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

SC (SD) Nos. 124/2026, 126/2026, 134/2026, 141/2026, 157/2026 and 159/2026

"SRI LANKA CRICKET" BILL

SC (SD) No. 124/2026

Petitioner: Dr. Chanaka Senanayake,

No. 63/3A/4, Weera Keppetipola Mawatha, Bandarawatte, Gampaha.

Counsel: Petitioner appearing in person.

SC (SD) No. 126/2026

Petitioner: Dr. Janathpriya Thilanga Sumathipala,

No. 2, Dr Milina Sumathipala Mawatha

Colombo 10.

Counsel: Navin Marapana, P.C., with Uchitha Wickramasinghe and Kaushalya Molligoda

SC (SD) No. 134/2026

Petitioners: 1. Wickramasinghe Gallage, Pramodya,

58/5, Pepiliyanada Road, Nedimala,

Dehiwala.

2. Bandula Tilak Dissanayake,

No. 248/94, Lotus Grove, Hill Street,

Dehiwala.

3. K. A. D. Charls Silva,

No. 1B, Galle International Cricket Stadium,

Galle.

4. Jayantha Jayweera,

   No. 28, Kaluwadamulla, Ambalangoda.

5. Halambage Wasantha,

   No. 83/1, Maha Ambalangoda,

   Ambalangoda.

Counsel: Shiral Lakthilaka

SC (SD) No. 141/2026

Petitioners:

1. Bandula Tilak Dissanayake,

   248/94, Lotus Grove, Hill Street, Dehiwela.

2. Dilran Vinesh Mendis Abeysekera,

   282/2, Makuluduwa Road, Bokundara,

   Piliyandala.

3. P. H. G. Upali Sirisena,

   252, Trincomalee Street, Matale.

4. P. S. A. Mahes Sanjeeva,

   147, Wakwella Road, Galle.

5. G. V. N. Herath Madampe,

   34, Gemunu Mawatha, Biyagama.

6. Prasanna Wijayantha Gamage,

   251/06/30, Pitipana South, Adahena,

   Kiriwattuduwa.

7. Yogendran Ratheepan,

   3rd Lane, Thirunavatkulam, Vavuniya.

8. H. A. P. L. S. Chinthaka,

   29, Sunanda Mawatha, Puttalam.

9. Sivarasa Sivachelvan,

   CPM Road, Navali South, Manipay.

Counsel: Navin Marapana, P.C., with Kausahlya Molligoda and Uchitha Wickramasinhe

SC (SD) No. 157/2026

Petitioner: Sumith R. Perera,

President, Baduraliya Cricket Club, Baduraliya.

Counsel: Mr. Kaushalya Nawarathne, P.C., with Nadeeshani Gunawardena

SC (SD) No. 159/2026

Petitioners:

1. W. D. Sunil Karunajeewa,

   Oruliyadda, Polgahawela.

2. Vanoj Priyadarshaka Wijesinghe,

   388/44, Harishchandra Mawatha,

   Anuradhapura.

3. K. A. R. Dinesh Kariyawasam,

   Milan Bakery, Circular Road, Polonnaruwa.

4. H. Roshan Shelvin Perera,

   19, Samaajashaala Road, Kegalle.

5. N. Clarence Dewadasa,

   55, Oil Farm, Maduruketiya, Kumbukkara,

   Monaragala.

6. Balasingham Vasantha Kumar,

   86/29, Power Plant Road, Trincomalee.

7. K. M. Sunil Dayasena,

   08, Hanwella, Kuttiyagolla Road, Badulla.

8. A. M. Amith Hemalal Wanigasekera,

   Thennewaththa, Galagedara.

Counsel: Navin Marapana, P.C., with Uchitha Wickramasinghe and Kaushalya Molligoda

Respondent: Attorney General

Counsel: Nirmalan Wigneswaran, P.C., ASG, with Manohara Jayasinghe DSG, and Rajika Aluwihare, SC

Intervenient – Petitioners

Petitioner: Eran Wickramaratne

Counsel: Sanjeewa Jayawardena, P.C., with Nilshantha Sirimanna and Milhan Mohammed

Petitioner: Michael Tissera, Kushil Prasanna Gunasekera and Somasundaram Skandakumar

Counsel: Sanjeewa Jayawardena, P.C., with Nilshantha Sirimanna and Milhan Mohammed

Petitioner:	Dinal Phillips, P.C.
Counsel:	Harsha Amarasekara, P.C.,with Kanchana Peiris, Shehan Gunawardena and Ransith Gunawardena
Petitioner:	Mahela Jayawardena
Counsel:	Harsha Amarasekara, P.C., with Kanchana Peiris, Shehan Gunawardena and Ransith Gunawardena
Petitioner:	Rangana Herath
Counsel:	Harsha Amarasekara, P.C., with Kanchana Peiris, Shehan Gunawardena and Dulanjana Gamage
Petitioner:	Champaka Ramanayake
Counsel:	Harsha Amarasekara, P.C., with Kanchana Peiris, Shehan Gunawardena and Ransith Gunawardena
Petitioner:	Stanley Jayasinghe
Counsel:	Harsha Amarasekara, P.C., with Kanchana Peiris, Shehan Gunawardena and Ransith Gunawardena
Petitioner:	Thushira Raddella
Counsel:	Uditha Egalahewa, P.C., with Amaranath Fernando, Miyuru Egalahewa and Thisura Hewawasam
Petitioner:	Upul Kumarapperuma, P.C.
Counsel:	Faizer Mustapha, P.C., with Isuru Balapatabendi and Amila Perera, Ridmi Beneragama, Nimantha Chandrasena, Ilham Hassanali

Petitioners:	1. Chandra Schaffter
	2. Prakash Schaffter
Counsel:	Palitha Kumarasinghe, P.C., with Heshan Thambimuttu and Harith De Mel
Petitioner:	Avanthi Colombage
Counsel:	Saliya Peiris, P.C., with Anjana Rathnasiri
Petitioner:	Roshan Mahanama
Counsel:	Chandaka Jayasundara, P.C., with Charaka Jayarathne and Praveen Wijeyaweera
Petitioner:	Kumar Sangakkara
Counsel:	M.A. Sumanthiran P.C., with Juanita Arulanantham, Darshika Ariyanayagam, Benislos Thushan and Sanjit Dias
Petitioner:	Sidath Wettimuny
Counsel:	Ali Sabry, P.C., with Mr. Naamiq Nafath

Before:	**Hon. Janak De Silva, J.**	-	**Judge of the Supreme Court**
	Hon. Arjuna Obeyesekere, J.	-	**Judge of the Supreme Court**
	Hon. K.M. Gihan H. Kulatunga, J.	-	**Judge of the Supreme Court**

The Court assembled for the hearing of these matters on 21.10.2026, 22.10.2026 and 23.10.2026.

A Bill, bearing the short title *"Sri Lanka Cricket"* (hereinafter referred to as "the Bill"), was published in the Supplement to Part II of the Gazette of the Democratic Socialist Republic

of Sri Lanka dated 25.09.2026, issued on 28.09.2026. The Bill was thereafter placed on the Order Paper of Parliament on 06.10.2026.

Six petitions, bearing Nos. S.C.S.D. 124/2026, 126/2026, 134/2026, 141/2026, 157/2026 and 159/2026, were instituted before this Court challenging the constitutionality of the Bill.

Upon receipt of the said petitions, this Court directed that notice be issued on the Hon. Attorney General, in terms of Article 134(1) of the Constitution of the Democratic Socialist Republic of Sri Lanka (hereinafter referred to as "the Constitution").

Several applications for intervention were thereafter filed by persons seeking to be heard in support of the Bill. This Court accordingly heard the submissions of the Petitioners, the Hon. Attorney General and the Intervenient-Petitioners.

Jurisdiction of this Court

This Court is seized of the matter in the exercise of its sole and exclusive jurisdiction conferred by Article 120 of the Constitution, which provides as follows:

> *"The Supreme Court shall have sole and exclusive jurisdiction to determine any question as to whether any Bill or any provision thereof is inconsistent with the Constitution..."*

The nature and extent of the determination required of this Court in the exercise of the aforesaid jurisdiction are set out in Article 123(1) of the Constitution. In terms thereof, the determination of this Court is required to be accompanied by the reasons therefor and must specify whether the Bill, or any provision thereof, is inconsistent with the Constitution and, if so, identify the particular provision or provisions of the Constitution with which such inconsistency arises.

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 as follows:

> *"(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."

Therefore, the jurisdiction of the Court is limited to determining whether the Bill or any provision thereof is inconsistent with the Constitution. Court does not have jurisdiction to determine the constitutionality of any proposed Committee Stage Amendments without determining whether the Bill or any provision thereof is inconsistent with the Constitution. Where Court so determines and in specifying the nature of the amendments which would make the Bill or such provision cease to be inconsistent, it is possible for Court to consider any changes proposed by the Hon. Attorney General or any party to the proceedings.

Further, notwithstanding proposals which the Attorney General submits to Court as being proposed amendments to be introduced during the Committee Stage in Parliament, this Court must determine the constitutionality of the respective clauses of the Bill which has been Gazetted.

Particularly, in view of certain submissions that were made by learned counsel for some of the Petitioners, Intervenient-Petitioners and the learned ASG, it is necessary to repeat what has been stated in several previous determinations, that this Court does not have jurisdiction to comment upon the suitability or desirability of underlying policy based upon which the Bill has been developed. The jurisdiction of this Court is restricted to the consideration of the constitutional implications of the Bill as a whole or clauses thereof.

Nevertheless, as correctly pointed out by this Court in **Special Goods and Service Tax Bill Determination [S.C.S.D. Nos. 01-09/2022, page 10]**, when a particular provision of a bill which comes under scrutiny by this Court is found to contain policy which when converted into legislation would become inconsistent with the Constitution, it is then the bounden duty of this Court to point out such inconsistency.

Presumption of Validity

There is a presumption that a bill is presumed to be constitutional. In ***Ram Krishna Dalmia v. Justice S.R. Tendolkar*** **AIR 1958 SC 538 at 539**, it was held:

> *"(b) that there is always a presumption in favour of the constitutionality of an enactment and the burden is upon him who attacks it to show that there has been a clear transgression of the constitutional principles; (c) that it must be presumed that the legislature understands and correctly appreciates the need of its own people, that its laws are directed to problems made manifest by experience and that its discriminations are based on adequate grounds; (d) that the legislature is free to recognise degrees of harm and may confine its restrictions to those cases where the need is deemed to be the clearest ..."*

Scope of Examination

In **Sri Lanka Broadcasting Authority Bill Determination [Decisions of the Supreme Court on Parliamentary Bills (1991-2003), Vol. VII, 81 at page 101**, it appears that Court took the view that where a provision in a bill *may lead* to the abuse of fundamental rights guaranteed under the Constitution, a question of constitutionality arises.

However, in **Colombo Port City Economic Commission Bill Determination [Decisions of the Supreme Court on Parliamentary Bills (2021), Vol. XVI, page 23] and Microfinance and Credit Regulatory Authority Bill Determination [S.C.S.D. Nos. 08-09/2024, 11/2024, 14-17/2024]** Court clarified that:

> *"Moreover, when the Court opined in Sri Lanka Broadcasting Authority Bill (supra), that these things may not happen, but they might happen because they are permitted it was referring to a situation where power is conferred on an entity or person in vague terms or without any guidelines as to its exercise thus making it arbitrary and inconsistent with Article 12(1)."*

The test for examining the constitutionality of a bill is not how it may be administered.

In the **Third Amendment to the Constitution Bill Determination [Decisions of the Supreme Court on Parliamentary Bills (1978-1983), Vol. I, page 139 at 147]** it was held:

> *"[A] clear distinction must be borne in mind between the law and the administration of the law. A law cannot be struck down as discriminatory because of the fear that it may be administered in a discriminatory manner. Mere possibility*

of abuse of power is not sufficient ground to hold that a law offends the fundamental right of equality."

A similar view was expressed in the **Agrarian Services (Amendment) Bill Determination [Decisions of the Supreme Court on Parliamentary Bills (1991-2003), Vol. VII, page 9 at 12]** where it was held:

> *"There is of course the possibility that an attempt might be made to implement the Bill, after enactment, in a manner inconsistent with the Constitution. Our jurisdiction does not extend, quia timet, to make pronouncements intended to prevent or restrain possible future violations, particularly by persons or bodies other than the legislature; our jurisdiction is confined to determining whether the Bill as it stands would constitute an infringement of the Constitution."* (emphasis added)

Again, in the **Welfare Benefits Bill Determination [Decisions of the Supreme Court on Parliamentary Bills (1991-2003), Vol. VII, page 279 at 282]** Court held:

> *"Counsel for the Petitioner submitted that recipients would be selected on the basis of political loyalty to the party in power and that there would be favoritism in the process. It is not within the jurisdiction of the Court to speculate as to what would happen in the implementation of the scheme. The provisions of the Bill should be examined objectively to ascertain whether there are sufficient safeguards to prevent discrimination on any of the grounds referred to in Article 12(2) of the Constitution and to prevent arbitrariness in the decision-making process."*

Overview of the Bill

The Bill comprises eight Parts and a Schedule. Its principal provisions may be summarised as follows:

Part I provides for the establishment of Sri Lanka Cricket as a body corporate and recognises it as the sole authority responsible for cricket in Sri Lanka. It sets out the objects of Sri Lanka Cricket, which include the development of the sport at international, national, provincial, district and school levels, as well as the protection of cricket from corruption. It further enumerates the powers and functions of Sri Lanka Cricket, including the obligation to preserve its autonomous standing within the International Cricket Council (hereinafter referred to as the "ICC") and the Asian Cricket Council (hereinafter referred to as the "ACC"), and to discharge its functions in good faith and in the public interest.

Part II provides for the constitution of a fourteen-member Board comprising seven Independent Directors possessing prescribed professional qualifications and seven Elected Directors. Of the seven Independent Directors, at least two are required to be women. The Chairperson of the Board is required to be an Independent Director. This Part also sets out the grounds of disqualification, prescribes limitations on the tenure of Directors, including a maximum cumulative period of eight years for Elected Directors, and regulates the removal of Directors, which is permitted only on grounds of misconduct established by the Disciplinary and Disputes Committee. It further prescribes a quorum requiring the presence of at least four Independent Directors, establishes rules governing conflicts of interest and provides for the constitution of thirteen specialist committees.

Part III provides for the establishment of a seven-member Nominations Committee, entrusted with the responsibility of selecting the Independent Directors.

Part IV contains provisions relating to the Patron of Sri Lanka Cricket, membership, the conduct of general meetings and voting procedures. It also prescribes governance obligations applicable to member clubs and associations and provides for the Tournament Structure.

Part V provides for the establishment of the Fund of Sri Lanka Cricket and requires the accounts of Sri Lanka Cricket to be audited by the Auditor-General in terms of Article 154 of the Constitution.

Part VI provides for the establishment of the offices of Chief Executive Officer and Compliance Officer, the latter being required to report directly to the Board. It also contains provisions relating to the appointment of staff and affords protection to staff members who make disclosures concerning corruption.

Part VII provides that the Sports Law No. 25 of 1973 (hereinafter referred to as "Sports Law") shall cease to apply to cricket. It requires the submission of an Annual Report to Parliament and makes provision for Ministerial oversight. It further prescribes the procedure for the formulation of Rules, requiring the approval of a two-thirds majority of the Board, inclusive of the Chairperson and at least four Independent Directors. Rules so formulated are required to be published in the Gazette and submitted to Parliament for approval.

Part VIII contains transitional provisions, including provisions governing the functions and role of the Sri Lanka Cricket Transformation Committee pending the assumption of office by the First Board constituted under the proposed legislation.

The Schedule identifies the different categories of membership of Sri Lanka Cricket, namely, Tier "A", Tier "B" and Tier "C" members, Provincial Cricket Associations, General Members and Women's Cricket Associations. It also prescribes the eligibility criteria applicable to each category and the voting entitlements attached to such membership.

Mr. Marapana, P.C., and several Petitioners sought to establish that the Bill as a whole is inconsistent with Articles 12(1), 12(2), 14(1)(c), 14(1)(g) and Articles 3 and 4 of the Constitution. The grounds of challenge are:

(1) Cricket is singled out from other National Associations for a sport in Sri Lanka.

(2) Existing Sri Lanka Cricket (hereinafter referred to as "SLC") is forced out of existence by operation of law, stripping its members of their membership and voting rights, expropriates all its assets and terminates by necessary legal implication its affiliations with international bodies such as the ICC, ACC and the International Olympic Committee (hereinafter referred to as "IOC").

(3) Complete removal of democracy in the governance of SLC.

(4) Denial of voting rights to District Cricket Associations.

(5) Executive Control over SLC.

(6) The Chairman of SLC is an Independent Director.

(7) Breach of ICC Regulations.

(8) Undue powers and privileges are created for the present Interim Administration in the future governance of SLC.

(9) Indirectly removing SLC from the governance of other laws such as the prevalent Anti-Corruption Act No. 9 of 2023 and the Sports Law.

We shall now proceed to examine each of the aforesaid contentions and, having considered the submissions advanced in that regard, set out our reasons and conclusions thereon.

(1) Targeting Sri Lanka Cricket

Mr. Marapana, P.C., submitted that the Bill singles out SLC, whilst the other National Associations governing sports in Sri Lanka continue to remain subject to the provisions of the Sports Law and the regulations made thereunder. It was contended that the selective exclusion of SLC from the existing statutory framework, whilst retaining the application of that framework to the other National Associations, renders the Bill *ad hominem* legislation and constitutes a clear violation of Article 12(1) of the Constitution.

Learned President's Counsel further submitted that such legislative treatment offends the most fundamental principles governing the making of laws and, in particular, the first of Lon Fuller's eight principles of legality, which embodies the requirement that laws should be general in their application and should prescribe rules governing conduct by permitting or prohibiting particular categories of behaviour. It was accordingly contended that the Bill is, *per se*, arbitrary, capricious and discriminatory, and is thereby violative of Articles 12(1) and 12(2) of the Constitution, as well as inconsistent with the constitutional entrenchment of fundamental rights reflected in Articles 3 and 4 thereof.

Classification

Article 12(1) of the Constitution recognizes that all persons are equal before the law and are entitled to the equal protection of the law.

The corresponding provision in the Constitution of India is Article 14. The Supreme Court of India, in a series of decisions, including ***State of West Bengal v. Anwar Ali Sarkar*, AIR 1952 SC 75; *Budhan Choudhry v. State of Bihar*, AIR 1955 SC 191**; and ***Ram Krishna Dalmia v. Justice S.R. Tendolkar*, AIR 1958 SC 538**, has interpreted Article 14 as prohibiting class legislation, whilst recognising that it does not prohibit reasonable classification for the purposes of legislation, provided that two essential conditions are satisfied.

Those conditions are as follows:

(i) The classification must be founded upon an intelligible differentia which distinguishes those persons or things grouped together from those who are excluded from the group; and

(ii) The differentia must bear a rational nexus to the object sought to be achieved by the legislation. In other words, there must be a reasonable relationship between the basis upon which the classification is founded and the legislative object sought to be achieved.

This approach has been adopted by this Court. In ***Palihawadana v. Attorney-General*** **[1979] 1 Sri L.R. 65 at 69,** Sharvananda J. (as his Lordship was then) held:

> *"What is prohibited is class legislation; but reasonable classification is not forbidden. ... It forbids class legislation, but does not forbid classification which rests upon reasonable grounds of distinction. It does not prohibit legislation which is limited either in the objects to which it is directed or the territory within which it is to operate."*

Wanasundera J. (ibid. at page 83) held:

> *"Equal protection requires generally that all persons who are placed in similar circumstances should be treated alike and for this purpose it would be legitimate to differentiate between persons or things on the basis of clear and intelligible distinctions or differences which must have a rational relationship to the object to be achieved."*

In the **Finance Bill Determination [Decisions of the Supreme Court on Parliamentary Bills, Volume XVI, page 116 at page 117]**, Court adopted the following statement of the majority in the Parliamentary Pensions Bill (1976):

> *"Classification should never be arbitrary. It must always rest upon some real and substantial distinction bearing a reasonable and just relation to the things in respect of which a classification is made. If a law is made applicable to a class of persons or things and the classification is based upon a differentia having a rational relation to the objects sought to be achieved, there can be no objection to its constitutional validity that its application is bound to affect one person or thing, or a particular class of persons."*

Mr. Egalahewa, P.C., on the other hand, submitted that the mere fact that legislation is confined in its application to a particular subject or object, in the present instance, the national governing body for cricket, does not, by itself, render such legislation discriminatory or violative of the principle of equality before the law. In support of this submission, learned President's Counsel relied upon the decision of this Court in ***Abeywardene v. Inspector General of Police*** **[1991] 2 Sri L.R. 349, at pages 363–364**, wherein Amerasinghe J. held as follows:

> *"Those who make the law are free to recognize degrees of harm and to confine the restrictions to those cases where the need is deemed to be the greatest. ... It is a*

generally recognized, basic principle of law that a piece of legislation is not bad merely because the legislature selects one or some evil things for elimination while other evils may, in the opinion of certain persons, be equally in need of similar attention."

The Cabinet Memorandum dated 08.06.2026 states that the legislative framework contemplated for cricket cannot be accommodated within the Sports Law, which is common to all sports associations in Sri Lanka for the following reasons:

i) *The sheer popularity of cricket across the country and the volume of cricket played at different levels with around 64,000 school children playing cricket, and club cricket played at different levels across the island;*

ii) *The large number of international competitions in which Sri Lanka takes part, including in Test, One Day Internationals and T20 internationals, in addition to other league competitions. This would mean nearly 100 international players with around 15 inbound/outbound tours a year.*

iii) *Sri Lanka has hosted numerous international cricket tournaments, including the ICC Cricket World Cups in 1996, 2011, 2012, 2025 and 2026, and as such is the only sport in respect of which international sporting events have been regularly staged in this country.*

iv) *The extensive finances involved in the game of cricket, with Sri Lanka Cricket's revenue in excess of 12.5 Billion LKR a year and a Balance Sheet in excess of 20 Billion LKR makes Sri Lanka Cricket the richest sporting body by far in Sri Lanka, dwarfing even the combined revenues of other sports.*

v) *The administration of cricket in Sri Lanka includes player managers, professional cricketers playing franchise cricket across the globe, and has evolved into an industry in its own right. In addition, the sport generates very significant foreign exchange earnings on account of the hosting of bilateral tours and ICC tournaments, including the World Cup.*

vi) *The high profile played in this country has made it a target for betting syndicates, corruption and other unethical practices which have made players and administrators fall prey. This is likely to increase exponentially with the growing popularity and profile of the game on the world stage.*

vii) *The necessity to ensure that the two main stakeholders in the game, the players and the vast majority of the Sri Lankan public who are fans of the game, have a legislative environment that is conducive to transparent, corruption- free, efficient and fair administration of the game of cricket, free of interference from powerful interest groups or unnecessary government intervention.*

Mr. Marapana, P.C., submitted that the criteria set out in grounds (i) to (iii) are founded upon considerations of "popularity", those contained in grounds (iv) and (v) are premised upon "wealth", whilst grounds (vi) and (vii) are based upon "unproven allegations". It was contended that none of these considerations constitutes an intelligible or reasonable criterion capable of justifying a valid legislative classification.

Learned President's Counsel further cautioned this Court that the jurisprudential consequences and wider implications of accepting such a basis for legislative classification ought to be carefully considered, having regard to the potential impact of such an approach upon the application of the constitutional guarantee of equality.

In ***Zee Telefilms Ltd. v. Union of India*** **(2005) 4 SCC 649** it was held that any differentiation dependent upon popularity, finances and public opinion of the body concerned would definitely violate Article 14 of the Indian Constitution.

We are inclined to agree that grounds (i) to (iii), insofar as they are founded upon considerations of "popularity", would, if considered in isolation, be insufficient to constitute a reasonable basis for legislative classification and would thereby give rise to an infringement of Article 12(1) of the Constitution.

Nevertheless, in our considered view, the question of the constitutional validity of the classification cannot be determined by examining each of the grounds in isolation. It is necessary to consider the cumulative effect of grounds (i) to (vii), having regard to the totality of the circumstances and the legislative purpose sought to be achieved. When so considered, we are of the view that the cumulative basis constituted by the said grounds provides a sufficient justification for the enactment of a separate legislative framework governing cricket, and that such classification does not offend the guarantee of equality enshrined in Article 12(1) of the Constitution.

We shall now proceed to set out the reasons which have led us to this conclusion.

Undoubtedly, SLC and the other National Sports Associations registered under the Sports Law may, for the purpose of the present analysis, be regarded as belonging to the same

general class, inasmuch as they are national governing bodies responsible for the administration and development of their respective sports. The fact that they belong to the same general class, however, does not necessarily preclude the Legislature from making a distinction between them for legislative purposes.

The constitutional question is not whether SLC and the other National Sports Associations are identical in their general character or status, but whether there exist relevant distinguishing features which warrant they being treated differently for the purposes of the particular legislation under consideration. The Legislature is entitled to make such a distinction, provided that the classification satisfies the established requirements of reasonable classification.

Accordingly, it is necessary to ascertain, firstly, whether there exists an intelligible differentia which distinguishes SLC from the other National Sports Associations to which the Bill does not apply; and, secondly, whether that differentia bears a rational nexus to the objects sought to be achieved by the Bill. The two requirements are interrelated but distinct. The first concerns the existence of a discernible and rational basis for treating SLC as a separate category, whilst the second requires that the distinction so made must have a reasonable relationship to the legislative purpose sought to be achieved.

It follows that the mere fact that the Bill applies exclusively to SLC does not, in itself, render the legislation discriminatory. Equally, the mere identification of differences between SLC and the other National Sports Associations would not suffice to sustain the classification. Such differences must be relevant to, and rationally connected with, the objects of the Bill. It is only where both these requirements are satisfied that the differential legislative treatment may be regarded as constitutionally permissible under Article 12(1) of the Constitution.

In the **Private Medical Institutions (Registration) Bill Determination [Decisions of the Supreme Court on Parliamentary Bills, Volume VII, page 191]**, where one sector was made subject to a separate regime of regulation, it was held:

> *"We note that equality, as enshrined in Article 12 of the Constitution, permits legislation based on a reasonable classification where the criteria for such classification advances its objectives. The Bill undoubtedly subjects Private Medical Institutions to a different legal regime than the one applicable to State Sector Institutions, as contended by Counsel for Petitioners. But, we are of the view that there is a reasonable basis for such classification."*

The Preamble to the Bill sets out its legislative purposes. It seeks to provide for the establishment of Sri Lanka Cricket for the control, governance, regulation, promotion, development and administration of cricket in Sri Lanka. It further seeks to foster the growth of the sport in accordance with the principles of good governance, integrity, transparency, accountability and inclusivity, whilst ensuring equal opportunities for all. The Preamble also identifies the welfare of all participants and the protection of cricket from corruption and other forms of improper conduct as among the purposes of the proposed legislation. Finally, it provides for the constitution, powers and functions of Sri Lanka Cricket.

It is apposite to observe, at this juncture, that the need for specific regulatory and governance measures in respect of cricket is by no means peculiar to Sri Lanka. A similar recognition of the need for institutional reform in the administration of cricket is evident from the jurisprudence of the Supreme Court of India.

In ***Board of Control for Cricket in India v. Cricket Association of Bihar and Others*, Civil Appeal No. 4235 of 2014** and connected matters, **[AIR 2016 SC (Supp) 277]**, the Supreme Court of India directed a Committee chaired by Mr. Justice R.M. Lodha, former Chief Justice of India, to examine the governance and administration of the Board of Control for Cricket in India (BCCI) and to make recommendations for reforms to its Memorandum of Association, Rules and Regulations. The Committee thereafter submitted what has come to be known as the Lodha Committee Report.

The observations and recommendations contained in the said Report, as referred to and considered by the Supreme Court of India, are of relevance in the present context.

The Report states as follows:

> *"At a time when the nation's highest court has been compelled to find that the game has fallen into disrepute, only extraordinary steps will bring it back from this chasm. We are conscious that some of our proposals may evoke varied responses, but the collective conscience of this Committee is clear that tough measures are called for to restore Indian cricket to its pinnacle of glory. Individual interest will have to be sacrificed for the sake of the institution, and no exigency of convenience or convention shall stand in the way of a whole scale structural overhaul. The current governance structure of the BCCI and its Member Associations is far from satisfactory and it needs to be suitably restructured."*

In examining whether the requirements for a valid legislative classification have been satisfied in the present instance, it is necessary to consider, albeit briefly, the history of SLC and its predecessor, the Board of Control for Cricket in Sri Lanka (hereinafter referred to as the "BCCSL"), with particular reference to developments subsequent to 1996.

The origins of a formal institutional arrangement for the administration of cricket in Sri Lanka may be traced to the formation of the Ceylon Cricketers Association in 1920. In that same year, the Association sought to arrange a tour of Ceylon by the Marylebone Cricket Club (MCC). The MCC, however, stipulated that, prior to undertaking an official tour, there should be in existence a recognised cricket association vested with responsibility for the control and administration of cricket in Ceylon, as it was then known. This requirement led to the formation of the Ceylon Cricket Association.

Following the attainment of independence by Ceylon, a new governing body, namely, the Board of Control for Cricket in Ceylon was established to assume responsibility for the control and administration of cricket in the country. It subsequently became the BCCSL.

Mr. Sumanthiran, P.C., submitted that cricket is regarded as the fifth religion in Sri Lanka. Whatever may be the description employed, there can be little doubt that cricket occupies a place of exceptional significance in the hearts and minds of the people of this country. Perhaps the most compelling illustration of that sentiment was the triumph of the Sri Lankan cricket team at the 1996 Cricket World Cup. That victory brought together a nation comprising diverse communities in a common expression of pride and celebration. It was a moment when the people of this country, transcending their differences, came together as one nation.

It must, however, be recognised that success, whilst bringing recognition, prestige and opportunity, may also give rise to challenges, competing interests and attempts by various interests to secure advantages from the success achieved. The greater the success and the recognition that accompanies it, the greater may be the interests seeking to influence or appropriate the benefits flowing from such success, at times for purposes which may have little, if anything, to do with the legitimate objectives for which that success was attained. This is exemplified by the Report of the Cabinet Sub-Committee on the issues currently faced by Sri Lanka Cricket, December 2023 headed by Mr. Ali Sabry, P.C, (hereinafter referred to as the "Sabry Report") which states (at page 13):

> *"Prior to Sri Lanka winning the World Cup in 1996, SLC was unable to generate sufficient funds to govern and operate the sport, and most of the office bearers*

worked on an honorary basis with resources provided by the state and well-wishers. However, since 1996, when Sri Lanka won the World Cup, there has been unparalleled interest in SLC. As a result, a diverse spectrum of individuals have expressed an interest in governing cricket and holding public office in Sri Lanka.

The information presented to this Committee demonstrates that over time, SLC has been administered by a group of persons who are all connected to one another, and the constitution has been used to perpetuate such control over SLC. As a result, many well-wishers, former cricketers, and respectable administrators have increasingly stayed away from SLC, leaving it to be managed by individuals who can survive the fiercely fought election process.

The current system favours a small group of people in cricket administration. Unhindered and uncontrolled powers vested in the Executive Committee in spending the funds meant for SLC and its development and apportionment of the same for the clubs/associations which controlled 147 votes has created a continuing need for this group to compete for high office.

...

We agree with several observations made by individuals who appeared before our committee, and it has come to our attention that many members of the SLC administration have made their employment at SLC their primary source of income. Consequently, they have utilized all available resources at their disposal to prolong their tenure at SLC."

The administration of a successful sporting institution is, therefore, not necessarily insulated from competing interests and the challenges that may accompany its growth and prominence.

It is perhaps against this historical and institutional background that one must view the repeated interventions in the administration of cricket in Sri Lanka since 1999. From that year to date, more than fifteen (15) Interim Committees, Competent Authorities, Advisory Committees and, more recently, a Transformation Committee have been established to undertake or oversee the administration and governance of cricket in the country. The establishment of these successive administrative arrangements has, in turn, given rise to a number of legal proceedings. The frequency of such interventions and the litigation

which has followed are indicative of the persistent difficulties and controversies surrounding the governance and administration of cricket in Sri Lanka.

It is against this background that the legislative initiative impugned before this Court must be examined, particularly in determining whether the circumstances pertaining to cricket in Sri Lanka disclose distinguishing features capable of justifying a separate legislative framework, and whether such classification bears a rational nexus to the objects sought to be achieved by the Bill.

According to Cabinet Memorandum No. 2026/13 dated 08.06.2026, a group of Petitioners instituted Court of Appeal (Writ) Application No. 460/2020 seeking *inter alia* a mandate in the nature of a Writ of Mandamus, directing the Minister of Sports to duly move and/or to cause urgent legislation to be passed in the form of a dedicated Act of Parliament to govern and administer SLC and/or such other body established by such statute, for the purpose of governing and administering the game of cricket in Sri Lanka.

Pursuant to this application, the then Minister of Sports and Youth Affairs appointed Justice K.T. Chitrasiri (Retired Judge of the Supreme Court) and other eminent governance experts to draft a new constitution for SLC. After extensive consultations, this committee submitted a draft constitution for SLC through an Act of Parliament.

This draft was subsequently considered by a Cabinet Sub-Committee chaired by Mr. Ali Sabry, P.C., then Minister of Foreign Affairs. In the Sabry Report, which was submitted to the Cabinet on 31.12.2023, a recommendation was made for the enactment of a law to give effect to a new constitution for SLC.

Some of the recommendations made by the Sabry Report are:

1. *SLC governing structure must be similar to that of a corporate structure found in many other nations.*
2. *Executive Committee Members should serve on an honorary basis, subject to reasonable compensation for board meetings and travel, among other things.*
3. *The Executive Committee should not have unrestricted discretion or ability to spend funds, and all funds should be channeled through established corporate practices.*
4. *Only policy decisions should be made by the Executive Committee, and policy implementation should be carried out by a Chief Executive Officer, similar to how a Board of Directors and CEO function in a corporate entity. The position of*

Chairman be filled by one of the 8 selected members from among the full Executive Committee of 18.

5. *Adopt the Chitrasiri Committee's proposal, in which the Executive Committee will be the policy-making body, similar to a board of directors of a corporate entity. The Executive Committee may form as many subcommittees as necessary to address the various areas specified in the constitution.*
6. *To ensure transparency and good governance, a one-time forensic audit of the previous two fiscal years. Such forensic audits be of SLC, as well as all associations/clubs who have benefited from SLC financing and be performed once in every three years.*

On 19.02.2024, the Cabinet appointed the expert committee headed by Justice K.T. Chitrasiri to draft a new constitution for Sri Lanka Cricket . Accordingly, a draft constitution was submitted by Justice Chitrasiri and his committee on 17.06.2024.

Having considered the draft constitution recommended by Justice Chitrasiri in the context of the role of cricket in Sri Lanka, the Cabinet Memorandum dated 08.06.2026 identified the aforementioned seven (7) reasons why the legislative framework contemplated for cricket cannot be accommodated within the Sports Law.

Accordingly, Cabinet approval was granted on 08.06.2026 to authorize the Legal Draftsman to formulate the new legislation relating to cricket in Sri Lanka, taking into consideration the previous draft legislation and incorporating such amendments and modifications as may be recommended by the Sri Lanka Cricket Transformation Committee, authorize the Sri Lanka Cricket Transformation Committee to liase with the ICC in order to obtain its views in relation to any such proposed draft legislation and upon obtaining the observations of the ICC, to finalise the draft legislation and submit to the Hon. Attorney General and to submit the finalised draft legislation thereafter to the Cabinet of Ministers for approval. These proposals were approved by the Cabinet on 08.06.2026.

The draft legislation so prepared was submitted for Cabinet approval by Cabinet Memorandum No. 2026/14 by the Minister of Sports and Youth Affairs. Approval of the Cabinet of Ministers was granted on 21.09.2026.

The learned ASG submitted that as such, the Bill is the product of a judicial-led review, a Cabinet Sub-Committee, consultation with the ICC and a deliberate decision of the Cabinet of Ministers, after long stakeholder consultation. The features now challenged,

the voting structure and the oversight mechanism, lie at the heart of the reform. They are Parliament's answer to two problems: (a) elections captured by bodies with no real stake in the game; and (b) the absence of a measured, lawful way to respond when self-regulation fails.

Mr. Marapana, PC submitted that in the absence of a specific finding in the sense of a criminal conviction of an officer or the institution as a whole for any offence of corruption within the existing statutory framework disentitles the making of a selection based on the issue of corruption as a means of selection.

It was further submitted that in view of the presumption of innocence incorporated in Article 13 (5) of the Constitution, enacting legislation on the basis of corruption will infringe Article 13 (5).

In the **Anti-Corruption Bill Determination [S.C.S.D. 16/2023 to 21/2023, page 21]** Court held that Sovereignty in Article 3 includes the right to a Government free of bribery or corruption. A necessary corollary is the duty on the Government to take all legal steps to eradicate bribery and corruption from society.

Mr. Marapana, P.C., may well be correct in his submission that, to date, no official of Sri Lanka Cricket has been found guilty of bribery or corruption by a court of law. That circumstance, however, does not, in itself, detract from or render unjustified the legislative objectives sought to be achieved by the Bill. The purpose of the proposed legislation is not confined to addressing instances of corruption already established through judicial proceedings. Its broader and more fundamental object is to establish an institutional and regulatory framework capable of preventing and combating corruption within SLC, whilst fostering the development of the sport in accordance with the principles of good governance, integrity, transparency, accountability and inclusivity, and ensuring equal opportunities for all participants.

In this regard, it must be borne in mind that the absence of a criminal conviction against any individual office-bearer of SLC, and the consequent operation of the presumption of innocence in favour of such individual, does not, of itself, preclude the Legislature from enacting legislation to address concerns relating to the governance and administration of a particular institution. The adoption of preventive measures and the establishment of institutional safeguards need not await the conclusion of criminal proceedings or the judicial determination of the guilt of any particular individual.

More importantly, the nature of the concerns underlying the legislative treatment of SLC must be properly understood. They are not confined to allegations of personal corruption on the part of individual office-bearers. Rather, they extend to broader concerns relating to the institutional framework within which the sport is administered and controlled, including matters of governance, accountability, transparency and the adequacy of mechanisms for ensuring proper oversight. The distinction is material. The legislative objective is directed not at attributing criminal culpability to any particular individual, but at addressing institutional deficiencies and vulnerabilities which may facilitate corruption, and at establishing safeguards to prevent their occurrence. The absence of a criminal conviction against an individual office-bearer cannot, therefore, be regarded as conclusive of the question whether legislative intervention of this nature is warranted.

As Wakeham [Institutional corruption in the criminal justice system: The case of Ferguson. Crime, Law and Social Change, 79(3), 283–305] states:

> *"[...] most of the research takes a traditional, individual view of corruption—namely, corruption occurs when an individual uses a public office for personal gain (see Ivkovic, 2005; Newburn, 1999, 2015; Punch, 2013). In the traditional understanding of corruption, the corruption lies in the individual's character, even if organizational or situational influences are taken into account. It is the individual who acts unethically and illegally, violating official duties for personal gain. While this view of corruption covers an array of illegal and unethical behaviors among police officers (and other criminal justice officials), it is limited in scope..."*

Wakeham [ibid.] goes on to state that:

> *"An institution is corrupted insofar as it systematically fails to fulfill that purpose or function. Thompson (1995) originally coined the term institutional corruption, distinguishing it from individual corruption, in his critical analysis of how money influences the workings of the United States Congress. Thompson, along with Lessig, have pushed for the concept of institutional corruption to be applied across a variety of institutional domains (Lessig, 2020; Thompson, 2018).*
>
> *This broader understanding is captured in Lessig's definition: Institutional corruption is manifest when there is a systemic and strategic influence which is legal, or even currently ethical, that undermines the institution's effectiveness by diverting it from its purpose or weakening its ability to achieve its purpose,*

including, to the extent relevant to its purpose, weakening either the public's trust in that institution or the institution's inherent trustworthiness. (2013, p. p. 553)"

Thompson [*Two concepts of corruption*, Edmond J. Safra Working Papers, Harvard University (2013)] makes a similar distinction between individual corruption and institutional corruption as follows:

"The ways of distorting the process suggest two different concepts of corruption. The first and more familiar concept is individual corruption: personal gain or benefit by a public official in exchange for promoting private interests. The second—institutional corruption—is common enough in practice but is often run together with the first, and is therefore often neglected. It involves political gain or benefit by a public official under conditions that in general tend to promote private interests. In both cases, the corruption occurs not simply because private interests are promoted, but because they are promoted without due regard for the rules of a legitimate process. In both cases, private interests influence the public purposes improperly, but what makes the influence improper differs in each case."

As Mitchell [On corrupt institutions. *Critical Review of International Social and Political Philosophy*, 1–22, (2024)] explains:

"Institutions can be, like individuals, abusive in a way which deserves to be called corrupt. This is not just a matter of some or many of the members or officers of an institution acting corruptly. Rather, the institution is itself corrupt; it is corrupt as an institution."

Of particular relevance in this regard is the fact that, on 09.11.2023, the Leader of the Opposition moved a resolution in Parliament entitled "Removal of the Officials Including the Chairman of the Corrupt Sri Lanka Cricket". The resolution, *inter alia*, called for the immediate resignation of the Chairman and office bearers of Sri Lanka Cricket and for the enactment of legislation by Parliament to secure a transparent and corruption-free administration of the sport. Significantly, the resolution received the approval of Parliament and was accordingly unanimously passed.

According to Erskine May [*Parliamentary Practice* (David Natzler and Mark Hutton eds, 25th ed., 2019), para. 20.96]:

"By its 'resolutions', the House declares its own opinions and purposes. ***Such resolutions, therefore, unless deriving force from some other authority (for***

example statute, as with motions to approve statutory instruments), do not have direct legal impact, *though they may have varying degrees of political force depending on circumstances."* (emphasis added)

It is noteworthy that the proceedings of Parliament on 09.11.2023, as recorded in the Parliamentary Debates (Hansard), reveal an uncommon degree of bipartisan consensus among Members of Parliament in relation to the resolution moved by the Leader of the Opposition. Such consensus, transcending the usual divisions of party politics, is reflective of the gravity of the concerns entertained by legislators across the political spectrum regarding allegations of corruption and the administration of SLC.

In this context, it is apposite to refer to the report of the Appeal Committee appointed by the Minister in 2017 under Section 30 of the Sports Law (Kumarasinghe Report) and in particular to observations [1] and [5](a) to (d) therein which states:

(a) that SLC had punished players in breach of the rules of natural justice;
(b) that according to the match referee's report and the evidence "the Club Officials, Officials of SLC are also involved in this match fixing"; and
(c) that SLC had neither punished the club officials found guilty by its own panel nor inquired into the conduct of its own officials.

The circumstances set out hereinbefore, when considered cumulatively, clearly disclose the existence of intelligible differentia by reference to which the sport of cricket, and the administration thereof through SLC, may reasonably be distinguished from the other sports governed by the Sports Law. The classification of SLC as a distinct class by itself is founded upon a rational basis and bears a direct and reasonable nexus to the objectives sought to be achieved by the Bill, as set out in its Long Title, namely, to ensure good governance, integrity, transparency and accountability in the administration of the national governing body for the sport of cricket.

Accordingly, we hold that the Bill does not offend Article 12(1) of the Constitution merely by reason of the fact that its provisions are directed specifically at the administration and governance of cricket through SLC.

(2) Extinction of SLC

Mr. Marapana, P.C., contended that Clause 47 of the Bill provides for the cessation of the operations of SLC upon the Bill becoming law, whilst Clause 2 provides for the establishment of a new statutory body under the same name, namely, "Sri Lanka Cricket".

Learned President's Counsel submitted that the Bill makes no provision for transitional arrangements to enable the existing SLC to continue its operations pending the assumption of its functions by the newly established statutory body, nor does it contain provisions for the orderly winding up of the affairs of the existing SLC or for the independent settlement of its existing obligations and interests.

It was further submitted that, upon the Bill becoming law, all existing members of SLC would ipso facto cease to hold membership thereof. Learned President's Counsel contended that the existing affiliations and institutional relationships of SLC with international and regional sporting organisations, including the ICC, ACC and the IOC, would likewise cease to subsist.

On that basis, it was argued that the Bill would, in effect, deprive the existing members of SLC of their property rights without any provision for compensation. Accordingly, it was submitted that the impugned provisions infringe the fundamental rights of the members of SLC guaranteed by Articles 12(1) and 14(1)(c) of the Constitution and are, therefore, inconsistent with Articles 3 and 4 thereof.

Finally, Mr. Marapana, P.C., submitted that the Bill also has the effect of adversely affecting the rights and interests of the officers, employees and other persons employed by SLC, thereby infringing the fundamental rights guaranteed to them under Articles 12(1) and 14(1)(c) of the Constitution and rendering the Bill inconsistent with Articles 3 and 4 thereof.

In considering the aforesaid contentions, it is necessary, at the outset, to examine and appreciate the legal framework established by the Sports Law and, in particular, the legal consequences flowing from its operation. Such an examination is essential to determine the nature and extent of the legal rights, obligations and interests of SLC and its members, and the effect, if any, of the proposed legislation upon them.

Section 28 of the Sports Law empowered the Minister to name any sport for which a National Association may be formed. According to Section 43, a "National Association of Sports" means an association, federation or body which is the controlling or governing body of a sport or group of sports names under Section 28. There is no dispute that cricket was one of the sports named by the Minister by order made under Section 28.

Consequently, the BCCSL was required to apply for registration in accordance with Section 29(a) of the Sports Law. Failure to do so would have attracted the consequences

prescribed by Section 34(1), which empowered the Minister to make an order for the dissolution and winding up of the National Association. Furthermore, non-compliance with such an order carried penal consequences for the office-bearers of the National Association. It is not in dispute that the BCCSL did, in fact, apply for registration and was duly registered under the provisions of the Sports Law.

The registration of the BCCSL under the Sports Law necessarily brought about a change in its legal character. What may have initially been a private association thereby became an entity subject to the regulatory framework established by law. It was a course of action voluntarily adopted by the BCCSL.

Indeed, absent such registration, the BCCSL would not have been entitled to exercise the function of selecting teams to represent Sri Lanka in the sport of cricket. In this regard, the Regulations titled "Control of Participants in Sports Representing Sri Lanka, Regulations No. 3 of 1974", published in the Gazette of the Republic of Sri Lanka dated 20.09.1974, expressly required the selection of such teams to be undertaken by the Selection Committee of the National Association representing the particular sport.

As the learned ASG correctly submitted, whatever freedom of association the members of the BCCSL may have enjoyed in their capacity as members of a private association was necessarily subjected to the regulatory framework of the Sports Law upon the decision to seek and obtain registration thereunder.

By way of illustration, in terms of Regulation 4 of The Control of Participants in Sports Representing Sri Lanka, Regulations No. 3 of 1974, a National Association could not invite any individual or team of players to Sri Lanka, or accept an invitation to participate in any sport abroad, without the prior written approval of the Secretary to the Ministry, and the manager and officials of a team representing Sri Lanka abroad were appointed with the prior written approval of the Minister (Regulation 5).

The National Associations of Sports Regulations, No. 01 of 2016, published in Gazette Extraordinary No. 1990/23 of 27.10.2016, required every National Association to have a constitution consisting of the matters specified in Schedule III to those Regulations, registered by the Director-General of Sports (Regulation 3(1)). Every office bearer was to "hold office for a period not exceeding four years and be eligible for re-election, for one more term", and was "prohibited from being re-elected to office on consecutive terms" (Regulation 5(2)(ii)); and Regulation 5(4) disqualified specified classes of persons from holding office.

The 2025 Regulations, made under the Sports Law, apply to every National Association. Under them:

a. every national association must have a constitution containing the prescribed provisions, approved by the Director-General of Sports, and every existing association had to submit an amended constitution for his approval within ninety days (Regulation 3(1) and (2));

b. no person may hold the office of President, Secretary or Treasurer of a national association after eight years in any of those offices, nor sit on an executive committee for more than twelve years in aggregate, periods on an interim committee being counted (Regulation 5(2)); and

c. a professional journalist, a parent or sibling of a current national pool player, an agent or manager of such a player, a supplier of sports goods, and a person who or whose immediate family is engaged in betting or gaming, are among those disqualified from office (Regulation 6).

Accordingly, the rights and interests of SLC, as well as those of its members, are presently governed and circumscribed by the provisions of the Sports Law and the several regulations made thereunder. SLC cannot, therefore, claim an unfettered autonomy or an independent status divorced from the statutory and regulatory framework within which it operates, as contended by the Petitioners. Its powers, functions and the exercise thereof remain subject to the limitations and obligations imposed by law.

Insofar as the assets of SLC are concerned, it is significant that no material whatsoever has been placed before this Court to establish that any part, or the entirety, of such assets constitutes the private property of any one or more of its members. The Sabry Report notes (at page 14):

> *"The officer bearers have not made any financial investments, and all financing is received by the SLC organization only due to the participation of Sri Lankans in cricket. Therefore, it is the property of the general public and those in positions of authority are those entrusted with the responsibility of fulfilling their obligations. Therefore, their role is similar to that of trustees of a public trust, and they have fiduciary obligations to the citizens of Sri Lanka and to the State mechanism responsible for managing public funds and property."*

In any event, Articles 2(a), 2(w) and 2(x) of the Constitution of SLC make it abundantly clear that the income, funds and property of SLC, howsoever acquired, are to be applied towards the furtherance of its objects and the promotion, encouragement, advancement, development and general assistance of the game of cricket in Sri Lanka.

It is therefore evident that, even under its own Constitution, the assets and property of SLC are dedicated to the fulfilment of its institutional objectives and the advancement of the sport of cricket in Sri Lanka. The Constitution does not confer upon its members any proprietary entitlement to such assets or recognise any individual or collective right of ownership therein merely by virtue of their membership.

In this regard, it is apposite to refer to the decision in ***Board of Control for Cricket v. Cricket Association of Bihar*, Civil Appeal No. 4235 of 2014, para. 82**, wherein Thakur, CJI held:

> *"All that we need say is that since BCCI discharges public functions and since those functions are in the nature of a monopoly in the hands of the BCCI with tacit State Government and Central Government approvals, the public at large has a right to know and demand information as to the activities and functions of the BCCI especially when it deals with funds collected in relation to those activities as a trustee of wherein the beneficiary happens to be the people of this country."*

This Court observes that Clauses 4(1)(i) and 4(2) of the Bill expressly recognise Sri Lanka Cricket as the trustee and custodian of the sport of cricket on behalf of the People of Sri Lanka and require the exercise of every power conferred thereunder to be guided by the principle of public trust. Parliament, in the exercise of the legislative power of the People vested in it, is entitled to provide for the accountable and transparent administration of a national sporting institution which performs functions of significant public importance.

It is important to emphasise that the Bill does not, by reason of these provisions, vest the property of Sri Lanka Cricket in the State, nor does it purport to appropriate or transfer the property of any individual to the State. Rather, it gives statutory recognition to the existing legal and factual position concerning the nature, character and purpose for which the assets and resources of SLC are held and utilised. In that sense, the Bill does not result in an expropriation of property, but seeks to place the administration and management of SLC within an express statutory framework founded upon the principle of public trust.

However, this Court acknowledges the merit in the contention that the Bill has the effect of depriving the existing members of SLC of their membership upon its enactment. In

***Damyanti Naranga v. Union of India* (1971) 1 SCC 678 (AIR 1971 SC 966)**, it was held that the right to form an association includes the right to *continue* it with the membership the founders chose. A law that introduces members without the existing members' option to keep them out, or takes away the membership of those who voluntarily joined, violates the right. The Court distinguished laws that merely regulate an association's *administration* from those that alter its *composition*; the Act did the latter.

Accordingly, we hold that the Clause 29 of the Bill infringes Article 14(1)(c) of the Constitution and could be validly passed only with the special majority provided for in Article 84(2) of the Constitution.

The learned ASG submitted that the following Committee Stage Amendment will be moved to Clause 29:

Page 30, Clause 29 *:(1) delete lines 1 to 5 (both inclusive) and substitute the following:-*

> *"the coming into operation of this Act, shall be a general member of Sri Lanka Cricket and such member may within a period of thirty days of coming into operation of this Act, apply for registration under such category of membership as set out in the Schedule hereto in the manner specified by the rules."*

We are of the view that proposed amendment will result in Clause 29 of the Bill ceasing to be inconsistent with Article 14(1)(c) of the Constitution.

(3) Complete removal of democracy in the governance of Sri Lanka Cricket

(4) The Chairman of Sri Lanka Cricket is an Independent Director

These two contentions are considered together, as they substantially overlap in their scope and raise interrelated questions of law and fact.

Part II of the Bill contains the provisions relating to the administration, governance and control of Sri Lanka Cricket.

In terms of Clause 5(1), the administration, governance and control of the affairs of Sri Lanka Cricket shall be vested in a Board of Directors and accordingly, in terms of Clause 5(2), the Board shall, for the purpose of administering the affairs of Sri Lanka Cricket,

exercise, perform and discharge the powers, duties and functions conferred on, assigned to or imposed on, Sri Lanka Cricket under the Bill.

The Chief Executive Officer of Sri Lanka Cricket, appointed by the Board in terms of Clause 38(1) of the Bill, shall, subject to the general or special direction and control of the Board be responsible *inter alia* for the administration of the affairs and transactions of Sri Lanka Cricket. Clause 21(1) provides further that for the administration and governance of each aspect of the affairs of Sri Lanka Cricket, the Board shall appoint various committees including the Finance, Audit and Investment Committee, the Related Party Transactions Committee and the Governance and Integrity Committee. Thus, atop the pinnacle of the governance structure of Sri Lanka Cricket stands the Board of Directors.

As set out in Clause 5(3), the Board shall consist of 14 directors of whom seven shall be Independent Directors. This shall include two women Independent Directors. The other seven members of the Board, referred to as Elected Directors, shall be elected by the members of Sri Lanka Cricket in accordance with the mechanism set out in the Bill. Clause 6(1) provides further that while the Chairperson of the Board shall be elected by the majority vote of the members of the Board from among the Independent Directors, the Deputy Chairperson of the Board shall be elected by the majority vote of the members of the Board from among the Elected Directors of the Board.

Clause 13(1) specifies that the quorum for any meeting of the Board shall be seven Directors of whom at least four shall be Independent Directors. In terms of Clause 13(6), all decisions at any meeting of the Board shall be made by the vote of the majority of members present and voting at such meeting and adopted by way of a resolution of the Board in the manner specified in section 17. In the case of an equality of votes, the Chairperson shall, in addition to his vote, have a casting vote. However, where the Chairperson is absent, the Deputy Chairperson shall, in addition to his vote, have a casting vote.

The gravamen of the complaint of Mr. Marapana, P.C., was twofold. The first was that the Chairperson of the Board shall at all times be an Independent Director [Clause 6(1)]. The second was that the Chairperson shall have a casting vote [Clause 13(1)]. He submitted that the Bill thus draws a distinction between Independent Directors and Elected Directors but that there is no reasonable basis to classify them separately and treat them as two distinct categories.

Mr. Marapana, P.C., submitted further that the aforementioned composition of the Board together with the casting vote of the Chairperson ensures that the elected members of the Board can '*never and under no circumstance override*' the independent members of the Board in any decision to be made or any resolution to be adopted, and that the Independent Directors shall always have precedence in the governance of the Board, thereby effectively and essentially depriving the members of Sri Lanka Cricket, any real or meaningful say in the governance of Sri Lanka Cricket.

While we shall elaborate later in this Determination on the issue of the casting vote, it is important that we state at this point that the Chairperson, just like any other Director, has only one vote, and that the Chairperson shall have a casting vote only in those rare instances where there is an equal division of votes.

Thus, the issue that needs to be determined is whether Clauses 6(1) and 13(6) are discriminatory and/or arbitrary and amounts to a violation of Article 12(1) of the Constitution.

The learned ASG submitted that the argument of the Petitioners is not only factually misconceived but misconceived in law as well, for the following reasons:

(a) Independent Directors and Elected Directors are two different offices, in that they enter the Board through different paths, with Independent Directors who possess professional expertise in the areas specified in the Bill being nominated by a specially constituted Nominations Committee as opposed to Elected Directors who are not required to possess any expertise but are elected by clubs that play cricket and Provincial Cricket Associations. He submitted further that the two categories of Directors are intended to serve different purposes since the Elected Directors are elected by members of Sri Lanka Cricket and will protect the interests of those who voted them in. Hence, it was the position of the learned ASG that while one class of Directors is elected by the clubs and the Provincial Associations, the other is chosen for their professional competence by a committee insulated from those who elect the Elected Directors, that there is a clear, discernible, and logical distinction that separates the Independent Directors from the Elected Directors, and therefore Independent Directors and Elected Directors are neither equal nor similarly circumstanced;

(b) The post of Chairperson is a focal point of Sri Lanka Cricket and is not merely a seat at the table. It is the Chairperson who shall *inter alia* summon all meetings of the

Board [Clause 13(3)], preside at the meetings of the Board [Clause 13(5)], represent Sri Lanka Cricket at meetings of the International Cricket Council and other international fora [Clause 6(3)] and sign deeds, agreements, bank instruments and other documents [Clauses 19, 20(1) and 37(6)]. He submitted further that the circumstances relating to the finances of Sri Lanka Cricket during the last twenty five years clearly demonstrate that the enormous powers and responsibilities conferred at the moment on the President of Sri Lanka Cricket has served as a motivation for unscrupulous elements to contest elections to secure that post, and therefore it is critical that the Chairperson be an Independent Director in order to achieve the objects of the Bill and ensure that the governance of Sri Lanka Cricket shall be free from corruption;

(c) The legislature only seeks to strike a balance between the independence of the Independent Directors and the representative character of the Elected Directors and does not in any manner seek to confer an undue privilege to one group over the other;

(d) The casting vote is a mechanism used not only across the corporate world to break a deadlock and ensure that affairs of a company can be effectively managed but is a feature that is seen in several legislation enacted by Parliament in the recent past, and hence is not a new phenomenon. He submitted that the twist sought to be given by the Petitioners is completely unwarranted since in the absence of the Chairperson, it is the Deputy Chairperson, being an Elected Director, who shall have a casting vote.

In order to place in context the proposed governance structure including those contained in Clauses 6(1) and 13(6), it is important to understand the issues that currently affect Sri Lanka Cricket.

Under the existing member-based electoral structure, all office bearers are elected through the votes of member clubs and associations. Once elected to office, the office bearers are exposed to competing institutional interests, particularly where decisions relating to the allocation of funds and infrastructure development of clubs, domestic competitions and the promotion or relegation of clubs may directly affect the interests of their respective constituencies. Such competing interests may thereafter influence the electoral support available to an office bearer seeking re-election. The present structure

thus exposes a legitimate structural risk of conflicts of interest and institutional influence, which the Legislature is entitled to address through appropriate governance safeguards.

Perhaps, in one voice, the Intervenient-Petitioners have submitted that the current voting system has been manipulated to such an extent that a person who does not belong to the ruling group cannot have any reasonable expectation of winning an election at Sri Lanka Cricket. Mr. Amarasekera, P.C., submitted that one of the causes of the malady that the Bill seeks to address is the corrupt voting system where clubs which does not even have a ground of their own has the ability to participate at the election held to select office bearers, and that the corruption that follows is directly related to the voting system. This is evident by the large number of related party transactions, serious mismanagement and lack of professionalism of Board members that have been highlighted by the Auditor General.

Emphasising the need for the administration of Sri Lanka Cricket to act at all times with integrity and professionalism, Mr. Jayawardena, P.C, submitted that the Independent Directors that are proposed are not merely independent of Sri Lanka Cricket and its members, but are unrelated, and therefore, independent of each other, as well. For this reason, he submitted that the possibility of independent directors voting as a single block will not arise, and thus, permitting the Chairperson to be appointed out of the Independent Directors will ensure the much needed integrity that Sri Lanka Cricket requires at this juncture and accord with modern good governance principles and trends and corporate governance requirements seen in the corporate sector. It was pointed out that cricket governing boards in countries such as England and Wales, Australia, South Africa and Pakistan has similar corporate structures.

It was further submitted by Mr. Jayasundera, P.C., that the introduction of Independent Directors and the requirement that the Chairperson be selected from among them are intended to address the longstanding concentration of power, financial mismanagement and deficiencies in the existing governance structure, minimise the influence of club-based electoral considerations upon the administration of Sri Lanka Cricket and promote decisions made in the best interests of cricket, rather than those of any particular club, association or electoral constituency.

The starting point in considering the first complaint of the Petitioners is the Long Title of the Bill, in terms of which Sri Lanka Cricket is being established *inter alia* (a) for the control, governance, regulation, promotion, development and administration of cricket in Sri

Lanka, (b) to foster the growth of the sport of cricket through principles of good governance, integrity, transparency, accountability, and (c) to safeguard the welfare of all participants and protect cricket from corruption and other improper conduct.

The objects of Sri Lanka Cricket are contained in Clause 3, and includes *inter alia* to (a) give effect to and adhere to the membership obligations, governance requirements, and decisions of the International Cricket Council, (b) control, govern, regulate, promote, develop and administer the sport of cricket in Sri Lanka played at all levels including at the international level, and (c) protect, promote and advance the interests, welfare, integrity, professionalism and ethical standards of the sport of cricket and all stakeholders connected therewith, including the prevention of doping, corruption, discrimination, harassment, age fraud and all other unethical or unfair practices.

The powers, duties and functions of Sri Lanka Cricket have been set out in detail in Clause 4 of the Bill. Perhaps the most important duty that Parliament seeks to confer on Sri Lanka Cricket is that it shall hold authority and responsibility as trustee and custodian of the sport of cricket on behalf of the People of Sri Lanka. This duty is further expanded by Clause 4(2) which provides that, "*The powers, duties and functions conferred on, assigned to or imposed on Sri Lanka Cricket shall be exercised, performed and discharged in good faith and in the best interests of the sport of cricket, its participants and the citizens of Sri Lanka and in accordance with the principles of integrity, accountability, transparency, inclusiveness and public trust.*"

We are of the view that the proposed governance structure of Sri Lanka Cricket where the Board shall comprise of Independent Directors and Elected Directors in equal number, and the grievance of the Petitioners must be viewed in the light of the aforementioned circumstances and the proposed objects and duties of Sri Lanka Cricket.

In order to appreciate the distinction that is sought to be made between Independent Directors and Elected Directors and place in its proper context the submission of the learned ASG that the two sets of Directors enter the Board through different paths and serve different purposes and hence are not equally circumstanced, we shall first consider the manner in which the seven Independent Directors are selected.

In terms of Clause 22 of the Bill, there shall be a Nominations Committee which shall consist of the following seven members:

(a) The President of the Council of the Institute of Chartered Accountants of Sri Lanka or any member of such Institute nominated by the President of such Council;

(b) The President of the Bar Association of Sri Lanka or any member of such Association nominated by the President such Association;

(c) The Chairman of the Committee of the Chamber of Commerce incorporated under the Chamber of Commerce Ordinance or any member of such Committee nominated by the Chairman of such Committee;

(d) The Secretary to the Ministry of the Minister assigned the subject of Sports or the Director-General of the Department of Sports Development or an officer of such Ministry not below the rank of the Director-General nominated by such Secretary;

(e) The Chairperson of the Sri Lanka Institute of Directors or any member of such Institute nominated by the Chairperson thereof;

(f) The President of the Committee of the Sri Lanka Institute of Marketing incorporated under the Sri Lanka Institute of Marketing (Incorporation) Act, or any member of such institute nominated by the President of such Committee; and

(g) The Chairman of the National Sports Council established under section 4 of the Sports Law or any member of the National Sports Council nominated by the Chairman thereof.

The composition of the Nominations Committee clearly reflects the importance placed by the Legislature on the selection of Independent Directors.

Clause 8(1) of the Bill requires the Nominations Committee to invite applications from eligible persons to be appointed as an Independent Director of the Board within forty five days of the coming into force of the Act, in accordance with rules which shall be published within ten days of the first meeting of the Nominations Committee. The availability of rules to regulate the calling of applications thus ensures transparency in the invitation process.

Clause 7 contains a series of circumstances that would disqualify any person from being appointed as an Independent Director or from being elected as an Elected Director. These include those who have been (a) convicted and sentenced to a term of imprisonment of

not less than six months by any court of competent jurisdiction for any offence involving moral turpitude, fraud, dishonesty, corruption or violence, and (b) previously removed from or required to vacate any office held in Sri Lanka Cricket or any category of members of Sri Lanka Cricket, on disciplinary grounds, for misconduct or breach of duty or any other disqualification specified in the Bill.

More importantly for the game of cricket, any person or any member of his or her immediate family (being the spouse, a parent, a sibling, a son, daughter or son-in-law or daughter-in-law) who has an interest in betting, gaming or wagering, or in a betting, gaming or wagering organization or is employed in the day-to-day operations of any such organization, or has been subjected to any penalty, ban, suspension, prohibition or disqualification imposed by the Sri Lanka Anti-Doping Agency established under section 10 of the Convention against Doping in Sport Act, No. 33 of 2013, the World Anti-Doping Agency, or decision making authority of the International Cricket Council in respect of any offence relating to the use of prohibited substances, corruption, betting, match fixing, spot-fixing, or misuse of insider information, is not eligible for selection as an Independent Director or as an Elected Director.

Clause 8(6) provides further that a person who is or has been (a) prior to the date of the coming into operation of this Act, elected as a member of an Executive Committee of the National Association of Sports relating to cricket; (b) elected as an Elected Director of Sri Lanka Cricket; or (iii) an office bearer of a member of Sri Lanka Cricket, shall not be appointed as an Independent Director of the Board.

Thus, Clauses 7 and 8(6) aligns with the stringent governance structure set out in the Bill.

The Nominations Committee shall have the power to select and nominate any person whom it considers fit and proper for appointment as an Independent Director, provided that the Independent Directors shall consist of the following, of whom two shall be women:

(i) A Chartered Accountant who shall be a member of the Institute of Chartered Accountants of Sri Lanka established under the Institute of Chartered Accountants Act, No. 23 of 1959 whose period of membership in such Institute is not less than fifteen years;

(ii) An Attorney-at-Law who has been engaged in active legal practice in Sri Lanka for a minimum of fifteen years;

(iii) A former cricketer of good standing who has played not less than fifteen international cricket matches at any time prior to the period of thirty-six months immediately preceding the date of appointment;

(iv) An Information Technology Professional who shall possess a postgraduate qualification in computer science or information systems, with extensive corporate experience;

(v) A person who possesses a recognized qualification in marketing or global brand management or related disciplines, and has a demonstratable track record in the field of marketing, including experience in the development, management, commercialisation and promotion of brands with significant national or international market presence; and

(vi) Two other persons who possess an unblemished reputation, experience and expertise in the fields of accounting, finance, management, law, information technology, marketing, sports, or governance including persons who have served or are serving in senior executive or leadership positions such as a Chief Executive Officer, a General Manager or an equivalent position, in any public corporation or any company established under the Companies Act, No. 07 of 2007 or any organization established under any written law.

The above provisions ensure two matters. The first is that the selection of Independent Directors shall be carried out by an independent Nominations Committee comprising of eminent persons. The second is that the Independent Directors so selected shall have expertise in multiple areas which are critical to the governance of Sri Lanka Cricket. This, together with the stringent qualifications that must be satisfied in order to be eligible for selection and the events of disqualification that we have already referred to shall ensure that only those with the utmost integrity and professionalism are appointed as Independent Directors.

The other seven members of the Board, known as Elected Directors, shall be elected by the members of Sri Lanka Cricket who are entitled to vote at the general meetings of Sri Lanka Cricket. The Elected Directors are not required to possess any qualifications except that the series of disqualifications set out in Clause 7 would apply to them, as well.

The learned ASG submitted that in terms of the Bill, it is the Board of Directors that shall:

(a) Register the members, they being the cricket playing clubs;

(b) Decide to which tier each club shall belong to, which in turn decides how many votes each club shall be entitled to;

(c) Decide the structure of the tournaments the performance at which would eventually determine the promotion and relegation of the clubs among the two tiers and thus the votes that each club would be entitled to exercise at an election;

(d) Approve the constitutions of the members; and

(e) Enforce governance standards including the suspension or cancellation of the membership of the said members.

(f) Regulate the affairs of those members who voted the Elected Directors.

The learned ASG and the learned President's Counsel who appeared for the Intervenient-Petitioners submitted that the Chairperson being appointed from amongst independent directors is a unique feature that is required by regulators across the corporate world where public funds are involved and integrity and accountability is paramount.

The attention of Court was drawn to Direction No. 5 of 2024 issued by the Central Bank of Sri Lanka on 30.09.2024 on "Regulatory Requirements on Corporate Governance for Licensed Banks". In terms of the said Direction, at least half of the total number of directors shall be independent non-executive directors and the Chairperson shall be appointed from amongst those independent non-executive directors. Furthermore, Section 9 of the Colombo Stock Exchange Listing Rules provides that the Boards of listed companies must mandatorily include Independent Directors and that the Chairperson must be appointed from one of those persons.

Taking into consideration:

(a) the wide powers conferred on the Chairperson to which we have already referred to [vide Clauses 6(3), 13(3), 13(5), 19, 20(1) and 37(6)];

(b) the fact that the Chairperson is in effect the face of Sri Lanka Cricket, both locally and internationally;

(c) the fact that the Chairperson would be presiding over decisions that directly affect the clubs and associations that elected the Elected Directors and on whose vote his or her re-election is dependent;

(d) the stringent procedure put in place in selecting the Independent Directors and ensuring their expertise and professionalism; and

(e) the fact that Sri Lanka Cricket is the custodian of cricket in Sri Lanka and the administration, governance and control of the affairs of Sri Lanka Cricket has been vested in the Board,

we are of the following view:

[A] The composition and the manner of selecting Independent Directors and appointing the Chairperson from those Independent Directors would ensure that Sri Lanka Cricket shall abide by principles of integrity, accountability, transparency and public trust, and that the distinction that is sought to be made between the two categories of directors has a logical and reasonable relationship to the objective that the Bill is seeking to achieve;

[B] The decision to appoint the Chairperson of the Board from amongst the Independent Directors is therefore neither arbitrary nor irrational.

We shall now address the second argument of Mr. Marapana, P.C., that the conferment of a casting vote on the Chairperson is a violation of Article 12(1) of the Constitution. We have already stated that all fourteen Directors of the Board of Sri Lanka Cricket shall only have one vote, and that the Chairperson too, just like any other Director, has only one vote. With the number of Directors being an even number, there may be those rare instances where the Board is equally divided. It is certainly not in the best interests of the game of cricket to allow such a deadlock within the Board. It is only to address those rare instances that the Legislature has thought it fit to confer on the Chairperson of the Board a casting vote.

The fact that the Chairperson is an Independent Director is not a consideration that is relevant to this issue, especially since it is the Deputy Chairperson who shall have a casting vote in the absence of the Chairperson. We must also state that the casting vote is limited in scope in that it has no place where decisions require a two-thirds majority. These decisions include the removal of a director [Clause 12(2)], any amendment, variation or alteration to the Tournament Structure [Clause 35(3)] and the making of rules [Clause 45(1)].

The learned President's Counsel for the Intervenient-Petitioners submitted that the conferment of a casting vote on the Chairperson is the norm in Sri Lankan statutory bodies

which combine appointed professionals with nominated or representative members, as clearly borne out by the following Acts of Parliament:

(a) Gambling Regulatory Authority Act, No. 17 of 2025 – Section 12(4)

(b) National Eye Bank Trust of Sri Lanka Act, No. 22 of 2023 – Section 8(4)

(c) Central Bank of Sri Lanka Act, No. 16 of 2023 – Sections 9(5) and 13(6)

(d) Engineering Council of Sri Lanka Act, No. 4 of 2017 – Section 9(2)(b)

(e) National Medicines Regulatory Authority Act, No. 5 of 2015 – Section 10(2)(b)

(f) Sri Lanka Accounting Standards Act, No. 15 of 1995 – Section 18(5)

We have carefully considered the submissions of all learned Counsel and are of the view that the conferment of a casting vote on the Chairperson is not arbitrary and does not infringe the provisions of Article 12(1) of the Constitution.

(6) Denial of voting rights to District Cricket Associations

As the learned ASG correctly submitted, the submissions advanced on behalf of the Petitioners on this ground may be summarised as follows:

(a) District Cricket Associations have been excluded from the franchise of voting, with the Districts within each Province being aggregated and accorded only a single Provincial vote;

(b) Of the 26 clubs presently recognised as Tier "A" and Tier "B" clubs, 21 are situated within the Western Province, thereby conferring upon that Province approximately 69% of the total voting strength;

(c) Since qualification for recognition as a Tier "A" or Tier "B" club is dependent upon participation in tournaments, which, in turn, is substantially influenced by the availability of infrastructure, predominantly concentrated in Colombo, the impugned classification operates in a manner that is geographically discriminatory and consequently violative of Article 12(1) of the Constitution; and

(d) The impugned scheme effectively excludes District-level bodies from participating in the governance of a national sporting institution, thereby offending Articles 3 and 4 of the Constitution and undermining the constitutional framework relating to devolution.

The objects of Sri Lanka Cricket, as set out in Clause 3 of the Bill, are to develop, govern and protect the sport of cricket. The responsibility for formulating and implementing decisions directed towards the attainment of these objects rests with the Board.

Accordingly we agree with the submission of the learned ASG that the composition of the Board must necessarily satisfy two interrelated considerations. First, it must comprise persons possessing the requisite experience, managerial competence and integrity to discharge the responsibilities entrusted to it and to advance the statutory objects of Sri Lanka Cricket. Secondly, its composition must ensure an appropriate and equitable recognition of the legitimate interests of those who have a genuine stake in the development and administration of the sport.

Court notes that one of the principal objectives underlying the proposed voting structure is to ensure that the electoral process is confined to persons and institutions having a genuine interest in cricket and having made a meaningful contribution to its development. The grant of voting rights merely by virtue of the formal existence of an entity, without regard to its actual participation in or contribution to the sport, would create the possibility of the proliferation of clubs established principally, if not exclusively, for the purpose of acquiring voting rights. Such a development would defeat the very purpose of the proposed reforms and perpetuate the type of *"interference from powerful interest groups"* which the reforms seek to eliminate.

In this context, it is apposite to refer to the following observations of Sabry Report (at page 13):

(a) *that Sri Lanka Cricket "has been administered by a group of persons who are all connected to one another, and the constitution has been used to perpetuate such control";*

(b) *that the apportionment of funds to "the clubs/associations which controlled 147 votes has created a continuing need for this group to compete for high office"; and*

(c) *that there were no restrictions on tenure.*

It recorded representations on "'paper clubs' and common office bearers across multiple organizations which appeared to be a concerted plan to influence the voting system" (paragraph 21), and on clubs "with voting rights in SLC despite the fact that they did not even have a ground" (paragraph 44).

In this context it is apposite to refer to Sabry Report "that the current constitutional structure of allowing clubs which controlled 147 votes, which are supported by SLC, to decide the Executive Committee should be discouraged" (at page 15).

The size of the electorate which the Bill replaces was itself exceptional. The Sabry Report (at page 14) set out the number of votes at the general meetings of the national cricket bodies of other Full Members of the International Cricket Council: Australia (population 25.69 Mn.), six; Pakistan (population 231.4 Mn.), seventeen; England and Wales (population 59.59 Mn.), eighteen; India (population 1,408 Mn.), thirty eight. Sri Lanka (population 22.16 Mn.) had one hundred and forty seven. The voting members under the Bill hold some forty nine votes, still more than any of those bodies.

Cricket is, fundamentally, a sport whose development and advancement depend upon the participation of those who play it. Such participation is ordinarily organised through clubs. However, the nature and extent of the contribution made by clubs to the development of the sport are not uniform. At one end of the spectrum are clubs which have little or no meaningful participation in the game and exist merely in a formal or nominal sense. At the other are clubs which make substantial investments in players, coaching, training facilities and infrastructure, and which participate in competitions at the highest levels of domestic cricket.

In those circumstances, there is nothing inherently arbitrary or irrational in the Bill adopting a system whereby clubs constitute the principal electoral units and the entitlement to vote, as well as the number of votes allocated to each club, is determined by reference to the level at which that club actually participates in competitive cricket. Such a criterion bears a rational relationship to the object sought to be achieved, namely, ensuring that voting rights are accorded to institutions which make a genuine and demonstrable contribution to the sport.

(7) Executive Control over Sri Lanka Cricket

The Petitioners contend that the provisions of the Bill, when considered cumulatively, and Clauses 22, 28 and 44 in particular, confer upon the Executive a degree of influence and control over Sri Lanka Cricket that is incompatible with the autonomy contemplated by Clause 4(1)(d). In support of this contention, they point to the designation of the President as Patron ex officio, the participation of two members of the Nominations Committee who are linked to the Executive under Clauses 22(1)(d) and 22(1)(g), and the extensive powers conferred upon the Minister by Clause 44 to investigate and to remove, suspend or

disqualify Directors or the Board as a whole. It is contended that the latter powers extend beyond legitimate regulatory oversight and effectively displace the internal procedure for removal contemplated by Clause 12. The Petitioners accordingly submit that, viewed in their cumulative effect, these provisions undermine the institutional autonomy of Sri Lanka Cricket, are arbitrary in their operation and are therefore inconsistent with Article 12(1) of the Constitution.

We observe that Clause 28 of the Bill is essentially ceremonial in nature. It does not confer upon the President any executive, administrative or decision-making authority in relation to Sri Lanka Cricket. The President is neither a member of the Board nor of any committee, nor does he participate as a member in the General Meeting. Accordingly, the designation of the President under that Clause does not, in itself, confer any institutional authority or decision-making power upon the Executive in the affairs of Sri Lanka Cricket.

In this context, it is apposite to refer to the decision in ***Perera v. District Scout Commissioner and Others*** **[2020] 1 Sri LR 405**, where Court held that the President's position as Chief Scout did not amount to executive control over the organisation because the role was essentially ceremonial and discretionary. The Court found that the President could choose not to accept the position and that the affairs of the organisation remained under the control of its members rather than the State.

Aluwihare, J. (at page 412) held that:

> *"The Petitioner's contention that the President of the Republic being the Chief Scout is an indication of executive control, holds no merit as it is merely a ceremonial position which the President can decide not to accept, at his/her discretion. The President, if he/she so accepts the Title, becomes the Patron of the Scout Association and appoints the Chief Commissioner, Honorary Chief Commissioners and other higher officials merely upon the recommendation forwarded to him/her by the Association, while the other office bearers are elected by the members at the Annual General Meeting of the Council (vide section 2(1) of the Act)."*

Moreover, even under the present constitution of SLC, it is the custom of SLC is to invite the President of Sri Lanka to be its Patron. In that sense, the Bill does not seek to change the status quo, and does not in any manner reflect a shift towards greater Government control.

The mere presence of these two members on the Nominations Committee can hardly be regarded as constituting executive control over the process of nomination.

In the first place, they constitute only two of the seven members of the Committee, the remaining five being drawn from independent professional bodies.

Secondly, in terms of Clause 26, the quorum of the Committee is four members and its decisions are determined by a majority.

The two members representing the Executive are therefore incapable, either by themselves, of constituting a quorum or of determining the outcome of any decision. Furthermore, the Chairperson of the Committee is elected by the members themselves in accordance with Clause 24.

Thirdly, the discretion vested in the Committee is circumscribed by statutory safeguards. The Committee is required to invite applications publicly and to publish its procedure on the website of Sri Lanka Cricket, as stipulated in Clauses 8(1) and 8(4). Its selection is further confined to persons possessing the qualifications prescribed in Clause 5(3)(a) and who are not subject to any of the disqualifications set out in Clause 7, in terms of Clause 8(5). In addition, Clause 22(2) requires every nominee to the Committee to be a person of good moral standing and not subject to any disqualification under Clause 7.

There is, moreover, a rational basis for the inclusion of these two members. The Ministry responsible for the subject of Sports is entrusted with responsibility for national sports policy, whilst the National Sports Council is the statutory body established under the Sports Law in relation to the administration and development of sport. Sri Lanka Cricket, being an institution entrusted with the governance of a sport of national significance, is expressly recognised under Clause 4(1)(i) as the "trustee and custodian of the sport of cricket on behalf of the People of Sri Lanka".

In these circumstances, it is neither unreasonable nor inappropriate that the wider public interest and the national interest in sport should find representation in the process of selecting the independent members of the Board. Such representation, however, does not translate into a power of control over that process. The distinction between participation and control is of particular significance in the present context. In our view, the mere inclusion of these two members, subject to the safeguards and limitations prescribed by the Bill, cannot reasonably be characterised as conferring executive control over Sri Lanka Cricket.

Clause 44 of the Bill must be considered having regard to its structure, the sequence of steps prescribed therein and the safeguards which circumscribe the exercise of the powers conferred upon the Minister. It is not, in our view, an unfettered or arbitrary power of executive intervention, but a carefully structured mechanism operating at distinct stages.

At the first stage, under Clause 44(1), the Minister is empowered to call for returns, accounts and other information, a requirement which is not uncommon in legislation governing statutory bodies.

At the second stage, under Clause 44(2), where credible information of corruption, fraud, financial irregularity or similar impropriety is received, the Minister is confined to directing the Auditor-General to conduct an audit or referring the matter to the relevant law enforcement or other competent authority.

Neither course of action, at this stage, entails any power to remove or suspend a Director or the Board. It is only at the subsequent stage, contemplated by Clauses 44(3) to 44(5), that the possibility of further intervention arises, and even then, the exercise of such power is subject to stringent statutory safeguards.

In particular, the Minister may invoke the latter provisions only upon the existence of a complaint or credible information and where there are reasonable grounds to believe that a matter warranting intervention has arisen. The requirement of reasonable grounds imports an objective standard, the satisfaction of which is amenable to judicial scrutiny.

Further, the circumstances in which such intervention may be contemplated are specifically identified in the Bill and relate to matters affecting the integrity of the sport, corruption, financial mismanagement or irregularity, serious breaches of fiduciary duty, malpractice, or other conduct prejudicial to the proper governance, administration or financial management of Sri Lanka Cricket.

The Bill does not, however, permit the Minister to proceed directly to the exercise of remedial powers upon the formation of his own opinion. Clause 44(3) requires a preliminary investigation to be undertaken by a committee comprising three competent persons, followed, under Clause 44(4), by a formal inquiry conducted by a retired Judge of the Supreme Court. The Minister's power under Clause 44(5) is thereafter confined to taking action "pursuant to or in accordance with the recommendations, findings or determinations" contained in the relevant report.

Thus, the statutory scheme does not contemplate the Minister acting upon his own subjective assessment or independently determining the merits of the allegations. Moreover, where a vacancy arises as a consequence of such action, it must be filled "in accordance with this Act". The Minister is consequently not empowered to appoint persons of his own choosing or to constitute an interim committee outside the procedure prescribed by the Bill. These limitations, when considered cumulatively, substantially circumscribe the scope for arbitrary or capricious exercise of the power.

Nor do we consider that Clause 44 displaces or renders otiose the procedure for removal of an individual Director prescribed by Clause 12. The two provisions address distinct circumstances.

Clause 12 provides an internal disciplinary mechanism for the removal of an individual Director found guilty of misconduct by the Disciplinary and Disputes Committee.

Clause 44, on the other hand, addresses a different and more exceptional situation, namely, one in which the governance and regulatory mechanisms within Sri Lanka Cricket may themselves have failed. It is not difficult to envisage circumstances in which allegations of serious wrongdoing implicate the Board as a whole, or such a substantial part of it, that the expectation that the Board would take effective action against itself would be neither realistic nor reasonable.

In such circumstances, an external mechanism, subject to appropriate procedural and institutional safeguards, may be necessary to protect the integrity of the sport and ensure the proper governance of the institution. The existence of an internal disciplinary procedure cannot, by itself, preclude the legislature from providing for such a safeguard of last resort.

A further matter requiring consideration is the power conferred upon the Minister by Clause 44(5) to take action on the basis of a report of the Auditor-General referred to in Clause 44(2)(a). We do not consider that this provision, in itself, renders the statutory scheme arbitrary.

The Auditor-General is an independent constitutional office established under Article 153 of the Constitution and is entrusted with the audit of Sri Lanka Cricket under Article 154, read with Clause 37(3) of the Bill. An audit report is the product of a formal audit process, undertaken by a constitutionally independent authority, in which the audited institution

would ordinarily have an opportunity to respond to matters arising in the course of the audit.

Significantly, even in such circumstances, the Minister is empowered to act only "pursuant to or in accordance with" the findings and recommendations contained in the report, and not upon an independent or subjective assessment of his own. We must also bear in mind that any decision to remove or suspend a Director is subject to the requirements of natural justice and, like any other exercise of statutory power, remains amenable to judicial review. The existence of these procedural and judicial safeguards is a material consideration in assessing the constitutional validity of the power conferred by Clause 44.

Taken as a whole, Clause 44 establishes a graduated mechanism for intervention, rather than conferring upon the Minister an unrestricted power to assume control of Sri Lanka Cricket. Its provisions prescribe the circumstances in which intervention may be initiated, the investigative and inquiry procedures which must precede such intervention, the basis upon which the Minister may act, and the procedure by which any resulting vacancies are to be filled.

The question, therefore, is not whether the Minister has been conferred a power of intervention, but whether that power, having regard to its statutory limitations and safeguards, is of such a nature as to undermine the institutional autonomy of Sri Lanka Cricket or offend the constitutional guarantee of equality. In our view, the mere existence of the power, without more, does not warrant such a conclusion.

In considering the Petitioners' contention that Clause 44 confers excessive powers upon the Minister and thereby undermines the autonomy of Sri Lanka Cricket, an important aspect of the existing legislative framework appears to have been overlooked.

Under the existing provisions of the Sports Law, the Minister is vested with the power, under Section 32, to suspend the registration of the national sports body and, under Section 33, to appoint a body to assume the management of such body. These powers have been exercised on several occasions, most recently in April 2026.

Significantly, Clause 41 of the Bill expressly provides that, upon the Bill becoming law, the provisions of the Sports Law shall cease to have effect in relation to cricket. Consequently, the Minister would no longer be entitled, in respect of Sri Lanka Cricket, to exercise the broad powers of suspending its registration or appointing an interim body of his own choosing to assume its management.

Those powers under the Sports Law are thereby supplanted by the more confined and procedurally regulated mechanism prescribed by Clause 44. The effect of the proposed legislation must therefore be assessed not merely by reference to the powers conferred by Clause 44 in isolation, but also in the context of the powers which it removes. Viewed in that light, we are of the view that the Bill does not enlarge the scope of executive intervention in the affairs of Sri Lanka Cricket; rather, it substantially circumscribes the powers hitherto exercisable by the Minister and subjects any intervention to a defined statutory procedure and safeguards.

Before parting with this part of our determination, we wish to refer to page 3 of "Regulations related to Independence for Member Boards", issued by the ICC which was emailed to all members on 11.11.2011 which reads as follows:

> *"naturally, a government (or any office thereof) would also not be prevented from investigating the affairs of a Member Board in order to ascertain whether any criminal offense has been committed including fraud, dereliction of directors' duties (including fiduciary duties) or contravention of any relevant legislation. Similarly, there may be circumstances where a government (or any ministry thereof) rightfully seeks to intervene in the event that a Member Board is dysfunctional. The ICC Governance Review Committee believes that this is a question of accountability, and not interference."*

In this context, we wish to refer to the point made by Mr. Jayawardena, P.C., about glaring acts of financial and administrative mismanagement within the SLC as more fully set out in the Special Audit Report made in 2019 by the National Audit Office.

(8) Breach of ICC Regulations

The Petitioners contend that the provisions of the Bill would place Sri Lanka Cricket in breach of the autonomous-governance requirements of the ICC.

We are exercising the constitutional jurisdiction vested on the Court which requires us to consider only whether the Bill or any of its provisions are inconsistent with the Constitution. The requirements of the ICC may, of course, be relevant in considering the nature and extent of the autonomy required to be maintained by Sri Lanka Cricket, but such requirements cannot, without more, constitute an independent test of constitutional validity.

Nevertheless, we observe that none of the Petitioners has identified any specific provision of the Articles of Association, regulations or other governing instruments of the ICC which is alleged to be contravened by the Bill. Nor has reference been made to any decision of the ICC or any communication emanating from it in support of this contention. The allegation, therefore, remains unsubstantiated by reference to any particular obligation binding upon Sri Lanka Cricket, and the precise basis upon which the alleged inconsistency is founded has not been demonstrated.

It is also pertinent to observe that the Bill, far from contemplating a departure from the obligations arising out of SLC's membership of the ICC, expressly incorporates compliance with such obligations among its statutory objectives. Clause 3(a) identifies as an object of Sri Lanka Cricket the giving effect to its membership obligations, governance requirements and decisions of the ICC and the ACC. Clause 4(1)(c) requires the maintenance of its affiliation with the ICC, whilst Clause 4(1)(d) requires Sri Lanka Cricket to maintain its autonomy in a manner that does not prejudice such affiliation. These provisions must be read together and given due effect. It would, therefore, be difficult to attribute to the legislature an intention to bring about a breach of the very obligations which the Bill expressly requires Sri Lanka Cricket to observe.

The Petitioners' objection appears to be founded principally upon the provisions which envisage a measure of State involvement in the affairs of Sri Lanka Cricket, particularly Clauses 22(1)(d), 22(1)(g), 28 and 44. The import of the provisions does not establish State involvement. On the contrary, as pointed out above, Bill substantially circumscribes the powers hitherto exercisable by the Minister and subjects any intervention to a defined statutory procedure and safeguards.

The learned ASG submitted that the experience of Pakistan also provides a relevant comparative perspective in considering the relationship between State involvement in the governance of cricket and continued membership of the ICC. The material placed before Court indicates that the legal and institutional framework governing sports in Pakistan contemplates a considerably greater degree of governmental involvement. In particular:

> (a) Sections 3 and 4 of the Sports (Development and Control) Ordinance, 1962 of Pakistan empower the Central Government to constitute sports boards by notification and to determine their names, constitutions, powers and functions. The Pakistan Cricket Board is constituted under the same Ordinance.

(b) The Constitution of the Pakistan Sports Board (S.R.O. 174(I)/2022), made under the aforesaid Ordinance, provides, inter alia, for the Prime Minister to function as Patron with the power to issue policy directions to the Board (paragraph 4); for the Minister to function as President and the Secretary of the Ministry as Vice President (paragraph 5(1)); and for the Patron, in his exclusive discretion, to direct a special audit, the report of which is submitted to him (paragraph 19(5)). Paragraph 21(2)(iii) further contemplates the withdrawal of affiliation where, in the judgment of the Government of Pakistan or the Board, a federation is not functioning in the best interests of the sport. Although paragraph 7(1)(ii) excludes cricket from the direct application of that instrument, the provisions demonstrate the degree of governmental involvement contemplated within the broader statutory framework under which the Pakistan Cricket Board is constituted.

(c) More particularly, under the Constitution of the Pakistan Cricket Board, the Prime Minister, in his capacity as Patron, is empowered to nominate two members to the Board of Governors. It is also stated that the Chairman of the Pakistan Cricket Board has, on several occasions, been selected from among such nominees. Further, the Constitution confers upon the Prime Minister the power to issue special and general directions to the Board, which the Board is required to comply with.

(d) Notwithstanding the foregoing features of its governance structure, Pakistan continues to enjoy Full Member status of the ICC.

When the provisions of the Bill are considered in their entirety, we are unable to accept the contention that they necessarily place Sri Lanka Cricket in breach of the autonomous-governance requirements of the ICC. Accordingly, this ground of challenge cannot be sustained.

(9) Undue powers and privileges are created for the present Interim Administration in the future governance of Sri Lanka Cricket.

The allegation that the Bill confers, or perpetuates, undue powers in favour of the incumbent interim administration is overstated. The Incumbent Board, namely, the Sri Lanka Cricket Transformation Committee, is not a creation of the Bill. It derives its authority from an appointment made by the Minister under Section 33 of the existing Sports Law. Far from extending the tenure of that administration, the Bill expressly

provides for its cessation upon the constitution of the First Board in accordance with the provisions thereof.

The functions assigned to the Incumbent Board under the Bill are expressly transitional and subject to definite statutory timelines. In particular:

(a) the Nominations Committee is required to call for applications for the appointment of Independent Directors within forty-five days of the Act coming into operation (Clause 9(1)), and to select and nominate such Directors within one hundred and eighty days (Clause 9(2));

(b) the Incumbent Board is required to facilitate the election of the Elected Directors at the first general meeting, which too must take place within the stipulated period of one hundred and eighty days (Clause 9(4));

(c) the Incumbent Board has no discretion in determining the persons to be appointed as Independent Directors, but is bound to appoint the persons nominated by the independent Nominations Committee (Clause 9(3)); and

(d) the authority and powers of the Incumbent Board cease upon the commencement of the term of office of the First Board (Clause 47(3), read with Clause 9(5)).

We therefore find it difficult to discern any basis for the contention that the Bill seeks to perpetuate the authority of the Incumbent Board or to confer upon its members any continuing role in the future governance of Sri Lanka Cricket. Significantly, no provision of the Bill reserves any seat, office or position in the First Board, or in any subsequent governing structure, for a member of the Incumbent Board.

The rules which the Incumbent Board is empowered to make under Clause 47(4) must also be considered in their proper statutory context. They are, by their express terms, transitional in nature, intended to operate only until the First Board of Sri Lanka Cricket is appointed. Subject to the exception relating to the tournament structure, such rules remain amenable to amendment by the First Board in the ordinary exercise of its powers under Clause 45. It would therefore be erroneous to regard the authority to make such transitional rules as conferring upon the Incumbent Board any enduring control over the governance of Sri Lanka Cricket.

The only power conferred upon the Incumbent Board which may have consequences extending beyond the transitional period is the power to determine the initial tournament structure, in terms of Clause 35(2), read with Clause 47(4)(c). Even that power, however, does not warrant the inference that the Incumbent Board is being vested with an unreviewable or perpetual authority in that regard.

First, the tournament structure so determined constitutes a rule made under the authority of the Act by a statutory body and is, accordingly, subject to challenge before the courts in accordance with the law. Secondly, it is pertinent to observe that the tournament structure presently in operation has not been challenged before this Court. Thirdly, and perhaps more importantly, the Bill itself provides a mechanism by which the tournament structure may be amended. Such amendment requires the approval of not less than two-thirds of the Directors, including four Independent Directors and the Chairperson, followed by the approval of a two-thirds majority of the voting members present and voting at a special general meeting (Clause 35(3)).

In these circumstances, the statutory structure does not support the contention that the Bill confers upon the Incumbent Board powers of a permanent or uncontrolled character. On the contrary, the provisions demonstrate that its authority is confined to facilitating the transition to the First Board, subject to prescribed timelines, defined functions and an express cessation of its powers. The limited authority relating to the initial tournament structure is itself subject to judicial scrutiny and a prescribed statutory mechanism for amendment.

(10) Indirectly removing Sri Lanka Cricket from the governance of other laws such as the prevalent Anti-Corruption Act No. 9 of 2023 and the Sports Law.

It was submitted that although one of the objectives of the Bill is to address corruption, Sri Lanka Cricket is not brought within the Anti-Corruption Act No. 9 of 2023.

This contention is misconceived in law. The Anti-Corruption Act applies to both the public and private sector. By way of illustration, Section 106 applies to the private sector.

In any event, we observe that a Committee Stage Amendment has been introduced specifically dealing with this issue.

We shall now address other grounds on which some of the Petitioners have sought to impugn the provisions of the Bill.

Clause 7

This enumerates the disqualifications for being appointed or elected as an Independent Director or Elected Director of the Board. Clause 7(l) includes persons who provided financial services relating to the sport of cricket but does not include persons who provided other professional services to cricket. This is arbitrary and infringes Article 12(1) of the Constitution and could be validly passed only with the special majority provided for in Article 84(2) of the Constitution.

The learned ASG submitted that the following Committee Stage Amendment will be moved to Clause 7:

Page 13, Clause 7 : delete lines 6 and 7 and substitute the following:-

> *"schools, is involved in providing financial services relating to the sport of cricket, or has provided professional services to Sri Lanka Cricket.".*

We are of the view that proposed amendment will result in Clause 7 of the Bill ceasing to be inconsistent with Article 12(1) of the Constitution.

Clause 8(6)

This disqualifies any person who has been elected as a member of an Executive Committee of SLC or its predecessor from being appointed as an Independent Director of Sri Lanka Cricket. Mr. Navaratne, P.C., submitted that this specifically targets members of the predecessor body and therefore infringes Article 12(1).

However, this contention overlooks the fact that the disqualification applies to all persons who held such offices from the time a National Association for cricket was registered under the Sports Law as well as all persons who are in the future elected as an Elected Director of Sri Lanka Cricket.

We hold that there is no infringement of Article 12(1).

The Determination of the Court

The determination of the Court as to the constitutionality of the Bill titled "Sri Lanka Cricket Bill" is as follows:

1. Clause 29 of the Bill infringes Article 14(1)(c) of the Constitution and could be validly passed only with the special majority provided for in Article 84(2) of the Constitution.

   The inconsistency will cease and the Bill may be passed by a simple majority of Parliament upon the following Committee Stage Amendment being made:

   page 30, Clause 29 :(1) delete lines 1 to 5 (both inclusive) and substitute the following:-

   > *"the coming into operation of this Act, shall be a general member of Sri Lanka Cricket and such member may within a period of thirty days of coming into operation of this Act, apply for registration under such category of membership as set out in the Schedule hereto in the manner specified by the rules."*

2. Clause 7(l) of the Bill infringes Article 12(1) of the Constitution and could be validly passed only with the special majority provided for in Article 84(2) of the Constitution.

   The inconsistency will cease and the Bill may be passed by a simple majority of Parliament upon the following Committee Stage Amendment being made:

   Page 13, Clause 7 : delete lines 6 and 7 and substitute the following:-

   > *"schools, is involved in providing financial services relating to the sport of cricket, or has provided professional services to Sri Lanka Cricket.".*

Subject to above, none of the other provisions in the Bill are inconsistent with any provision in the Constitution. Other than the Committee Stage Amendments which are specifically referred to in this Determination, we have not considered the constitutionality of any other Committee Stage Amendment.

We wish to place on record our deep appreciation of the assistance given by all the learned President's Counsel and other Counsel who appeared for the Petitioners and the Intervenient-Petitioners and the learned Additional Solicitor General who represented the Hon. Attorney General in these proceedings.

Janak De Silva

Judge of the Supreme Court

Arjuna Obeyesekere

Judge of the Supreme Court

K.M. Gihan H. Kulatunga

Judge of the Supreme Court