

CHAPTER XIX

THE JUDICIARY

The Jurisdiction of the Supreme Court, the Court of Appeal and the Regional High Courts

The Supreme Court

164. (1) Subject to paragraphs (2), (3), (4) and (5) of this Article, 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.

Jurisdiction of the Supreme Court with respect to Bills.

(2) Where a Bill is described in its long title as being for the amendment of any provision of the Constitution, or for the repeal and replacement of the Constitution, the only question which the Supreme Court may determine is whether such Bill requires approval by the People at a Referendum by virtue of the provisions of Article 101.

(3) Where the Cabinet of Ministers certifies that a Bill, which is described in its long title as being for the amendment of any provision of the Constitution, or for the repeal and replacement of the Constitution, is intended to be passed with the special majority required by Article 100 and submitted to the People at a Referendum, the Supreme Court shall have and exercise no jurisdiction in respect of such Bill.

(4) Where the Cabinet of Ministers certifies that a Bill which is not described in its long title as being for the amendment of any provision of the Constitution, or for the repeal and replacement of the Constitution, is intended to be passed with the special majority required by Article 102, the only question which the Supreme Court may determine is whether such Bill requires approval by the People at a Referendum by virtue of the provisions of Article 101 or whether such Bill is required to comply with paragraphs (1) and (2) of Article 100.

(5) Where the Cabinet of Ministers certifies that any provision of any Bill which is not described in its long title as being for the amendment of any provision of the Constitution or for the repeal and replacement of the Constitution is intended to be passed with the special majority required by Article 102, the only question which the Supreme Court may determine is whether any other provision of such Bill requires to be passed with the special majority required by Article 102 or whether any provision of such Bill requires the approval by the People at a Referendum by virtue of the provisions of Article 101 or whether such Bill is required to comply with the provisions of paragraphs (1) and (2) of Article 100.

Ordinary exercise of jurisdiction of Supreme Court with respect to Bills.

165. (1) The jurisdiction of the Supreme Court to ordinarily determine any such question referred to in Article 164 may be invoked by the President by a written reference addressed to the Chief Justice, or by any citizen by a petition in writing addressed to the Supreme Court.

(2) A reference shall be made, or a petition shall be filed under paragraph (1) of this Article, within three weeks of the Bill being placed on the Order Paper of Parliament, and a copy thereof shall at the same time be delivered to the Speaker.

(3) In paragraph (1) of this Article, "citizen" includes a body of persons, whether incorporated or unincorporated, if not less than three-fourths of the number of members of such body are citizens.

(4) Where the jurisdiction of the Supreme Court has been invoked under this Article, proceedings shall not be had in Parliament in relation to such Bill until the determination of the Supreme Court has been made, or the expiration of a period of three weeks from the date of such reference or petition, whichever occurs first.

(5) The Supreme Court shall make and communicate its determination to the President and to the Speaker within three weeks of the making of the reference or the filing of the petition, as the case may be.

Special exercise of jurisdiction of Supreme Court with respect to Bills.

166. (1) In the case of a Bill which is, in the view of the Cabinet of Ministers, urgent in the national interest, and bears an endorsement to that effect under the hand of the Secretary to the Cabinet of Ministers -

- (a) the provisions of paragraph (1) of Article 94 and Article 165 shall, subject to the provisions of paragraph (2) of this Article, have no application ;
- (b) the President shall by a written reference addressed to the Chief Justice, require the special determination of the Supreme Court as to whether the Bill or any provision thereof is inconsistent with the Constitution and a copy of such reference shall at the same time be delivered to the Speaker ;
- (c) the Supreme Court shall make its determination within twenty-four hours (or such longer period not exceeding three days as the President may specify) of the assembling of the Court, and shall communicate its determination only to the President and to the Speaker.

(2) The provisions of paragraph (4) of Article 165, shall, *mutatis mutandis*, apply to such Bill.

167. (1) The determination of the Supreme Court in the exercise of its jurisdiction under Articles 165 and 166 shall be accompanied by the reasons therefor, and shall state whether the Bill or any provision thereof is inconsistent with the Constitution and if so, which provision or provisions of the Constitution.

Determination
of Supreme
Court in respect
of Bills.

(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 100 ;
- (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 102 ; 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 102 and approved by the People at a Referendum by virtue of the provisions of Article 101,

and may specify the nature of the amendments which would make the Bill or such provision cease to be inconsistent with the Constitution.

(3) In the case of a Bill endorsed as provided in Article 166, if the Supreme Court entertains a doubt as to whether a Bill or any provision thereof is inconsistent with the Constitution, it shall be deemed to have been determined that the Bill or such provision of the Bill is inconsistent with the Constitution and the Supreme Court shall comply with paragraphs (1) and (2) of this Article.

(4) Where any Bill or any provision of any Bill has been determined to be inconsistent with the Constitution, such Bill or such provision shall, subject to paragraph (5) of this Article, not be passed except in the manner stated in the determination of the Supreme Court.

(5) It shall be lawful for any Bill referred to in paragraph (3) of this Article to be passed after such amendment as would make the Bill cease to be inconsistent with the Constitution.

(6) Where the Supreme Court has in the exercise of its jurisdiction under Articles 165 and 166 determined that any Bill or provision thereof is inconsistent with the Constitution but does not specify the nature of the amendments which would make the Bill or the provision, as the case may be, cease to be inconsistent with the Constitution, the Bill or provision shall not be passed, otherwise than by the special majority required by Article 102 until the amendments proposed to be made to the Bill or provision, as the case may be, are submitted to the Supreme Court and the

Supreme Court determines that the amendments proposed to the Bill or provision, as the case may be, would make the Bill or provision, as the case may be, cease to be inconsistent with the Constitution.

Power of review
of Acts passed
after
commencement
of the
Constitution.

168. (1) The Supreme Court shall, on its jurisdiction being invoked under paragraph (2) or paragraph (5) of this Article and subject to the provisions of this Article, have sole and exclusive jurisdiction to determine whether any Act of Parliament passed after the commencement of the Constitution or any provision thereof is inconsistent with any provision of the Constitution and where it so determines, to declare that Act or provision void to the extent of that inconsistency, without prejudice to anything previously done thereunder.

(2) The jurisdiction of the Supreme Court to determine any such question as aforesaid may be invoked by any citizen by a petition in writing addressed to the Supreme Court within two years of the certification of the Act by the Speaker or the President, as the case may be.

(3) In paragraph (2) of this Article, “citizen” includes a body of persons, whether incorporated or unincorporated, if not less than three-fourths of the number of members of such body are citizens.

(4) Notwithstanding anything in paragraph (2) of this Article, where the jurisdiction of the Supreme Court under Articles 165 and 166 had been invoked to determine the constitutionality of a Bill or a provision of a Bill, as the case may be, a citizen shall not be entitled to invoke the jurisdiction of the Supreme Court under this Article to determine the constitutionality of that Bill after the enactment of the Bill as an Act of Parliament or that provision after enactment of the provision as a provision of an Act of Parliament, on the same grounds as were adduced against the Bill, or provision of the Bill, as the case may be.

(5) Whenever any question as to whether an Act passed by Parliament after the commencement of the Constitution or any provision thereof is inconsistent with the Constitution arises, at any time within two years of the certification of the Act, in the course of any proceedings in any other court or tribunal or other institution empowered by law to administer justice or to exercise judicial or quasi-judicial functions, other than the Supreme Court, such question shall forthwith be referred to the Supreme Court for determination and on such reference, the Supreme Court may direct that further proceedings be stayed pending the determination of such question, and where any such question arises in the course of any proceedings in the Supreme Court, such question shall be deemed to have been referred to the Supreme Court under this paragraph for determination.

(6) Save as otherwise provided in Articles 164, 165, 166 and this Article, any court or tribunal created and established for the administration of justice or other institution, person or body of persons shall not ,in

relation to any Bill or Act have power or jurisdiction to inquire into, or pronounce upon, the constitutionality of such Bill or Act or its due compliance with the legislative process on any ground whatsoever.

169. (1) The Supreme Court shall have sole and exclusive jurisdiction to determine any question as to whether –

Jurisdiction of the Supreme Court in respect of Statutes of Regional Councils.

- (a) any draft Statute proposed to be passed by a Regional Council or any provision thereof ; or
- (b) any Statute passed by a Regional Council or any provision thereof,

contravenes, or is inconsistent with, the Constitution.

(2) (a) The jurisdiction of the Supreme Court to ordinarily determine any such question as is referred to in sub-paragraph (a) of paragraph (1) of this Article may be invoked by –

- (i) the Attorney-General ;
- (ii) the Advocate-General of the Region in relation to which the draft Statute is proposed to be passed ; or
- (iii) any citizen,

by a petition in writing, addressed to the Supreme Court, within three weeks of the draft Statute being published in the *Gazette*.

(b) Where the jurisdiction of the Supreme Court has been invoked under this paragraph, no proceedings shall be had in any Regional Council in relation to such draft Statute until the determination of the Supreme Court has been made.

(c) The Supreme Court shall make and communicate its determination to the President, the Governor of the Region and the Speaker of the Regional Council proposing to pass such Statute, within three weeks of the filing of the petition.

(d) Where any draft Statute or any provision of a draft Statute has been determined by the Supreme Court to contravene, or to be inconsistent with, the Constitution, such draft Statute or provision shall not be passed by the Regional Council proposing to pass such draft Statute or provision except in the manner stated in the determination of the Supreme Court.

(e) The provisions of paragraph (6) of Article 167 shall, *mutatis mutandis*, apply to a draft Statute which has been determined by the Supreme Court to contravene, or to be inconsistent with the Constitution.

(3) The jurisdiction of the Supreme Court to ordinarily determine any such question as is referred to in sub-paragraph (b) of paragraph (1) of this Article may be invoked —

- (a) by the Attorney-General by a petition in writing addressed to the Supreme Court;
- (b) by the Advocate -General of a Region by a petition in writing addressed to the Supreme Court, in every case where such Advocate-General has communicated an opinion to the Governor, the Chief Minister and the Board of Ministers of the Region, prior to the passing of that Statute, that the draft Statute or any provision thereof contravenes or is inconsistent with the Constitution, and the Statute has been passed despite such opinion; or
- (c) by any citizen by a petition in writing addressed to the Supreme Court with leave of such Court first had and obtained,

within two years of the Statute being certified by the Speaker of the Regional Council.

(4) The provisions of paragraph (5) of Article 168 shall, *mutatis mutandis*, apply to any Statute passed by a Regional Council.

(5) In paragraphs (2) and (3) of this Article, “citizen” includes a body of persons, whether incorporated or unincorporated, if not less than three-fourths of the number of members of such body are citizens.

(6) Where the jurisdiction of the Supreme Court has been invoked under paragraph (3) of this Article in respect of a Statute by an Advocate-General of a Region, such Statute shall be inoperative until the Supreme Court has made a determination thereon as to its consistency with the Constitution.

(7) The Supreme Court shall make and communicate its determination on any such question as is referred to in sub-paragraph (b) of paragraph (1) of this Article to the President, the Governor of the Region and to the Speaker of the Regional Council making such Statute.

(8) Where the Supreme Court determines that a Statute is inconsistent with any provision of the Constitution it may declare such Statute or provision thereof void to the extent of such inconsistency.

Constitutional jurisdiction in respect of the interpretation of the Constitution.

170. (1) The Supreme Court shall have sole and exclusive jurisdiction to hear and determine any question relating to the interpretation of the Constitution, and accordingly, whenever any such question arises in the course of any proceedings in any other court or tribunal or other institution empowered by law to administer justice or to exercise judicial or quasi-judicial functions, such question shall forthwith be referred to the Supreme Court for determination and on such reference, the Supreme Court may direct that further proceedings be stayed pending the determination of such question.

(2) The Supreme Court may, when determining such matter, also make any such consequential order as the circumstances of the case may require.

171. (1) The Supreme Court shall have jurisdiction to hear and determine any question relating to the infringement or imminent infringement by State action, including executive or administrative action, of any fundamental right or language right declared and recognized by Chapter III or Chapter IV.

Jurisdiction of the Supreme Court regarding fundamental and language rights

(2) The jurisdiction of the Supreme Court under this Article may be invoked by any person or body of persons referred to in Article 30, within three months of the alleged infringement or imminent infringement, in accordance with such rules of court as may be in force, by way of petition in writing addressed to the Supreme Court praying for relief or redress in respect of such infringement.

(3) An application under paragraph (2) of this Article may be proceeded with only with leave to proceed first had and obtained from the Supreme Court, which leave may be granted or refused as the case may be by not less than two Judges of such Court.

(4) Where in the course of proceedings in the Court of Appeal pursuant to an application for orders in the nature of a writ of *habeas corpus*, *certiorari*, prohibition, *mandamus* or *quo warranto*, it appears to such Court that there is *prima facie* evidence of an infringement or imminent infringement of the provisions of Chapter III or Chapter IV by a party to such application, and that the hearing and determination of such infringement or imminent infringement is not within the jurisdiction of the Court of Appeal under Article 182, such Court shall forthwith refer such matter for determination by the Supreme Court.

(5) The Supreme Court shall have power to grant such relief or make such directions as it may deem just and equitable in the circumstances in respect of any petition or reference referred to in paragraphs (2) or (4) of this Article or paragraph (8) of Article 182 or refer the matter back to the Court of Appeal if, in its opinion, there is no infringement of a fundamental right or language right.

(6) The Supreme Court may at any stage of the proceedings relating to a petition or reference referred to in paragraph (2) or (4) of this Article or paragraph (8) of Article 182 refer such matter to the Human Rights Commission of Sri Lanka or other appropriate body or person for inquiry and report.

(7) The Supreme Court shall hear and finally dispose of any petition or reference under this Article not later than three months of the filing of the petition or the making of the reference, as the case may be, and in computing the period of three months, any period taken for inquiry and report by the Human Rights Commission of Sri Lanka or any other body or person referred to in paragraph (6) shall be excluded.

Jurisdiction in respect of validity of Referendum.

172. The Supreme Court shall have power to hear and determine and make such orders as are provided for by law on any legal proceeding relating to the validity of a Referendum.

Jurisdiction in respect of breach of Parliamentary privilege.

173. The Supreme Court shall have, according to law, the power to take cognizance of, and punish any person for the breach of the privileges of Parliament.

Appellate jurisdiction.

174. (1) The Supreme Court shall, subject to the Constitution, be the final court of civil and criminal appellate jurisdiction for and within the Republic for the correction of all errors in fact or in law which shall be committed by the Court of Appeal or by any court of first instance, tribunal or other institution from which a right of appeal has been provided by law direct to the Supreme Court and the judgements and orders of the Supreme Court shall in all cases be final and conclusive on all such matters.

(2) The Supreme Court shall, in the exercise of its jurisdiction, have sole and exclusive cognizance by way of appeal, where any appeal lies in law to the Supreme Court, from any order, judgement, decree, or sentence made by —

(a) the Court of Appeal; or

(b) any court of first instance, tribunal or other institution where a right of appeal has been provided by law direct to the Supreme Court,

and it may affirm, reverse or vary any such order, judgement, decree or sentence of the Court of Appeal, or any court of first instance, tribunal or institution and may issue such directions to any court of first instance, tribunal or institution or order a new trial or further hearing in any proceedings as the justice of the case may require, and may also call for and admit fresh or additional evidence if the interests of justice so demand and may in such event, direct that such evidence be recorded by the Court of Appeal or any court of first instance, tribunal or other institution.

Right of appeal.

175. (1) An appeal shall lie to the Supreme Court from any final order, judgement, decree or sentence of the Court of Appeal in any matter or proceeding, whether civil or criminal, which involves a substantial question of law if the Court of Appeal grants leave to appeal to the Supreme Court *ex mero motu* or at the instance of any aggrieved party to such matter or proceeding.

(2) The Supreme Court may, in its discretion, grant special leave to appeal to the Supreme Court from any final or interlocutory order, judgement, decree, or sentence made by the Court of Appeal, in any matter

or proceedings, whether civil or criminal, where the Court of Appeal has refused to grant leave to appeal to the Supreme Court, or where in the opinion of the Supreme Court, the case or matter is fit for review by the Supreme Court and shall, in every matter or proceeding in which it is satisfied that the question to be decided is of public or general importance, grant leave to appeal.

(3) An appeal shall lie direct to the Supreme Court on any matter and in the manner specifically provided for by any other law passed by Parliament.

176. The Supreme Court shall have jurisdiction to review any judgement of the Supreme Court which in the opinion of the Chief Justice is fit for review by a fuller bench of the Supreme Court.

Review of judgements of the Supreme Court.

177. (1) (a) If at any time it appears to the President of the Republic that a question of law or fact has arisen or is likely to arise which is of such nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court upon that question, the President may refer the question to that Court for consideration and the Court may, after such hearing as the Court thinks fit, within the period specified in such reference or within such time as may be extended by the President, report to the President its opinion thereon.

Consultative and other jurisdictions of the Supreme Court.

(b) Such opinion shall be expressed after consideration by at least five judges of the Supreme Court.

(c) Every proceeding under this paragraph shall be held in private unless the Court, for special reasons, otherwise directs.

(2) Subject to the provisions of the Constitution, the Supreme Court shall have and exercise all such powers and jurisdiction as were immediately prior to the commencement of the Constitution vested in the Supreme Court created and established by the 1978 Constitution insofar as such powers and jurisdiction are not inconsistent with the provisions of the Constitution.

178. The Attorney-General shall be noticed and have the right to be heard in all proceedings in the Supreme Court in the exercise of its jurisdiction under Articles 164, 165, 166, 168, 169, 170, 171, 172, 173 and 176 of the Constitution.

Right of the Attorney-General to be heard.

179. The Supreme Court shall give priority to the hearing and determination of any matter in respect of which its jurisdiction under Articles 165, 166, 167, and 170 is invoked and shall dispose of such matter as expeditiously as possible.

Supreme Court to give priority to the hearing of certain matters.

The Court of Appeal

Jurisdiction of
the Court of
Appeal.

180. (1) The Court of Appeal shall have and exercise, subject to the provisions of the Constitution or of any law, an appellate jurisdiction for the correction of all errors in fact or in law which shall be committed by a Regional High Court or by any other court of first instance, tribunal or other institution and sole and exclusive cognizance, by way of appeal, revision and *restitutio in integrum*, of all causes, suits, actions, prosecutions, matters and the things of which such court, tribunal or other institution may have taken cognizance.

(2) The appellate, revisionary and other jurisdiction of the Court of Appeal under this Article in respect of judgements, decrees, orders and sentences –

(a) of the Regional High Courts shall be exercised by the Court of Appeal sitting in Colombo ;

(b) of other courts of first instance, tribunals or other institutions shall be exercised by the Court of Appeal in the Division within which such court of first instance, tribunal or other institution is situate.

(3) The Court of Appeal shall also have and exercise all such powers and jurisdiction, appellate and original, as Parliament may by law vest or ordain.

Powers in appeal.

181. (1) Subject to paragraph (2) of this Article, the Court of Appeal may in the exercise of its jurisdiction under Article 180, affirm, reverse, correct or modify any order, judgement, decree or sentence according to law or it may give directions to such court, tribunal or other institution or order a new trial or further hearing upon such terms as the Court of Appeal shall think fit.

(2) Any judgement, decree, order or sentence of any court, tribunal or institution shall not be reversed or varied on account of any error, defect or irregularity, which has not prejudiced the substantial rights of the parties or occasioned a failure of justice.

(3) The Court of Appeal may further receive and admit new evidence additional to, or supplementary of, the evidence already taken in such court, tribunal or institution touching the matters at issue in any original case, suit, prosecution or action, as the justice of the case may require.

Jurisdiction of
the Court of
Appeal regarding
fundamental and
language rights.

182. (1) The Court of Appeal shall have jurisdiction to hear and determine any question relating to the infringement or imminent infringement of any fundamental or language right declared and recognized by Chapter III or Chapter IV by State action, including executive or administrative action, in respect of any matter set out in the Regional List.

(2) The jurisdiction of the Court of Appeal under this Article may be invoked by any person or body of persons referred to in Article 30, within three months of the alleged infringement or imminent infringement, in accordance with such rules of court as may be in force, by way of petition in writing addressed to the Court of Appeal praying for relief or redress in respect of such infringement.

(3) An application under paragraph (2) of this Article may be proceeded with only with leave to proceed first had and obtained from the Court of Appeal.

(4) The Court of Appeal shall have power to grant such relief or make such directions as it may deem just and equitable in the circumstances in respect of any petition referred to in paragraph (2) of this Article.

(5) The Court of Appeal may at any stage of the proceedings relating to a petition referred to in paragraph (2) of this Article refer such matter to the Human Rights Commission of Sri Lanka or other appropriate body or person for inquiry and report.

(6) The Court of Appeal shall hear and finally dispose of any petition under this Article not later than three months of the filing of the petition and in computing the period of three months, any period taken for inquiry and report by the Human Rights Commission of Sri Lanka or any other body or person referred to in paragraph (6) shall be excluded.

(7) Where in the course of proceedings taken under this Article, it appears to the Court of Appeal that the alleged infringement or imminent infringement does not come within its jurisdiction but appears instead to come within the jurisdiction of the Supreme Court under Article 171, the Court shall refer such matter to the Supreme Court for consideration and determination.

(8) The jurisdiction of the Court of Appeal under this Article shall be exercised in the Division within which such State action is alleged to have been taken.

(9) The Attorney-General shall be noticed and have the right to be heard in all proceedings in the Court of Appeal in the exercise of its jurisdiction under this Article.

Powers to issue writs.

183. (1) Subject to the provisions of the Constitution, the Court of Appeal shall have full power and authority to inspect and examine the records of any court of first instance or tribunal or other institution, and grant and issue according to law, orders in the nature of writs of *certiorari*, prohibition, *mandamus* and *quo warranto* against the judge of any court of first instance or tribunal or other institution or any other person.

(2) Parliament may by law provide that in such category of cases as may be specified in such law, the jurisdiction conferred on the Court of Appeal by paragraph (1) of this Article shall be exercised by the Supreme Court and not by the Court of Appeal.

(3) Subject to paragraphs (4) and (5), the Court of Appeal may grant and issue orders in the nature of writs of *habeas corpus* to bring up before such Court —

- (a) the body of any person to be dealt with according to law; or
- (b) the body of any person illegally or improperly detained in public or private custody,

and to discharge or remand any person so brought up or otherwise deal with such persons according to law.

(4) On an application for an order under paragraph (3) of this Article, it shall be lawful for the Court of Appeal to require the body of such person to be brought up before the most convenient court of first instance and to direct the judge of such court to inquire into and report to the Court of Appeal upon the acts of the alleged imprisonment or detention and to make such provision for the interim custody of the body produced as to such court shall seem proper and the Court of Appeal shall upon the receipt of such report, make order to discharge or remand the person so alleged to be imprisoned or detained or otherwise deal with such person according to law, and the court of first instance shall conform to, and carry into immediate effect the order so pronounced or made by the Court of Appeal.

(5) Where provision is made by law for the exercise, by any court, of jurisdiction in respect of the custody and control of minor children, then the Court of Appeal, if satisfied that any dispute regarding the custody of any such minor child may more properly be dealt with by such court, direct the parties to an application for an order under paragraph (3) of this Article to make application in that court in respect of the custody of such minor child.

(6) (a) The jurisdiction of the Court of Appeal under paragraph (1) of this Article shall be exercised —

- (i) in respect of acts or omissions, other than acts or omissions relating to any matter set out in the Regional List, by the Court sitting in Colombo; and

- (ii) in respect of acts or omissions within a Division, in relation to any matter set out in the Regional List, by the Court sitting in that Division.

(b) The jurisdiction of the Court of Appeal under paragraph (3) of this Article shall be exercised by the Court sitting in Colombo or by the Court sitting in any Division within which the corpus is illegally or improperly detained at any stage during the period of the alleged detention.

184. The Court of Appeal may direct —

- (a) that a prisoner detained in any prison be brought before a court-martial or any Commissioners acting under the authority of any commission from the President of the Republic for trial or to be examined relating to any matters pending before any such court-martial or Commissioners respectively; or
- (b) that a prisoner detained in prison be removed from one custody to another for purposes of trial.

Powers to bring up and remove prisoners.

185. (1) Subject to paragraph (2) of this Article, the Court of Appeal shall have the power to grant and issue injunctions to prevent any irremediable mischief which might ensue before a party making an application for such injunction could prevent the same by bringing an action in any court of first instance.

Power to grant injunctions.

(2) It shall not be lawful for the Court of Appeal to grant an injunction to prevent a party to any action in any court from appealing to or prosecuting an appeal to the Court of Appeal or to prevent any party to any action in any court from insisting upon any ground of action, defence or appeal, or to prevent any person from suing or prosecuting in any court, except where such person has instituted two separate actions in two different courts for and in respect of the same cause or action, in which case the Court of Appeal shall have the power to intervene by restraining the person from prosecuting one or other of such actions as to it may seem fit.

(3) The jurisdiction of the Court of Appeal under this Article may be exercised by the Court sitting in Colombo or in the Division within which the court of first instance in which the action is proposed to be instituted is situate.

186. The Court of Appeal shall have and exercise jurisdiction to try election petitions in respect of the election to the membership of Parliament or a Regional Council in terms of any law for the time being applicable in that behalf.

Election petitions.

Other jurisdictions of the Court of Appeal.

187. Subject to the provisions of the Constitution, the Court of Appeal shall have and exercise all such other powers and jurisdiction as were immediately prior to the commencement of the Constitution vested in the Court of Appeal created and established by the 1978 Constitution insofar as such powers and jurisdiction are not inconsistent with the provisions of the Constitution.

Inspection of records.

188. The Court of Appeal may, *ex mero motu* or on any application made, call for, inspect and examine any record of a Regional High Court or any record of any other court of first instance, tribunal or other institution and in the exercise of its revisionary powers may make any order thereon as the interests of justice may require.

The Regional High Courts

Jurisdiction of the Regional High Courts.

189. (1) Every Regional High Court shall have and exercise, subject to the provisions of the Constitution or of any law, the original criminal jurisdiction of the High Court of Sri Lanka immediately prior to the commencement of the Constitution, in respect of offences committed within the relevant Region.

(2) Every Regional High Court shall have and exercise, subject to the provisions of the Constitution, such other original jurisdiction and powers as Parliament may, by law provide.

(3) Unless Parliament otherwise provides by law, the several jurisdictions and powers exercised by the High Court of Sri Lanka immediately prior to the commencement of the Constitution and not included in the jurisdiction conferred on a Regional High Court by paragraph (1), shall be exercised by the High Court of the Western Region sitting in Colombo.

(4) (a) Save as provided by any law, the jurisdiction of a Regional High Court shall be exercised by a single judge of the court.

(b) The Chief Justice may, having regard to available facilities, determine by Order published in the *Gazette* the judicial divisions in respect of which the Regional High Court holden in a particular place shall have exclusive original criminal jurisdiction.

(5) The Chief Justice may, at any time, vary an order made under this Article.

(6) In this Article, “the High Court of Sri Lanka” means the High Court of Sri Lanka created and established by the 1978 Constitution.