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

"CHARTERED INSTITUTE OF MEDIA PROFESSIONALS OF SRI LANKA" BILL

1. Udaya Kalupathirana,

No. 45/12, Ernest Place,

Lakshapathiya,

Moratuwa

2. Sunil Jayasekara,

No. 19,

Richard De Soysa Housing Complex,

Thalangama North, Battaramulla

**PETITIONERS**

**S.C.S.D. No. 27/2026**

**Vs.**

1. Hon. Attorney General,

Attorney General's Department,

Colombo 12.

2. Dr. Nalinda Jayatissa,

Minister of Health and Mass Media

Ministry of Health and Mass Media

No. 168, Asi Disi Medura,

Kirulapone Mawatha, Polhengoda,

Colombo 05.



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3. Dr. Anil Jasinghe,

Secretary of Health and Mass Media ,

Ministry of Health and Mass Media,

No. 168, Asi Disi Medura,

Kirulapone Mawatha, Polhengoda,

Colombo 05.

**RESPONDENTS**

Counsel for the Petitioners: Lakshan Dias with Maneesha Kumarasinghe instructed by Dayani Panditharathne.

Counsel for the State: Kanishka De Silva Balapatabendi, DSG with Raidha Rizvi, SC instructed by Nimalika Wickremasinghe, SSA.

Before : Janak De Silva, J.

Dr. Sobhitha Rajakaruna, J.

Sampath B. Abayakoon, J.

The Court assembled for hearing at 10.00 a.m. on 7th August, 2026.

A Bill titled *"Chartered Institute of Media Professionals of Sri Lanka"* (Bill) was published as a Supplement to Part II of the Gazette of 5th June, 2026 and placed on the Order Paper of Parliament on 22nd July 2026 in accordance with Article 78(1) of the Constitution.

The jurisdiction of Court to determine the constitutionality of the Bill has been invoked by the Petitioners in terms of Article 121(1) of the Constitution. Court issued notice on the Hon. Attorney General as required by Article 134(1) of the Constitution.

The Petitioners have prayed *inter alia* that this Court declare that the Bill in whole or in part thereof, is inconsistent with all the Articles of the Constitution and require to be passed by not less than two-thirds of the whole number of Members of Parliament and approved by the People at a Referendum by virtue of the provisions of Article 83.

We have heard the Petitioners and the Hon. Attorney-General.



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***Jurisdiction of Court***

This Court is exercising the jurisdiction vested on it in terms of Article 120 of the Constitution which requires it to determine whether the Bill in its entirety or any of its provisions is inconsistent with the Constitution. When a primary determination is made as provided in Article 123(1) as to any inconsistency with the Constitution, the consequential determinations the Court is required to make are specified in Article 123(2) which reads:

> *"(2) Where the Supreme Court determines that the Bill or any provision thereof is inconsistent with the Constitution, it shall also state –*
>
> *(a) whether such Bill is required to comply with the provisions of paragraphs (1) and (2) of Article 82; or*
>
> *(b) whether such Bill or any provision thereof may only be passed by the special majority required under the provisions of paragraph (2) of Article 84; or*
>
> *(c) whether such Bill or any provision thereof requires to be passed by the special majority required under the provisions of paragraph (2) of Article 84 and approved by the People at a Referendum by virtue of the provisions of Article 83,*
>
> *and may specify the nature of the amendments which would make the Bill or such provision cease to be inconsistent."*

***Drafting History***

The drafting history of the Bill is reflected in several Cabinet Memoranda and the decisions taken thereon, copies of which have been made available to Court by the learned Deputy Solicitor General.

The Minister of Mass Media, by Cabinet Memorandum dated 24.09.2021, sought the approval of the Cabinet of Ministers for the establishment, under the Ministry of Mass Media and with State sponsorship, of a higher education, research and training institute for media, to be named the "Chartered Institute of Journalists – Sri Lanka". The Memorandum also sought approval for the drafting of the Bill necessary for the establishment of the said institution, the preparation of a project report relating to its



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establishment and the implementation of future activities in accordance with such project report.

The justification advanced for the establishment of the proposed institution was that, although four institutions within the university system conduct degree courses in mass communication, none of them provides the practical and technological knowledge considered necessary for the production of professional journalists, thereby giving rise to a number of issues within the Sri Lankan media culture. The Cabinet of Ministers granted its approval to the proposal on 05.10.2021.

It appears that, thereafter, the Minister of Mass Media presented a Note to the Cabinet dated 29.07.2022, entitled "Amending the name of the Chartered Institute of Journalists – Sri Lanka that has been proposed to be established by the Ministry of Mass Media as the 'Chartered Institute of Media Professionals – Sri Lanka'". The said Note, however, has not been tendered to Court.

The decision taken thereon on 15.08.2022 has, however, been made available to Court. By that decision, it was resolved to amend the name of the proposed institution to "Chartered Institute of Media Professionals – Sri Lanka". It was further decided to instruct the Legal Draftsman to draft legislation for the establishment of the "Chartered Institute of Media Professionals – Sri Lanka", based on the preliminary draft annexed to the said Note, having due regard to the observations made by the Minister of Finance, Economic Stabilization and National Policies.

Among the observations of the Minister of Finance, Economic Stabilization and National Policies were that the proposed institution should be established without State patronage and should comprise independent media professionals; provisions enabling the Minister to appoint members to the institution and permitting public officers to serve as ex officio members should be removed; provisions enabling the institution to make use of State resources should be removed; the institution should not be permitted to employ public servants or officers receiving a salary from the State; and the institution should be independent of the State and administered by professional media personnel.

On 19.03.2025, the Minister of Health and Media presented a Cabinet Memorandum entitled "Act to establish the Chartered Institute of Media Professionals". It appears that this Memorandum was presented following an intimation by the Legal Draftsman that fresh approval of the Cabinet of Ministers was required in order to proceed further with the draft Chartered Institute of Media Professionals Bill. On 07.04.2025, the Cabinet of



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Ministers granted policy approval for the introduction of the Chartered Institute of Media Professionals of Sri Lanka Act and instructed the Legal Draftsman to expedite the finalization of the Bill for that purpose.

Thereafter, the Minister of Health and Media presented a Cabinet Memorandum dated 09.03.2026, to which a copy of the Chartered Institute of Media Professionals Sri Lanka Bill was annexed. The approval of the Cabinet of Ministers was granted on 30.03.2026.

***Overview of the Bill***

The Bill seeks to provide for the establishment of the Chartered Institute of Media Professionals (Institute) with a view to introducing and maintaining the professional standards for media professionals and matters connected therewith.

Part I deals with the establishment of the Institute, its objects, powers, duties and functions.

Part II deals with the management and administration of the affairs of the Institute. It provides for the establishment of a Governing Council (Council) and an Interim Council, which is intended to manage and administer the affairs of the Institute until the Governing Council is appointed.

Part III deals with the fund of the Institute.

Part IV contains general provisions.

***Clause 3(i)***

This identifies one of the objects of the Institute as *to accredit the media professionals in media professionalism at the evaluation of their efficiency*.

The learned Counsel for the Petitioner submitted that this is vague and has the effect of restricting media professionals from performing their professional functions and is contrary to Articles 12(1) and 14(1)(g) of the Constitution.

Learned DSG submitted that it is not intended to impose such restrictions.

In **Special Goods and Services Tax Bill [SC SD 01-09/2022]** it was held (at pages 35-36):

> *"Thus, it is seen that unspecific, wide and unregulated discretion is to be vested in the Minister. The conferment of such absolute and unfettered discretionary power distinctly lends itself to manifestly unreasonable, capricious or arbitrary decision making. It is necessary to emphasize that when unfettered and absolute power is*



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*vested in a human being or a group of persons, cannot be a guarantee of objectivity, reasonableness, absence of arbitrariness, protection of national and public interest, and the power will not be abused or used for corrupt purposes. The only assurance of objective, purposive, reasonable and transparent decision-making arises out of the vesting of well-structured power which must be exercised in accordance of well-defined, specific and objective criteria developed for the specific purpose of achieving objectives for which power has been vested. This Court needs to highlight that absolute and unfettered discretion being vested in an officer of the Executive is a recipe for (i) unreasonable and arbitrary decision-making, (ii) abuse of power, (iii) corruption, and (iv) the roadway to depredation of the Rule of Law On all such accounts, it results in an infringement of Article l2(1) of the Constitution which guarantees equal protection of the law."*

In **Colombo Port City Economic Commission Bill [S.C.S.D. Nos. 04/2021, 05/2021 ,07-23/2021]** it was held (at page 30):

*"Upon reading of the Bill, the Court is of the view that the regulatory structure set out in the Bill lacks clarity and provides for the exercise of arbitrary power by the Commission and thus, inconsistent with Article 12(1) of the Constitution."*

In **Prevention of Terrorism (Temporary Provisions) Amendment Bill [S.C.S.D. No. 13-18/2022]** Court (at pages 36- 38) that:

*"When a provision of law is vague, it would only benefit the wrongdoer. Such a provision would not uphold the Rule of Law.*

*This Court has stated time and again that vagueness must be avoided in the bills in order to make such provisions consistent with Article 12(1) of the Constitution."*

This approach was approved in the **Petroleum Products (Special Provisions) Bill Determination [S.C.S.D. 50-52/2022]**.

We are of the view that Clause 3(i) is vague. It is not clear as to what is meant by *accredit*. Neither is it clear how the evaluation of their efficiency will be done.

We accordingly determine that Clause 3(i) is vague and is therefore inconsistent with Articles 12(1) and 14(1)(g) of the Constitution and may only be passed by the special majority required under the provisions of paragraph (2) of Article 84. The inconsistency will cease if Clause 3(i) is deleted.



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***Clause 4(o)***

This empowers the Institute *to take necessary steps to introduce, develop, maintain and monitor professional standards in the field of media.*

The words *maintain* and *monitor* has wide import and is vague. It is inconsistent with Articles 12(1) and 14(1)(g) of the Constitution and may only be passed by the special majority required under the provisions of paragraph (2) of Article 84. The inconsistency will cease if Clause 4(o) is amended to read as follows:

> *"to take necessary steps to introduce and develop professional standards amongst the students and members of the Institute"*

***Clause 5(4)(b)***

This empowers the Interim Council to make rules in respect of the number of members to be selected and the criteria to select such members to the Institute and to elect and appoint members and the office bearers to the Council.

This to some extent mirrors the power given to the Council by Clauses 26(1)(a) and (b). However, Clauses 26(3), (4) and (5) specifies a procedure by which such rules made by the Council should be published and placed before Parliament for approval. Nevertheless, similar safeguards have not been specified for rules made by the Interim Council under Clause 5(4)(b).

This is arbitrary and inconsistent with Article 12(1) of the Constitution and may only be passed by the special majority required under the provisions of paragraph (2) of Article 84.

The learned DSG has in the written submissions proposed the following Committee Stage Amendment:

*"Clause 5 -* *Delete lines 31 to 33 (both inclusive) and substitute the following: -*

*"(c) The rules made under paragraph (b) shall be published in the Gazette within three months upon making of such rules and shall come into effect on the date thereof.*

*(d) Every rule made by the Interim Council shall, within three months after its publication in the Gazette, be brought before*



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*Parliament for approval. Any rule which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.*

*(e) Notification of the date on which any such rule is deemed to be rescinded under paragraph (d) shall be published in the Gazette.*

*(f)The Interim Council shall, within a period of one year from the date of operation of this Act, elect or appoint the members to the Council in terms of subsection (1).";*

We are of the view that the inconsistency will cease if Clause 5 is amended as proposed.

We have examined the rest of the clauses of the Bill and determine that they are not inconsistent with the Constitution.

***Summary of the Determination***

1. Clause 3(i) of the Bill is vague and is therefore inconsistent with Articles 12(1) and 14(1)(g) of the Constitution and may only be passed by the special majority required under the provisions of paragraph (2) of Article 84.
   The inconsistency will cease if Clause 3(i) is deleted.

2. Clause 4(o) of the Bill is inconsistent with Articles 12(1) and 14(1)(g) of the Constitution and may only be passed by the special majority required under the provisions of paragraph (2) of Article 84.
   The inconsistency will cease if Clause 4(o) is amended to read as follows:
   *"to take necessary steps to introduce and develop professional standards amongst the students and members of the Institute"*

3. Clause 5(4)(b) of the Bill is inconsistent with Article 12(1) of the Constitution and may only be passed by the special majority required under the provisions of paragraph (2) of Article 84.



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The inconsistency will cease if Clause 5 is amended as follows:

*"Clause 5 - Delete lines 31 to 33 (both inclusive) and substitute the following: -*
*"(c) The rules made under paragraph (b) shall be published in the Gazette within three months upon making of such rules and shall come into effect on the date thereof.*
*(d) Every rule made by the Interim Council shall, within three months after its publication in the Gazette, be brought before Parliament for approval. Any rule which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.*
*(e) Notification of the date on which any such rule is deemed to be rescinded under paragraph (d) shall be published in the Gazette.*
*(f)The Interim Council shall, within a period of one year from the date of operation of this Act, elect or appoint the members to the Council in terms of subsection (1).";*

We place on record our deep appreciation of the assistance given by learned Counsel for the Petitioners and the learned DSG.

**Janak De Silva**

**Judge of the Supreme Court**

**Dr. Sobhitha Rajakaruna**

**Judge of the Supreme Court**

**Sampath Abeykoon**

**Judge of the Supreme Court**



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