

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LL.M IN CRIMINAL JUSTICE ADMINISTRATION
FIRST YEAR- FINAL EXAMINATION - 2022/2023
LLPA 504- LAW OF EVIDENCE
DURATION: 03 HOURS



Date: 04.11.2023

Time: 09.30 a.m.-12.30 p.m.

Total No. of Questions: 07

Answer Four (04) questions only.

Each question carries 25 marks.

Candidates will be penalized for illegible handwriting.

1. Critically evaluate the underpinning legal philosophy of the admissibility of expert opinion in a criminal trial. What reforms do you recommend to the existing legal provisions governing expert evidence in Sri Lanka? The answer must be supported by relevant statutory provisions and decided cases in Sri Lanka and the other two jurisdictions selected on your choice.
2. 'It is difficult to appreciate character evidence objectively as one's views in society will always be colored by the trends prevalent in society at that given time. This leads to situations wherein a person having a good case on all other fronts loses because society at that point in time perceives him to be of bad character.' Discuss the correctness of the statement in the light of the rule of law relating to character evidence in Sri Lanka, India or England and the USA.
3. 'In the law of evidence, the dying declaration is testimony that would normally be barred as hearsay but may nonetheless be admitted as evidence in certain cases because it constitutes the last words of a dying person.' Evaluate this statement with special reference to the

evidentiary value of the dying declaration supporting the relevant provisions of the Evidence Ordinance of Sri Lanka and the other three jurisdictions that followed the adversarial system of judicial proceedings.

4. 'Innovative dictums of judicial pronouncements have resulted in the development of a coherent body of rules relating to a confession made by the suspect/accused in a criminal matter.' Do you agree with the above statement? Give reasons for your answer with the support of relevant case law and statutory provisions in Sri Lanka with an analysis of comparative jurisdiction. What reforms do you suggest to the existing law governing confession in Sri Lanka?

5. 'The rule requiring corroborative evidence is seen by some as protection against miscarriages of justice in that it ensures that no person can be convicted of a criminal offence exclusively on the basis of the testimony of a single witness.' Discuss the rightness of the above statement with special reference to the significance of the corroboration rule in the law of evidence. Your answer must be supported by the existing legal provisions of three jurisdictions and relevant decided cases.

6. Discuss the admissibility of the evidence that has been obtained by improper means with reference to the existing legal provisions in three jurisdictions with decided cases.

7. 'The underlying rationale for the rule excluding similar fact evidence is that to allow it in every instance is to risk the conviction of an accused not on the evidence relating to the facts but because of past behaviors or disposition towards crime.' Critically discuss this statement in light of the development of the law concerning similar fact evidence in Sri Lanka and other two jurisdictions.

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