

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

*In the matter of an Application under Article 121 of  
the Constitution of the Democratic Socialist Republic  
of Sri Lanka for determination of the constitutionality  
of a Bill titled Right to Information Bill*

Dr. Ambegoda Geekiyanage.Damayanthi Perera  
108/7, Lake Drive,  
Colombo 8

**PETITIONER**

**S. C. (S/D) Application**  
No. ... /16

S/D 26/16

**Vs.**

The Attorney General  
Attorney General's Department  
Hulftsdorp, Colombo - 12

**RESPONDENT**

**TO HIS LORDSHIP THE CHIEF JUSTICE AND THEIR LORDSHIPS THE OTHER  
JUDGES OF THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST  
REPUBLIC OF SRI LANKA**

On this 31<sup>st</sup> day of March 2016

The petition of the Petitioner above-named appearing by Mrs. Sandamalee Ekanayake, her  
Attorney-at-law, states as follows:

1. The petitioner is a Specialist in Food, Nutrition and Dietetics and independent researcher with long involvement in conducting research and studies on the harmful effects brought about on the health, livelihood and well being of the people throughout the world in the Globalization process conducted through Unregulated and Unrestrained Free Trade under International Trade Agreements.
2. The petitioner has written several articles on these issues to prestigious journals including the Journal of Medico-Legal Society of Sri Lanka and presented several research papers in several national and international fora.
3. There is a wealth of material published by reputed and respected international writers on the detrimental effects of unregulated free trade conducted by Transnational Corporations with tacit approval through the Public Private Partnership (PPP) promoted by some international agencies. Unsuspecting and uninformed populations are kept in darkness about the harmful consequences of these operations, including chronic debility, premature deaths ecological destruction and economic exploitation..

4. In her publications and research papers the petitioner has pointed out the professional dishonesty, conflict of interests and white collar corruption promoted by Transnational Corporations conducting business through International Trade Agreements; the hypocrisy, deceit and corruption linked to corporate hospitality, and how uninformed consumers are duped into purchasing unhealthy and potentially dangerous ultra-processed food products.
5. The Government of Sri Lanka has published a Bill of Parliament titled Right to Information in the Government Gazette of December 18, 2015 issued on 21. 12. 2015 and the said Bill has been placed in the order paper of Parliament on 24. 03. 2016.
6. The petitioner respectfully states that Clauses 5, 7, 9, 11, 12 13, 14, 15 16, 19, 39, 42 and 43 are inconsistent with Articles 3, 4, 9,12(1), 14, 14A and 15 of the Constitution.
7. The petitioner respectfully states that:
  - I.
    - a. The restrictions placed on access to information relating to "Overseas Trade Agreements" in Clause 5(1)©(v) is inconsistent with Articles 14, 14A and 15 of the Constitution in as much as the said Articles do not permit restrictions to be placed with regard to matters relating to economy.
    - b. Article 14A (2) has clearly laid down the matters on which restrictions can be imposed on the right of access to information. Overseas trade agreements or international trade agreements is not among them.
    - c. As Article 14A (1) has recognized, this information is required for the exercise or protection of a citizen's rights.
    - d. It is common knowledge that most of these "Overseas (or International) Trade Agreements" are unequal treaties imposed on developing countries like Sri Lanka by powerful developed countries for their own benefit, causing tremendous harm to the weaker partners in the long run.
    - e. It is respectfully stated that these restrictions have been placed mainly for the purpose of restricting access to information relating to ITCA proposed to be signed between the Govt. of Sri Lanka and the Govt. of India and other similar accords which are detrimental to the interests of the people.
  - II. The petitioner respectfully states that the restrictions proposed to be imposed under Clause 5(1) (b)(ii), (c), (f), (g), and (l) are inconsistent with and violative of Articles 14A and 15 of the Constitution.
  - III. It is respectfully stated that these restrictions have the effect of totally negating the right of access to information recognized and guaranteed by Article 14A of the Constitution.

Wherefore the Petitioner respectfully prays that Your Lordships Court be pleased to:

- (a) Grant permission to the Petitioner to be heard in these Proceedings.

Petition

- (b) Declare that clauses 5, 7, 9, 11, 12 13, 14, 15 16, 19, 39, 42 and 43 are inconsistent with Articles 3, 4, 9,12(1), 14, 14A and 15 of the Constitution. and therefore need to be passed by not less than two thirds of the whole number of the Members of Parliament and approved by the people at a Referendum;
- (c) Grant Costs, and;
- (d) Such other and further reliefs as to Your Lordships Court shall seem meet.



**Attorney-at-Law  
for the Intervient Petitioner**

**SANDAMALEE EKANAYAKE**  
LL.B (Hon)(Colombo)  
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& Company Secretary  
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