

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

PETITION

*In the matter of an application under and in
terms of Article 121(1) of the Constitution
read with Article 120 and Rule 63(1) of the
Supreme Court Rules of 1978, against the Bill
titled “**CHARTERED INSTITUTE OF
MEDIA PROFESSIONALS OF SRI
LANKA**”*

SC (SD) Application No:

1. Udaya Kalupathirana

No. 45/12, Ernest Place,
Lakshapathiya,
Moratuwa

2. Sunil Jayasekara

No. 19,
Richard De Soysa Housing Complex,
Thalangama North,
Battaramulla

PETITIONERS

VS.

1. Hon. Attorney General

Attorney General's Department,
Colombo 12

2. Dr. Nalinda Jayatissa

Minister of Health and Mass Media

Ministry of Health and Mass Media

No. 168, Asi Disi Medura,

Kirulapone Mawatha, Polhengoda,

Colombo 05

3. Dr. Anil Jasinghe

Secretary of Health and Mass Media

Ministry of Health and Mass Media

No. 168, Asi Disi Medura,

Kirulapone Mawatha, Polhengoda,

Colombo 05

RESPONDENTS

On this 04th day of August 2026

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

The Petition of the Petitioners above named appearing by Ms. Dayani Panditharathne as registered Attorney-at-Law, state as follows:

1. The Petitioners state that,

- i. The 1st Petitioner is a member of Free Media Movement and he is a Journalist.
- ii. The 2nd Petitioner is also a member of Free Media Movement and he is a Journalist.

(Copies of the National Identity Cards are annexed hereto marked “P-1(a)” and “P- 1(b)” respectively and pleaded as part and parcel hereof.)

2. The Petitioners state that;

- i. The 1st Respondent is the Honorable Attorney General and he is made a Respondent to this application under and in terms of Article 134 (1) of the Constitution,
- ii. The 2nd Respondent is the Minister of Health and Mass media,
- iii. The 3rd Respondent is the Secretary of Health and Mass Media.

3. The Petitioners state that the Bill titled “Chartered Institute of Media Professionals of Sri Lanka” (hereinafter referred as “The Bill”) was published as a supplement to part II of the Gazette of 05th of June 2026. The said gazette was only issued on 05th of June 2026 and placed on the Order Paper of the Parliament on 22nd of July 2026.

(Copies of the English, Sinhala and Tamil versions of the said Bill are annexed hereto marked “P-2(a)”, “P-2(b)” and “P- 2(c)” respectively and pleaded as part and parcel hereof.)

4. The Petitioners state that if the said Bill is enacted, although the long title of the Bill suggests that its principal objective is to establish a professional institution for media professionals, the substantive provisions of the Bill will establish a statutory corporate body vested with extensive regulatory, administrative, disciplinary and policy-making powers over persons falling within the definition of "media professionals" contained in the Bill.
5. The Petitioners respectfully state that the proposed Institute is not constituted as an independent professional body governed by its members but as a statutory institution exercising public powers under an Act of Parliament. Such statutory status, when read together with the provisions relating to its governance and functions, gives rise to serious constitutional concerns regarding its independence from the Executive.
6. The Petitioners respectfully state that although the Bill is presented as legislation intended to enhance professionalism within the media sector, several of its provisions, when read as a whole, establish an extensive regulatory framework capable of directly affecting the exercise of constitutionally protected rights, especially the freedom of speech and expression including

publication guaranteed under Article 14(1) (a) of the Constitution, and in its entirety or in several of its provisions, is inconsistent with Articles 3, 4, 12 (1), 12 (2), and other relevant provisions of the Constitution for the reasons hereinafter more fully set out.

7. The Petitioners state that the Bill has now been placed on the Order Paper of Parliament and accordingly invokes the jurisdiction of Your Lordships' Court under Article 121 of the Constitution to seek a Special Determination on the constitutionality of the said Bill.
8. The Petitioners state that the Proposed Bill and/or following provisions of the Proposed Act are inconsistent with the Constitution and the Constitutional Principles for the following reasons:

Establishment of an institute to regulate Media Professionals of Sri Lanka

9. The Petitioners state **Clause 2 of the Bill** read as follows,
“2 (1) - There shall be established an institute called and known as the “Chartered Institute of Media Professionals of Sri Lanka” (in this Act referred to as the “Institute”).

(2) The Institute shall, by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in that name.”

The Petitioners state that Clause 2 of the Bill provides for the establishment of the “Chartered Institute of Media Professionals of Sri Lanka” as a body corporate with perpetual succession, a common seal, and the capacity to sue and be sued. By conferring separate legal personality upon the proposed Institute, Clause 2 establishes the statutory body through which the extensive regulatory, administrative, disciplinary, and policy-making powers set out in the subsequent provisions of the Bill are to be exercised over persons falling within the definition of "media professionals". Accordingly, Clause 2 constitutes the legal foundation for the statutory framework established under the Bill.

10. The Petitioners state **clause 4 of the Bill** read as follows,

“4 - Subject to the provisions of this Act and any other written law, the Institute shall have the power –

(a) to advise the Minister on any plan, programme or activity aimed at enhancing media education and media professionalism in Sri Lanka;

(b) to determine the courses of study conducted by the Institute;

(c) to regulate and supervise the registration and enrolment of students, exercise disciplinary control over such students and any other matter incidental thereto;

(d) to determine and approve the scheme of practical training courses and to conduct such courses;

(e) to conduct qualifying examinations for membership of the Institute;

(f) to maintain libraries for the use of the members of the Institute, media professionals, students of the Institute and those who are interested in media;

(g) to grant scholarships, awards and prizes for those who excel in the study programmes conducted by the Institute;

(h) to appoint, employ, dismiss or terminate the services of officers and employees of the Institute, to remunerate them as may be determined by the Institute and to exercise disciplinary control over the officers and employees of the Institute;

(i) to train members, officers and employees of the Institute to achieve the objects of the Institute;

(j) to organize meetings, lectures, workshops, seminars and conferences with a view to promoting the objects of the Institute;

(k) to purchase any movable or immovable property which may be required for the Institute, hold, take or give on lease or hire, mortgage, pledge or sell or otherwise dispose of any movable or immovable property belonging to the Institute as may be determined by the Council established under section 5, at a general meeting of such Council;

(l) to open and maintain current, savings, or other deposit accounts in any State bank and to close such accounts as necessary;

(m) deposit in any bank account or accounts of the Institute, the funds of the Institute which are not required immediately for the purposes of the Institute;

(n) to accept and receive gifts, grants, loans, donations and bequests both movable and immovable from sources in or outside Sri Lanka for the use of the Institute: Provided that, the Institute shall obtain prior approval of the Department of External Resources of the Ministry of Finance in respect of all foreign gifts, grants, donations or bequests made to the Institute;

(o) to take necessary steps to introduce, develop, maintain and monitor professional standards in the field of media;

(p) to establish and maintain a resource center related to media in Sri Lanka;

(q) to assist the members, officers, employees or other persons interested in media to carry out research on the advancement of the media profession in Sri Lanka;

(r) to borrow or raise money with or without security;

(s) to liaise and co-ordinate with other local and foreign institutions having similar objects to that of the Institute;

(t) to maintain and publish a register of members of the Institute;

(u) to determine and establish committees, boards or sub-committees as the Institute may deem necessary to carry out the objects of the Institute or to exercise the powers, duties and functions of the Institute;

(v) to establish and maintain welfare and recreational facilities for its employees;

(w) to prepare a code of conduct in order to maintain professional discipline among the members; and

(x) to do all such other acts or things which in the opinion of the Institute are necessary or expedient for carrying out the objects and functions of the Institute. ”

11. The Petitioners state that Clause 4(a) of the Bill identifies, as one of the principal objects and functions of the proposed Institute, the responsibility of advising the Minister on matters relating to the media profession and media policy. While consultation between professional bodies and the Government is not objectionable per se, the Petitioners respectfully state that the conferral of such statutory advisory functions upon a body whose governing structure is substantially influenced by the Executive creates a mechanism through which governmental influence may be institutionalized within the media sector. The Petitioners state that such a framework is capable of undermining the institutional independence expected of a professional body representing media practitioners.

12. The Petitioners state that Clause 4(o) of the Bill empowers the proposed Institute "to take necessary steps to introduce, develop, maintain and monitor professional standards in the field of media." The Petitioners respectfully state that the powers conferred by this provision are broad and undefined, extending beyond the ordinary functions of a professional association. In particular, the authority to "introduce", "maintain", and "monitor" professional standards is capable of enabling the proposed Institute to exercise continuing oversight and influence over the media profession as a whole. The Petitioners state that, when read together with the other provisions of the Bill, Clause 4(o) demonstrates the legislative intention to vest the proposed Institute with extensive regulatory authority over the media sector, rather than merely establishing a professional body for media professionals.
13. The Petitioners further state that Clause 4(x) confers upon the proposed Institute the power "to do all such other acts or things which in the opinion of the Institute are necessary or expedient for carrying out the objects and functions of the Institute." The Petitioners state that this provision is couched in broad and open-ended terms and effectively operates as a residuary clause, enabling the proposed Institute to exercise powers beyond those expressly enumerated elsewhere in the Bill, provided that such powers are considered by the Institute itself to be necessary or expedient. The absence of any objective statutory limits or clearly defined parameters governing the exercise of this power substantially enlarges the scope of the Institute's authority and permits the assumption of additional functions incidental to its stated objects.
14. The Petitioners state **clause 5 of the Bill** read as follows,
- "5. (1) The administration and management of the affairs of the Institute shall be vested in a Governing Council of the Institute (in this Act referred to as the "Council") which shall consist of –*
- (a) eight members elected from among the members of the Institute who have qualifications, knowledge and experience in the field of media: and*
- (b) seven members appointed from among the members of the Institute who have qualifications, knowledge and experience in the field of media.*

(2) The Chairperson and the other office bearers of the Institute shall be elected from among the members of the Council in accordance with the rules made under section 26.

(3) The Council shall for the purpose of administering the affairs of the Institute, exercise, perform and discharge the powers, duties and functions conferred on, assigned to or imposed on the Institute by this Act.

(4) (a) The Minister shall, until the members of the Council are elected and appointed in accordance with the rules made under section 26, appoint an interim council (hereinafter referred to as the "Interim Council") which shall consist of - .

(i) the Secretary to the Ministry of the Minister; and

(ii) six other persons who have distinguished themselves with proven knowledge, eminence and at least twenty years' experience in the field of media, nominated by the Secretary to the Ministry of the Minister.

(b) The Interim Council shall have the power to make rules –

(i) in respect of the number of members to be selected and the criteria to select such members to the Institute; and

(ii) to elect and appoint members and the office bearers to the Council in terms of the provisions of subsections (1) and (2).

(c) The Interim Council, within a period of one year from the date of operation of this Act, elect and appoint the members to the Council in terms of subsection (1). ”

15. The Petitioners state that Clause 5(1) (a) of the Bill provides for the election of eight members to the Governing Council from among the members of the proposed Institute who possess qualifications, knowledge, and experience in the field of media. While the provision contemplates the election of such members, it fails to specify the persons entitled to participate in such election, the electoral process to be adopted, or the principles governing the franchise. The Petitioners state that these matters are left to be determined by rules made under the Bill, thereby leaving the composition of the principal governing body of the proposed Institute to be regulated by a framework that is not set out in the Bill itself.

16. The Petitioners further state that Clause 5(1)(b) provides for the appointment of seven additional members to the Governing Council from among the members of the proposed

Institute who possess qualifications, knowledge, and experience in the field of media. However, the Bill does not identify the authority by whom such members are to be appointed, nor does it prescribe the criteria or procedure governing such appointments. Accordingly, the Bill envisages a Governing Council comprising eight elected members and seven appointed members, without providing any statutory safeguards governing the appointment process. The Petitioners respectfully state that the absence of clearly defined statutory provisions regulating the appointment of nearly one-half of the members of the Governing Council creates uncertainty as to the composition and governance of the proposed Institute.

17. The Petitioners state that Clause 5(4) of the Bill provides for the establishment of an Interim Council consisting of the Secretary to the relevant Ministry together with six other persons nominated by the Secretary with the concurrence of the Minister. The Petitioners respectfully state that this Interim Council is entrusted with the responsibility of establishing the initial institutional framework, including the formulation of rules governing membership, elections, appointments and the future governance of the proposed Institute.
18. The Petitioners respectfully state that the composition of the Interim Council established under Clause 5(4) demonstrates substantial Executive control over the formation of the proposed Institute. The Interim Council consists of the Secretary to the relevant Ministry together with six persons nominated by the Secretary with the concurrence of the Minister and is entrusted with the responsibility of determining membership criteria, formulating rules and establishing the institutional framework of the Institute. Accordingly, the Executive is effectively placed in a position to determine the initial governance structure of the body responsible for regulating media professionals throughout Sri Lanka.
19. The Petitioners respectfully state that such concentration of foundational regulatory powers in an Interim Council constituted exclusively through Executive appointments undermines the institutional independence expected of an impartial professional regulatory body. The absence of statutory safeguards ensuring independent participation by the media profession creates the potential for politically influenced rule-making and arbitrary administration, thereby denying persons subject to the Act the equal protection of the law guaranteed under Article 12(1) of the Constitution.

20. The Petitioners state **clause 7 of the Bill** read as follows,

“7. (1) The Chairperson shall summon all the meetings of the Council.

(2) The quorum for any meeting of the Council shall be five members including the Chairperson.

(3) Meetings of the Council may be held either –

(a) by the number of members who constitute the quorum being assembled at the place, date and time appointed for such meeting; or

(b) by means of audio-visual communication by which all members participating and constituting the quorum can simultaneously see and hear each participating member for the duration of such a meeting.

(4) All questions for decision at any meeting of the Council shall be decided by the vote of the majority of members present and voting at such meeting. In the case of an equality of votes, the Chairperson shall, in addition to his vote, have a casting vote.

(5) (a) The Chairperson shall preside at every meeting of the Council.

(b) In the absence of the Chairperson from any meeting of the Council, the Vice-Chairperson shall preside at such meeting.

(c) Where both the Chairperson and the Vice-Chairperson are absent from any meeting, the members present shall elect a member to preside at the meeting.

(6) The meetings of the Institute shall be conducted in conformity with the rules made by the Council from time to time under section 26.”

21. The Petitioners state that **Clause 7(2) of the Bill** provides that the quorum for a meeting of the Governing Council shall consist of five members, including the Chairperson. The Governing Council is composed of fifteen members, and its decisions are to be made by a majority of the members present and voting. Consequently, where only the minimum quorum is present, decisions may validly be made with the affirmative votes of as few as three members. The Petitioners respectfully state that, in view of the extensive powers, duties, and functions vested in the Governing Council under the Bill, including powers relating to the regulation and administration of the media profession, the Bill permits decisions of considerable importance

to be taken by only a small fraction of the Council's total membership. Such a framework is arbitrary and fails to ensure adequate deliberation and representative decision-making in matters that have a direct bearing on the rights and interests of media professionals.

22. The Petitioners further state that **Clause 9(2) of the Bill** provides that the quorum for meetings of the Governing Council shall consist of the Chairperson together with four other members. Accordingly, decisions affecting the governance of the Institute and the regulation of media professionals may be taken by as few as five members irrespective of the total composition of the Council. The Petitioners respectfully state that where such decisions may affect the rights, professional status and interests of media professionals throughout Sri Lanka, permitting the exercise of statutory powers by such a limited number of members is unreasonable, disproportionate and inconsistent with principles of good governance and accountability.

“Clause 9 (2) The Council shall maintain a register of the instruments and documents to which the seal of the Institute has been affixed.”

23. The Petitioner state that **Clause 12(3) of the Bill** provides for an institutional framework that is characteristic of a statutory regulatory authority operating under executive administration rather than an independent professional body. The establishment of the office of the Director-General under the proposed Institute demonstrates that the legislature intends to create an administrative body exercising governmental functions. Such a structure is fundamentally distinguishable from autonomous professional institutions, whose governance is based upon professional self-regulation and institutional independence. Accordingly, Clause 12(3) reveals the true character of the proposed Institute as a statutory regulatory authority rather than an independent professional organization established for the advancement of the media profession.

“Clause 12(3) - The Director-General shall serve as the secretary to any committee appointed under subsection (1).”

24. The Petitioners further state that **Clause 13(1) of the Bill**, when read together with Clause 12(3), makes it clear that the proposed Institute is intended to function in a manner similar to the existing Press Council, but with considerably wider powers. Unlike the Press Council, however, the proposed Institute is empowered to regulate the professional status of media practitioners and to determine whether an individual is eligible to practice as a Chartered Media Professional. In effect, the Bill goes beyond establishing professional standards and creates a statutory mechanism through which the State may exercise significant control over the media profession. The Petitioners respectfully state that this proposed Institute cannot be equated with an independent constitutional body, such as the Human Rights Commission of Sri Lanka, or with autonomous professional bodies, such as the Institute of Chartered Accountants of Sri Lanka or the Sri Lanka Institute of Architects, which operate independently in regulating their respective professions. Accordingly, the proposed framework gives rise to serious constitutional concerns regarding the independence of the media and the freedom of speech and expression guaranteed under Article 14(1) (a) of the Constitution.

“Clause 13 (1) The Council shall appoint a Director-General (in this Act referred to as the “Director-General”) who shall be the Chief Executive Officer and the Chief Accounting Officer of the Institute.”

25. The Petitioners state that **Clause 23 of the Bill** introduces a statutory disciplinary framework whereby the registration of a Chartered Media Professional may be suspended or cancelled on the ground of alleged professional misconduct. Although the Bill is presented as legislation intended to promote and uphold professional standards within the media sector, the linkage between statutory registration and disciplinary sanctions creates, in substance, a licensing regime governing the practice of journalism. The Petitioners respectfully state that the ability of a statutory body to suspend or remove a person's registration has the practical effect of restricting that person's ability to practice as a media professional, thereby directly affecting the exercise of the freedom of speech and expression guaranteed under Article 14(1)(a) of the Constitution.

“Clause 23 (1) The Disciplinary Committee appointed under section 12 of this Act shall hold an inquiry whenever the Council refers any matter to the Disciplinary Committee in respect of a professional misconduct of a member of the Institute.

(2) For the purpose of this section, “professional misconduct” means an act or omission which shall be determined by rules of the Council made under section 26.

(3) The Disciplinary Committee shall, after holding an inquiry under subsection (1), submit a report to the Council based on the facts revealed at the inquiry, specifying whether such member has been found guilty of professional misconduct or not. ”

26. The Petitioners further state that **Clause 24 of the Bill** empowers the proposed Institute to impose disciplinary sanctions, including the suspension or cancellation of registration, on the basis of "professional misconduct", a term that is not clearly or precisely defined in the Bill. The absence of objective and ascertainable standards confers an unduly broad discretion upon the proposed Institute, rendering the exercise of such powers susceptible to arbitrary and inconsistent application. The Petitioners respectfully state that the threat of suspension or cancellation of registration is capable of deterring media professionals from publishing or expressing views on matters of public interest, thereby operating as a form of prior restraint on freedom of expression. Such a statutory framework is incompatible with the constitutional guarantee of freedom of speech and expression under Article 14(1) (a) of the Constitution and is liable to have a chilling effect on the independence of the media.

“Clause 24 - The Council may disenroll any member of the Institute if the report of the Disciplinary Committee under subsection (3) of section 23 establishes that such member has been guilty of professional misconduct:

Provided however, the Council may in lieu of disenrolling a member under subsection (1), warn, reprimand or suspend him from membership for such period not exceeding one year:

Provided further, the Council may in its discretion re-enroll such person if the Council is of the opinion that such person is fit to become a member of the Institute and act as a media professional.”

27. The Petitioners respectfully state that although the Bill purports to establish professional standards within the media sector, the combined operation of Clauses 23, 24 and 27 effectively creates a statutory licensing regime governing the exercise of journalism and other forms of protected expression. The power vested in the proposed Institute to suspend or cancel registration for alleged "professional misconduct", which itself is left to be defined by rules made under the Bill, constitutes a form of prior restraint upon the exercise of freedom of speech and expression. Such a statutory mechanism is liable to deter media professionals and other persons falling within the statutory definition from publishing opinions or reporting upon matters of public interest through fear of disciplinary consequences, thereby producing an impermissible chilling effect upon constitutionally protected expression.
28. The Petitioners respectfully state that Article 15(2) of the Constitution permits restrictions upon the freedom guaranteed by Article 14(1)(a) only within narrowly prescribed limits, namely in the interests of racial and religious harmony, parliamentary privilege, contempt of court, defamation or incitement to an offence. The regulation of undefined "professional misconduct" or the creation of a statutory body empowered to determine who may continue to function as a media professional falls outside the constitutionally permissible limitations contemplated by Article 15(2). Accordingly, the impugned provisions constitute restrictions which are neither authorized nor justified by the Constitution.
29. The Petitioners respectfully state that according to the **Clause 27 of the Bill** the definition of "media professionals" contained in the Bill extends considerably beyond journalists employed by conventional media institutions and includes writers, content developers, content editors, presenters, broadcasters, journalists, editors, publishers, media owners, media managers, media educators, media researchers, media technicians and camerapersons. Such an expansive definition significantly enlarges the category of persons who may become subject to statutory regulation and disciplinary control under the proposed legislation.

"Clause 27

‘media professionals’ includes writers, content developers, content editors, anchors, presenters, broadcasters, journalists, editors, publishers, media owners, media managers, media educators, media researchers, media technicians and camerapersons in the field of media;”

30. The Petitioners respectfully state that the definition of "media professionals" contained in Clause 27 is excessively broad and extends far beyond journalists employed by conventional media institutions. By including writers, content developers, content editors, media educators, researchers, publishers, presenters and other persons engaged in the creation or dissemination of information, the Bill creates a statutory framework capable of regulating ordinary citizens who express opinions through digital platforms, social media, online publications or other forms of public communication. Consequently, the regulatory jurisdiction of the proposed Institute is not confined to the traditional media profession but extends to an indeterminate class of persons engaged in constitutionally protected expression, thereby directly engaging the freedom of speech and expression guaranteed under Article 14(1)(a) of the Constitution.
31. The Petitioners respectfully state that the Bill subjects a broadly defined and heterogeneous category of persons described as "media professionals" to a specialized statutory regulatory regime while leaving numerous other forms of public communication entirely outside its scope. Such differential treatment imposes an unequal regulatory burden without any intelligible differentia capable of justifying the distinction. It is well established that legislative classifications are constitutionally permissible only where they are founded upon an intelligible differentia bearing a rational nexus to the object sought to be achieved. Treating an independent content creator, blogger or citizen journalist in the same manner as executives or employees of established media institutions under a common disciplinary framework is arbitrary, irrational and inconsistent with Articles 12(1) and 12(2) of the Constitution.
32. The Petitioners state that the constitutional concerns raised by the Bill do not arise merely from its stated objectives but from the legal powers proposed to be conferred upon the Institute, the structure of its governing body, the executive influence exercised over its establishment and administration, the disciplinary jurisdiction vested therein, the broad rule-making powers

delegated to it, and the extensive category of persons who may become subject to its regulatory authority.

33. The Petitioners further state that the Bill proposes to establish the Institute as a statutory body corporate created by an Act of Parliament rather than as an independent professional association established and governed primarily by its own members. The proposed Institute is vested with powers to advise the Minister on matters relating to media education and professionalism, formulate standards, regulate membership, exercise disciplinary authority, establish codes of conduct, appoint committees, and make rules governing significant aspects of the media profession.
34. The Petitioners state that the Bill further provides for the appointment of an Interim Council consisting of the Secretary to the relevant Ministry together with six other persons nominated by the Secretary to the Ministry and appointed by the Minister, with authority to formulate the initial rules governing membership criteria, elections, appointments and the institutional framework of the proposed Institute. The Petitioners respectfully state that this initial governance structure vests substantial control over the establishment of the Institute in the Executive, thereby raising serious concerns regarding institutional independence, transparency and political neutrality.
35. The Petitioners state that the cumulative effect of the provisions of the Bill is capable of imposing substantial restrictions upon the exercise of freedom of expression, media independence and professional autonomy through statutory regulation, disciplinary proceedings, accreditation, rule-making powers and executive oversight. Accordingly, the Petitioners respectfully state that several provisions of the Bill are inconsistent with the Constitution and require the determination of this Honorable Court in terms of Articles 120 and 121 of the Constitution.
36. The Petitioners respectfully state that the concentration of such foundational powers in an Interim Council constituted through Executive appointments is inconsistent with the principles of institutional independence, transparency and democratic governance. The absence of statutory safeguards ensuring independent participation by the media profession at this

formative stage renders the governance structure susceptible to political influence and undermines public confidence in the independence of the proposed Institute.

37. The Petitioners state that the cumulative effect of Clauses 4(a), 4(b), 4(f), 5(1)(a), 5(1)(b), 5(4) and 9(2), read together with the remaining provisions of the Bill, is to establish a statutory institution exercising significant regulatory influence over the media profession while lacking adequate guarantees of institutional independence from the Executive. The Petitioners respectfully state that these provisions are capable of producing a chilling effect upon independent journalism and the exercise of freedom of speech and expression, and accordingly raise serious issues of constitutional inconsistency requiring the determination of this Honorable Court.
38. The Petitioners respectfully state that where legislation establishes a statutory mechanism enabling an Executive-controlled body to suspend, cancel or otherwise deprive citizens of their ability to exercise constitutionally protected speech through compulsory registration and disciplinary sanctions, such legislation does not merely impose permissible restrictions contemplated by Article 15 of the Constitution but substantially alienates the very substance of the fundamental right itself.
39. Accordingly, if this Honorable Court determines that the cumulative effect of the impugned provisions results in the alienation or substantial impairment of the sovereignty of the People as guaranteed by Article 3, read together with Article 4 of the Constitution, the Bill cannot validly be enacted by a special majority in Parliament alone but would additionally require the approval of the People at a Referendum in terms of Article 83 of the Constitution.
40. The Petitioners respectfully reserves the right to amend this Petition and/or add other parties and/or adduce further material in the event it becomes necessary and/or expedient to do so depending on the disclosure emanating from the pleadings and/or submissions made on behalf of the respondents.

41. The Petitioners state that he has not invoked the jurisdiction of Your Lordships' Court in this regard previously.

WHEREFORE the Petitioners respectfully prays that Your Lordships' Court may be pleased to:

- a) Hear the Petitioners;
- b) Issue Notice to Hon. Attorney General;
- c) Determine and declare, that the Bill titled "Chartered Institute of Media Professionals of Sri Lanka" in whole or in part thereof, is inconsistent with all the Articles of the Constitution of the said Republic and require to be passed by not less than two-thirds of whole number of members in Parliament and approved by the people at a Referendum by virtue of the provisions of Article 83;
- d) Grant such further and other relief as to Your Lordships' Court shall seem meet.

Attorney-at-Law for the Petitioners