

**UNIVERSITY OF COLOMBO, SRI LANKA  
FACULTY OF LAW**

**BACHELOR OF LAWS EXAMINATION, YEAR IV - 2023**

**Jurisprudence**

(Three Hours)

Total Number of Questions: 07

Answer **FOUR (04)** questions and **no more**.  
(Candidates will be penalized for illegible handwriting.)

---

The **first four (4) questions** will be based on the following factual scenario.

The University of Omelas has a storied history of academic excellence but has recently found itself at the centre of controversy due to the following incidents:

**Incident 01-** The Libertarian Society of the University had invited Professor Winston Smith, a controversial political commentator, to deliver a public talk at the University of Omelas. Prof. Smith had previously made several controversial public statements such as referring to an ethnic minority group as “terrorists” and saying, “women have forgotten that their rightful place in society is in the kitchen.” As a result, the student union staged a protest to ban him from speaking at the university and to have him arrested.

**Incident 02-** Hannah Baker, a fourth-year student, committed suicide in the university dormitory. She had left a note stating that she was feeling completely isolated and was under severe stress. It also stated that she had been severely depressed ever since her first year when she had been subjected to psychological and sexual abuse during the ragging season. Following this incident, the student community has raised concerns regarding the lack of attention given by the university administration to address issues of mental health and ragging.

**Incident 03-** The University of Omelas has recently amended its student admission policies and now requires equal male and female representation as well as 25% ethnic minority representation in all courses. Several student groups and

members of the academic staff have voiced their support of these policies while others have opposed them.

**Incident 04-** The University newspaper published an exposé claiming that a senior academic, Prof. Miller, had agreed to give a first-year student a good grade in exchange for sexual favours. Two other students had come forward with similar allegations and the university informed the students that a formal investigation would be conducted. However, there is growing concern among the students regarding the manner in which this issue is being resolved.

01. Critically analyse the jurisprudential issues arising from the four (4) incidents that took place at the University of Omelas through the lens of natural law theory. You are expected to refer to specific and relevant concepts and approaches of natural law theory.  
(25 marks)
02. Critically analyse the jurisprudential issues arising from the four (4) incidents that took place at the University of Omelas through the lens of feminist legal theory. You are expected to refer to specific and relevant approaches adopted by feminist legal theorists.  
(25 marks)
03. Critically analyse the jurisprudential issues arising from the four (4) incidents that took place at the University of Omelas through the lens of critical theories of jurisprudence excluding feminist legal theory. You are expected to refer to specific and relevant concepts and approaches adopted by critical theorists excluding feminist legal theorists.  
(25 marks)
04. Critically analyse the jurisprudential issues arising from the four (4) incidents that took place at the University of Omelas through the lens of sociological jurisprudence. You are expected to refer to specific concepts of sociological theorists.  
(25 marks)

05. The absolute political sovereignty of Austinian positivism suffers from overwhelming structural and practical infirmities and fails to reconcile with contemporary constitutional systems.

Do you agree? Critically analyse the given statement with reference to liberal constitutional mechanisms. You are required to draw examples from two selected jurisdictions of your choice

(25 marks)

06. Answer **both** (A) and (B), citing relevant legal authorities.

According to Ronald Dworkin, judges are never free to exercise strong discretion in deciding issues of policy. Even in a hard case, a judge is not free to weigh conflicting social policies. His decision must be determined by consistent application of legal principles in similar cases.

(A) Critically analyse whether the above statement accurately represents Dworkin's thesis regarding the role of the judiciary.

(15 Marks)

(B) Critically analyse the relevance of Dworkin's rights thesis in the contemporary Sri Lankan legal context.

(10 Marks)

07. Loanstar, a country facing significant income inequality and social welfare challenges, is contemplating the implementation of a progressive taxation system to tackle these issues.

Critically analyse how John Rawls' theory of justice as fairness and Robert Nozick's entitlement theory would justify or critique the progressive tax rates and redistribution of wealth aimed at funding social programs. Support your response with key arguments from each theory.

(25 marks)

**(Each question will be marked out of 25)**

\*\*\*\*\*