

**THE OPEN UNIVERSITY OF SRI LANKA**  
**FACULTY OF HUMANITIES AND SOCIAL SCIENCES**  
**DEPARTMENT OF LEGAL STUDIES**  
**LLB (HONS) DEGREE PROGRAMME- LEVEL 4**  
**FINAL EXAMINATION- 2023/2024**  
**LLU 4610 CONSTITUTIONAL LAW II**  
**DURATION- 3 HOURS**



**DATE: 22<sup>nd</sup> May 2025**

**TIME: 1.30 p.m.- 4.30 p.m.**

**Total Number of Questions- 08**

**Answer Five (05) Questions Only**

**Illegible handwriting will be penalized.**

01. "The Sri Lankan constitutional framework to protect human rights has evolved in a progressive direction throughout its post Colonial history".

Do you agree with this statement? Critically evaluate in light of the experience of constitution making in Sri Lanka.

**(20 Marks)**

02. Advise the parties in the following scenarios with reference to relevant constitutional provisions and case law.

A. Prabash was arrested by the police at 1.30 AM while he was driving home after attending a funeral. His motorcycle was stopped and the police told him that he's been searched for possession of drugs. Prabash protested, stating that he was a law student and the police should not dare to touch him. During the exchange, one police officer slapped him. He was dragged to the police and was continuously beaten. After being released on bail he was admitted to the hospital. Reports indicate a fracture in Prabash's shoulders.

**(10 Marks)**

B. Thush is a mother belonging to an ethnic minority group. Her daughter 15 year old Saama complains to her that at school she was harassed by a male teacher. Thush rushes to the school and informs the principal about the allegation. But the principal instead of listening to her accuses her for tarnishing the good name of the school. Saama falls into depression after the incident. Thush believes that her claim was disregarded because she belonged to a distinct ethnic group.

(10 Marks)

03. State X is a country caught in a civil war. The government declares a state of emergency due to the conflict situation. Emergency regulations state as follows:

2.1: Any assembly including more than five persons is considered unlawful. No person can criticise the war effort or publish anything that demoralise armed forces

Bashi is an investigative journalist. She gets a lead about a corruption scandal involving the army commander. She writes an article exposing the deal. The government directs the police to arrest Bashi under emergency regulations. Further the news outlet is banned for violating emergency laws.

Young journalists association (YJA) as a civil society organization working on media freedom seeks to challenge the emergency regulations and the other repressive acts involving Bashis incident. Discuss claims YJA can invoke in a possible fundamental rights application. Consider rules pertaining to locus standi in your discussion.

(20Marks)

04. Assume that you are a second year law student and you have been invited to do a speech on following topics on human rights day organized by the university. You should outline your speech reflecting on the following themes..

- a. Limitations on fundamental rights
- b. Directive principles of state policy

Support your answer with relevant constitutional provisions and case law where necessary.

**(20Marks)**

05. "In a democratic society, it is essential to share the powers to avoid the concentration of power in a one person or an institute. The decision on how power should be shared often depends on the history, culture and the social structure of that particular state".

Do you agree with the above statement?

Explain the above statement with reference to the main modes of power sharing, taking examples from two democratic states.

Support your answer with statutory provisions and case law.

**(20 marks)**

06. The westland provincial council of Democratic Socialist Republic of Groundland has passed a statute to establish a commission to manage foreign affairs within the province which is on the reserved list of the constitution of Groundland. They state that it will improve international investment. The central government of Groundland objects, arguing making that statute is unconstitutional.

Discuss the constitutionality of the action of the westland provincial council under the legislative powers of the provincial councils, assuming that the constitution of Groundland is similar to the 1978 constitution of Sri Lanka.

Support your answer with relevant constitutional provisions and case law.

**(20 marks)**

07. "As a response to the ethnic tension in Sri Lanka, the introduction of the thirteenth amendment to the constitution is marked a significant step towards devolving power. However, debates continue over whether such devolution alter the unitary character of the state".

Critically examine the impact of the 13<sup>th</sup> Amendment to the 1978 constitution of Sri Lanka on power sharing.

Support your answer with relevant constitutional provisions and case law.

**(20 marks)**

08. Write short notes on **any two (02)** of the following topics.

- I. The executive authority of the provincial councils
- II. Powers of the provincial high court under 13<sup>th</sup> amendment to the 1978 constitution of Sri Lanka
- III. The provincial public service

**(10x2= 20 Marks)**

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