

**Registered Post**

*Without Prejudice*

3<sup>rd</sup> of December 2014

Mr A. J. M. Musammil  
Mayor of Colombo ,  
Colombo Municipal Council,  
Town Hall,  
Colombo 07.

Dear Sir,

Re: Immediate removal of unauthorized hoardings that have been put up within the municipality of Colombo

I write on the instructions of my client Mr. Ajith Pathirana, Secretary of the Bar Association of Sri Lanka(BASL) acting on behalf of the Bar Association Sri Lanka, which Association consist of all Attorneys-at-Law of Sri Lanka. The BASL, inter alia, is empowered by its constitution to consider matters of national importance relating to Rule of Law and Democracy as per its objectives.

The Bar Association of a Sri Lanka, acting through its Bar Council and the Executive Committee, having unanimously resolved to take up matters concerning Free and Fair Elections to be held on the 8th of January 2014, have instructed me to demand you as follows;

A very large number of propaganda hoardings, approximately 1800, of HE the President Mahinda Rajapakse have been put up within the city limits of Colombo in direct violation of the by-laws published in the Gazette Notification dated 20.01.1989 and Advertising Guidelines of the Colombo Municipal Council (CMC) which came into effect in 01.01.2006 and without any consideration given to the detrimental effects such unauthorized hoardings have trespassed on the scenic beauty of the city, blocking most of the traffic signs.

I am further instructed that such display hoardings had been allowed by you without any regard to the scenic beauty and the historical value of the capital city of the country, and also without due regard to safety of the public.

I am instructed to inform you that displaying of advertisements/hoardings within the Colombo Municipality is regulated by the Advertisement, Decoration and Posters By-Law 1991 of the CMC. Section 2 of the said By-law, stated that,

*“No one shall display any advertisement or cause any advertisement to be displayed so as to be visible from any street, road, canal, lake, sea or the sky except under the authority of a license issued in that behalf.”*

I am further instructed that such display of hoardings which carries the photograph of the HE the President Mahinda Rajapakse who has declared his intention to contest the forthcoming Presidential Election, have not obtained the approval of the CMC nor displayed the approved number of hoardings as sought from the CMC.

I am also instructed that these hoardings have been put up in violation of Clauses 3, 4, 6, 8, 10, 11 and 12 of the advertising guidelines of the CMC.

I am further instructed that the granting of purported approval for the erection of the said hoardings is illegal, irrational, contrary to by-laws of the CMC, and the advertisement guidelines and thereby constitute an infringement of the fundamental rights of the residents' of the CMC area guaranteed in terms of Article 12(1) of the Constitution.

I am further instructed that the Supreme Court of the Democratic Socialist Republic of Sri Lanka in S.C.F.R Application No.252/2007 directed that the Colombo Municipal Council take steps to strictly enforce the by-laws published in the Gazette Notification dated 20.01.1989 and the guidelines for advertising in Colombo which came into effect on 01.01.2006 and a further direction was made by Their Lordships of the Supreme Court that all unauthorized/illegal hoardings erected in the Colombo Municipal Council area which were given approval in violation of the aforementioned by-laws and the guidelines for advertising in Colombo to be removed by the Colombo Municipal Council.

You have been further directed by the Commissioner of Elections by his letter dated 30th November 2014 that these illegal hoardings be removed. You have failed to carry out the said direction in flagrant violation of Law and continue to

permit the exhibition of these illegal hoardings. You have thereby acted in a corrupt manner falling within the Bribery and Corruption Law.

In the circumstances I am instructed to demand that you take immediate steps to remove the aforesaid illegal hoardings forthwith.

In the event of your failure to comply with this demand as contained herein, I am instructed to institute legal proceedings against you for contempt of court and for non compliance of law and acts of corruption upon your noncompliance with this demand with immediate effect.

Yours Sincerely,

Samararatne Associates