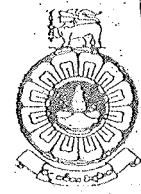


THE OPEN UNIVERSITY OF SRI LANKA
 FACULTY OF HUMANITIES AND SOCIAL SCIENCES
 DEPARTMENT OF LEGAL STUDIES
 LL. B DEGREE PROGRAMME 2022/ 23 LEVEL 1V
 CONSTITUTIONAL LAW II – LLU 4708
 CONTINUOUS ASSESMENT TEST 1



Date: 25-09-2023

Time: 11.30-12.30

Duration – 1 hour

Total No. of questions – 02

Answer one (01) question only.

- (1) 'All fundamental rights are human rights; but not all human rights are fundamental rights'.

Do you agree with this statement? Discuss the statement focusing on how Sri Lankan constitutions in the post-independent era have addressed the matter of constitutional protection of human rights within the constitutional framework.

(20 marks)

- (2) (a) Banana Republic is a country where the majority belongs to the religious group X. The Banana Republic government is of the opinion that activities of the clergy of the religion should be regulated as there has been complaints that members of the clergy are behaving in a manner inconsistent with religious norms. Accordingly, the government proposes a bill which provides for the establishment of a competent authority to regulate the discipline of the clergy. The bill further contains the following section:

Section 2 (1): 'The competent authority shall adopt regulations identifying activities which are prohibited to the clergy. Any member of the clergy acting in contravention should be considered as violating the regulations, and subsequent to an inquiry conducted by the competent authority, shall be expelled from the clergy if found guilty'.

The chief monk of the religious group X considers this bill as infringing fundamental rights of his community. Advise the chief monk whether any relief can be sought.

(10 marks)

(b) Religious affairs minister of Banana Republic presents a cabinet memorandum to draft a new law prohibiting conversion of people into other faiths by the use of 'force, deceit and offering material benefits.' The memorandum defines 'material benefits' as: '...offering of food, housing, employment, medicine or any other benefit concerning basic necessities of life'.

Members of the minority religious group Y that engages in charity as a part of their work feel this memorandum unnecessarily restricts their religious freedom. Community leaders ask your advice on whether this can be challenged before courts if it is presented as a bill.

Advice community leaders of Y.

In both above scenarios, assume that the constitution of the Banana Republic is identical to the 1978 Sri Lankan constitution. Your answers should be supported by relevant authorities.

(10 marks)

(20 marks)
