

UNIVERSITY OF COLOMBO, SRI LANKA

FACULTY OF MANAGEMENT AND FINANCE

Bachelor of Business Administration (Level II - Semester V) Examination - 2017

FLN 2226 - Constitutional and Administrative Law

Two (02) Hours

Answer four (04) questions only, selecting two (02) questions from each part.

Part I - Constitutional Law

1. "The Legislative Supremacy (sovereignty) of parliament means, that parliament can pass any law on any topic, affecting any person, and that there are no fundamental laws which parliament cannot amend or repeat in the same way as ordinary legislation."

Do you agree with this statement?

Give reasons for your answer in light of the Legal connotation of Parliamentary Supremacy with special reference to the 1978 Constitution of Sri Lanka.

(Total 25 marks)

2. Discuss the powers and functions of the President of Sri Lanka, under the 1978 constitution with special reference to the 19th Amendment to the Constitution.

(Total 25 marks)

3. Write short notes on the following:

- i. Classification of Constitution
- ii. The concept of Rule of Law

(12.5 Marks Each)

(Total 25 marks)

Part II – Administrative Law

4. "All substantive ultra vires acts can be divided in to main headings, depending on the nature of the act as, simple ultra vires and question of jurisdiction."

Discuss the law relating to the doctrine of substantive ultra vires in light of this statement, with special reference to the decided cases.

(Total 25 marks)

5. i. Outline the structure (aspects) of the principle of Audi Alter am Partum (Listen to both sides) with suitable illustrations.

(10 Marks)

- ii. Wansanatha is a final year student in the Faculty of Management and Finance of University of Athugalpura. His studentship was suspended for three years by the University for his alleged involvement in the disturbances that took place in the University Premises in 2016, resulting in damages to the university property. Before the suspension, he had been questioned about the disturbances that took place in the University and was given time until 3.p.m. on the same day to appear before a committee. When Wansanatha appeared before the committee he requested the committee to allow him legal assistance to present his case. But the committee refused. Wansanatha seeks your advice to challenge the decision of the University under the following aspects of Audi Alter am Partum.

- a. Right to have notice of the charges
- b. Right to present one's case
- c. Right to legal representation

Advise Wansanatha.

(15 Marks)

(Total 25 marks)

6. Discuss the followings

- i. Rule against bias (Nemo Judex in Causa Sus Potest)
- ii. Writ of Mandamus

(12.5 Marks Each)

(Total 25 marks)