

THE OPEN UNIVERSITY OF SRI LANKA
 FACULTY OF HUMANITIES AND SOCIAL SCIENCES
 DEPARTMENT OF LEGAL STUDIES
 LL.B DEGREE PROGRAMME 2023/2024
 LEVEL 4
 CONTINUOUS ASSESSMENT TEST 1
 LLU 4708 – CONSTITUTIONAL LAW II
 DURATION – ONE (01) HOUR



Date: 06th November 2024

Time: 11.30 a.m. – 12.30 p.m.

The candidates will be penalized for illegible handwriting.

Total number of questions 02.

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

1. “The torture or cruel, inhuman or degrading treatment or punishment contemplated in Article 11 of our constitution is not confined to the realm of physical violence. It would embrace the sphere of the soul or mind as well.”

Amarasinghe J. – *Mrs. W. M. K. De Silva v Chairman, Ceylon Fertilizer Corporation*
 [1989] 2 Sri L.R. 393 at pgs. 403– 404

Based on the above statement, discuss the scope of Article 11 of the constitution of Sri Lanka. Your answer should be supported with relevant constitutional provisions and any other relevant legal authorities.

(20 Marks)

2. “Though Article 12 prescribes equality before the law and equal protection of the law, it has to be recognized that equality in any literal or abstract sense is not attainable. For the purpose of applying a particular law or operating an administrative scheme reasonable classification is permissible and a certain measure of inequality is permitted. Reasonable classification is not forbidden.”

Palihawadana v Attorney-General and Two Others [1978 – 79 – 80] 1 Sri L.R. 65

Do you agree with this statement? Support your answer with relevant constitutional provisions and decided cases.

(20 Marks)

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