

**THE OPEN UNIVERSITY OF SRI LANKA  
FACULTY OF HUMANITIES AND SOCIAL SCIENCES  
DEPARTMENT OF LEGAL STUDIES  
LL. B DEGREE PROGRAMME 2021/2022  
CONTINUOUS ASSESSMENT TEST II  
LLU 4708 CONSTITUTIONAL LAW II  
DURATION –ONE HOUR**



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**DATE: 16.09.2022**

**TIME: 11.30 a.m. to 12.30 p.m.**

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**Candidates will be penalized for illegible handwriting.**

- 1) "...The right to support or criticize governments and political parties, policies and programmes is fundamental to the democratic way of life; the freedom of speech and expression is one 'which cannot be denied without violating those fundamental principles of liberty and justice which lie at the base of all civil and political institutions'; and democracy requires not merely that dissent be tolerated, but that it be encourage."

*Mark Fernando J in Deshapriya v Municipal Council Nuwara Eliya [1995] 1 SLR 370*

The Sri Lankan judiciary has shown a progressive tendency of offering an expansive reading to the article 14 (1) (a) of the constitution which refers to the freedom of speech and expression. Do you agree with this statement?

Referring to relevant judicial authorities, discuss to what extent this statement reflects the approach of our Supreme Court in construing the meaning of aforementioned article.

**(20 Marks )**