

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
MASTER OF LAWS DEGREE PROGRAMME 2022/24
REPEAT EXAMINATION– TRIMESTER I, II, III & IV
LEGAL THEORY – LLM 1024

(Three Hours)

Total number of questions: 04

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

Question 01

In the state of Wonderland, debt restructuring and tax revisions have considerably altered the disposable income of the working class. As a result, trade unions of public officers began to demand salary increments. The government responded that there would not be any salary increment for public officers in the year 2024. Being dissatisfied with the Government's response, the trade unions of public officers launched indefinite strike action and gathered a massive protest against the government in the capital of Wonderland. The government used a court order and police force to control the protestors accessing the office of the Presidential Secretariat. On the same day, the official spokesperson of the ruling party stated that steps would be taken to designate selected public offices as an essential service.

Critically analyse the above situation in light of perspectives of positivist and natural schools of thoughts with special reference to at least one scholar of your choice from each school of thought. Assume that the laws of the State of Wonderland are similar to those of Sri Lanka.

(100 Marks)

Question 02

'Common Law judges' role of judicial law-making would become a reality when they are to adjudicate cases that could be classified as 'hard cases'. The Sri Lankan judiciary has effectively discharged its role in judicial (law ?)making in the so-called 'hard cases'.'

Do you agree? Support your answer with relevant legal authorities and relevant legal theories. You are expected to use minimum of two case law illustrations in your answer.

(100 Marks)

Question 03

'Despite the fundamental differences between American realism and Scandinavian realism, both schools of thought vehemently attack legal formalism. Both schools believe that legal formalism keeps the law as a rigid and gapless system with no room for policy or moral consideration.'

Critically analyse the above statement by drawing appropriate illustrations from legal authorities with reference to above mentioned schools of thoughts (Marks 100)

Question 04

"Article 12(1) grants equal protection of law to all persons irrespective of their sex. Therefore, making a law affording certain rights or privileges only to some persons would be violative of Article 12(1). It is in that lights that I see that Article 12(4) of the Constitution operates as a proviso to Article 12(1). Therefore, making a law affording certain rights or privileges only to some persons other than for the purpose set out in Article 12(4) would violate the Constitution"

- *P.Padman Surasena J in Supreme Court determination on Gender Equality Bill SC SD No. 54/2024, pp 17*

Critically analyse the above statement, by citing suitable illustrations from the grounds on which the 'Gender Equality Bill' is challenged, with reference to at least two perspectives under feminist school of thought.'

(100 Marks)
