

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
MASTER OF LAWS DEGREE PROGRAMME 2024/26
2nd Semester End Examination – 2025

Constitutional Law – (LLM 12404)

(Three Hours)

Total number of questions: 04

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

Question 01

In the last twenty-five years, the Sri Lankan Constitution has been amended five times. Choose at least four specific aspects of any of these amendments and analyse the impact of those specific aspects on respect for constitutionalism in Sri Lanka.

(20 Marks)

Question 02

Aga is a religion practiced by the majority in the State of Rata. Only men are permitted to be ordained as priests in the Aga religion by the main shrine of Aga. However, about a 100 years ago, for a brief period, women too had been ordained as priests in this religion. There is evidence in the sacred texts of this religion that women may be ordained as priests. Relying on this text, in the last ten years, approximately fifty women established themselves as priests and many adherents of the Aga faith have been treating them as priestesses. Recently, these self-declared women priestesses applied for the identity card issued by the Ministry for Religious Affairs of Rata for ordained priests. The Minister rejected their applications on the basis that it only recognizes the priests recognized by the main shrine of Aga.

Assume that the constitution of Rata is similar to that of Sri Lanka, including Article 9 of the Sri Lankan Constitution. Assess the rejection by the Minister for Religious Affairs of the application for identity cards by the self-declared priestesses, drawing from case-law as required. In your answer discuss the arguments for and against separating religion and the state.

(20 Marks)

Question 03

Assume that a committee has been appointed to consult the public on proposals for a new constitution for Sri Lanka. While the Committee has called for submissions in general, it has specifically requested submissions in relation to the Executive branch, on fundamental rights and power-sharing.

Write your submission focusing on at least two of the three specific areas identified by the Committee. Your submission must provide a critical analysis which justifies your proposals.

(20 Marks)

Question 04

'No useful purpose is served by giving constitutional recognition to judicial power if there is no independent judiciary to protect itself from executive and legislative intrusions. Similarly, no useful purpose is served by giving constitutional recognition to fundamental rights if there is no independent judiciary to protect them from executive and administrative excesses... In the end, the full implementation of all rights of the people depends upon the proper administration of justice by a competent, independent and impartial judiciary by upholding the rule of law.'

Industrial Disputes (Special Provision) Bill DSCB XVII (2022) 147-8

Do you agree? Discuss, focusing specifically on significance of checks and balances, respect for fundamental rights and the administration of justice for ensuring the independence of the judiciary.

(20 Marks)