

**University of Colombo, Sri Lanka**  
**Faculty of Law**  
**Bachelor of Laws Degree (Honors), Year I Examination**  
**1<sup>st</sup> Semester – End Examination – 2024**  
**LAW 11404 – Constitutional Law - I**  
**(2 ¼ hours)**

**Total Number of Questions: 04**

Answer only **two (02)** questions and no more

(Candidates will be penalized for illegible handwriting.)

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1. The doctrine of separation of powers is regarded as one of the cornerstones of constitutional governance. The doctrine emphasises its role in safeguarding against tyranny and ensuring the checks and balances necessary for the preservation of liberty. However, critics contend that rigid adherence to this principle may lead to inefficiencies and gridlock in decision-making, hindering effective governance. Despite these conflicting perspectives, ongoing scholarly discourse seeks to reconcile the theoretical ideals of separation of powers with practical governance challenges, aiming to strike a balance that optimizes both accountability and efficiency in governmental processes.

Do you agree? Discuss the above statement, citing examples from selected three jurisdictions, including one adhering to a parliamentary system, another to a presidential system, and Sri Lanka.

(30 marks)

2. The most significant feature of the Second Republican Constitution of 1978 was the introduction of the executive presidential system. The system was referred to as semi-presidential or Gaullist (following the French constitution) by its champions. However, its critics cited the enormous powers vested in the office that undermined the powers of other institutions to argue that such a description was misleading and that the executive presidency undermined principles of constitutionalism.

Discuss with reference to the efforts to reform and abolish the executive presidential system in recent years in Sri Lanka.

(30 marks)

3. On the 12<sup>th</sup> of June 2024, a group of citizens gathered in the town square to express their objections to the new tax policies introduced by the government. They assembled, holding signs and chanting slogans calling for change. However, as their voices grew louder, the police intervened. With little warning, tear gas canisters were launched into the crowd, and water cannons were unleashed, resulting in chaos among the crowd. Several individuals were injured and subsequently rushed to nearby hospitals for treatment. While Aria, a courageous young human rights activist, spoke out against the injustices that took place in that incident, to the Media, she and several colleagues were arrested by the police. The next day, Aria's father visited the police station to see his daughter. However, the Officer in Charge (OIC) denied his request. Two days later, when Aria's father returned accompanied by a lawyer to see his daughter, they saw that Aria had been beaten and had several bruises on her body.

Discuss the above scenario in light of the violations of Fundamental rights. Substantiate your answer with relevant constitutional provisions and case law authorities.

(30 marks)

4. The rule of law does not have one clear fixed meaning, but instead has been subject to a number of different interpretations. While traditionally, its focus was on the view that governmental action must be subject to limitation in order to avoid an abuse of power, the more recent interpretations have widened its scope.

Do you agree with above statement? Critically discuss the above statement and analyse the new interpretations for the rule of law in relation to the Dicey's classical point of view.

(30 marks)

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