

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

In the matter of an Application in terms of Article 121, read with the other relevant and applicable Articles of the Constitution in relation to the enactment of laws, for a determination, as to whether the Bill titled: "Inland Revenue (Special Provisions) (Amendment) - a BILL to Amend the Inland Revenue (Special Provisions) Act No. 10 of 2003" or any part thereof is inconsistent with and ultra-vires the Constitution and outside the limited legislative power conferred by the People to be exercised in trust by Parliament, in terms of the Constitution.

Nihal Sri Ameresekere
167/4, Sri Vipulasena Mawatha
Colombo 10.

PETITIONER

SC/SD No. 20/2003

Vs.

K.C. Kamalabayson, P.C.
Hon. Attorney General
Attorneys General's Department,
Colombo 12.

RESPONDENT

AND NOW

In the matter of an Application to the Supreme Court seeking the exercise of its inherent powers to set aside the Determination made by a 3-Member Bench of the Supreme Court in this Application and to have the constitutionality of the provisions being enacted into law by the Bill titled: "Inland Revenue (Special Provisions) (Amendment) - a BILL to Amend the Inland Revenue (Special Provisions) Act No. 10 of 2003" re-examined by a fuller Bench of the Supreme Court

Nihal Sri Ameresekere
167/4, Sri Vipulasena Mawatha
Colombo 10.

PETITIONER-PETITIONER

Vs.

K.C. Kamalabayson, P.C.
Hon. Attorney General
Attorneys General's Department,
Colombo 12.

RESPONDENT- RESPONDENT

Hon. Joseph Michael Perera
Speaker of Parliament of Sri Lanka
Parliament of Sri Lanka
Sri Jayawardenepura
Kotte.

W.J.S. Karunaratne
Secretary to Her Excellency the President
Presidential Secretariat
Colombo 1.

ADDED- RESPONDENTS

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

WHEREAS in SC (SD) No. 22/2003, (*announced by the Hon. Speaker on 23.9.2003*) a 5-Member Bench of Your Lordships' Court has examined the provisions of the principal enactment being extended to a "new group of persons" / "new transactions" and has determined the inconsistency thereof with the Constitution in such circumstances of extension to a "new group of persons" / "new transactions", and has further, *inter-alia*, determined that an Amendment cannot be viewed in isolation, and that an Amendment certainly cannot derive a stamp of constitutionality from an Act that is in force, and that Court will, *inter-alia*, strike down *unconscionable law*, and that the law certainly cannot strengthen the strong and weaken, the weak

AND WHEREAS furthermore in the Determination in SC (SD) No. 23/2003 (*also announced by the Hon. Speaker on 23.9.2003*) the 5-Member Bench of Your Lordships' Court has determined that the reasoning set out fully in SC (SD) No. 22/2003 will apply with equal force in relation to the said matter in respect of alleged inconsistency with Article 12(1) of the Constitution and, *inter-alia*, *vis-a-vis unconscionable law*

NOW THEREFORE in support of the averments contained and the stance taken by me in my Application in the above matter, more particularly in paragraphs 7, 8, 9, 10, 11 and 12 of my Petition dated 12.9.2003, I respectfully tender herewith, true copies marked "X4(a)" and "X4(b)", respectively, of the Determinations made by the 5-Member Bench of Your Lordships' Court in Applications SC (SD) Nos. 22/2003 and 23/2003, wherein I appeared in person, as an Interventient-Petitioner, and I respectfully Move that Your Lordships' Court be pleased to accept the same

Copies of this Motion, together with the Determinations marked "X4(a)" and "X4(b)", having been sent by Registered Post to the Hon. Attorney General, the Hon. Speaker of Parliament and the Secretary to Her Excellency the President, Registered Postal Article Receipts are attached hereto.

On this 25th day of September 2003


Petitioner-Petitioner