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

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.24/2 28th Lane, Off Flower Road,
Colombo 7.
2. Dr. Paikiasothy Saravanamuttu
No. 03, Ascot Avenue, Colombo 5.

Petitioners

SC (FR) Application No.

vs.

1. D. M. Jayaratne,
Prime Minister,
Prime Minister's Office,
58, Sir Ernest De Silva Mawatha, Colombo 7
2. Chamal Rajapakse,
Speaker of Parliament,
Parliament of Sri Lanka,
Sri Jayewardenepura Kotte
3. Ranil Wickremasinghe,
Leader of the Opposition,
115, 5th Lane, Colombo 3
4. A H M Azwer,
Member of Parliament,
4, Bhatiya Road, Dehiwala
5. D M Swaminathan,
Member of Parliament,
125, Rosmead Place, Colombo 07
6. Mohan Pieris,
President's Counsel,
3/144, Kynsey Road, Colombo 8
7. The Attorney General,
Attorney General's Department,
Hulftsdorp, Colombo 12

Respondents

On this 15th day of January 2013

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

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

THE PETITIONERS

1. The 1st 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 1st 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 1st Petitioner are annexed hereto marked '**P1**' and '**P2**' respectively and pleaded as part and parcel hereof.

3. The 2nd Petitioner is a citizen of Sri Lanka and the Executive-Director of the 1st 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 and the Constitution, which is the supreme law of the land.

THE RESPONDENTS

5. The 1st – 5th Respondents are Members of the ‘Parliamentary Council’ established by Article 41A(1) of the Constitution (as amended by the Eighteenth Amendment to the Constitution).
6. The Parliamentary Council is NOT a ‘committee of Parliament’, and is not immune from suit, and does not even enjoy the limited immunity from suit which (its predecessor) the Constitutional Council enjoyed.
7. The 6th Respondent is the person whom the Petitioners are reliably aware, is the person whose name has purportedly been placed by the President, before the 1st – 5th Respondents (Parliamentary Council), towards seeking their observations prior to appointing him as Chief Justice, when lawfully and constitutionally, there is no vacancy in the post / office of Chief Justice.
8. The 7th Respondent is the Attorney General of Sri Lanka and is made a party to this Application in compliance with the provisions of Article 134(1) of the Constitution.

BACKGROUND TO THE INSTANT APPLICATION

9. The Order Paper of Parliament of 6th November 2012 included a Resolution for the appointing of a Select Committee of Parliament to look into certain allegations against the incumbent Chief Justice (in terms of Article 107 of the Constitution)

A true copy of the said Resolution, as contained in the Order Paper of 6th November 2012 (obtained from the website of the Parliament – www.parliament.lk), is marked **P3** pleaded as part and parcel hereof.

10. For the purpose of fuller disclosure the Petitioners state that the purported Resolution **P3** included allegations involving the 1st Petitioner as well, but that the said allegation is false and misconceived in fact and in law, and in any event was not investigated by the PSC.

11. Subsequently, the Speaker of Parliament, purporting to act in terms of Article 107(3) of the Constitution and the Standing Orders of Parliament, purported to appoint 11 Members of Parliament to a Select Committee of Parliament (hereinafter 'PSC') to inquire into the charges contained in the impeachment motion against the Chief Justice.

True copies of the relevant portion of the Hansard of 14th November 2012, wherein the notification of the said appointment to Parliament is contained (obtained from the website of the Parliament – www.parliament.lk), is marked **P4**, and the purported Standing Order 78A contained in the Standing Orders of Parliament (obtained from the website of the Parliament – www.parliament.lk) is marked **P5**, and same are pleaded as part and parcel hereof.

12. Standing Order 78A and the legality of the purported PSC were challenged in several Writ Applications filed in the Court of Appeal, by several persons other than the Petitioners.

13. Upon the said Writ Applications being supported for the issuance of Notices the Court of Appeal made a Reference to the Supreme Court, for an interpretation of the Constitution in terms of Article 125 of the Constitution.

14. In the meantime the purported PSC purported to find the incumbent Chief Justice guilty of 3 charges, by its purported Report / Findings / Order dated 8th December 2012.

A true copy of the said purported Report / Findings / Order dated 8th December 2012 is marked **P6** pleaded as part and parcel hereof. (As the entirety of the purported PSC Report is voluminous, same has not been annexed, and the Petitioners have only annexed the portion containing the purported 'Order / Findings' but the Petitioners seek permission to produce same if so required)

15. By Determination dated 1st January 2013, the Supreme Court in SC Reference 3/2012 (CA Writ 358/2012) determined *inter alia* that:

"It is mandatory under Article 107(3) of the Constitution for the Parliament to provide by law the matters relating to the forum before which the allegations are to be proved, the mode of proof, burden of proof and the standard of proof of any alleged misbehaviour or incapacity and the Judge's right to appear and to be heard in person or by representative in addition to matters relating to the investigation of the alleged misbehaviour or incapacity."

16. Subsequently, considering a Writ Application filed by Hon. Dr. Shirani A. Bandaranayake, the incumbent Chief Justice, and in view of the aforesaid Determination of the Supreme Court, the Court of Appeal by Judgment dated 7th January 2013 in CA Writ 411/2012 issued a Writ of Certiorari quashing the impugned PSC Report, which included the purported Report / Findings / Order **P6**.

17. Notwithstanding the Determination of the Supreme Court and the Judgment of the Court of Appeal the Speaker purported to entertain the PSC Report (including the findings / order **P6**).

True copies of the Order Paper of Parliament of 10th and 11th January 2013 (obtained from the website of the Parliament – www.parliament.lk) are marked **P7** and **P8** pleaded as part and parcel hereof.

18. The Members of Parliament purported to debate on the impugned PSC Report, notwithstanding same having being quashed and thus being a nullity, and the proceedings of the PSC being unconstitutional in view of non-compliance with constitutional requirements (as set out in the Supreme Court judgment).

19. At the conclusion of the debate on the impugned PSC Report on 11th January 2013, the Members of Parliament purported to vote on the Resolution before Parliament.

20. **Article 107(3) of the Constitution** provides that:

“Parliament shall by law or by Standing Orders provide for all matters relating to the presentation of such an address, including the procedure for the passing of such resolution, the investigation and proof of the alleged misbehavior or incapacity and the right of such Judge to appear and to be heard in person or by representative.”

21. In view of the provisions of Article 4(c) of the Constitution, all matters relating to the *investigation and proof of the alleged misbehaviour* referred to in Article 107(3) could only be carried out by a body established by law, since such *investigation* clearly involves the exercise of judicial or quasi-judicial powers.

22. Since no 'law' has been passed for such purpose, the PSC could not have carried out the said *investigation*.
23. For the reasons set out above, and in view of the Determination and Judgment aforesaid, Parliament could not have proceeded to pass a valid Resolution calling upon the President of the Republic to remove the incumbent Chief Justice.
24. Further, and in any event the Order Paper of Parliament of 10th and 11th January 2013 **did not contain**:
- (i) a Resolution calling upon the President to remove the incumbent Chief Justice (but merely a Resolution almost identical to **P3**); or
 - (ii) as part of the agenda, a vote on such Resolution
25. The Petitioners are reliably aware that some Members of Parliament brought the aforesaid to the notice of the Speaker of Parliament, who continued to act in disregard of the objections, and unlawfully and in breach of Parliamentary Procedures, and permitted the Members of Parliament to vote.

The Hansard of 10th and 11th January 2013 not been printed and / or available to the Petitioner, the Petitioner respectfully seeks the permission of Your Lordships' Court to produce same upon receipt.

The Petitioners mark as **P9** a news item contained in the 'Island' of 12th January 2013, titled 'Govt. secures 2/3 majority' pleaded as part and parcel hereof.

- 26.** Thus there could have been no Resolution in law, under the Constitution, calling upon the President to remove the incumbent Chief Justice, since the purported PSC Report was quashed and ceased to exist in law.
- 27.** In any event a Resolution calling upon the President to remove the incumbent Chief Justice could not have been passed by Parliament, as the Resolution contained in the Order Paper of Parliament of 11th January 2013 was merely a Resolution for appointing a Select Committee to look into the matters specified therein.
- 28.** In the aforesaid circumstances the incumbent Chief Justice, Hon. Dr. Shirani Bandaranayake, cannot be removed unless and until:
- She is found guilty by a competent court, tribunal or institution established by LAW; and
 - A Resolution is subsequently passed by Parliament, calling upon the President to remove the incumbent Chief Justice
- 29.** The Petitioners are reliably aware that notwithstanding the aforesaid the incumbent President :
- Has, in violation of the Constitution purported to remove the incumbent Chief Justice,
 - Has, in violation of the Constitution, purported to seek the views / obtain observations (in terms of Article 41A of the Constitution) of the 1st – 5th Respondents (Parliamentary Council) with regard to appointing the 6th Respondent as Chief Justice (notwithstanding the fact that the incumbent Chief Justice will continue to hold office in terms of the Determination and Judgment aforesaid).

The Petitioners mark as **P10** a newspaper report dated 14th January 2013 contained in the Daily Mirror, titled '*CJ Sacked*' pleaded as part and parcel hereof.

30. The Petitioners are also reliably aware that the Parliamentary Council is scheduled to meet on 15th January 2013 to consider the aforesaid recommendation of the President and to provide their observations on same.
31. Any attempt by the 1st - 5th Respondents to provide observations, purporting to act in terms of Article 41A of the Constitution, would also amount to a violation of the Constitution, since there is no vacancy in the post of Chief Justice (as the incumbent Chief Justice is scheduled to retire only in or around 2023) and there are at present 11 judges of the Supreme Court holding office.
32. Any attempt by the 1st – 5th Respondents to provide observations as aforesaid would be an **Administrative and / or Executive act**, amounting to intentional violation of the Constitution, and an act both, in violation, and in furtherance of the violation, of the Fundamental Rights of the Petitioners guaranteed under Article 12(1) of the Constitution.
33. Any attempt by the 6th Respondent to accept the post of Chief Justice would also amount to an act in violation of the Fundamental Rights of the Petitioners, guaranteed under Article 12(1) of the Constitution.

- 34.** The maintenance of the Independence of the Judiciary, requires that:
- (a)** Impeachment Mechanisms are such that they leave no room for a suspicion or fear that a Judge may be victimised for delivering judgments against the Executive and / or the Legislature; and
 - (b)** Judges of the Supreme Court including the Chief Justice, cannot be appointed save and except in the manner provided for by the Constitution.
- 35.** Any attempt at appointing a Chief Justice in the present circumstances, and / or seeking the observations of the 1st – 5th Respondents with regard to same, and / or of the 1st – 5th Respondents to make such observations and / or of the 6th Respondent accepting the post / office of Chief Justice and / or exercising the functions thereof, will result in a direct attack on the independence of the Judiciary, a violation of the Constitution and the Rule of Law, and a consequent denial to the Petitioners and the citizens of Sri Lanka of the rights guaranteed by Article 12(1) of the Constitution, which includes the right to an Independent Judiciary.
- 36.** There is thus an imminent infringement of the Fundamental Rights guaranteed to the Petitioners by Article 12(1) of the Constitution.
- 37.** The Petitioners state that if the 1st to 5th Respondents (being aware of the determination of the Supreme Court and judgment of the Court of Appeal) take steps to make any observations to the President of the Republic in terms of Article 41A of the Constitution without the requirements of the said court rulings being met, they would be acting in willful violation of the Constitution of the Democratic Socialist Republic of Sri Lanka, which would constitute infringement of fundamental rights guaranteed to the Petitioners and other citizens under Article 12(1) of the Constitution by the 1st to 5th Respondents.

38. Similarly, the 6th Respondent cannot accept any appointment as Chief Justice without violating the Constitution unless there exists a valid vacancy in the position of Chief Justice in keeping with the Determination of Your Lordships' Court and the Judgement of the Court of Appeal aforesaid and steps are duly taken as per the Constitution, accordingly. Such an acceptance would constitute infringement by the 6th Respondent, of fundamental rights guaranteed to the Petitioners and other citizens under Article 12(1) of the Constitution.

39. In the aforesaid the Petitioners are compelled to invoke the jurisdiction of Your Lordships' Court and to seek *inter alia* the following reliefs:

(a) A **declaration** that the 1st – 5th Respondents cannot (in their capacity as the Parliamentary Council and / or as members thereof) make observations to the President, in terms of Article 41A of the Constitution, with regard to the appointment of a Chief Justice, unless and until the incumbent Chief Justice retires and / or unless and until the incumbent Chief Justice is found guilty by a competent court, tribunal or institution established by LAW and a Resolution is subsequently passed by Parliament, calling upon the President to remove the said incumbent Chief Justice;

(b) A **declaration** that the 6th Respondent cannot accept the post / office of Chief Justice and / or exercise the functions thereof, unless and until the incumbent Chief Justice retires and / or unless and until the incumbent Chief Justice is found guilty by a competent court, tribunal or institution established by LAW and a Resolution is subsequently passed by Parliament, calling upon the President to remove the said incumbent Chief Justice;

(c) A **declaration** that any attempt by the 1st – 5th Respondents (in their capacity as the Parliamentary Council and / or as members thereof) to make observations to the President, in terms of Article 41A of the Constitution, with

regard to the appointment of a Chief Justice, unless and until the incumbent Chief Justice retires and / or unless and until the incumbent Chief Justice is found guilty by a competent court, tribunal or institution established by LAW and a Resolution is subsequently passed by Parliament, calling upon the President to remove the said incumbent Chief Justice, would amount to an infringement of the Fundamental Rights guaranteed to the Petitioners by Article 12(1) of the Constitution and involves imminent infringement of the Fundamental Rights guaranteed to the Petitioners by Article 12(1);

(d) A declaration that any attempt by the 6th Respondent to accept the post / office of Chief Justice, (unless and until the incumbent Chief Justice retires and / or unless and until the incumbent Chief Justice is found guilty by a competent court, tribunal or institution established by LAW and a Resolution is subsequently passed by Parliament, calling upon the President to remove the said incumbent Chief Justice), would amount to an infringement of the Fundamental Rights guaranteed to the Petitioners by Article 12(1) of the Constitution and involves imminent infringement of the Fundamental Rights guaranteed to the Petitioners by Article 12(1);

(e) A declaration that in the given circumstances, the taking by the 1st to 5th Respondents of any steps to give observations to the President of the Republic in terms of Article 41A of the Constitution with regard to the appointment of a Chief Justice (unless the incumbent Chief Justice retires and/or unless and until the incumbent Chief Justice is found guilty by a competent court, tribunal or institution established by LAW and a Resolution is subsequently passed by Parliament calling upon the President to remove her from office) despite the determination of the Supreme Court and the judgment of the Court of Appeal, constitutes willful violation of the Constitution of the Democratic Socialist Republic of Sri Lanka that infringes the fundamental rights of the Petitioners and/or citizens guaranteed under Article

12(1) of the Constitution and involves imminent infringement of the Fundamental Rights guaranteed to the Petitioners by Article 12(1);

- (f) A **declaration** that in the given circumstances, any act of acceptance by the 6th Respondent of any appointment to act or function as Chief Justice (unless the incumbent Chief Justice retires and/or unless and until the incumbent Chief Justice is found guilty by a competent court, tribunal or institution established by LAW and a Resolution is subsequently passed by Parliament calling upon the President to remove her from office) involves a violation of the Constitution of the Democratic Socialist Republic of Sri Lanka, which constitutes infringement of the fundamental rights of the Petitioners and other citizens guaranteed under Article 12(1) of the Constitution and involves imminent infringement of the Fundamental Rights guaranteed to the Petitioners by Article 12(1);

- (g) An **order** restraining the 1st – 5th Respondents (in their capacity as the Parliamentary Council and / or as members thereof) from making observations to the President, in terms of Article 41A of the Constitution, with regard to the appointment of a Chief Justice, unless and until the incumbent Chief Justice retires and / or unless and until the incumbent Chief Justice is found guilty by a competent court, tribunal or institution established by LAW and a Resolution is subsequently passed by Parliament, calling upon the President to remove the said incumbent Chief Justice;

- (h) An **order** restraining the 6th Respondent from accepting the post / office of Chief Justice and / or from exercising the functions thereof, unless and until the incumbent Chief Justice retires and / or unless and until the incumbent Chief Justice is found guilty by a competent court, tribunal or institution established by LAW and a Resolution is subsequently passed by Parliament, calling upon the President to remove the said incumbent Chief Justice;

- (i) An **interim order** restraining the 1st – 5th Respondents (in their capacity as the Parliamentary Council and / or as members thereof) from making observations to the President, in terms of Article 41A of the Constitution, with regard to the appointment of a Chief Justice, unless and until the incumbent Chief Justice retires and / or unless and until the incumbent Chief Justice is found guilty by a competent court, tribunal or institution established by LAW and a Resolution is subsequently passed by Parliament, calling upon the President to remove the said incumbent Chief Justice and / or until the hearing and final determination of this Application.
- (j) An **interim order** restraining the 6th Respondent from accepting the post / office of Chief Justice and / or from exercising the functions thereof, unless and until the incumbent Chief Justice retires and / or unless and until the incumbent Chief Justice is found guilty by a competent court, tribunal or institution established by LAW and a Resolution is subsequently passed by Parliament, calling upon the President to remove the said incumbent Chief Justice and / or until the hearing and final determination of this Application.
40. Unless Your Lordships' Court makes interim orders as aforesaid, grave and irreparable loss, harm, damage and prejudice would be caused to the Petitioners and the People of Sri Lanka, especially as the 1st – 6th Respondents may act in wilful disregard of, and in contravention of, the Constitution, thus potentially resulting in an unconstitutional interference with the Judiciary (by the appointment of a second Chief Justice), and consequently the disregard of the Rule of Law, and the violation of the Fundamental Rights of the Petitioners and the People of Sri Lanka, pending the hearing and determination of this Application.

41. This application is made on the basis of limited material available to the Petitioners, who 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 as may be necessary as Respondents to this application and/or seek such further and other reliefs as may become necessary in the circumstances.
42. The Petitioners make this application with a view to secure the Rule of Law and Independence of the Judiciary. Accordingly, they do not seek compensation in respect of the infringements of Article 12(1) complained of through this application, although the Petitioners are advised of the right to same.
43. The Petitioners have not previously invoked the jurisdiction of Your Lordships' Court in respect of this matter.
44. An affidavit of the 2nd Petitioner is appended hereto in support of the averments contained herein.

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

- (a) Granting the Petitioners **leave to proceed** with this Application;

- (b) A **declaration** that the 1st – 5th Respondents cannot (in their capacity as the Parliamentary Council and / or as members thereof) make observations to the President, in terms of Article 41A of the Constitution, with regard to the appointment of a Chief Justice, unless and until the incumbent Chief Justice retires and / or unless and until the incumbent Chief Justice is found guilty by a competent court, tribunal or institution established by LAW and a Resolution is subsequently passed by Parliament, calling upon the President to remove the said incumbent Chief Justice;
- (c) A **declaration** that the 6th Respondent cannot accept the post / office of Chief Justice and / or exercise the functions thereof, unless and until the incumbent Chief Justice retires and / or unless and until the incumbent Chief Justice is found guilty by a competent court, tribunal or institution established by LAW and a Resolution is subsequently passed by Parliament, calling upon the President to remove the said incumbent Chief Justice;
- (d) A **declaration** that any attempt by the 1st – 5th Respondents (in their capacity as the Parliamentary Council and / or as members thereof) to make observations to the President, in terms of Article 41A of the Constitution, with regard to the appointment of a Chief Justice, unless and until the incumbent Chief Justice retires and / or unless and until the incumbent Chief Justice is found guilty by a competent court, tribunal or institution established by LAW and a Resolution is subsequently passed by Parliament, calling upon the President to remove the said incumbent Chief Justice, would amount to an infringement of the Fundamental Rights guaranteed to the Petitioners by Article 12(1) of the Constitution and involves imminent infringement of the Fundamental Rights guaranteed to the Petitioners by Article 12(1);

- (e) A **declaration** that any attempt by the 6th Respondent to accept the post / office of Chief Justice, and / or to exercise the functions thereof (unless and until the incumbent Chief Justice retires and / or unless and until the incumbent Chief Justice is found guilty by a competent court, tribunal or institution established by LAW and a Resolution is subsequently passed by Parliament, calling upon the President to remove the said incumbent Chief Justice), would amount to an infringement of the Fundamental Rights guaranteed to the Petitioners by Article 12(1) of the Constitution and involves imminent infringement of the Fundamental Rights guaranteed to the Petitioners by Article 12(1);
- (f) A **declaration** that in the given circumstances, the taking by the 1st to 5th Respondents of any steps to give observations to the President of the Republic in terms of Article 41A of the Constitution with regard to the appointment of a Chief Justice (unless the incumbent Chief Justice retires and/or unless and until the incumbent Chief Justice is found guilty by a competent court, tribunal or institution established by LAW and a Resolution is subsequently passed by Parliament calling upon the President to remove her from office) despite the determination of the Supreme Court and the judgment of the Court of Appeal, constitutes willful violation of the Constitution of the Democratic Socialist Republic of Sri Lanka that infringes the fundamental rights of the Petitioners and/or citizens guaranteed under Article 12(1) of the Constitution and involves imminent infringement of the Fundamental Rights guaranteed to the Petitioners by Article 12(1);
- (g) A **declaration** that in the given circumstances, any act of acceptance by the 6th Respondent of any appointment to act or function as Chief Justice (unless the incumbent Chief Justice retires and/or unless and until the incumbent Chief Justice is found guilty by a competent court, tribunal or institution established by LAW and a Resolution is subsequently passed by Parliament calling upon the President to remove her from office) involves a violation of the Constitution of the Democratic Socialist Republic of Sri Lanka, which constitutes infringement of the

fundamental rights of the Petitioners and other citizens guaranteed under Article 12(1) of the Constitution and involves imminent infringement of the Fundamental Rights guaranteed to the Petitioners by Article 12(1);

- (h) An **order** restraining the 1st – 5th Respondents (in their capacity as the Parliamentary Council and / or as members thereof) from making observations to the President, in terms of Article 41A of the Constitution, with regard to the appointment of a Chief Justice, unless and until the incumbent Chief Justice retires and / or unless and until the incumbent Chief Justice is found guilty by a competent court, tribunal or institution established by LAW and a Resolution is subsequently passed by Parliament, calling upon the President to remove the said incumbent Chief Justice;
- (i) An **order** restraining the 6th Respondent from accepting the post / office of Chief Justice and / or from exercising the functions thereof, unless and until the incumbent Chief Justice retires and / or unless and until the incumbent Chief Justice is found guilty by a competent court, tribunal or institution established by LAW and a Resolution is subsequently passed by Parliament, calling upon the President to remove the said incumbent Chief Justice;
- (j) An **interim order** restraining the 1st – 5th Respondents (in their capacity as the Parliamentary Council and / or as members thereof) from making observations to the President, in terms of Article 41A of the Constitution, with regard to the appointment of a Chief Justice, unless and until the incumbent Chief Justice retires and / or unless and until the incumbent Chief Justice is found guilty by a competent court, tribunal or institution established by LAW and a Resolution is subsequently passed by Parliament, calling upon the President to remove the said incumbent Chief Justice and / or until the hearing and final determination of this Application.

- (k)** An **interim order** restraining the 6th Respondent from accepting the post / office of Chief Justice and / or from exercising the functions thereof, unless and until the incumbent Chief Justice retires and / or unless and until the incumbent Chief Justice is found guilty by a competent court, tribunal or institution established by LAW and a Resolution is subsequently passed by Parliament, calling upon the President to remove the said incumbent Chief Justice and / or until the hearing and final determination of this Application.

- (l)** For Costs; and

- (m)** For such further and other relief(s) as to Your Lordships' Court shall seem meet.

Registered Attorney-at-Law for the Petitioners