

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
BACHELOR OF LAWS (HONOURS) – LEVEL 3
CONTINUOUS ASSESSMENT TEST 1 - 2023/2024
LLU 3604 - CONSTITUTIONAL LAW 1
DURATION - ONE (01) HOUR



DATE : 24th October 2024

TIME : 1.30 p.m – 2.30 p.m

Answer **ONLY ONE** question.

Candidates will be penalized for illegible handwriting.

1. "Constitutionalism is built on the simple proposition that the government is a set of activities organised by and operated on behalf of the people, but subject to a series of restraints which attempt to ensure that the power which is needed for such governance is not abused by those who are called upon to do the governing."

Carl J. Frederick, *Constitutional Government and Democracy: Theory and Practice in Europe and America* (rev.ed., Ginn and Company : Boston 1950) 35

In light of the above statement, discuss the principle of constitutionalism and its importance for a constitutional democracy.

(20 marks)

2. In considering the constitutional history of Sri Lanka, the drafters of the constitution of that time failed to comply with the broader notions of constitutional governance at a satisfactory level. However, their contribution towards making original structural reforms to strengthen the representative democracy when moving away from the existing monarchical system should not be disregarded.

Do you agree with the above statement ?

Discuss the above statement in light of the important constitutional reforms introduced before independence for the establishment representative democracy in Sri Lanka.

(20 marks)