

**UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW**

DEGREE OF MASTER OF LAWS BY COURSEWORK - 2024/25

**2nd SEMESTER END EXAMINATION
Public Law in South Asia – TLLM 12316
(Three Hours)**

Total number of questions: 04

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

1. Today, any public member with "sufficient interest" may seek judicial redress for a breach of public duty or violation of constitutional or legal provisions. This approach is deemed absolutely essential for maintaining the rule of law, furthering the cause of justice and accelerating the pace of the realisation of the constitutional objectives.

Do you agree? Analyse the above statement in light of Sri Lanka, India, and Bangladesh. Substantiate your answer with case law.

(20 Marks)

2. The nature and scope of fundamental rights enshrined in the constitutions of South Asian countries exhibit notable variations. In addition to the limitations imposed on the legislatures within these constitutions to safeguard such rights, the judiciaries of respective jurisdictions assume a crucial role in advancing emerging human rights claims through creative interpretations and serve as a guardian of fundamental rights against legislative encroachments.

Do you agree? Evaluate the above statement in light of the constitutions of India, Nepal and Sri Lanka. Substantiate your answer with case law.

(20 Marks)

3. Answer either (A) or (B)

(A) Secularism, by ensuring the state's neutrality in religious matters, offers strong safeguards for religious minorities and fosters a more equitable democratic framework than non-secular states. In contrast, states that privilege a particular religion often experience increased violence and systemic discrimination. Although secularism is not a comprehensive solution to all societal divisions, it remains a critical foundation for promoting inclusivity, pluralism, and political stability within democratic systems.

Do you agree? Evaluate the above statement, choosing one or two secular states and one or two theocratic states from South Asia for comparison across three jurisdictions.

(20 Marks)

(B) Although both India and Nepal have embraced federalism as a mechanism for power sharing, their respective approaches reveal substantial differences in terms of origin, underlying rationale, and the nature of challenges faced during the implementation of federal structures.

Do you agree? Compare and contrast the federal structures of India and Nepal in light of the above statement.

(20 Marks)

4. Despite a formal constitutional commitment to the concept of constitutionalism in most South Asian countries, the actual adherence to the core principles of constitutionalism remains limited.

Do you agree? Analyse the above statement with reference to any two core principles of constitutionalism in light of three South Asian jurisdictions of your choice.

(20 Marks)
