

IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA

23
S.C (S.D) Appl No /2016



In the matter of an application under and in terms of Articles 121 of the Constitution of the Democratic Socialist Republic of Sri Lanka

Lt. Col.(Retrd) Anil Amarasekera,
Pussallahena Estate,
Kindelpitiya, Millawa

PETITIONER

-Vs-

The Attorney General,
Attorney General's Department,
Colombo 12.

RESPONDENTS

On this 28th day of March, 2016

TO: HIS LORDSHIP THE CHIEF JUSTICE AND THE OTHER HONOURABLE JUDGES OF THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA.

The Petition of the Petitioner above named appearing by his registered Attorney-At-Law Ms. Anusha Perusinghe states as follows;

1. The Petitioner is a citizen of Sri Lanka and the Co- Chair of the National Joint Committee.
2. The Petitioner states that on or about 21.12.2015 A bill titled "Right to Information Act No ... of 2015" was gazetted on the order of the Minister of Parliamentary Reforms and Mass Media.

The Petitioner annexes hereto a copy of the said Bill Marked as "PI"

3. The Petitioner states that the said Bill was placed on the order paper of parliament on 23.3.2016.
4. The Petitioner states that clauses 5, 7, 11, 12, 13, 14, 15, 16, 19, 23, 24, 25, 26, 27, 31, 32, 35, 37, 38, 39, 42 and 43 infringes Articles 3, 4, 9, 12, 14, 14A, 15, 41A, 41B, 41C, 41D, 41E, 41F, 41G, 55, 178, 165 of the Constitution.

5. The Petitioner states that,

- I. The Right to Information Commission (RIC) is vested with Judicial Power in as much as their principal duties are of a judicial nature which includes the power to give directions, hold inquiries and prosecute Public

Authorities.

II. RIC consists of persons nominated by Non Government Organisations, BAR Association and Private Media Personnel who will have access even to information which the law seeks to prevent the public from having access to. The members of the commission will have access to information even with regard to defense of the state and national security.

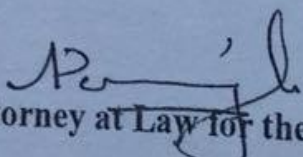
III. Members of the RIC are holders of paid office under the Republic and therefore would be "Public Officers" within the meaning of Article 170 therefore members of the RIC cannot be appointed by the President.

III. Restrictions placed on access to information regarding "Overseas Trade Agreements" is in violation of Article 14, 14A and 15 of the constitution in as much as the said Articles does not permit restrictions to be place with regard to matters pertaining to economy. These restrictions have been is placed purely to restrict access to information regarding I.T.C.A proposed to be enacted between Government of Sri Lanka and Government of India

6. The Petitioner has delivered a copy of this petition to the Honourable Speaker, in compliance with Article 121 of the Constitution.

WHEREFORE the Petitioner prays that Your Lordships Court be pleased to;

- a) Declare that clauses 5, 7, 11, 12, 13, 14, 15, 16, 19, 23, 24, 25, 26, 27, 31, 32, 35, 37, 38, 39, 42 and 43 infringes Articles 3, 4, 9, 12, 14, 14A, 15, 41A, 41B, 41C, 41D, 41E, 41F, 41G, 55, 178, 165 of the Constitution and therefore need to be passed with 2/3 Majority of the Parliament and Referendum
- b) Grant Costs
- c) Grant such other relief as your Lordship's court shall seem meet


Attorney at Law for the Petitioner

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