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BAR ASSOCIATION OF SRI LANKA
இலங்கைச் சட்டத்தரணிகள் சங்கம்

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By Hand

7th November 2014

Registrar,
Supreme Court

Dear Madam,

SUPREME COURT REFERENCE NO. 01/2014

I write further to my letter of 5th November 2014 on the above in response to your letter of the even date on the directive of his Lordship the Chief Justice, where in I have inquired the date of the oral hearing. Since the BASL message to the membership based upon your communication, Several senior members of the Bar Association of Sri Lanka have contacted me and requested me to seek an oral hearing in this matter, pursuant to which written submissions could be filed.

The BASL too has identified its national importance and has obtained an opinion from an internationally acclaimed Constitutional Expert of Sri Lankan origin Proff. Suri Ratnapala which has been overwhelmingly concurred by the EXCO of the BASL and by a group of eminent persons including Nationally preeminent Academics in Law at a Public Forum.

The media has now carried news items suggesting that certain proceedings have already been held *in camera* in connection with the said reference.

While being mindful of the time limit imposed on the Supreme Court in respect of the said Opinion sought by His Excellency, I would like to emphasize that an oral hearing to be afforded in terms of Article 129(1) of the Constitution as has been done in the past. I hope his Lordship would not make an exception to the past tradition of oral hearing, be made in this instance.

I also note that in terms of Article 129(1) an extension of time could be sought and obtained by the Supreme Court for the delivery of the said opinion, as *inter alia*,

- a). the incumbent President of Republic has over two years left of his term of office,
- b). there is no urgency in this matter, and certainly no urgency such as would require refusal of an extension of time of up to two weeks,
- c). in view of the Constitutional and Public importance in the name of maintenance of democratic values, it is essential that members of public, and especially the Bar Association of Sri Lanka, which represents over 14,000 Attorneys-at-Law, being concerned about matters of Constitutional importance, be granted an oral hearing.

I shall thank you to submit this communication to His Lordship the Chief Justice urgently and obtain a ruling on the matters raised herein.

I await your response to advice our membership to participate in these proceedings that are of grave national importance.

Yours faithfully,



President
Bar Association of Sri Lanka