

THE OPEN UNIVERSITY OF SRI LANKA  
LL.B. DEGREE PROGRAMME - LEVEL III  
FINAL EXAMINATION – 2007 / 2008  
CONSTITUTIONAL LAW 1 - LWU 1201  
DURATION - THREE HOURS



Date: 24<sup>th</sup> March 2008

Time: 9.30 a.m. – 12.30 p.m.

Answer FIVE questions only.

Candidates will be penalised for illegible handwriting.

1. "It is not possible to formulate a simple and clear cut statement of the rule of law as a broad political doctrine. As society develops, and as the tasks of government change, lawyers, politicians and administrators must be prepared to adopt the received values of law to meet changing needs."

Sir. L. Scarman, *English Law – The New Dimension* cited in *Constitutional and Administrative Law* - E.C.S. Wade and A.W. Bradley at p. 102 - footnote 33

Critically analyse the above statement in the light of the concept of rule of law.

2. "The equality of all people in a country can be best protected and promoted if the Constitution contains comprehensive provisions pertaining to the independence of the judiciary"

Do you agree with the above statement? Give reasons for your answer.

3. Compare and contrast the features of the office of the President under the 1978 Constitution with that of the 1972 Constitution.
4. (a) Trace the Constitutional history of Sri Lanka from 1802 up to the enactment of the Soulbury Constitution.  
(b) Explain the special features of the second Republican Constitution of Sri Lanka.

5. Explain the conceptual erosion of the doctrine of separation of powers in terms of functional separations among the three organs of government.

6. (a) "The concept of legislative supremacy of Parliament has ceased to be the predominant characteristic under the 1978 Constitution of Sri Lanka."

Critically examine the above statement in the light of the provisions in the 1972 Constitution and 1978 Constitution of Sri Lanka.

(b) "Emergence of the concept of Parliamentary supremacy as the chief characteristic of the British Constitution paved way for the gradual whittling down of the king's powers."

Examine the proposition in the light of 'legislative supremacy of the British Parliament.'

7. (a) The 1972 and 1978 Constitutions provided with detail provisions on constitutional amendment compared with the provisions relating to constitutional amendment operating during the 1948-1972 period.

Do you agree with this statement? Give reasons for your answer.

(b) Briefly explain the situations where the referendum can be used under the 1978 Constitution of Sri Lanka.

8. Write notes on any two of the following,

(a) The McCullum Reforms.

(b) The remedies expected from the office of Ombudsman.

(c) Social action litigation.

(d) Principle of Autonomy.

- COPYRIGHTS RESERVED -