

**UNIVERSITY OF COLOMBO, SRI LANKA**  
**FACULTY OF LAW**  
**DEGREE OF MASTER OF LAWS (BY COURSEWORK) – 2024/2025**  
**2<sup>nd</sup> SEMESTER END EXAMINATION – 2025**

**TLLM 12318 - GENDER AND LAW**  
(Three Hours)

Total Number of Questions: **04**

Answer **THREE (03)** Questions.

(Candidates will be penalised for illegible handwriting)

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

- (A) Analysing the futility of formal equality in laws relating to political representation in countries like Sri Lanka, discuss **one** mechanism or strategy that can be introduced to guarantee substantive equality in Sri Lankan women's political representation and participation in decision-making at national level. Your discussion must be supported by good practices adopted by one other jurisdiction and relevant international and national legal authorities.

(10 Marks)

- (B) Discuss the contribution of the Optional Protocol to CEDAW in enhancing the state's obligation and accountability in implementing CEDAW at national level. Your discussion must be supported by relevant treaty provisions and examples of the communication procedure and inquiry procedure from at least **two** countries.

(10 Marks)

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

- (A) The feminist legal theory critiques the influence of patriarchal ideologies and masculinist norms in laws and structures that discriminate against women and girls. Describe, drawing examples from any jurisdiction, how the women's subordination in the law is viewed by **two** different approaches/schools within broader feminist legal theory.

(10 Marks)

- (B) Critically examine, by drawing at least two examples from Sri Lanka, how gender-discriminatory laws, policies, and practices based on patriarchal norms have influenced women's rights relating to property. Your answer must be supported by relevant statutory provisions and case law.

(10 Marks)

03. Gender sensitivity in the criminal justice system is essential to address women's unique needs, dismantle existing structural barriers, and safeguard them against potential vulnerabilities.

- (A) Discuss the vulnerabilities and challenges experienced by female victims of sexual and gender-based violence cases in Sri Lanka and suggest proactive measures to mitigate the challenges they face in the gender-neutral justice system.

- (B) Explain two (2) measures that can be implemented to safeguard the rights of female prisoners and detainees in Sri Lanka. Provide examples to elaborate on your explanation.

(10 Marks x 2 = 20 Marks)

04. Meena and Rajan are a married couple living in Jaffna. They are governed by Tesawalamai. Their fifteen-year-old daughter, Arathi, is excelling academically at her school, and she aspires to be a doctor. Rajan, who is an alcoholic, often abuses Meena and Arathi verbally and physically. To support Arathi's education, Meena contacted a businessman to sell the agricultural land she owns. However, Rajan refused to grant his consent for the transaction. After a heated argument, Rajan maliciously accused Meena of having an adulterous relationship and brutally raped her as a punishment. Meena wants to divorce Rajan and claim custody of Arathi. However, Rajan argues that he is the natural guardian of his daughter and that a mother has no rights over the custody of children. Rajan also reveals that he has already arranged Arathi's marriage with his manager, George.

Answer the following questions in light of the above scenario. Your answers must be supported by relevant legal authorities.

- (A) What legal remedies are available to Meena for the violation of her rights?

- (B) What legal remedies are available to Arathi for the violation of her rights?

(10 Marks x 2 = 20 Marks)