

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LLB (HONS) DEGREE PROGRAMME- LEVEL 4
CONTINUOUS ASSESSMENT TEST 11- 2023/2024
LLU 4610- CONSTITUTIONAL LAW 11
DURATION- 1 HOUR



DATE: 11th of December 2024

TIME: 01.30 p.m. – 2.30 p.m.

Answer ONE question only

Illegible handwriting will be penalized.

(1). Sumana is a school teacher teaching in a government school. The principal of the school recently appointed her as the teacher in charge of discipline. Darshana is a student at the school, who is known for her allegedly unruly behavior. One day, during a routine check of school bags, prefects of the school found a mobile phone in Darshana's bag. Carrying mobile phones to school is prohibited according to disciplinary rules. When the prefects convened Sumana to the scene, she as the school in charge of discipline shouted at Darshana using foul words and ordered the prefects to force Darshana to kneel in the school playground. She was kept in that position, in the broad daylight for hours. After returning home, Darshana complained to her mother about a severe headache. In the following day, as the headache did not wither away, Darshana was taken to the hospital. She was admitted for further medical investigations. Later, doctors found that she was suffering from a rare, underlying medical condition connected to the central nervous system, and that condition has exacerbated due to being exposed to the sunlight for a prolonged period. Doctors are of the opinion that the damage is irreversible.

Darshana's mother seeks your advice on whether any action can be taken against school authorities under the Fundamental Rights jurisprudence in Sri Lanka. Advise her with relevant constitutional provisions and case law.

(20 marks)

(2). The Sri Lankan Supreme Court has interpreted the equality clause of the constitution in a way that indicates a shift from the classical classification doctrine.

Do you agree with this statement? Discuss with reference to relevant case law.

(20 Marks)

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