

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
DEGREE OF MASTER OF LAWS (BY COURSEWORK) - 2024/25
2nd SEMESTER END EXAMINATION – 2025 (AUGUST)

TLLM 1233- Anti Corruption Law
(Three Hours)

Total number of questions: 04

Answer any **Three (03)** questions only.
(Candidates will be penalized for illegible handwriting.)

Question 01

"Corruption issues have persisted in Sri Lanka despite almost 50 years of anticorruption efforts. The recent adoption of the Anti-Corruption Act, No. 09 Of 2023 introduced substantial improvements in the legal framework for anticorruption and organizational arrangements for confronting corruption. The Act will go far in aligning Sri Lanka's legal framework with international commitments and good practice standards."

-IMF Country Report No. 23/340; Governance Diagnostic Assessment, P 22-23

Focusing on the above statement answer the following questions:

- a) Critically discuss the reasons why previous anti-corruption efforts in Sri Lanka have failed to significantly curb corruption, and evaluate the extent to which international law and best practices have been incorporated into the Anti-Corruption Act, No. 09 of 2023.
- b) Critically examine the criticisms regarding the involvement of the International Monetary Fund (IMF) in the formulation of the Anti-Corruption Act, in light of the mandate granted to the Commission to Investigate Allegations of Bribery or Corruption (CIABOC). Your answer should refer to relevant legal provisions, case law, and comparative lessons from other jurisdictions to support your arguments.

(10 Marks)

(10 Marks)

(Total 20 Marks)

Question 02

'The Anti-Corruption Act, No. 9 of 2023 introduces a detailed or comprehensive framework on asset and liability declarations as a preventive tool against corruption. While the law claims to align with Sri Lanka's obligations under the United Nations Convention Against Corruption (UNCAC), critics argue that the system is more performative than preventive and lacks both accessibility and deterrent value for public officers.'

Do you agree? Critically assess the above statement by evaluating the legal framework governing the asset and liability declaration system in Sri Lanka.

(20 Marks)

Question 03

In the conventional criminal law regime in Sri Lanka, establishing a causative link between identifiable instance(s) of bribery or corruption and a particular suspicious asset is extremely difficult. Therefore, recovery of asset obtained, derived or realized directly or indirectly as a result of or in connection with the commission of any unlawful activity is lacking, even though the general public is continuously requesting to recover the stolen asset from the government. Accordingly, the new piece of legislation, Proceeds of Crime Act, No. 05 of 2025 has already been enacted recently to address the aforementioned concerns while facilitating Anti-Corruption legal regime and conventional Criminal Law in Sri Lanka.

Assume that you have been invited by the United Nations Office on Drugs and Crime (UNODC) to draft an opinion paper on Sri Lanka's Proceeds of Crime law. Prepare the paper by analysing the key features of the Act from an anti-corruption perspective.

(20 Marks)

Question 04

"Integrity, transparency and the fight against corruption have to be part of the culture. They have to be taught as fundamental values."

-Angel Gurría, OECD secretary general, 2018.

In light of the above assertion, critically examine the role of anti-corruption education, civil society engagement, and the protection of human rights in combating corruption. Support your discussion with reference to the statutory provisions of the *Anti-Corruption Act, No. 09 of 2023*, relevant case law, and practical examples.

(20 Marks)
