

UNIVERSITY OF COLOMBO, SRI LANKA  
FACULTY OF LAW

BACHELOR OF LAWS EXAMINATION, YEAR IV – 2017

**Jurisprudence**

(Three Hours)

Total Number of Questions: 07

Answer **FOUR (04)** questions and **no more**.  
(Candidates will be penalized for illegible handwriting.)

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1. Natural law theory influenced many ideas which rule the world today. However, throughout history many thinkers who have dissented from the natural law tradition have criticized the theory.

Analyse the above statement elaborating three important contributions of natural law theory and three main criticisms levelled against the theory.

2. Critically analyse the applicability of H.L.A. Hart's theory of law in a contemporary legal system. You are required to elaborate your analysis using more than one jurisdiction.
3. Critically analyse how in the context of Hans Kelsen's Pure Theory of Law the doctrine of the *Grundnorm* has been used in evaluating difficult post-revolutionary political and constitutional experiences.

4. "The real risk to the common law is not its movement to cover new situations and new knowledge but lest it should stand still, halted by a conservative judicial approach."

Lord Scarman in *McLoughlin v. O'Brian* [1983] 1 AC 410, at p 430

Do you agree with the above statement? Your analysis is required in the context of Ronald Dworkin's theory of the judicial role.

5. 'The State is pledged to establish...the rapid development of the whole country by means of public and private economic activity and by laws prescribing such planning and controls as may be expedient for directing and coordinating such public and private economic activity towards social objectives and the public weal...'

The Constitution of Sri Lanka (1978) Article 27(2) (d)

Analyse, using the sociological theory of law, a legislative attempt made by the state to strike a balance between the development of the country and enhancing the human rights of the people through 'planning and control'.

6. **Answer (A) or (B)**

(A) Feminist legal theory focusses on women's subordination in law and is dedicated to change the laws, procedures and mechanisms that discriminate against women. However, different approaches have been adopted by theorists in achieving this common objective. Analyse three such approaches, and explain which approach suits better in reforming gender discriminatory laws in Sri Lanka.

(B) Critically analyse the oppression and alienation under the liberal legal systems as identified by the critical legal studies movement and the alterative remedy that the Critical legal scholars offer.

7. John Rawls' distributive justice theory has been described as being too individualistic and liberal. Critically analyse.