

**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

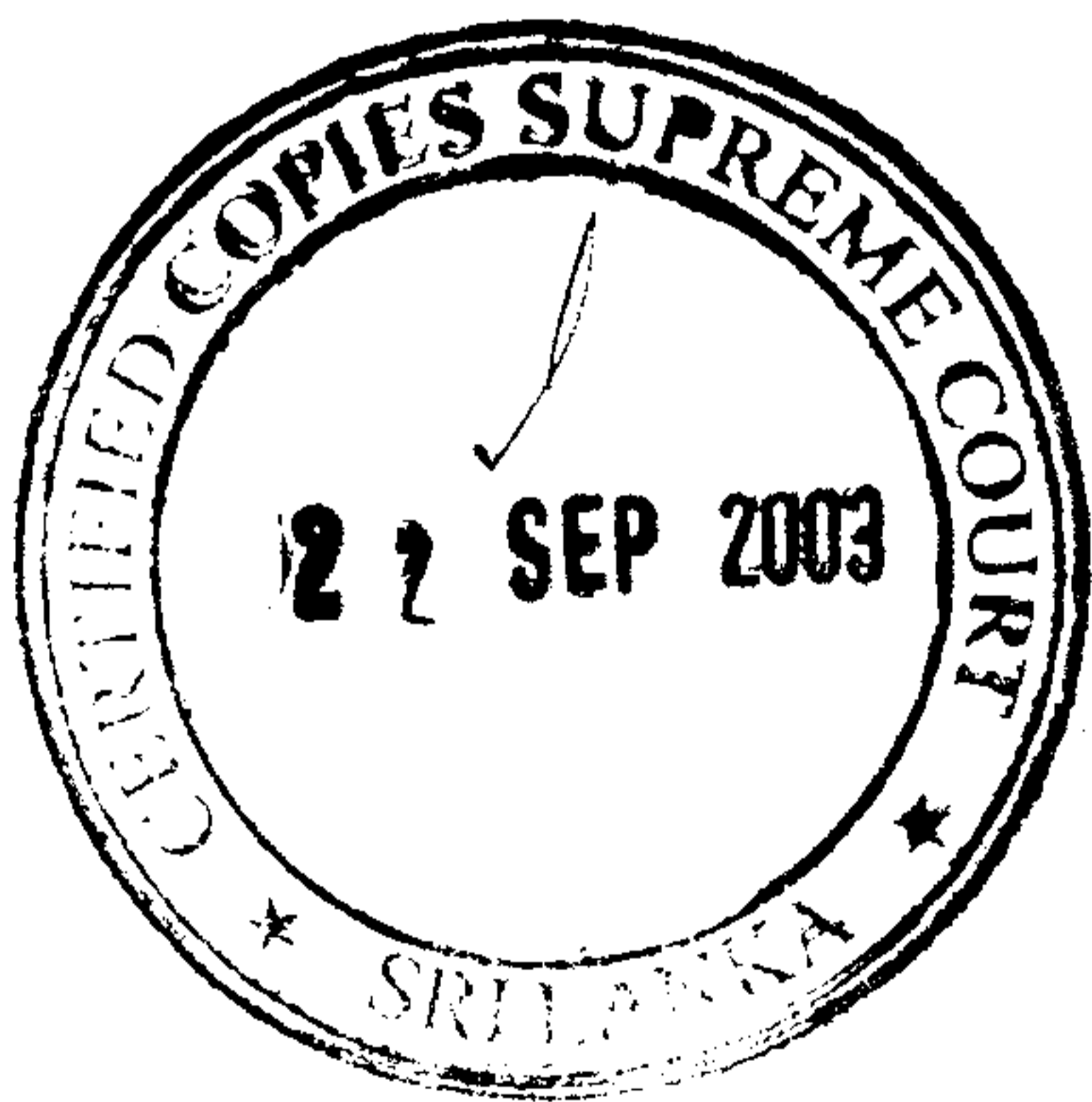
AND NOW

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

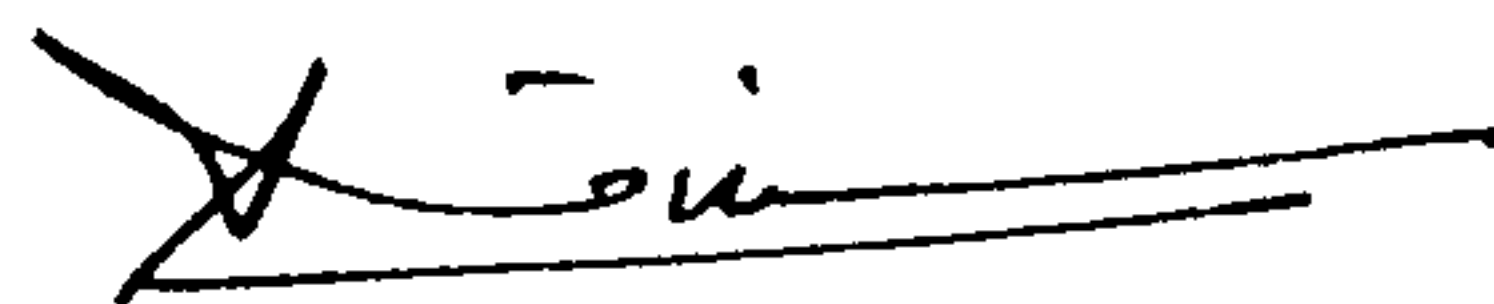
WHEREAS Determination was made in the above Application by a 3-Member Bench of Your Lordships' Court in August 2003

AND WHEREAS as set out in this Application, the subject matter thereof is of utmost general and public importance meriting a re-examination and a determination by a fuller Bench of Your Lordships' Court, which is vested with the exclusive jurisdiction in respect of constitutional matters in terms of Article 118 of the Constitution, and I have good, sufficient and sound causes, reasons and grounds to invoke jurisdiction of Your Lordships' Court for such purpose, acting in the national and public interest, as morefully set out in my Petition tendered herewith

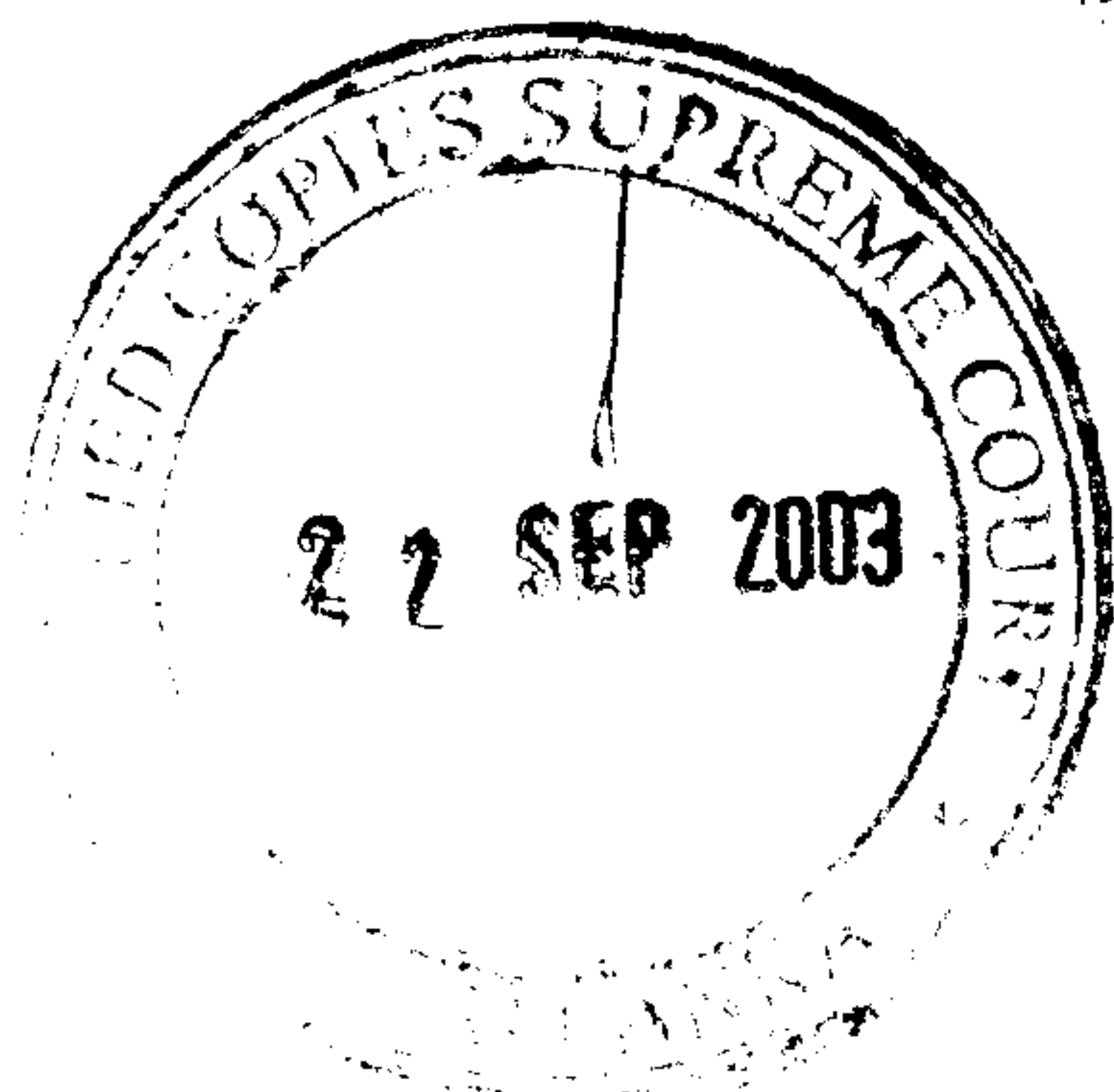
NOW THEREFORE I tender herewith in that behalf my Petition and Affidavit and Documents marked "X1", "X2", "X3(a)" and "X3(b)" and respectfully Move that Your Lordships' Court be pleased to accept the same and fix this Application for Hearing on a date convenient to Your Lordships' Court

Copies of this Petition, together with my Affidavit and the aforesaid Documents, 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 12th day of September 2003



Petitioner-Petitioner



**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.

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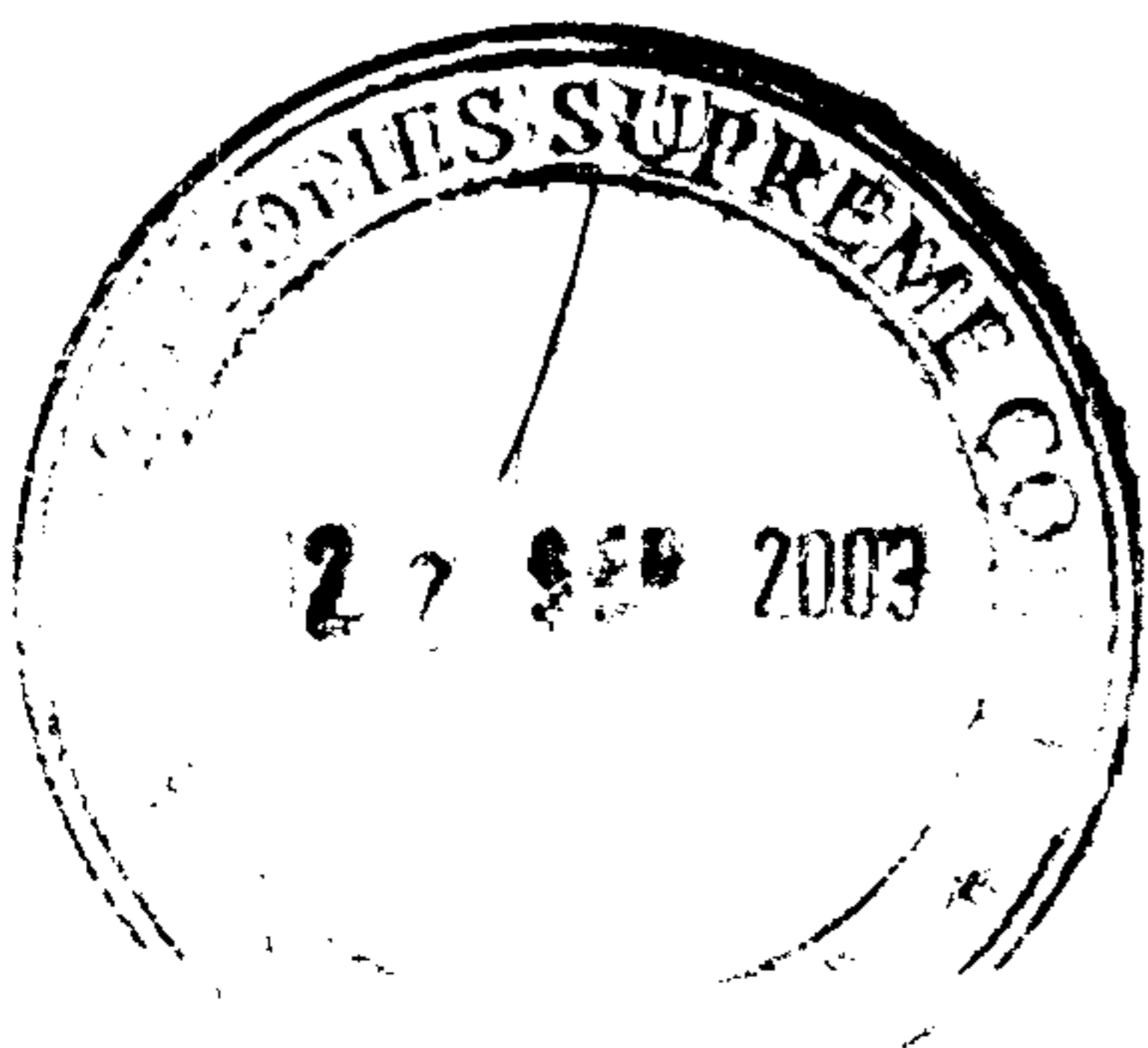
On this 12th day of September 2003

The **Petition** of the Petitioner-Petitioner above-named (hereinafter referred to as the "**Petitioner**") states as follows:

1. The Petitioner is a citizen of the Democratic Socialist Republic of Sri Lanka and is presenting this Petition on his behalf and for and on behalf of the general public, in the national and public interest, exercising constitutional rights, and performing his duties particularly under Article 28 of the Constitution;
 - a) to uphold and defend the Constitution and the law
 - b) to further the national interest
 - c) to preserve and protect public property
 - d) to combat misuse and waste of public property

A true Photocopy of the National Identity Card of the Petitioner is annexed hereto marked "A" and pleaded as part and parcel hereof.

2. The jurisdiction of Your Lordships' Court was invoked by the above Application made on 29.7.2003 under Article 121 of the Constitution, 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" (placed on the Order Paper of Parliament on 25.7.2003) (hereinafter referred to as the "**Amendment Bill**") or any part thereof was,
 - inconsistent with the Constitution,
 - *ultra vires* the Constitution,
 - outside the "**limited legislative power**" conferred by the People to be exercised in trust by Parliament, in terms of the Constitution.



3. A 3-Member Bench of Your Lordships' Court having heard the above Application on 7.8.2003, making certain observations, holding that the said "Amendment Bill" seeks to amend Sections 2 and 11 of Act No. 10 of 2003 "in a limited way **by extending the period of validity** of its provisions up to 15.8.2003" (*Emphasis added*), accordingly determined that the provisions of the "Amendment Bill" are consistent with the Constitution.

A true copy of the said Determination is annexed hereto marked "X1", and pleaded as part and parcel hereof

4. a) It has been observed in the said Determination ("X1"), that the "Counsel for the Petitioner explicitly stated at the Hearing that he was not seeking a determination as to the constitutional validity of the provisions of Act No. 10 of 2003, but that he was seeking to impugn only the present Bill **which is to amend** the principal enactment ..." (*Emphasis added*).

b) In this context, the following extracts are cited from the Written Submissions of the Petitioner filed on 12.8.2003 in the above Application in Your Lordships' Court:

- "It is respectfully submitted that the Parliament cannot, by a simple expediency of a purported "time-extension", **re-enact in effect, the provisions of Act No 10 of 2003, which lapsed on 30th June 2003.**" - Paragraph 15
- "Such determinations must be on the **effect of the Bill and not its object or subject matter.** Your Lordships laid this principle down in the Special Determination made on 5th May 1997 in respect of the "Sri Lanka Broadcasting Authority Bill" - "The effects doctrine" - Paragraph 16
- "And it is inconsistent with the Constitution to bring into effect (i.e., basically re-enact) the dead provisions of an Act, without affording the People the right to test the Constitutionality of its **effects** under Article 121 of the Constitution." - Paragraph 19

5. As stated aforesaid, by the above Application, the Petitioner did not invoke the jurisdiction of Your Lordships' Court seeking to examine the constitutionality of any of the provisions **applicable only up to 30.6.2003** of Act No. 10 of 2003; the main provisions of which were applicable to a **certain group of persons** up to **30.6.2003** only.

6. a) Your Lordships' Court by Judgment dated 4.8.2003 in Petitioner's S.C.(SD) Application No. 11/2003 **declined to exercise jurisdiction** to examine the constitutionality of the provisions of Act No. 10 of 2003, upholding the preliminary objections taken by the Hon. Attorney General, i.e. 7-day limit specified in Article 121, and the "*implied Ouster Clause*" in Article 80 (3) of the Constitution.

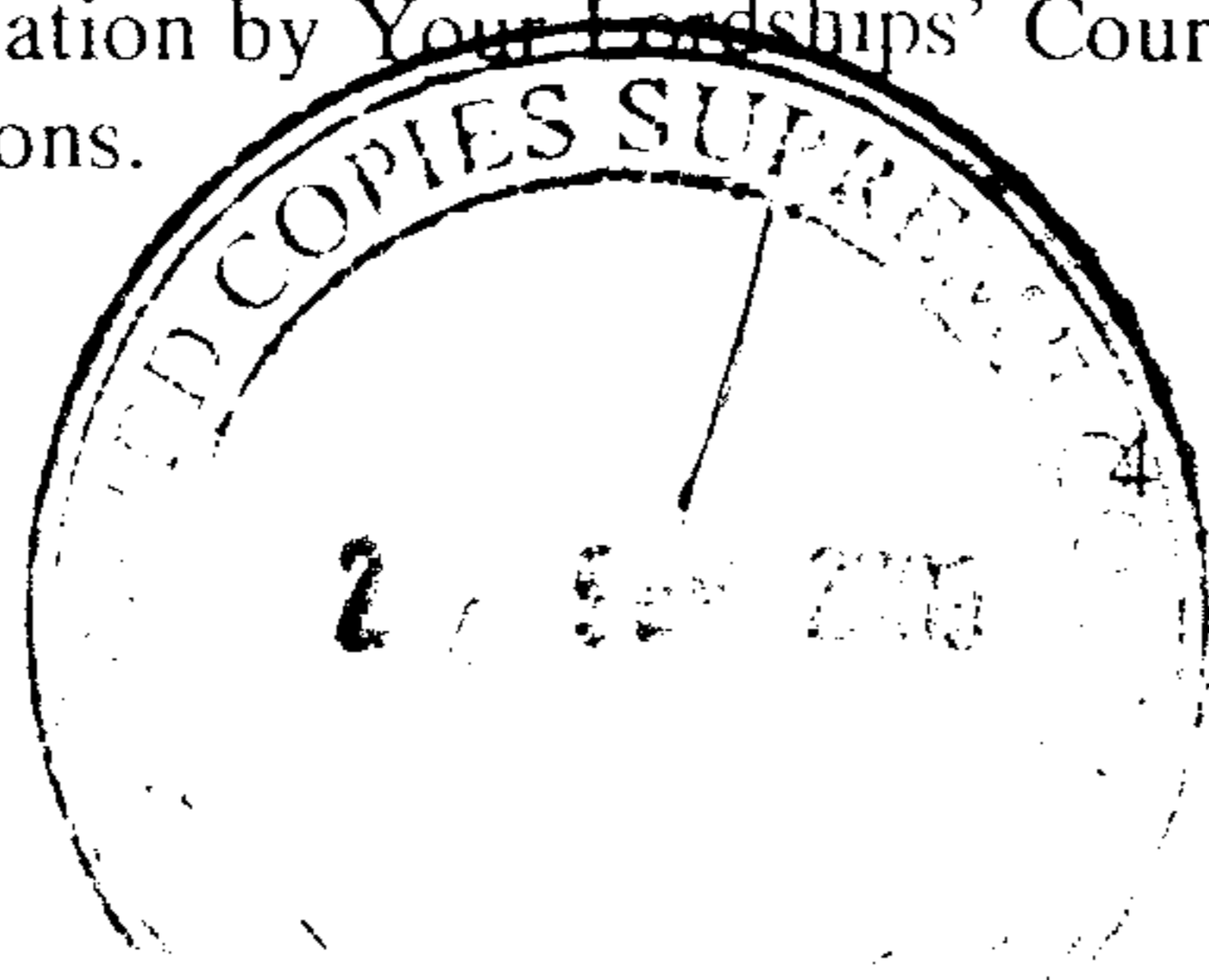
b) **Article 80 (3) of the Sinhala copy of the Constitution, however, stipulates that even after certification by the President or the Speaker, as the case may be, of "an instance", where a Bill becomes law, thereby postulating "an instance", where a Bill does not become law, even after such certification.**

c) The Sinhala text of Article 80 (3) of the Constitution reads thus:

"අවසරාලෝචිත පරිදි ජනාධිපතිවරයාගේ හෝ කථානායක වරයාගේ සහතිකය පහත කෙටුම්පතක් මත සටහන් කරනු ලැබූ පසු **එහි බලය අවසන් වන්නේ එහි පනවන ලද දිනයේදී පමණි.** එ පනතෙහි වලංගුභාවය පිළිබඳව පරීක්ෂා කිරීම එ පිළිබඳව මතයක් ප්‍රකාශ කිරීම හෝ කවර වු හෝ අකාරයකින් ප්‍රශ්න කිරීම කිසිම අධිකරණයක් හෝ විනිශ්චය අධිකරණයක් හෝ විසින් නොකළ යුත්තේ ය." ... (*Emphasis added*)

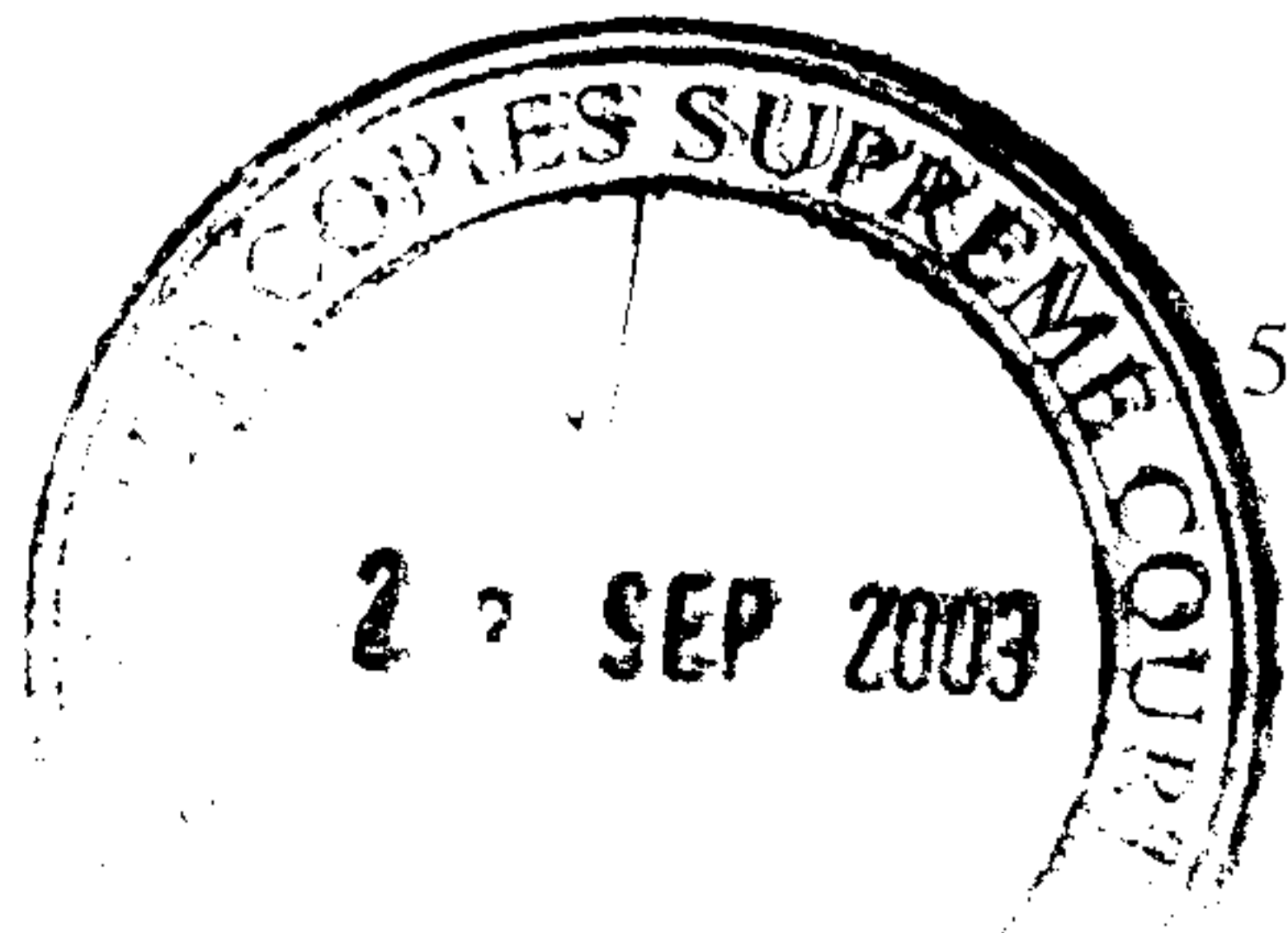


- d) The provisions of Act No. 10 of 2003 put in issue in Petitioner's S.C. (SD) Application No. 11/2003, in its **Sinhala** text, which takes precedence, contained a material phrase not enacted by Parliament, but interpolated at the printing stage of the principal enactment.
- e) In any event, even if there be an "Ouster Clause", refuge / objection thereunder could be taken, only and only if, in the first instance, the constitutional mandates, procedures, limitations and prohibitions had been complied with, and not violated.
7. a) By the above Application, i.e. S.C.(SD) No. 20/2003, the Petitioner sought to invoke the jurisdiction of Your Lordships' Court to examine the constitutionality of the provisions being **effectively enacted** into law by the "Amendment Bill" to be made applicable **after 1.7.2003** to be extended to "**another group of persons**", *distinct and different from the above first group of persons.*
- b) It is to demonstrate this and to facilitate the easy reference by Your Lordships' Court, that the Document "Composite Bill" ("X3") was compiled and tendered, as was set out and explained in paragraph 8 of the Petition dated 29.7.2003 of the Petitioner, bearing out the legal effect of the "Amendment Bill" and the several provisions being enacted into law to be made applicable **after 1.7.2003** to be extended to "**another group of persons**", *distinct and different from the above first group of persons.*
8. It is very respectfully stated that the aforesaid Determination ("X1") reveals that the constitutionality of the **several provisions being enacted into law (applicability of some of which had lapsed on 30.6.2003) to be applicable after 1.7.2003** to be extended to a "**new group of persons**" by means of the said "Amendment Bill" had not been subjected to examination and determination by Your Lordships' Court.
9. a) An "Amendment Bill" cannot stand on its own and necessarily has to be read, together with *the provisions that were being enacted into law* to be applicable and extended to the "**new group of persons**" included by the said "Amendment Bill", *distinct and different from the first group of persons*".
- b) The "Amendment Bill" necessarily had to be read together with the other applicable provisions of the principal enactment, *which said provisions were being enacted into law (some of which had lapsed on 30.6.2003) to be applicable after 1.7.2003* to be extended to a "**new group of persons**", *distinct and different from the first group of persons*".
10. In the above Application too, the Hon. Attorney General took preliminary objections to Your Lordships' Court examining the constitutionality of the provisions of Act No. 10 of 2003, (some of which had lapsed on 30.6.2003) and *which provisions were being enacted into law to be applicable after 1.7.2003* to be extended to a "**new group of persons**", *distinct and different from the first group of persons.*
11. a) The Petitioner on 26.8.2003 appeared in person, as an Interventient-Petitioner in S.C.(SD) Nos. 22/2003 and 23/2003, and a 5-Member Bench of Your Lordships' Court conceded that the constitutionality of the provisions of an existing law being "re-enacted" into law to be applicable and/or extended to a "**new group of persons**" could be subjected to examination by Your Lordships' Court for determination of the constitutionality of such provisions.



- b) In the above instance, the aforesaid 2 Statutes sought to be amended to be applicable and/or extended to a **“new group of persons”** had been previously examined and determined upon by 5-Member Benches of Your Lordships’ Court, in S.C. (SD) Nos. 1/90 and 3/90, whereas provisions of Act No. 10 of 2003 had not been so examined and determined upon by Your Lordships’ Court.
- c) The above two Applications S.C. (SD) Nos. 22/2003 and 23/2003 were challenging amendments to Debt Recovery (Special Provisions) Act No. 2 of 1990 and Recovery of Loans by Banks (Special Provisions) Act No. 4 of 1990, to extend “parate execution” of property to guarantor mortgagors and Debt Recovery law to Loans over Rs. 50,000/- afforded to the weaker sectors of society, including farmers, tradesmen, craftsmen, artists, etc., whereas by Act No. 10 of 2003, colossal **state revenues due to the public** from wrong-doers and offenders, have been waived, *conferring bonanzas to the privileged and powerful sectors of society, causing colossal losses to the Government (which is “Corruption”) and consequently to the weaker sectors of society.*
12. a) The provisions being enacted into law by means of the “Amendment Bill” to be applicable and extended to a **“new group of persons”**, *distinct and different from the first group of persons, cannot be deemed to be constitutional*, simply because Act No. 10 of 2003 previously enacted, is deemed to be valid, (which is not conceded).
- b) **Furthermore, in this instance the very constitutionality of the provisions of Act No. 10 of 2003 had not been determined upon by Your Lordships’ Court.**
13. a) The Minister of Finance in moving the 2nd reading of the “Amendment Bill” in Parliament on 21.8.2003 is reported to have, *inter-alia*, stated thus as per the Hansard;
- **“Now that the Law has been fully approved as being constitutionally valid by the Supreme Court** an extended date is requested to enable them to submit the declarations” *(Emphasis added) - Hansard Column 2429 highlighted*
 - **“Nor is it correct to state that the law detracts from the President’s powers of granting pardons under the Constitution. The Constitution vests in the President the authority to grant a pardon or a remission of a penalty of an offender convicted for any offence by a Court. The present law permits only the withdrawal of pending cases, that is; cases, which have not proceeded to conviction by Court of the offender, there is therefore no conflict with the President’s powers.”** *(Emphasis added) - Hansard Column 2430 highlighted*
 - **“As I mentioned, the advantage is, we will have at least, 45,000 more tax files** *(Emphasis added)” - Hansard Column 2486 highlighted*
- b) The aforesaid statements made by the Minister of Finance are incorrect, false and misleading.
- c) At the Committee Stage of Parliament, the terminal date of 15.8.2003 of the “Amendment Bill” was replaced to read 31.8.2003.
- d) The “Amended Bill” was *passed by a simple majority*, with 98 votes in favour and 67 votes against.

A true copy of the Hansard Columns 2429 to 2489 of 21.8.2003 is annexed hereto marked “X2”, and pleaded as part and parcel hereof



14. a) The Hon. Attorney General in his Written Submissions, at paragraphs 30 and 31 thereof, tendered to Your Lordships' Court on 12.8.2003 in the above Application, *inter-alia*, contended, that a "**fine is not a conviction**", and that granting pardon under Article 34 of the Constitution is only in respect of "**convictions**", and that the power conferred on the President to grant pardon in terms of the Article 34 of the Constitution *is not exclusive*, and that the power to grant pardon is an "**executive function**", which could also be granted by "**relevant authorities**" referred to in the principal enactment.
- b) Regulations (one undated and the other dated 15.7.2003, both unsigned, not yet Gazetted) stated to have been made by the Minister of Finance under the principal enactment had been circulated to the Officers of the Inland Revenue Department. These Regulations specifically include immunities to be granted **even after convictions** in Lower Courts, where Appeals have been made to Superior Courts, including in respect of **sentences of imprisonment**.
- c) One of the regulations stipulates that –

"Where it would appear to any Authority that a declarant has committed a serious violation of the relevant law and the immunity or the privileges under this Act may not be granted to such declarant he may refer such cases to the Minister of Finance for a ruling"

The Minister of Finance has thereby excluded the Hon. Attorney General and has empowered himself to give a ruling in instances of "**serious violation**", some of which may be those of his former Clients, and matters that he, himself, had dealt with as a Lawyer, prior to assuming Office as a Minister.

- d) The Petitioner verily believes, that one or more of the relevant Authorities, enforcing the provisions of Act No. 10 of 2003 have been instructed by the Ministry of Finance to consult the Ministry of Finance and not the Hon. Attorney General, on matters pertaining to or arising from the application of the provisions of Act No. 10 of 2003.

True copies of the said Regulations are annexed hereto marked "X3(a) and "X3(b), respectively and pleaded part and parcel hereof

15. The Petitioner is advised that,

- a) some of the Offences under the Statutes (Customs Ordinance, Exchange Control Act, Import & Export Control Act, Excise Ordinance and Excise (Special Provisions) Act) scheduled to the principal enactment, include scheduled non-bailable Offences under the Criminal Procedure Code, punishable under the Penal Code, for which immunity/pardon from investigations/prosecutions/convictions cannot be granted under the guise, ruse and "smoke screen" of an "Inland Revenue Bill".
- b) "declarants" under the principal enactment cannot be granted immunity in respect of Offences under the Criminal Procedure Code, punishable under the Penal Code connected with any "declaration" made by such "declarants" under Act No. 10 of 2003, thereby frustrating the Rule of Law, and *alienating the judicial power of the People*.



16. a) Her Excellency the President in or about July 2003 presenting a Note to Cabinet, *inter-alia*, pointing out the violation of Article 34 of the Constitution vesting in the President the *sole and exclusive right* of granting pardon, and the violation of international laws and treaties in relation to *money laundering* and financing of terrorists, **had required that Act No. 10 of 2003 be repealed.**
- b) The Governors of provinces were vested with power to grant pardon for Offences under the Statutes of a Provincial Council, without prejudice to the powers of the President, by Clause 4 of the **13th Amendment to the Constitution**, incorporating Chapter XVII A, specifically Article 154 B (9).
- c) The 6th Amendment to the Constitution, by Clause 3 thereof, incorporating Article 157 A (1) stipulates that no person shall **directly or indirectly** in or outside Sri Lanka, support, espouse, promote, **finance**, encourage or advocate the establishment of a separate State within the territory of Sri Lanka. (*Emphasis added*).
- d) Consequent to the United Nations Security Council Resolution No. 1373 of 28.9.2001, Regulations Gazetted by the Government on 16.10.2001 under the United Nations Act No. 45 of 1968, **mandate that funds related to terrorism and terrorist activities be frozen and seized by the Government.**
- e) Article 27 (15) of the Constitution stipulates that the State shall endeavour to foster respect for international law and treaty obligations in dealings among nations.
17. a) Article 82 (1) of the Constitution stipulates that –

“No Bill for the amendment of any provision of the Constitution shall be placed on the Order Paper of Parliament, unless the provisions to be repealed, altered or added, and consequential amendments, if any, are expressly specified in the Bill and is described in the long title thereof as being an Act for the amendment of the Constitution”.
(*Emphasis added*)

- b) Article 82 (3) of the Constitution stipulates that –

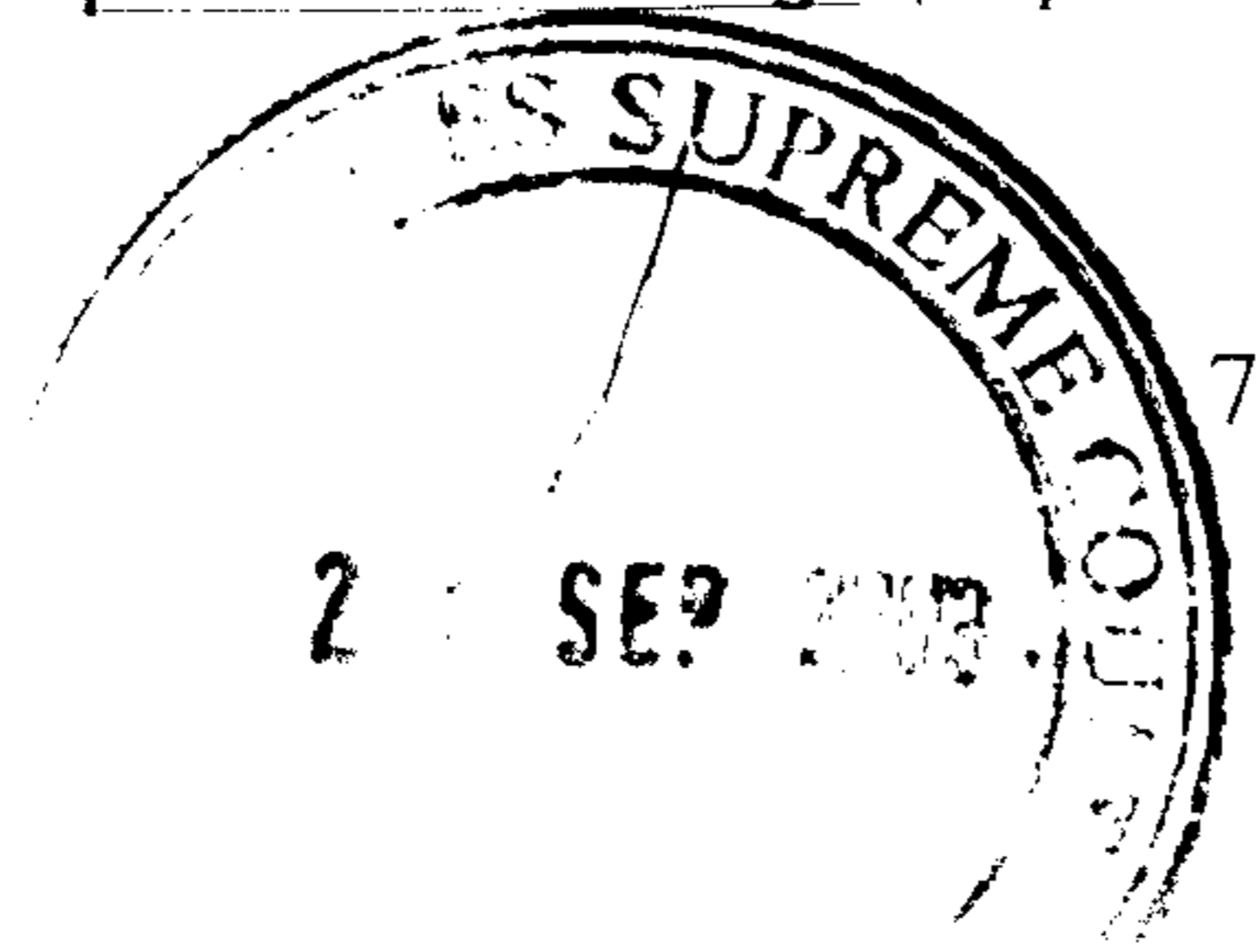
“If in the opinion of the Speaker, a Bill does not comply with the requirements of the paragraph (1) or paragraph (2) of this Article, he shall direct that such Bill be not proceeded with unless it is amended so as to comply with those requirements” (*Emphasis added*).

- c) Article 82 (6) of the Constitution stipulates that –

“No provision in any law shall, or shall be deemed to, amend, repeal or replace the Constitution or any provisions thereof, or be so interpreted or construed, unless enacted in accordance with the requirements of the preceding provisions of this Article.”

- d) Article 84 (3) of the Constitution stipulates that –

“Such a Bill when enacted into law, shall not, and shall not be deemed to, amend, repeal or replace the Constitution or any provision thereof, and shall not be so interpreted or construed, and may thereafter be repealed by a majority of the votes of the Members present and voting” (*Emphasis added*)



e) In terms of the Constitution, more particularly Articles 79, 82 (1) and 82 (3), it is the onus of the Hon. Speaker to ensure that Bills presented to Parliament are in conformity with the constitutional mandates, procedures, limitations and prohibitions, and are within the scope of the “**limited legislative power**” conferred by the People on Parliament to be exercised in trust on their behalf, without the alienation of their sovereignty, which is inalienable (Article 3, read with Article 4 (a)), prior to Bills being placed on the Order Paper of Parliament and/or proceeded with and/or certified.

f) Article 77 (1) of the Constitution stipulates that –

“It is the duty of the Attorney-General to examine every Bill for any contravention of the requirements of paragraphs (1) and (2) of Article 82 and for any provision which cannot be validly passed except by the special majority prescribed by the Constitution; ...”

18. The Petitioner reliably understands that, the Hon. Speaker has not yet endorsed his Certificate on the “Amendment Bill”, in terms of Article 79 of the Constitution certifying that it had been “*duly passed by Parliament*”, and thus the re-canvassing of the above Application and the invocation of the jurisdiction of Your Lordships’ Court therefor is, in any event not ousted under Article 80 (3) of the Constitution, as determined in S.C. (SD) No. 11/2003. **The “Amendment Bill” has not become law.**

19. In the premises the Petitioner very respectfully states that;

a) he has good, sufficient and sound causes, reasons and grounds to invoke the jurisdiction of Your Lordships’ Court seeking to have the Determination (“X1”) previously made by a 3-Member Bench of Your Lordships’ Court set aside and to have the constitutionality of the provisions being enacted into law as aforesaid by means of the “Amendment Bill” re-examined by a fuller Bench of Your Lordships’ Court.

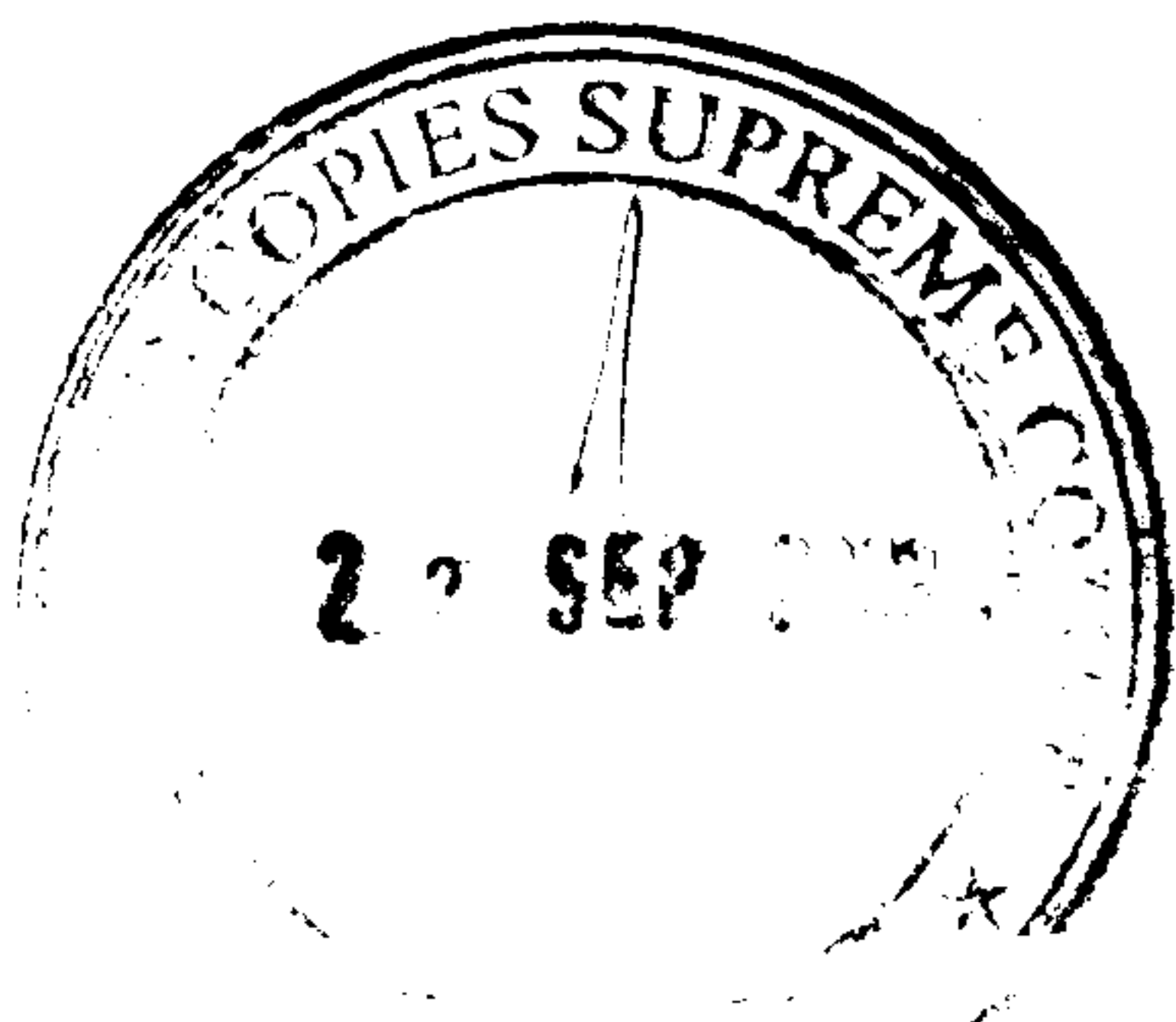
b) this matter is of utmost general and public importance meriting a re-examination and a determination by a fuller Bench of Your Lordships’ Court, which is vested with the exclusive jurisdiction in respect of constitutional matters in terms of Article 118 of the Constitution.

c) in so urging Your Lordships’ Court the Petitioner cites the dicta by Bhagawati J in *State of Rajasthan v Union of India, AIR 1977 SC 1361, 1413*;

“.... So long as a question arises whether an authority under the Constitution has acted within the limits of its power or exceeded it, it can certainly be decided by the Court. In deed, it would be its constitutional obligation to do so No one howsoever highly placed and no authority howsoever lofty can claim that it shall be the sole judge of the extent of its power under the Constitution or whether its action is within the confines of such power laid down by the Constitution. This Court is the ultimate interpreter of the Constitution It is for this Court to uphold the constitutional values and to enforce the constitutional limitations. That is the essence of the Rule of Law”

d) Your Lordships’ Court in S.C. FR No. 431/2001 has held thus;

“It is now firmly established that all powers and discretions conferred upon public authorities and functionaries are held upon trust for the public, to be used reasonably, in good faith, and upon lawful and relevant grounds of public interest; that they are not unfettered, absolute or unreviewable; and that the legality and propriety of their exercise must be judged by reference to the purposes for which they were conferred”

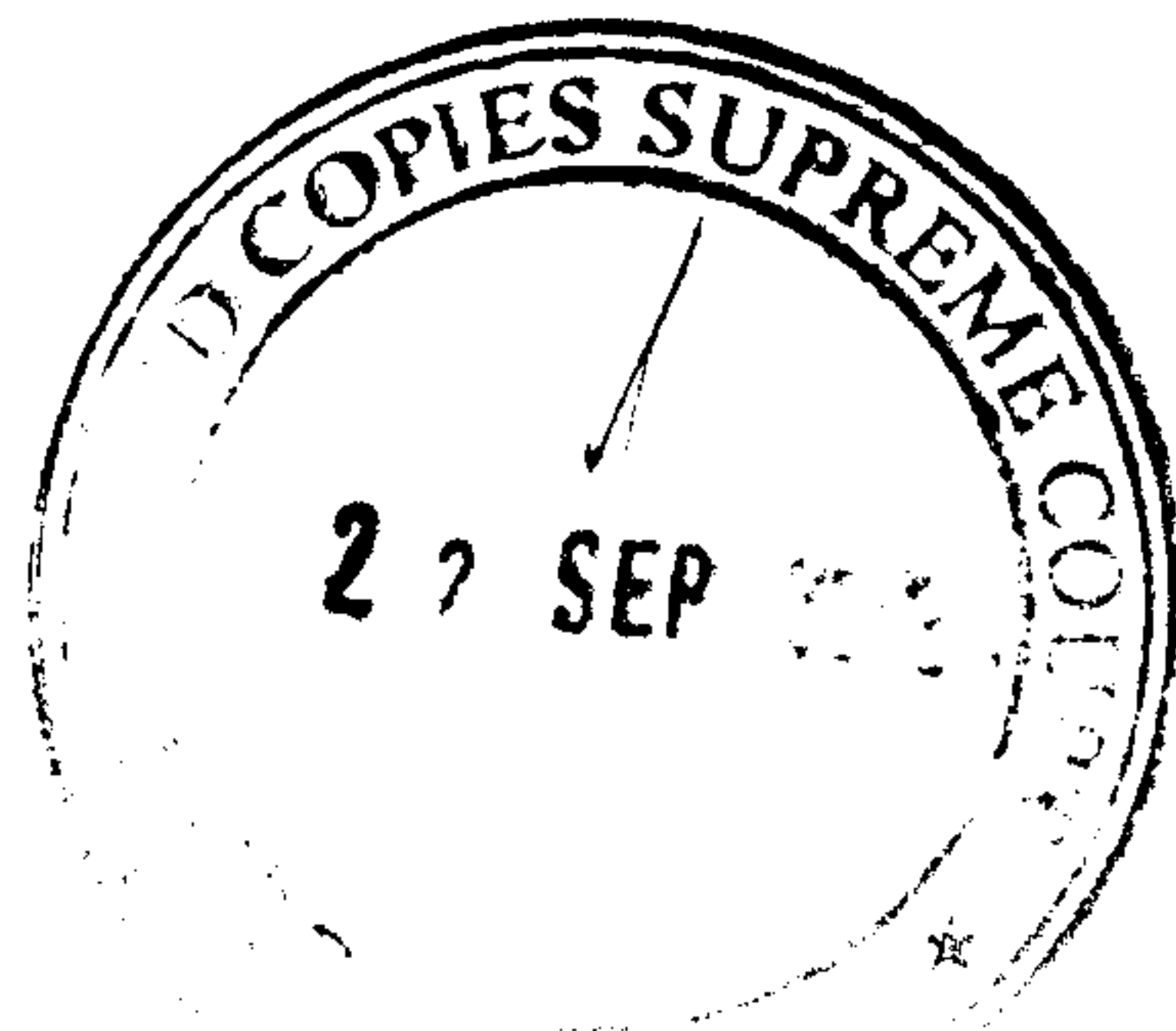


and held that – ‘Your Lordships’ Court **did have jurisdiction** to consider whether a Proclamation and the Referendum Proposal was in conformity with the Constitution’
(*Emphasis added*)

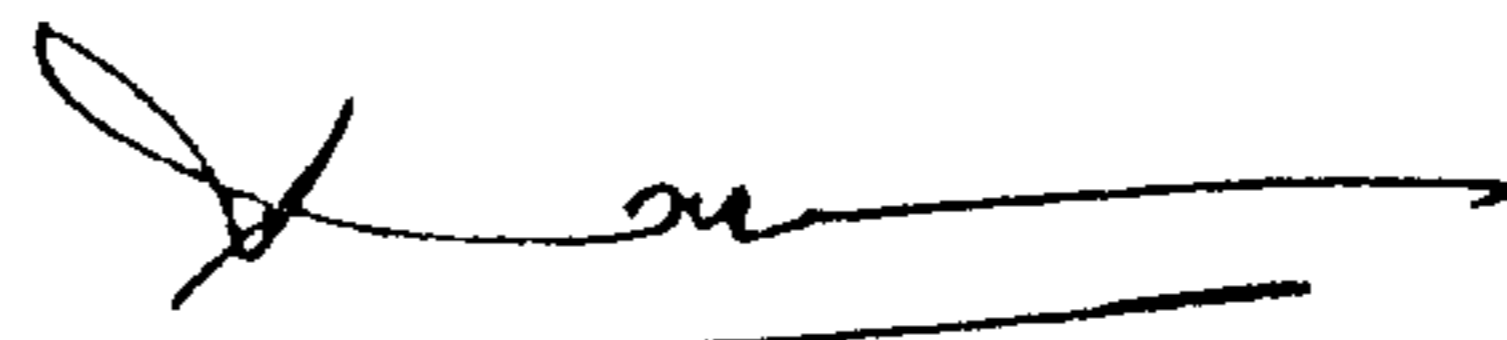
- e) **Furthermore, the Petitioner reiterates and relies upon the dicta of the unanimous determinations of the 7-Member Benches of Your Lordships’ Court in respect of the aborted 18th and 19th Amendments to the Constitution, which have been cited in the Petition dated 29.7.2003 of the Petitioner.**
 - f) Inasmuch as Notice of an Application under Article 121 (1) of the Constitution has to be delivered to the Hon. Speaker, and the Determination of Your Lordships’ Court communicated to him under Article 121 (3) of the Constitution, in this Application the Hon. Speaker is made an **Added-Respondent** in the context of certain Determinations sought from Your Lordships’ Court.
 - g) Inasmuch as the Determination of Your Lordships’ Court has been communicated to Her Excellency the President under Article 121 (3) of the Constitution, and in the context of the stance taken by Her Excellency the President requiring that Act No. 10 of 2003 be repealed as morefully referred to at paragraph 16 hereinabove, the Secretary to Her Excellency the President is also made an **Added-Respondent**.
20. The Petitioner reiterates the averments contained in his Petition and Affidavit both dated 29.7.2003 and respectfully urges that the same be read, construed and considered as part and parcel hereof.
21. The Affidavit of the Petitioner in support of the foregoing averments is annexed hereto.

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

- a) Constitute a fuller Bench of Your Lordships’ Court to hear and determine upon this Application,
- b) set aside the original Determination (“X1”) made by the 3-Member Bench of Your Lordships’ Court,
- c) determine that one or more of the provisions being enacted into law by the “Amendment Bill” is / are inconsistent with the provisions of the Constitution and requires / require a special majority in Parliament to become law,
- d) determine that one or more of the provisions being enacted into law by the “Amendment Bill” is / are inconsistent with the provisions of the Constitution and requires / require a special majority in Parliament and Approval by the People at a Referendum to become law,
- e) determine that one or more of the provisions being enacted into law by the “Amendment Bill” could not be legitimately passed by Parliament to become law in view of the specific prohibitions / bars contained in the Constitution,



- f) determine that one or more of the provisions being enacted into law by the "Amendment Bill" in effect amends / amend provisions of the Constitution and therefore, the said "Amendment Bill" could not have been placed on the Order Paper of Parliament, without having adhered to the specific constitutional procedures therefor,
- g) determine that one or more of the provisions being enacted into law by the "Amendment Bill", in effect amends / amend provisions of the Constitution, without having adhered to the specific constitutional procedures therefore, and therefore that the Hon. Speaker ought not proceed with the "Amendment Bill",
- h) grant such other and further reliefs as to Your Lordships' Court shall seem meet

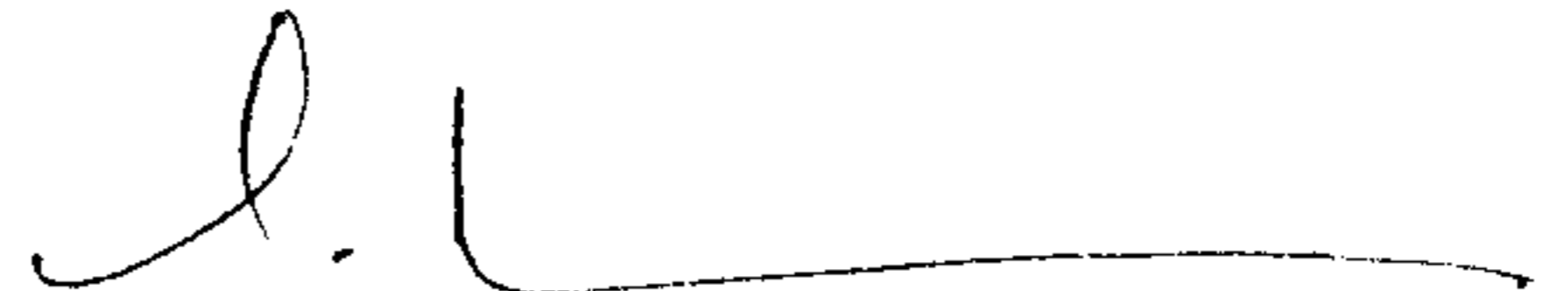


Petitioner-Petitioner

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