

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
BACHELOR OF LAWS EXAMINATION, YEAR III – 2017
ADMINISTRATIVE LAW
(Three Hours)

Total Number of questions: 07

Answer **FOUR** questions **ONLY**.

(Candidates will be penalized for illegible handwriting.)

01. "The principles underpinning Administrative Law of Sri Lanka are primarily drawn from those of Constitutional Law and these principles inform the scope of judicial control of administrative action in the country."

Critically evaluate the validity of the above statement.

02. The Director General of Education is empowered to take necessary steps, under the Education Ordinance, to provide quality education in conducive environment to children of the country. Due to the rapid spread of dengue epidemic in the country, the Director General issued instructions to the Principals of all the schools that they should take appropriate, necessary and effective action to keep the school premises clean and devoid of any mosquito breeding areas.

(a) the Principal of a Girls' School orders all the Grade 11 students to get one of their parents to attend two hours a week during school hours to engage in cleaning the school premises or risk not being permitted to sit for the G.C.E. (Ordinary Level) examination. She also orders that no student can bring food wrapped in paper sheets, plastic sheets or boxes but food should be brought in eversilver lunch boxes and any left over food should be taken back without being thrown into school dustbins;

(b) the Principal of a Boys' School runs, with the assistance of his school students, a compost making plant to convert the garbage collected in the school into compost. Finding that the plant is underworked, he obtains garbage from private households and business establishments to keep the plant working to its optimum and makes substantial profits by the sale of compost.

Consider, with reference to decided cases, the legality of the above actions .

Continued ... 2

03. A writ application before the Court of Appeal involves the applicability and scope of the principle of proportionality as a ground of judicial review of administrative action in Sri Lanka. The judges hearing the case seek from you a critical analysis of the present state of the law on the issues.

Assume that you are an impartial advisor (*amicus curiae*) to the Court, write a critical note, with reference to decided cases, on the applicability and scope of the said principle.

04. Aruna, an employee of the Pharmaceutical Corporation, was suspected to have participated in acts of causing damage to properties of the Corporation in the course of a trade union action. The members of the trade union entered the Corporation building and behaved in a violent manner. The Management of the Corporation served a charge sheet on Aruna and called him to attend a disciplinary inquiry panel. Although he could not hear any of the deliberations of the panel he could see the members of the panel clearly. He noticed that one of the members was the prosecuting officer of the Corporation in an earlier disciplinary inquiry against him which resulted in his being warned. Furthermore, his request to be represented by a legal officer of his trade union was denied though he was permitted to cross examine the witnesses. Moreover he was granted postponement of the inquiry whenever he wanted. The inquiry panel found him guilty of the charges levelled against him and the Corporation terminated his services. His attempts to obtain the reasons for the termination were unsuccessful.

Aruna consults you on the legality of the action of the Corporation. Advise Aruna with reference to decided cases.

05. "The concept of legitimate expectation is an extension of the rights-based-review which is increasingly adopted by the courts as a recent development of the ultra vires doctrine based judicial review of administrative action."

Do you agree? Discuss with reference to decided cases.

Continued... 3

06. The Rice Producers Cooperative Development Board of the North Central Province is a statutory body established by a Statute of the North Central Provincial Council. Under this Statute, the composition of the Board is made up of nine members, one ex-officio member and eight other members at the rate of four members for each of the two Districts in the Province. These eight members are elected by the Rice Producers Cooperative Societies of each District through a democratically conducted election in the Districts. The Board is empowered to make decisions with regard to the quantity and variety of rice to be produced in different areas within the Province, the minimum and maximum wholesale price of rice, etc. The Statute further provides that if any member of the Board is not satisfied with its decision, the member can make an appeal to the Provincial Minister of Cooperatives who shall set up a Committee of Review to go through the appeal and make recommendation to the Minister. The Minister is empowered to make a final decision on the matter. The Statute makes the decisions of the Minister final and conclusive and shall not be questioned in any court of law.

Two members of the Board representing two remote and underprivileged areas in the Province opposed a proposal brought before the Board that a particular variety of rice which is not popular among the consumers shall only be produced in those areas. However, the Board approved the proposal by a majority decision. These members appealed to the Minister who declined to constitute a Committee of Review to go through their appeal.

Affected by the Minister's decision, they approach you in order to judicially challenge the legality of the Minister's action. Advise them with reference to decided cases.

07. "The rationale for broadening or restricting the rules relating to legal standing (*locus standi*) with regard to the writ jurisdiction depends on a variety of factors. Over the years the rules have been flexibly construed."

Do you agree? Critically evaluate the above statement in light of recent judicial decisions in Sri Lanka.
