

**THE OPEN UNIVERSITY OF SRI LANKA**  
**FACULTY OF HUMANITIES AND SOCIAL SCIENCES**  
**LL.M. IN CRIMINAL JUSTICE ADMINISTRATION - LEVEL 7**  
**FINAL EXAMINATION – 2015**  
**LWP 2101 - PENAL THEORY**  
**DURATION – 03 HOURS**



-----  
 Date : 15<sup>th</sup> November 2015

Time: 10.00 a.m. – 1.00 p.m.  
 -----

Total number of questions 6

**Answer FOUR (04) questions only. Each question carries 25 marks**

Candidates will be penalized for illegible handwriting.

1. (i) "Were usually limited to a general description of legal provisions, rarely addressing social factors leading to the involvement of juveniles with the system of administration of justice or the social consequences of the decisions in taken in that context" - *Report on the tenth session October / November 1995, CRC/C/46 para. 217.*

Critically analyze this statute with special reference to Beijing Rules and Riyadh guidelines.

(15 marks)

- (ii) What are the legal provisions and practical Facilities regarding Juvenile offenders in Sri Lanka.

(10 marks)

2. (i) "Common sense, lately bolstered by statistics, tells us that the death penalty will deter murder ..... People fear nothing more than death..... " - *Prof. Ernest Van Den Haag,*

If you agree or disagree with the above statement, support with relevant philosophy and theories of evolutions.

(15 marks)

- (ii) Considering the Present Crime wave, should the death sentence be implemented in Sri Lanka?

(10 marks)

3. Describe the Historical Evaluation of the Schools of Concept of Punishment with special reference to Sri Lankan laws and Practice.  
(25 marks)
4. Do you think the classification of crime had reached the proper definition at present?  
Support your answer with schools of classification.  
(25 marks)
5. (i) What do you understand by the concept of punishment?  
Explain with the Purposes and Evaluation.  
(15 marks)
- (ii) Does the Sri Lankan Methodology of punishment fulfill the requirement of the Purpose of Punishment? If not what is your advice?  
(10 marks)
6. "Recidivism is an indication of failure of Penal theory and concepts".  
Critically analyze with the sentencing and Prison Systems of Sri Lanka.  
(25 Marks)

COPYRIGHTS RESERVED

\*\*\*\*\*