

THE OPEN UNIVERSITY OF SRI LANKA

LL.B. DEGREE PROGRAMME – LEVEL 5

SECOND CONTINUOUS ASSESSMENT TEST 2008/2009

ADMINISTRATIVE LAW – LWU 3311

DURATION - 40 MINUTES



Date: 10TH December 2008

Time: 10.00 – 10.40 a.m.

Students will be penalized for illegible handwriting

Answer ONE question only.

1. The Electronic Media Act of Capeland provided for the establishment of an Electronic Media Regulatory Commission, which had powers *inter alia* to issue, renew and suspend licences for private television stations, check the standard of the programmes run by such stations and order suspension of programmes which are not in the interest of children and also to entertain complaints regarding programmes run by television stations. The Act contained a clause which declared that the decision of the Commission in any matter is final and cannot be questioned in a court of law.

A complaint was made by the Minister of Industries, that a particular programme, telecast between 10.00 p.m. and 11.00 p.m. on a week day by LML TV a private television station was against the interests of children. This TV station had been very critical of the government. The Commission suspended the licence of LML TV for six months. LML TV maintained that the programme was telecast when all children were supposed to be sleeping and not watching television and that the complaint of the Minister was due to malice. The Chairman of the Commission asked LML TV to forward a copy of the programme to the Commission. After viewing the programme the Chairman informed LML that his decision to suspend the licence remains unchanged.

LML Television Station consults you as to whether it can successfully challenge the decision of the Commission in a court of law.

Advise LML Television station, giving reasons for your advice.

2. "The decision in *Anisminic v Foreign Compensation Commission* revolutionised the thinking in administrative law by expanding the horizons of the doctrine of *ultra vires*"

Discuss.

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