



THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LLB DEGREE PROGRAMME 2021/2022
LLU5709 – ADMINISTRATIVE LAW
02nd CONTINUOUS ASSIGNMENT TEST
DURATION: 01 HOUR

Date: 13th September 2022

Time: 01.30 p.m. – 02.30 p.m.

Illegible handwriting will be penalized.

Answer one (01) question only.

Each question carries twenty (20) marks

01. Rahal was a professionally qualified commercial pilot who worked as a flight instructor in the Avian Aviation (Pvt) Ltd. He held a commercial pilot's license issued by the Director General of Civil Aviation under the provisions of the Air Navigation Act. The Director General of Civil Aviation, by his letter dated 18th July 2022, suspended Rahal's license for one year with the effect from 21st July 2022 in terms of the Air Navigation Regulations (ANR) 29(3) and 30 as he had violated relevant ANR provisions. This action of the Director-General was the result of an inquiry into an alleged incident of flying over a huge public protest below safe altitude without proper authority on 08th July 2022. The Director General appointed a three-member committee to inquire into the matter. The committee decided to hold an inquiry on 12th July 2022 and sent the charge sheet a day before the inquiry. Rahal requested to postpone the inquiry stating that he did not have sufficient time to prepare for his case. However, the committee turned down his request. Rahal requested the committee to permit him to obtain legal representation. This was also refused by the committee. However, Rahal had been questioned during the inquiry and his statement was recorded. He alleged that though the committee gave him the opportunity to state his case concerning the charge of contravening regulation No.30, he was not informed about any complaint being made under regulation No. 29(03).

Rahal seeks your advice as to whether the inquiry committee has conducted the inquiry in accordance with relevant principles of Administrative Law.

Advice Rahal.

02. "There are not absolute or unfettered discretions in public Law; discretions are conferred on public functionaries in trust for the public, to be used for the public good, and the propriety of the exercise of such discretions is to be judged by reference to the purposes for which they were so entrusted".

Premachandra v Major Montague Jayawickrema (1994)2SLR90,105

Critically discuss the above statement in the light of the judicial control of discretionary power.

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