

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES



LL.M IN CRIMINAL JUSTICE ADMINISTRATION DEGREE PROGRAMME

FINAL EXAMINATION (FIRST YEAR) - 2023/2024

LLPA504- LAW OF EVIDENCE

DURATION: 03 HOURS

Date: 23.11. 2024

Time: 09.30 a.m. - 12.30 p.m.

Total Number of Questions: 07

Answer FOUR (04) questions only.

Each question carries 25 marks.

Candidates will be penalized for illegible handwriting.

1. In criminal proceedings, discuss the principles surrounding the burden of proof and presumptions in evidence with special reference to the Law of Evidence in Sri Lanka and any other jurisdiction selected on your choice.
2. Critically examine the relationship between systemic evidence and character evidence within the framework of legal philosophy. The answer should be supported with case law representing at least two jurisdictions including Sri Lanka.
3. **'The evolution of a consistent framework of rules governing confessions made by suspects or accused individuals in criminal cases has been shaped by the progressive interpretations of judicial decisions.'** Do you concur with this assertion? Provide justifications for your viewpoint, referencing relevant case law and statutory provisions in Sri Lanka, as well as a comparative analysis with other jurisdictions.

4. Critically analyze the role of corroborative evidence in the judicial process, emphasizing its underlying legal philosophy. The answer should be supported with case law representing at least two jurisdictions including Sri Lanka.
5. 'In the law of evidence, the dying declaration is testimony that would normally be barred as hearsay but may nonetheless be admitted as evidence in certain cases because it constitutes the last words of a dying person.' Evaluate this statement with special reference to the evidentiary value of the dying declaration supporting the relevant provisions of the Evidence Ordinance of Sri Lanka and the other three jurisdictions that followed the adversarial system of judicial proceedings.
6. Critically analyze the underlying legal philosophy of the admissibility of expert opinion in criminal trials. What changes would you propose to improve the legal framework regulating expert evidence in Sri Lanka? Support your answer with relevant statutory provisions and case law from Sri Lanka, along with any other two jurisdictions of your choice.
7. Answer **TWO (02)** questions from the following:
 - I. Examine the admissibility of evidence obtained by improper means, referring to the relevant legal provisions and case law in three different jurisdictions.
 - Or
 - II. Critically assess the rule against hearsay evidence in criminal litigations focusing on the applicable legal philosophy of this rule.
 - Or
 - III. Critically discuss the procedures and principles governing examination-in-chief, cross-examination, and re-examination of witnesses in a criminal trial concerning the Law of Evidence in Sri Lanka.

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