

**UNIVERSITY OF COLOMBO, SRI LANKA**  
**FACULTY OF LAW**  
**DEGREE OF MASTER OF LAWS IN PUBLIC AND INTERNATIONAL LAW- 2023/24**  
**SEMESTER I END EXAMINATION**

**Human and Fundamental Rights Law – TLLM 11310**  
(Three Hours)

Total number of questions: 04

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

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**Question 01**

'How one understands the meaning of human rights will influence one's judgement on such issues as which rights are regarded as universal, which should be given priority, which can be overruled by other interests, which call for international pressures, which can demand programs for implementation, and for which one will fight.'

Do you agree? Discuss the above statement, drawing from at least three philosophical approaches to human rights law and relevant examples from international human rights law, constitutions or caselaw, explain your answer.

(20 Marks)

**Question 02**

'Chater-based mechanisms and Treaty-based mechanisms are well suited to advance respect for human rights among member states of the United Nations.'

Do you agree? Analyse the above statement by comparing and contrasting the way in which Chater-based and Treaty-based mechanisms have operated in relation to Sri Lanka. Your answer should include at least three examples.

(20 Marks)

### **Question 03**

Critically analyse at least four features of the constitutional judicial remedy for the protection of fundamental rights in Sri Lanka. Does the judicial remedy provide adequate protection for Sri Lanka's international obligations to respect human rights? Explain. Your answer should include relevant constitutional provisions and caselaw.

(20 Marks)

### **Question 04**

Jana is an environmental activist. She writes a letter to the newspaper, arguing that vegetarianism must be enforced by law. Soon after, Jana is arrested by the police on the basis that her letter has incited religious disharmony and violence. The police allege that her letter has incited communities that practice vegetarianism, due to religious belief, to violence against religious groups that practice animal sacrifice. Upon arrest, Jana is questioned by the police for about eight hours. She is not provided water or food during this time. Her requests to use the toilet are denied. During her time in the cell, other women and men detained in the police station reprimand her for the letter and ridicule her. She is remanded by the Magistrate for three weeks. At the remand prison, Jana meets Seetha. Seetha confides in Jana that she worked as an officer in a government department and has been remanded on suspicion of having accepted a bribe for expediting paperwork for an application for a permit. Seetha says that over the last three months one of her colleagues at work had constantly approached her for sexual favours which she refused. Jana claims that she was framed by her colleague because she was due to make a complaint to the police about his conduct towards her. The application for a permit involved the construction of a recreational facility near a lagoon commonly used by fisherman. Jana relays the details of Seetha's account to her colleague Raja, an investigative journalist. Raja is interested in pursuing legal action to challenge the planned development project.

Advise Jana, Seetha and Raja on whether they can seek remedies under Article 126 of the Constitution of Sri Lanka and whether they can rely on any international human rights law to support their case.

(20 Marks)