

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
MASTER OF LAWS DEGREE PROGRAMME 2024/26
1st Semester End Examination – 2025

Legal Theory – LLM11402

(Three Hours)

Total number of questions: 04

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

Question 01

In January 2025, the Sindyland government initiated a nationwide crackdown on vehicles with unauthorised modifications, including custom exhaust systems, loud silencers, and other alterations, under the "Safe Road" initiative aimed at improving road safety and reducing environmental pollution. These measures are rooted in the Motor Traffic Act and associated regulations, passed with proper legislative and procedural authority.

Ravi, an automobile engineer and advocate for technological innovation, modified his vehicle with a custom exhaust system designed to enhance efficiency and reduce emissions. Despite his system's compliance with international environmental standards, he was fined and compelled to restore his vehicle to its original specifications. Ravi argues that the regulation violates principles of proportionality and innovation by restricting advancements beneficial to public welfare and fail to reflect the moral and social values of fairness and individual autonomy, undermining constitutional and international human rights principles.

Assuming that Sindyland's legal system is similar to that of Sri Lanka, critically analyse the legitimacy of the "Safe Road" initiative using legal positivism and natural law theory, focusing on their procedural validity versus their moral underpinnings. Support your answer with relevant authorities and examples.

(20 Marks)

Question 02

'Legal realism challenges the traditional view of law as a set of abstract rules and principles, contending that the law is shaped by the actions, decisions, and biases of judges, as well as by the social and political contexts in which it operates. It emphasises the practical application of law over theoretical formulations.'

Critically analyse the key tenets of legal realism and its critique of formalism. Support your answer with examples from Sri Lanka or other jurisdictions to illustrate how legal realism provides valuable insights into the practical functioning of legal systems.

(20 Marks)

Question 03

'The sociological school of law views law as a dynamic instrument of social change, emphasising its role in shaping and being shaped by social needs, values, and conditions. It highlights the interdependence between law and society, advocating for legal systems that adapt to social realities to promote justice and welfare.'

In light of this statement, critically examine the relevance of the core principles of the sociological school of law to the socio-legal challenges faced by contemporary Sri Lankan society. Support your answer with three examples of how the sociological approach has been applied to address those challenges in Sri Lanka, either through legislative reforms or judicial decisions.

(20 Marks)

Question 04

Answer either (A) or (B) only.

- (A) 'Feminist legal theory challenges traditional legal frameworks, asserting that they often reflect and perpetuate gender-based inequalities. It seeks to uncover how laws and legal systems reinforce patriarchal structures and advocate for reforms to promote gender justice and equality.'

Critically analyse this statement with reference to two feminist theories of your choice. Support your answer with relevant authorities and examples.

(20 Marks)

- (B) 'Rawlsian theory of justice as fairness provides a more equitable framework for modern societies than Nozick's entitlement theory.'

Do you agree? Justify your answer by comparing the two theories and providing reasons.

(20 Marks)
