



PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

COMPETENT AUTHORITY (POWERS AND FUNCTIONS) ACT, No. 3 OF 2002

[Certified on 25th March, 2002]

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*Competent Authority (Powers and Functions)
Act, No. 3 of 2002*

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L.D—O. 5/2002.

AN ACT TO PROVIDE FOR THE POWERS AND FUNCTIONS OF THE
COMPETENT AUTHORITY APPOINTED BY THE ELECTION
COMMISSION UNDER THE CONSTITUTION ; AND TO PROVIDE FOR
MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

BE it enacted by the Parliament of the Democratic Socialist
Republic of Sri Lanka as follows :—

1. This Act may be cited as the Competent Authority
(Powers and Functions) Act, No. 3 of 2002. Short Title.

2. The Competent Authority appointed under sub-
paragraph (c) of paragraph (5) of Article 104B of the
Constitution (hereinafter referred to as the “Competent
Authority”) to take over the management of the Sri Lanka
Broadcasting Corporation or the Sri Lanka Rupavahini
Corporation, as the case may be, shall exercise and discharge
the following powers and functions :— Powers and
functions of the
Competent
Authority.

- (a) carry on the radio or television broadcasting services,
as the case may be, while maintaining in the public
interest and in the conduct of a free and fair election
or referendum, high standards in programming ;
- (b) register persons engaged in the production of
television or radio programmes relating to an election
or a referendum, as the case may be, which
programmes are intended to be broadcast ;
- (c) exercise supervision and control over programmes
broadcast by the Sri Lanka Broadcasting Corporation
or the Sri Lanka Rupavahini Corporation, as the case
may be, relating to an election or a referendum ;
- (d) advise the Minister in respect of matters relating to
broadcasting which are connected with the holding
of an election or a referendum ;

- (e) exercise and perform in relation to any broadcast pertaining to an election or a referendum as the case may be, all such powers and functions as are conferred or imposed on or assigned to, either the Sri Lanka Broadcasting Corporation or the Sri Lanka Rupavahini Corporation as the case may be, by the Sri Lanka Broadcasting Corporation Act, No. 37 of 1966 or the Sri Lanka Rupavahini Corporation Act, No. 6 of 1982 respectively ;
- (f) establish, install and operate broadcasting apparatus ;
- (g) acquire by way of lease, sublease or otherwise any land or interest in land, with or without any building ;
- (h) erect, alter or reconstruct any broadcasting apparatus or any building or structure on any land belonging to or administered by the Sri Lanka Broadcasting Corporation or the Sri Lanka Rupavahini Corporation, as the case may be, for the use in connection with any broadcasting station or in connection with the exercise and discharge of its powers and functions ;
- (i) acquire by lease or otherwise, during the period for which the Competent Authority is appointed, any property, rights or privileges that it considers necessary for exercising and discharging of its powers and functions ;
- (j) with the prior approval of the Election Commission and subject to any other terms and conditions which may be imposed in that behalf, advance money to any person or body of persons whether incorporated or unincorporated, producing or intending to produce programmes for broadcast, pertaining to the election or a referendum, as the case may be, whether in conjunction with any other business or not, or give in respect of any advance made to any such person or body of persons as aforesaid by a second person, any guarantee, indemnity or security ;

- (k) use the facilities and equipment belonging to the Sri Lanka Broadcasting Corporation or the Sri Lanka Rupavahini Corporation, as the case may be, in such a manner as the Competent Authority considers fit for the purpose of promoting and assisting any broadcast pertaining to an election or a referendum ;
- (l) during the period for which the Competent Authority is appointed, take on lease or rent houses, sites and erect houses for the use of such officers and servants appointed by such Authority ;
- (m) publish or arrange for the publication of such periodicals or other publications as it considers necessary or beneficial ;
- (n) refuse to televise, record or broadcast any advertisement in any form, the televising, recording or broadcasting of which is not in the public interest ;
- (o) act in combination or association with any person or body of persons, whether incorporated or unincorporated, within Sri Lanka or abroad, in the exercise or discharge of the powers or functions specified in the section ; and
- (p) do all such acts or things which in the opinion of the Competent Authority is necessary for the conduct of a free and fair election or, a referendum, as the case may be.

3. In the exercise and discharge of the powers and functions under paragraphs (a), (b), (c), (d) and (e) of section 2, it shall be the duty of the Competent Authority as far as practicable, to be satisfied, that the programmes broadcast by the Sri Lanka Broadcasting Corporation or the Sri Lanka Rupavahini Corporation as the case may be, comply with the following conditions, in addition to any guidelines which the Election Commission may issue from time to time :—

Competent Authority to be satisfied of compliance with certain conditions.

- (a) that any programme broadcast by either the Sri Lanka Broadcasting Corporation or the Sri Lanka Rupavahini Corporation as the case may be, shall not include

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anything which is against good taste or decency, or which is likely to incite a person to commit a crime, or which may lead to disorder, or be such as to offend any racial or religious susceptibilities, or to be offensive to public feeling ;

- (b) that the programmes broadcast shall maintain a proper local, regional and international balance with regard to the subject matter dealt with, and also generally to maintain a high standard of quality ;
- (c) that any news presented through any such programme shall be presented with due accuracy and impartiality and with due regard to the public interest.

Suit or prosecution against the Competent Authority to be considered a suit or prosecution against the State.

4. Any suit or prosecution instituted in a court of law by or against the Competent Authority for any act or omission in furtherance of the powers and functions assigned under this Act, shall be deemed as an action instituted by or against the State.

Officers and servants.

5. The Competent Authority may appoint such officers and servants as may be necessary for the implementation of the provisions of this Act, and any officer or servant so appointed shall be deemed to be a public officer.

Remuneration of Competent Authority etc.

6. The Competent Authority and the officers and servants appointed under section 5 of this Act, may be paid such remuneration computed at such amount as may be determined by the Election Commission which shall be a charge on the Consolidated Fund.

Sinhala text to prevail in case of inconsistency.

7. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

8. In this Act, unless the context otherwise requires— Interpretation.

“broadcasting” means television or radio broadcast and includes any signal, announcement, item, communication, picture or other matter to be broadcast for reception by the public ;

“Election Commission” means the Election Commission established under Article 103 of the Constitution ;

“guidelines” means the guidelines issued by the Election Commission under sub-paragraph (a) of paragraph (5) of Article 104B of the Constitution.

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