

**UNIVERSITY OF COLOMBO, SRI LANKA**  
**FACULTY OF LAW**  
**DEGREE OF MASTER OF LAWS IN PUBLIC AND INTERNATIONAL LAW- 2023/24**  
**Criminal Law and Justice**  
**TLLM 1136**

(Three Hours)

Total number of questions:04

Answer any **Three** questions  
(Candidates will be penalized for illegible handwriting)

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01. 'The foundation of our criminal justice system is the criminal law: laws that define criminal acts and how such acts will be punished. Indeed, enforcing these laws is what sets in motion the entire criminal justice process. But, like most things in our dynamic society, the law is not static. Enactment of new criminal laws and changes to those laws are almost always triggered by social, political, and economic changes. New ways to commit crimes are discovered, new illegal drugs make their way to the marketplace, new weapons and technology (for criminals and police alike) come on the scene, and suddenly, lawmakers and law enforcement officials find themselves needing new tools to prevent and prosecute crimes'.

In light of the above statement, discuss the interdisciplinary nature of criminal justice studies, presenting local and international examples.

(20 Marks)

02. 'The legal systems of countries in the Asian region, with their own historical evolutions, have created specific practices that affect the actual political and legal operations. The various historical periods, be they feudal, colonial or post-

independence, have left various traditions that particularly affect countries' basic criminal justice systems. These systems cannot be transformed merely through constitutional provisions or treaty obligations. In fact, even the introduction of domestic human rights legislation cannot by itself transform these systems. It is therefore necessary to make deliberate attempts to understand the existing systems, and gauge the measures required to realize international human rights standards'.

In light of the above statement, discuss the challenges faced by **ONE** of the following criminal justice institutions in Sri Lanka, and discuss possible solutions:

- a) The police force including paramilitary entities
- b) Criminal courts including trial procedures and sentencing
- c) Correctional system including prisons and offender rehabilitation

(20 Marks)

03. Although every offender and victim must to be treated equally in the criminal justice institutions, research materials demonstrate that certain categories of people are more vulnerable in the criminal justice system, hence their access to justice should be enhanced by taking various measures at different levels, such as at police stations, courts and correctional facilities. Focusing on vulnerable categories of people such as juveniles, people with disabilities, LGBT+ people and racial or religious minorities including migrants and indigenous people, discuss how criminal justice institutions have introduced various measures to improve access to justice. Also, comparatively analyse some of such measures adopted by other jurisdictions with the measures taken or not taken by the authorities of Sri Lanka.

(20 Marks)

04. The President of Sri Lanka has set up a commission of inquiry to investigate the efficacy of the local criminal justice system and appointed a panel of advisors. Assume that you have been appointed as a member of this commission responsible

for one of the following portfolios. Your first task is to present a concept note on how you would identify the existing problems in the laws and the justice institutions that come under your designated portfolio, and identify suitable solutions.

Accordingly, choose only **ONE** of the following portfolios and prepare your concept note explaining **what steps** you would take to identify the problems and solutions.

- a) The Department of Police
- b) The Department of Prisons
- c) The Attorney-General's Department
- d) Magistrate Courts and High Courts
- f) Drug offender rehabilitation programs
- g) Juvenile Justice institutions
- f) The counter-terrorism mechanisms

(20 Marks)

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