

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCE
DEPARTMENT OF LEGAL STUDIES
LLB DEGREE PROGRAM
LEVEL 5
LLU5709 ADMINISTRATIVE LAW
CONTINUOUS ASSIGNMENT TEST II-2022/2023
DURATION ONE (01) HOUR



DATE: 01st December 2023

TIME-01.30 PM-02.30 PM

Number of questions -Two (02)

Answer one (01) question only.

Illegible handwriting will be penalized.

1. (a) Rusitania Sustainable Energy Authority (RSEA) is a statutory body established under the Rusitania Sustainable Energy Authority Act No. 45 of 2008. The RSEA has been vested with certain powers, including issuing License for renewable energy generation projects. Section 15 of the Act empowers the Director General of the RSEA to grant the license for the said projects on the recommendation of the advisory committee established under the same Act.

KP Solar Power (Private) Limited has forwarded an application to the RSEA to obtain a license to carry out a renewable energy project. However, the RSEA rejected the application and later it was found that the Rusitania Public Utilities Commission has instructed the Director General not to issue license to KP Solar Power (Private)Limited.

KP Solar Power (Private) Limited wish to challenge the decision of RSEA in a court of law.

- (i) Advise them with decided cases and relevant Administrative Law principles. **(09 Marks)**

- (ii) Do you think that RSEA could put forward any defense against your advice?
Provide reasons for your answer **(03 Marks)**

(b) Discretion does not empower the administrative authorities to do what they like merely because they are inclined to do so. In exercising discretion, they must not do what they please, but do what they ought to.

With reference to the above statement examine the grounds which the courts have developed to control the abuse of discretion by administrative authorities. **(08 Marks)**

2. "It is true that the rules of natural justice restrict the freedom of administrative action and that their observance costs a certain amount of time and money. But... they are essentially rules for upholding fairness and reducing grievances, so the rules of natural justice can be said to promote efficiency rather than impede it. Provided that the courts do not let them run riot and keep them in touch with the standards that good administration demands in any case, they should be regarded as a protection not only to citizens but also to officials."

McNabb v. United States, 318 US 332 (1943)

In light of the above statement answer the following questions. Your answer should be supported with relevant case law.

- a) To what extent the *audi alteram partem* rule prevents miscarriage of justice
(10 Marks)
- b) Critically examine how the Sri Lanka judiciary upheld the rule against bias in administrative adjudication.

(10 Marks)

Copyrights reserved