

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW

BACHELOR OF LAWS DEGREE (HONORS) EXAMINATION
YEAR II – Semester I – 2025

LAW 21304 - Constitutional Law II
(2 1/4 Hours)

Total Number of Questions: 04

Answer **one question from Part I and one question from Part II**, a total of **TWO (02)** questions.
(Candidates will be penalised for illegible handwriting.)

PART I

1. In the Federal Republic of Vamana, the Sinha ethnic minority comprises 12% of the national population. However, they form an overwhelming majority in the northern Matchaya Region. The Matchaya Region has been demanding greater autonomy for decades, referring to the inherent features of its culture. The Matchaya Region sought a constitutionally guaranteed self-governing status within the Vamana Republic, advocating for a devolved framework. After demanding a devolutionary mechanism for years and experiencing radical nationalist approaches of the Vamana government, the Matchaya Region demanded linguistic federalism, as the majority of the ethnic minorities within the Matchaya Region also speak the Sinhan language along with the Sinha community. However, due to systematic discrimination and human rights violations targeted at the Sinhas in recent times, the Matchaya Region is demanding secession. Meanwhile, the Kalki community, which is an indigenous community, has also initiated claims for a separate system of governance due to their cultural identity. The Vamana government has initiated limited constitutional reforms due to international pressure. However, the Matchaya Region advocated for an independence referendum.

Discuss the above scenario by examining similar issues in other jurisdictions that have experienced or are currently experiencing comparable challenges. In your discussion, apply relevant power-sharing concepts and theories and provide your opinion on how such issues can be effectively addressed.

(30 Marks)

2. Two days ago, the 'National Policy on Social Services and Rehabilitation Bill' was published in the Gazette. This Bill addresses the 'rehabilitation of destitute persons and families,' which falls under the Provincial Council List (PC List), as well as the 'rehabilitation and resettlement of displaced persons,' a subject listed under the Concurrent List (CL). Notably, the Bill contains enforceable provisions. This apart, the Uva Provincial Council enacted a statute concerning the rehabilitation and resettlement of displaced persons in 2021, and the Central Provincial Council is

currently in the process of drafting a statute on the 'rehabilitation of destitute persons and families.' Additionally, the Social Services Act No. 16 of 1981 consists of provisions that deal with social services and rehabilitation.

Aruna, a minority rights activist, seeks your advice on how to challenge the 'National Policy on Social Services and Rehabilitation Bill' and to secure legislative powers devolved to the Provincial Councils under the Constitution. Substantiate your answer with relevant constitutional provisions and case law authorities.

(30 Marks)

PART II

3. The Provincial Council election for the Western Provincial Council (WPC) was held on 31st July 2025. No political party secured a clear majority in the Council. Consequently, the Governor of the WPC appointed Ravana, a member of the United Democratic Youth Front, which had secured the highest number of seats among the elected parties, as the Chief Minister. In addition, the Governor appointed four other members as ministers to the Board of Ministers at his discretion.

Furthermore, the Governor is a paid member of the advisory committee of 'Asanka International Enterprises'. Mahen, the son of the Director of this company, serves as an Assistant Field Officer at the Provincial Housing Unit of the WPC. Despite the presence of two other Assistant Field Officers with longer service and superior qualifications, the Governor directed the Provincial Public Service Commission of WPC to promote Mahen to the position of Chief Field Officer. Subsequently, several members of the WPC raised concerns over appointments, promotions, and transfers within the provincial public service, alleging that such decisions are politically influenced. Following a heated argument with Provincial Council members at a general meeting, the Governor reported to the President that the administration of the WPC could no longer be carried out in accordance with the constitutional provisions. As a result, the President is planning to assume all the powers and functions of the WPC under his authority. Meanwhile, members of the WPC are having discussions on the possibility of removing the Governor from office.

Discuss the legality of the actions and decisions taken by the relevant authorities. Advise the concerned authorities on the proper procedure to be followed in taking such actions and decisions. Support your answer with the relevant Constitutional provisions and case law authorities.

(30 Marks)

4. Answer both **(A) and (B)**

(A). Krishna, the newly elected Mayor of the Maurya Municipal Council (MMC) in Ganga Island, announced at his inaugural session that the MMC would establish a 'Local Industry Promotion Centre' within the municipal limits. The objective of this initiative is to enhance the local economy by promoting self-employment among residents. As part of this initiative, the Centre is

intended to provide training, financial support, and raw materials to local entrepreneurs involved in traditional crafts such as clay work, *beeralu* lace-making, coconut coir products, and *batik* textiles, by only utilising locally sourced raw materials.

Following this announcement, the MMC enacted a by-law stating, *"All shop owners, street vendors, and supermarket operators within the Maurya Municipal Council area shall purchase any clay work, beeralu lace making, coconut coir products, batik textiles exclusively from local self-employed persons."* The by-law further declared, *"The purchase of such goods from suppliers outside the municipal area is strictly prohibited."* However, the Local Industries Promotion Act, a law enacted by the Parliament of Ganga Island, provides that: *"All public enterprises shall give priority to locally located self-employed persons when purchasing goods, if the required goods are available."*

Radha, a supermarket owner within the municipality, contends that she cannot meet all her product demands solely through local manufacturers. Similarly, Rama, who operates a tourist trade centre, was fined under the by-law for purchasing glass-based decorative products from a manufacturer located outside the municipal area. Both Radha and Rama intend to challenge the legality of the by-law before the court of law.

Assuming that the legal system of Ganga Island is similar to that of Sri Lanka, advise Radha and Rama on the possible grounds upon which they may challenge the validity of the by-law enacted by the MMC.

(20 Marks)

- (B). It was later revealed that Krishna's brother, Hanuma, had recently established a multi-product manufacturing factory in Maurya Town with the assistance and influence of his brother. Further investigations revealed that the above-said by-law was enacted specifically to cater Hanuma's business. Traders, including Raadha and Raama, claim that the MMC should be dissolved for its abuse of power.

Advise the aggrieved parties by referring to relevant legislative provisions and case law authorities.

(10 Marks)
