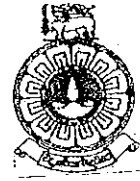


THE OPEN UNIVERSITY OF SRI LANKA  
FACULTY OF HUMANITIES AND SOCIAL SCIENCES  
DEPARTMENT OF LEGAL STUDIES  
LL.B DEGREE PROGRAMME 2023/2024  
LEVEL 4  
LLU 4708 – CONSTITUTIONAL LAW II  
CONTINUOUS ASSESSMENT TEST 02  
DURATION – ONE (01) HOUR

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Date: 11 January 2025

Time: 11.30 a.m.- 12.30 p.m.

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The candidates will be penalized for illegible handwriting.

Total number of questions 02.

Answer **ONE (01)** question only.

1. Amal who is a leader of a trade union was arrested by the police while he was in a peaceful protest at Galle face Green Park on 07<sup>th</sup> December 2024. When Amal asked reasons for his arrest from the Police, they refused to give any reasons. The police officers scolded Amal and forcibly dragged him into their vehicle. On the way to the police station, Amal was assaulted and slapped by the police officers. After taking to the police station, he was locked up. While he was in the police custody, he was continuously questioned by the police officers. When he was being questioned, he was subjected to physical abused: he was beaten with batons, kept in a room, which was lighted up by strong lamps and deprived of sleep. At the time Amal asked for some water which the police refused. On the following day, he was released without charge. Under these circumstances Amal seeks to file a fundamental right petition against the police. Advise him. Your answer should be supported with relevant constitutional provisions and any other relevant legal authorities. (20 Marks)

2. ... "Of course, reference to the "executive" character of such institution or person, and the degree of "executive" control, may be justifiable, and necessary, in borderline cases, but ultimately the decision must depend on whether the act is "executive or administrative" in character, and not upon the status of the institution or the official."

**Fernando J, in *Parameswary Jayathewan v. Attorney General and Others* [1992] 2 Sri L.R. 371**

In light of the above statement evaluate how the judiciary has interpreted the scope of the meaning of administrative and executive action under the fundamental rights in Sri Lanka. Your answer should be supported with relevant constitutional provisions and any other relevant legal authorities. (20 Marks)

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