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

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In the matter of an Application under and in terms of Articles 17 and 126 of the Constitution of the Democratic Socialist Republic of Sri Lanka

1. Centre for Policy Alternatives (Guarantee) Ltd.,  
No 6/5, Layards Road, Colombo 5.
2. Dr. Paikiasothy Saravanamuttu  
No. 03, Ascot Avenue, Colombo 5.

***Petitioners***

**SC (FR) Application No.**

**-v-**

1. Kabir Hashim  
General Secretary,  
United National Party,  
Sirikotha Mandiraya,  
No. 400, Kotte, Pitakotte, Sri Lanka
2. Gardihewa Sarath Chandralal Fonseka  
The Democratic Party,  
No. 62/B, Parliament Road,  
Palawaththa,  
Baththaramulla.

AND also of

461/8, Pubudu Place,  
Weli Para, Thalawathugoda.

3. Karu Jayasuriya,  
Hon. Speaker,  
Parliament of the Democratic Socialist  
Republic of Sri Lanka,  
Sri Jayawardenapura, Kotte
4. Dhammika Dasanayake  
Secretary General of Parliament,  
Parliament of the Democratic Socialist  
Republic of Sri Lanka,

Sri Jayawardenapura, Kotte

5. Mahinda Deshapriya,  
Chairman,  
The Elections Commission,  
Rajagiriya.
6. N. J. Abeysekara,  
Member,  
The Elections Commission,  
Rajagiriya.
7. S. Ratnajeevan H. Hoole,  
Member,  
The Elections Commission,  
Rajagiriya.
8. Hon. Attorney General,  
Attorney General's Department,  
Hulftsdorp, Colombo 12.

***Respondents***

On this 16<sup>th</sup> day of February 2016

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

The **Petition** of the Petitioners above named appearing by ... their Registered Attorney-at-Law, states as follows:

**THE PETITIONERS**

1. The 1<sup>st</sup> Petitioner is a body incorporated under the laws of Sri Lanka (and duly re-registered in terms of the Companies Act No.7 of 2007) and is made up of members, more than three-fourths of whom are citizens of Sri Lanka.
2. The primary objects of the 1<sup>st</sup> Petitioner are *inter alia* to make inputs into public policy-making and implementation process in constitutional, legislative and administrative spheres to ensure responsible and good governance, and to propose to the government and parliament and all other policy-making bodies and institutions, constructive policy alternatives aimed at strengthening and safeguarding democracy, pluralism, the rule of law, human rights and social justice.

True copies of the Certificate of Incorporation and Memorandum and Articles of Association of the 1<sup>st</sup> Petitioner are annexed hereto marked '**P1**' and '**P2**' respectively and pleaded as part and parcel hereof.

3. The 2<sup>nd</sup> Petitioner is a citizen of Sri Lanka and the Executive-Director of the 1<sup>st</sup> Petitioner above-named.
4. The Petitioners make this Application in their own right and in the public interest, with the objective of safeguarding the rights and interests of the general public of Sri Lanka and securing due respect, regard for and adherence to the Rule of Law, the Constitution, which is the supreme law of the land, and with a view to protecting the fundamental rights required to be respected, secured and advanced as morefully set out, hereinafter.

### **THE RESPONDENTS**

5. The 1<sup>st</sup> Respondent is the General Secretary of the United National Party, which is a recognised political party, and is accordingly made a party to this application in that official capacity.
6. The 2<sup>nd</sup> Respondent is the Leader of the Democratic Party, which is a recognised political party. The 2<sup>nd</sup> Respondent contested the General Election for the 8<sup>th</sup> Parliament of the Democratic Socialist Republic of Sri Lanka under the district list submitted by Democratic Party in respect of the Colombo Electoral District.

True copy of page 1A and 10A of of Gazette (Extraordinary) No. 1923/3 dated 13<sup>th</sup> July 2015 in English is annexed hereto marked as **P3** and pleaded as part and parcel hereof.

Gazette (Extraordinary) No. 1923/3 dated 13<sup>th</sup> July 2015 comprises of pages 1A to 470A. The Petitioners have not filed the Gazette in its entirety in order to prevent the record from being overburdened. However, the Petitioners respectfully reserve the right to tender a full true copy of the said Gazette (Extraordinary) No. 1923/3 dated 13<sup>th</sup> July 2015 in its entirety required or deemed appropriate by Your Lordships' Court.

7. The Petitioners state that the 1<sup>st</sup> Respondent nominated the 2<sup>nd</sup> Respondent to fill the vacancy in Parliament created by the demise of the late M. K. D. S. Gunawardhane, in contravention of the provisions of the Constitution read with the Parliamentary Elections Act No. 1 of 1981. The late M. K. D. S. Gunawardhane had in fact been nominated under the National List of the United National Party (Vide **P5**).
8. The 3<sup>rd</sup> and 4<sup>th</sup> Respondents are the Speaker of Parliament and the Secretary General of Parliament, respectively.
9. The 5<sup>th</sup> Respondent is the Chairman and the 6<sup>th</sup> and 7<sup>th</sup> Respondents are members of the Election Commission, appointed in terms of Article 103 of the

Constitution. (The 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Respondents are hereinafter sometimes collectively referred to as ‘the Elections Commission’).

10. In terms of Article 104B (1) of the Constitution, the Election Commission *inter alia* exercises powers under the Constitution of Sri Lanka and the Parliamentary Elections Act No. 1 of 1981 as amended, and is made party in respect of the impugned acts carried out collectively by the said 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Respondents, which constitute executive and administrative action.
11. The 8<sup>th</sup> Respondent is the Hon. Attorney General of the Republic who is made a party to this application as required by law, in terms of Supreme Court Rule 44(3) read with Article 126(2) of the Constitution. No substantive relief is sought against the 8<sup>th</sup> Respondent.

### **TRANSITIONAL PROVISIONS OF THE 19<sup>th</sup> AMENDMENT TO THE CONSTITUTION**

12. The Elections Commission in terms of the 19<sup>th</sup> Amendment to the Constitution was only appointed on or about 16<sup>th</sup> November 2015. In terms of Section 49 (3)(a) of the 19<sup>th</sup> Amendment to the Constitution (Transitional Provisions), the person holding office as the Commissioner of Elections on the day preceding the date on which the act came into operation continued to exercise and discharge the powers and functions of the Commissioner of Elections and of the Elections Commission, until an Elections Commission is constituted in terms of Article 103.

During the period between the certification of the 19<sup>th</sup> Amendment to the Constitution on or about 15<sup>th</sup> May 2015 and the appointment of the Elections Commission, the 5<sup>th</sup> Respondent functioned as the Commissioner of Elections and thus exercised powers as set out in the preceding paragraphs hereof.

### **BACKGROUND TO THE INSTANT APPLICATION**

13. The Parliament of the Democratic Socialist Republic of Sri Lanka comprises two hundred and twenty-five (225) Members, required to be elected in accordance with the provisions of the Constitution (See Article 62 of the Constitution)
14. Of the said 225 members 196 are elected in terms of Articles 98 and 99 of the Constitution. A further 29 Members are elected in terms of Article 99A of the Constitution (i.e. the ‘National List’).
15. Article 99A of the Constitution provides and requires that:  
*“.....Every recognized political party or independent group contesting a General Election shall submit to the Election Commission within the nomination period specified for such election a list of persons qualified to be elected as Members of Parliament, from which it may nominate persons to fill the seats, if any, which such party or group will be entitled to, on such apportionment. The Election Commission shall cause every list submitted to him under this Article to be published forthwith in the Gazette and in one Sinhala, Tamil and English newspaper upon the expiry of the nomination period....”*

16. On or about 26<sup>th</sup> June 2015, exercising the power vested in him in terms of Article 70 of the Constitution, the President dissolved the 7<sup>th</sup> Parliament of the Democratic Socialist Republic of Sri Lanka.

A true copy of Gazette (Extraordinary) No. 1920/38 dated 26<sup>th</sup> June 2015 in English is annexed hereto marked as **P4** and pleaded as part and parcel hereof.

17. Accordingly the United National Party also tendered a list of **persons qualified to be elected as Members of Parliament**, from which it may nominate persons to fill the seats allocated to it in terms of Article 99A of the Constitution (i.e. the National List). The said list of persons together with the list submitted by other recognised political parties was subsequently Gazetted by the 5<sup>th</sup> Respondent acting in his capacity as the Commissioner of Elections, and in terms of the provisions of Article 99A.

A true copy of the said Gazette (Extraordinary) No. 1923/2 dated 13 July 2015 in English is annexed hereto marked as **P5** and pleaded as part and parcel hereof.

18. The General Election for the 8<sup>th</sup> Parliament of the Democratic Socialist Republic of Sri Lanka was conducted on or about the 17<sup>th</sup> August 2015.

19. At the said General Election conducted on or about 17<sup>th</sup> August 2015:

- i. the United National Party (UNP) obtained 5,098,916 votes (45.66% of total votes polled);
- ii. the United People's Freedom Alliance (UPFA) obtained 4,732,664 votes (42.38% of total votes polled);
- iii. Ilankai Tamil Arasu Kadchi (ITAK) obtained 233,190 (2.90% of total votes polled).; and
- iv. The Democratic Party (DP) only obtained 28,587 votes (0.26% of total votes polled).

A printout of the final result as published on the Department of Elections website (<http://www.slelections.gov.lk>) is annexed hereto marked as **P6** and pleaded as part and parcel hereof.

The Petitioners respectfully reserve the right to obtain and tender a certified copy of the said results if required or deemed expedient by Your Lordships' Court.

20. Based on the results, the 5<sup>th</sup> Respondent acting in his (then) capacity as the Commissioner of Elections, issued Gazette (Extraordinary) No. 1928/25 dated 21<sup>st</sup> August 2015, notifying that the persons whose names appear in the Schedule thereto have been elected as Members of Parliament under Article 99A of the Constitution.

A true copy of the said Gazette (Extraordinary) No. 1928/25 dated 21<sup>st</sup> August 2015 in English is annexed hereto marked as **P7** and pleaded as part and parcel hereof.

21. The said M. K. D. S. Gunawardhane, whose name appears in **P7** and who was a Member of the 8<sup>th</sup> Parliament of the Democratic Socialist Republic of Sri Lanka, passed away on or about the 19<sup>th</sup> of January 2016.

A true copy of a news report appearing in the *Island* newspaper of 20th January 2016 titled “*MKDS dead*” is annexed hereto marked as **P8** and pleaded as part and parcel hereof.

22. Several news reports indicated that the 2<sup>nd</sup> Respondent was being considered to be appointed as a Member of Parliament through the United National Party under Article 99A of the Constitution although no final decision had been made. News reports further indicate that on or about 3<sup>rd</sup> February 2016 a Memorandum of Understanding (MoU) was signed between the 2<sup>nd</sup> Respondent on behalf of the Democratic Party and the Hon. Prime Minister on behalf of the United National Party.

A true copy of a news report appearing in the *Ceylon Today* online of 3<sup>rd</sup> February 2016 titled “*SF signs MOU with UNP*” is annexed hereto marked **P9** and pleaded part and parcel hereof.

23. The Petitioners specifically state that they are not privy to the contents of the said MoU and the contents of same should be known by the 1<sup>st</sup> and 2<sup>nd</sup> Respondent.

24. In this context, Gazette (Extraordinary) No. 1953/6 dated 8<sup>th</sup> February 2016 was issued under the hand of the 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Respondents, declaring the 2<sup>nd</sup> Respondent elected as a member of the 8<sup>th</sup> Parliament to fill the vacancy created by the demise of the said M. K. D. S. Gunawardhane.

A true copy of the said Gazette (Extraordinary) No. 1953/6 dated 8<sup>th</sup> February 2016 in Sinhala, Tamil and English is annexed hereto marked as **P10** and pleaded as part and parcel hereof.

25. Gazette (Extraordinary) No. 1953/6 dated 8<sup>th</sup> February 2016 further states that the 1<sup>st</sup> Respondent nominated the 2<sup>nd</sup> Respondent to fill the vacancy created by the demise of the late M. K. D. S. Gunawardhane.

26. On or about 9<sup>th</sup> February 2016, the 2<sup>nd</sup> Respondent took oaths to assume the position of a Member of Parliament, before the Speaker of Parliament:

A true copy of a news report appearing in the *Daily Mirror* newspaper of 10th February 2016 titled “*SF now a Member of Parliament*” annexed hereto marked as **P11** and pleaded as part and parcel hereof.

27. The Petitioners state that in terms of the clear and unambiguous provisions of Article 99A of the Constitution only a person whose name is included in the list submitted to the Commissioner of Elections in terms of the said Article **or** in any nomination paper submitted in respect of any electoral district by such party or

group at that election, is entitled to be nominated to be declared as elected in terms of Article 99A of the Constitution.

28. Article 99A of the Constitution in its entirety sets out the following:

*“After the one hundred and ninety six members referred to in Article 98 have been declared elected at a General Election of Members of Parliament, Election Commission shall for forthwith apportion the balance twenty nine seats among the recognized political parties and independent groups contesting such General Election in the same proportion as the proportion which the number of votes polled by each such party or group at such General Election bears to the total number of votes polled at such General Election and for the purposes of such apportionment, the provisions of paragraphs (4), (5), (6) and (7) of Article 98 shall, mutatis mutandis, apply.*

*Every recognized political party or independent group contesting a General Election shall submit to the Election Commission within the nomination period specified for such election a list of persons qualified to be elected as Members of Parliament, from which it may nominate persons to fill the seats, if any, which such party or group will be entitled to, on such apportionment. The Election Commission shall cause every list submitted to him under this Article to be published forthwith in the Gazette and in one Sinhala, Tamil and English newspaper upon the expiry of the nomination period.*

**Where a recognized political party or independent group is entitled to a seat under the apportionment referred to above, the Election Commission shall by a notice, require the secretary of such recognized political party or group leader of such independent group to nominate within one week of such notice, persons qualified to be elected as Members of Parliament (being persons whose names are included in the list submitted to the Election Commission under this Article or in any nomination paper submitted in respect of any electoral district by such party or group at that election) to fill such seats and shall declare elected as Members of Parliament, the persons so nominated.**

*The Election Commission shall before issuing the aforesaid notice determine whether the number of members belonging to any community, ethnic or otherwise, elected to Parliament under Article 98 is commensurate with its national population ratio and request the secretary of such recognized political party or group leader of such independent group in so nominating persons to be elected as Members of Parliament to ensure as far as practicable that the representation of all communities is commensurate with its national population ratio.*

*For the purposes of this Article the number of votes polled at a General Election shall be deemed to be the number of votes actually counted and shall not include any votes rejected as void. (emphasis added)*

29. The Petitioners respectfully state that the 2<sup>nd</sup> Respondent’s name could not have been on the list submitted to the Election Commission under Article 99A of the Constitution **or** in any nomination paper submitted in respect of any electoral

district by United National Party for the said General Election as, the 2<sup>nd</sup> Respondent was a candidate for the Democratic Party in the Colombo District at the said General Election. (Vide - **P3**).

30. The Petitioners state that the provisions of Section 64(5) of the Parliament Elections Act No 1 of 1981, states as follows:

Section 64 (5)

*“Notwithstanding anything in the preceding provisions of this section, where the seat of a member of Parliament declared elected under Article 99A of the Constitution becomes vacant, Secretary-General of Parliament shall inform the Commissioner who shall require the Secretary of the recognized political party or the group leader of the independent group to which the member who vacated the seat belonged, to nominate a member of such party or group to fill the vacancy.”*  
(emphasis added)

31. The Parliament Elections Act No. 1 of 1981 has been enacted pursuant to Article 101, of the Constitution and is required to be interpreted in consonance with the provisions of the Constitution. The said Parliament Elections Act No. 1 of 1981, is in any event and without prejudice subordinate to the Constitution.
32. Therefore the provisions of the said Act which state that the Secretary of the recognized political party or the group leader of the independent group to which the member who vacated the seat belonged, can “nominate a member of such party or group to fill the vacancy” require interpretation that is harmonious and not inconsistent with the higher norm, which is the Constitutional provision (Article 99A).
33. Accordingly, it is most evident that in terms of the requirements of Section 64(5) of the Parliament Elections Act No. 1 of 1981 read with Article 99A of the Constitution, if/whenever a vacancy such as the one created by the demise of the said M. K. D. S. Gunawardhane occurs, the Secretary of the relevant Recognised Political Party or Independent Group (in this instance, the 1<sup>st</sup> Respondent as the General Secretary of the United National Party), may only duly nominate:
- i. a person whose name was on the National List (submitted by the relevant political party or independent group) or in any nomination paper submitted in respect of any electoral district by that party or group at that election;  
***and***
  - ii. who remains a member of that party or group at the time the nomination to fill a vacancy that occurs.
34. In the circumstances, the Petitioners state that the 1<sup>st</sup> Respondent cannot nominate the 2<sup>nd</sup> Respondent, whose name was neither included in the list submitted to the Election Commission by the United National Party in terms of Article 99A **nor** included in any nomination paper submitted in respect of any electoral district by the United National Party at the last (August 2015) election, to fill the vacancy created by the demise of the said M. K. D. S. Gunawardhane, a Member elected in terms of Article 99A.



35. The Petitioners state that to interpret section 64(5) in any other manner, or in a manner contrary to or inconsistent with the clear provisions and contemplation of the Constitution constitutes a negation of the will of the people through the exercise of their sovereign right of franchise, in that individuals whose merits the public had not been able to consider in the exercise of their sovereign right of franchise at the said General Election, would nevertheless be enabled to purport to function as elected Representatives in Parliament.
36. In *The Centre for Policy Alternatives, Saravanamuttu and Edrisinha v. Dissanayake and Weerawanni* (2002) SC 26 & 27/2002, the Supreme Court upheld that:  
*“When constitutional or statutory provisions have to be interpreted, and it is found that there are two possible interpretations, a Court is not justified in adopting that interpretation which has undemocratic consequences in preference to an alternative more consistent with democratic principles, simply because there are other provisions, whether in the Constitution or another statute, which appear to be undemocratic.”*
37. The Petitioners states that the aforesaid acts of the 1<sup>st</sup> Respondent in purporting to nominate the 2<sup>nd</sup> Respondent as the nominee of the United National Party; the act of the 5<sup>th</sup> , 6<sup>th</sup> and 7<sup>th</sup> Respondents in purporting to declare the 2<sup>nd</sup> Respondent elected as a Member of Parliament; the acts of the 3<sup>rd</sup> and 4<sup>th</sup> Respondents in taking steps towards purportedly swearing-in the 2<sup>nd</sup> Respondent as a Member of Parliament; the act of the 2<sup>nd</sup> Respondent in consenting to be nominated as a Member of Parliament and / or taking oaths as a Member of Parliament and/or functioning as a Member of Parliament constitute infringement of the Petitioners’ fundamental rights and the fundamental rights of the People of Sri Lanka, including a denial of the Equal Protection of the Law resulting *inter alia* from the contravention of the statutory and Constitutional provisions; the Freedom of Expression (which includes the exercise of Franchise); the Freedom of Association; the Freedom of Thought and Conscience; the Franchise; and the Sovereignty of the People, enshrined and guaranteed by the Constitution of Sri Lanka (especially Articles 10, 12(1), 14(1)(a) & (c), 3 and 4).
38. Furthermore, in the circumstances the Petitioners respectfully state that the continuous and imminent further infringement of the fundamental rights of the Petitioners and the People of Sri Lanka [particularly the fundamental rights guaranteed by **Articles 10, 12(1), 14(1)(a) and 14(1)(c)**] is facilitated and permitted, by the 2<sup>nd</sup> Respondent continuing to be considered elected as a Member of Parliament through the National List of the United National Party.
39. The Petitioners state that accordingly, the purported nomination of the 2<sup>nd</sup> Respondent by the 1<sup>st</sup> Respondent for declaration as a Member of Parliament to fill the vacancy created by the demise of the said M. K. D. S. Gunawardhane through the National List of the United National Party and subsequent steps taken to fill the said vacancy accordingly, are unconstitutional, illegal, arbitrary, irrational, grossly unreasonable, contrary to law, *ultra vires*, null and void and/or

considered a nullity in law constituting the infringement of the fundamental rights of the Petitioners and the People of Sri Lanka.

40. The Petitioners state that unless Your Lordships' Court makes interim orders restraining the unconstitutional acts sought to be prevented through this Application, grave and irreparable loss, harm, damage and prejudice would be caused to the fundamental rights of the Petitioners and the People of Sri Lanka, as the 2<sup>nd</sup> Respondent will continue to unconstitutionally function as a Member of the 8<sup>th</sup> Parliament of the Democratic Socialist Republic of Sri Lanka.
41. The Petitioner states that unless the infringement of the fundamental rights sought to be redressed through this application is prevented through appropriate interim order(s) by Your Lordships' Court until the hearing and final determination of this application, the Rule of Law itself would be eroded.
42. In view of the grave, urgent need to have the grievances addressed by Your Lordships' Court, this Application is made notwithstanding the constraints of the limited time and material available to the Petitioner at present.
43. Accordingly, the Petitioners respectfully reserve the right to furnish to Your Lordships' Court such further and/or other material, developments, facts or circumstances as may transpire and/or appear relevant to the subject matter of this Application as well as to add such parties and/or effect any amendment of pleadings as may become or transpire to be necessary.
44. The Petitioners have not previously invoked the jurisdiction of Your Lordships' Court in respect of this matter.
45. An affidavit of the 2<sup>nd</sup> Petitioner is appended hereto in support of the averments contained herein.

**WHEREFORE** the Petitioners respectfully pray that Your Lordships' Court be pleased to:

- (a) Grant the Petitioners leave to proceed with this Application;
- (b) Declare that the actions of the 1<sup>st</sup> Respondent to nominate the 2<sup>nd</sup> Respondent, purportedly as a National List nominee of the United National Party (in respect of the of the 8<sup>th</sup> Parliament of the Democratic Socialist Republic of Sri Lanka) constitutes present and continuous infringement of the fundamental rights of the Petitioners and the People of Sri Lanka guaranteed under **Articles 10, 12(1), 14(1)(a) and 14(1)(c)** of the Constitution;
- (c) Declare that the steps taken by the 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Respondents by **P10** (Gazette (Extraordinary) No. 1953/6 dated 8<sup>th</sup> February 2016) to purportedly declare the 2<sup>nd</sup> Respondent elected as a Member of the 8<sup>th</sup> Parliament of the Democratic Socialist Republic of Sri Lanka representing the United National Party is illegal, unconstitutional, null and void and

constitutes present and continuous infringement of the fundamental rights of the Petitioners and the People of Sri Lanka, guaranteed under **Articles 10, 12(1), 14(1)(a) and 14(1)(c)** of the Constitution;

- (d)** Declare that the steps taken by the 1<sup>st</sup> Respondent to purportedly nominate the 2<sup>nd</sup> Respondent as a National List nominee of the United National Party (in respect of the of the 8<sup>th</sup> Parliament of the Democratic Socialist Republic of Sri Lanka) render imminent, further infringement of the fundamental rights of the Petitioners and the People of Sri Lanka guaranteed under **Articles 10, 12(1), 14(1)(a) and 14(1)(c)** of the Constitution;
- (e)** Declare that the steps taken by the 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Respondents by **P10** (Gazette (Extraordinary) No. 1953/6 dated 8<sup>th</sup> February 2016) to purportedly declare the 2<sup>nd</sup> Respondent elected as a Member of the 8<sup>th</sup> Parliament of the Democratic Socialist Republic of Sri Lanka representing the United National Party render imminent, further infringement of the fundamental rights of the Petitioners and the People of Sri Lanka, guaranteed under **Articles 10, 12(1), 14(1)(a) and 14(1)(c)** of the Constitution;
- (f)** Declare that the actions of the 2<sup>nd</sup> Respondent, in assuming and occupying the vacant position of a Member of the 8<sup>th</sup> Parliament of the Democratic Socialist Republic of Sri Lanka as through the National List of the United National Party, constitutes present and continuous infringement of the fundamental rights of the Petitioners and the People of Sri Lanka, guaranteed under **Articles 10, 12(1), 14(1)(a) and 14(1)(c)** of the Constitution;
- (g)** Declare that the 2<sup>nd</sup> Respondent occupying the vacant position of a Member of Parliament of the 8<sup>th</sup> Parliament of the Democratic Socialist Republic of Sri Lanka as through the National List of the United National Party, entails and/or involves further and/or imminent further infringement of the fundamental rights of the Petitioners and the People of Sri Lanka, guaranteed under **Articles 10, 12(1), 14(1)(a) and 14(1)(c)** of the Constitution.
- (h)** Declare that steps taken by the 1<sup>st</sup> Respondent towards nominating the 2<sup>nd</sup> Respondent as a National List nominee of the United National Party to be a Member of the 8<sup>th</sup> Parliament of the Democratic Socialist Republic of Sri Lanka is null and void and/or of no force and/or effect in law;
- (i)** Declare that Gazette (Extraordinary) No. 1953/6 dated 8<sup>th</sup> February 2016 (**P10**) issued by the 5<sup>th</sup> 6<sup>th</sup> and 7<sup>th</sup> Respondents declaring the 2<sup>nd</sup> Respondent elected as a Member of Parliament representing the United National Party is null and void and/or of no force and/or effect in law;
- (j)** Declare that the steps taken by the 3<sup>rd</sup> and/or 4<sup>th</sup> Respondent to permit the 2<sup>nd</sup> Respondent to be sworn in as Member of the 8<sup>th</sup> Parliament of the

Democratic Socialist Republic of Sri Lanka are null and void and/or of no force and/or effect in law;

- (k)** Make Interim Order(s) restraining and/or preventing the 2<sup>nd</sup> Respondent from functioning and/or assuming any position(s) on the basis of being a Member of the 8<sup>th</sup> Parliament of the Democratic Socialist Republic of Sri Lanka until the hearing and final determination of this application;
- (l)** Grant Costs; and
- (m)** Grant such further and other relief(s) as to Your Lordships' Court shall seem meet.

**Registered Attorney-at-Law for the Petitioners**