

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

**“Anti Terrorism”**

S.C. S.D. No. 70/2023 Petitioner

Vijitha Herath,  
Member of Parliament,  
464/20, Pannipitiya Road,  
Pelawatta,  
Battaramulla.

Counsel

Nigel Hatch, PC with Sunil Watagala,  
Ms. S. Illangage and Shantha  
Jayawardana.

S.C. S.D. No. 78/2023 Petitioner

Deshabandu Suresh Rupasingha  
Gunewardene  
28/3 A, 4<sup>th</sup> Lane, Epitamulla  
Road,  
Pitakotte.

Counsel

Nuwan Peiris instructed by Amali  
Amarathna

S.C S.D. No. 82/2023 Petitioner

Rehan Jayawickrema  
Samagi Jana Balawegaya  
Hettiveediya, Weligama.

Counsel

M.A. Sumanthiran, PC with  
Farman Cassim, PC, Hejaaz  
Hizbullah and Shifan Maharooof  
instructed by Tharmarajah  
Tharmaja.

S.C.S.D. No. 86/2023 Petitioner

Dr. Harini Amarasuriya  
Member of Parliament,  
No. 33B, Janatha Mawatha,  
Mirihana,  
Kotte.

Counsel

Upul Kumarapperuma.

S.C.S.D. No. 102/2023 Petitioner

Nagananda Kodituwakku  
General Secretary,  
Vinivida Foundation,  
88, Subadrarama Road,  
Nugegoda.

Appeared in person.

S.C. S.D. No. 108/2023 Petitioner

N.A. Sampath Pushpakumara,  
No. 407/23/G,  
Samagi Mawatha,  
Udahamulla,  
Nugegoda.

Counsel

S.N. Vijithsingh with Sandamal  
Rajapakse.

S.C. S.D. No. 110/2023 Petitioner

S. Shreen A. Saroor,  
No. 202  
W.A. Silva Mawatha,  
Colombo 06.

Counsel

Pulasthi Hewamanna with Ms.  
Harini Jayawardhana, Ms.  
Fadhila Fairoze and Ms. Githmi  
Wijenarayana instructed by  
Sanjeeva Kaluarachchi.

S.C S.D. No. 113/2023 Petitioner

Ms. Ambika Satkunanathan  
No. 27, Rudra Mawatha,  
Colombo 06.

Counsel

Pulasthi Hewamanna with Ms.  
Harini Jayawardhana, Ms.  
Fadhila Fairoze and Ms. Githmi  
Wijenarayana.

S.C. S.D. No. 114/2023 Petitioner

Galbokka Hewage Ajith Kumara  
No. 84, Nagarukkarama Mawatha,

Kalegana, Galle.

Counsel Thanuka Nandasiri with  
Manujaya de Silva instructed by  
Ms. Dharshika Nayomi.

S.C. S.D. No. 121/2023 Petitioner Loku Nishshanka Arachchige Don  
Manjula Nalin Nishshanka *alias*  
Manju Nishshanka  
172/10, Yakkala Road,  
Gampaha.

Counsel Thishya Weragoda with Ms.  
Subhangi Vimalanathan, Ms.  
Thamalie Rajapakse, Ms. Stefania  
Perera, Yasanga Senadeera and  
Dilan Nalaka instructed by  
Thamila Perera.

**Vs.**

Hon. Attorney General  
Attorney General's Department  
Colombo 12.

**Respondent in all cases**

Counsel for the State: Nerin Pulle, PC, ASG with Jehan  
Gunasekara, SC, Medaka Fernando,  
SC and Sajith Bandara, SC for the  
Hon. Attorney  
General.

Argued & Decided on: 19<sup>th</sup> October 2023

A Bill titled the "Anti Terrorism" Bill [the said Bill] was published in the Gazette of 15<sup>th</sup> September 2023, and has been placed on the Order Paper of the Parliament for 3<sup>rd</sup> October 2023. The Petitioners have thereafter invoked the jurisdiction of this Court in terms of Article 121(1) of the Constitution with ten petitions bearing Nos. SC SD 70, 78, 82, 86, 102, 108, 110, 113, 114 and 121/2023 having been filed during the period 6<sup>th</sup> October 2023 and 17<sup>th</sup> October 2023. All petitions were considered together.

The learned Additional Solicitor General submitted that although the Bill was placed on the Order Paper of the Parliament for 3<sup>rd</sup> October, 2023, the First reading of the said Bill did not take place on the said date, as borne out by the Hanzard of 3<sup>rd</sup> October 2023. This position was confirmed by Mr. M A Sumanthiran, PC, who appeared for the Petitioner in SC/SD No. 82/2023, and who submitted that the said Order Paper had been printed in advance and circulated among the Hon. Members of Parliament prior to 3<sup>rd</sup> October 2023. The learned Additional Solicitor General handed over to this Court a copy of the announcement made by the Hon Speaker in Parliament on 18<sup>th</sup> October 2023 wherein, referring to a letter dated 3<sup>rd</sup> October 2023 issued by the Secretary to the Leader of the House, the Hon. Speaker had stated that a decision has been taken not to present to Parliament the said Bill on 3<sup>rd</sup> October 2023 and therefore, the said Bill is not on the Order Paper of the Parliament.

In the above circumstances, we are of the view that this Court does not have the jurisdiction to determine the Constitutionality of the said Bill in terms of Article 121(3) of the Constitution, as the said Bill has not been placed on the Order Paper of the Parliament. Accordingly, proceedings in all ten petitions are terminated.

However, a citizen shall have the right to invoke the jurisdiction of this Court in terms of Article 121(1) of the Constitution in respect of the said Bill published in the Gazette of 15<sup>th</sup> September 2023, in the event of the said Bill being placed on the Order Paper of the Parliament on a future date.

**Hon. Jayantha Jayasuriya, PC**  
**Chief Justice**

**Hon. Murdu N.B. Fernando, PC**  
**Judge of the Supreme Court**

**Hon. Arjuna Obeyesekere**  
**Judge of the Supreme Court**