritage in Sri Lanka. Substantiate your answer with case law authorities.

05) The number of cases related to gender-based cyber violence has been increasing in the State of Jemaland over the past few years. In 2021, the government of Jemaland passed

a law to protect social order and morality, prohibiting the promotion of indecent and obscene acts.

Section 7 of the Prevention of Obscenity and Pornography Act, No. 12 of 2021 provides,

‘Any person who engages in indecent or obscene act and publish those acts shall commit an offence under this Act.’

Maya and Roya, citizens of Jemaland, revealed their difficulties while maintaining their homosexual relationship via social media platform. This video went viral and created a controversial background. Hence, both Maya and Roya were charged under Section 7 of the Act. They argue that they have not committed any indecent and obscene act defined by the Act, and that they have the right to choose their partner.

Assuming that you are the judge hearing the case, select a rule of interpretation that you would apply in interpreting the statute and justify your selection. Also consider that the legal system of Jemaland is similar to that of Sri Lanka.

- 06) Assume that you are a member of a committee appointed by the Ministry of Justice to make recommendations on the effectiveness and operation of the alternative dispute resolution system of Sri Lanka. Prepare a report highlighting the shortcomings, if any, and suggesting recommendations for further improvement of their functioning.
