

"Legal Reforms for System Change"

Toward Equitable and Restorative Practices

"Revitalizing Judicial Integrity: Proposals for Transparent Appointment and Removal Processes in the Court System"

- 1) President to be required to engage in a consultative process with stakeholders prior to making judicial appointments. Views emerging through such consultative process to be conveyed to the Constitutional Council along with the name/s nominated for approval.
- 2) There shall be a Constitutional Court. Retirement age of the judges shall be higher than the Judges of the Supreme Court. All appointments to the Constitutional Court, Supreme Court and Court of Appeal the Members of the Judicial Service Commission other than the Chairman shall be made by the President on the recommendation of the Constitutional Council.
- 3) In the discharge of its function relating to the appointment of the President and Judges of the Constitutional Court, Judges of the Supreme Court and the President and Judges of the Court of Appeal, the Council shall obtain the views of the Chief Justice and the two senior-most Judges of the Supreme Court.
- 4) A more transparent criteria will be proposed for judicial appointments. Including a collegiate system to recommend, based on transparent criteria. Selection of such High Court Judges should be by a mixed and eminent panel consisting of most senior President's Counsel, Attorney General, President BASL, President Court of Appeal and presided by the Chief Justice. Under normal circumstances the age limits will be as stipulated.
- 5) Allegations of misbehavior or incapacity contained in a resolution in the House of Representatives for the presentation of an address for the removal of a Judge of the Constitutional Court, Supreme Court or Court of Appeal shall be inquired into by a panel consisting of three retired Judges of the Constitutional Court or the Supreme Court. Such a panel shall be appointed by the Speaker on the recommendation of the Constitutional Council. Parliament shall by law provide for all matters relating to the presentation of such an address, including the procedure for the passing of such resolution, the investigation and proof of

the alleged misbehavior or incapacity and the right of such Judge to appear and to be heard in person or by a representative. Where the panel determines that the allegations of misbehavior or incapacity contained in the resolution are not proved, the resolution shall lapse.

- 6) There shall be a Code of Conduct applicable to Judges of the Constitutional Court, Supreme Court and Court of Appeal. Allegations of serious infractions of the Code of Conduct with negative implications for the Judiciary's independence, integrity and public trust shall be inquired into by a panel consisting of three retired Judges of the Constitutional Court or the Supreme Court appointed by the President on the recommendation of the Constitutional Council. The panel shall submit its report to the President and the Constitutional Council for appropriate action.
- 7) All judges of the Court of Appeal and the Supreme court shall be entitled to enjoy the same salary, same facilities and benefits until death, maintaining total independence of the Judiciary, economically and otherwise. However they shall not hold other office except that are prescribed by Law.

Court of Appeal to be decentralized

- 8) Court of Appeal to be decentralized (to sit like the Courts of Assize) to take the Appeal Court closer to the people. Senior President's counsel and President BASL to be consulted in appointing temporary judges
- 9) The Court of Appeal shall conduct its sittings in each Province. It shall have an original fundamental rights and language rights jurisdiction. An appeal shall lie to the Supreme Court with leave from the Court of Appeal or special leave from the Supreme Court. The civil appellate jurisdiction of the Provincial High Courts shall be transferred to the Court of Appeal sitting in the provinces.
- 10) In the case of special courts Such selected persons should be over the age of 62 years and below the age of 75 years. They should be selected from among retired High Court Judges with a proven track record. Only thereafter the President shall recommend such names to the Constitutional Council.
- 11) All judicial promotions shall be considered on the basis of completion of the ongoing cases and the delivery of orders and judgements and number of such cases sustained in the appellate court.

- 12) All judgements of court shall be complied immediately. In instances wherein frivolous appeals have been lodged by the state and damages along with legal interest has accumulated unconscionably, such officers shall be held personally liable for such enhanced damages.
- 13) A law relating to contempt of courts on the lines of Indian statute shall be passed.

Officers of Attorney-General, Public Prosecutor and Public Defender

- 14) The Office of the Attorney-General shall be an independent entity. The Attorney-General shall be the Chief Legal Officer of the Republic and shall uphold and safeguard the sovereignty of the People. It should be ensured that the Attorney General will hold the scales of justice evenly maintaining highest traditions of the office of Attorney General with out being a mouth piece of the regime in power in particular issuing certificate on draft legislation.
- 15) An independent Office of Public Prosecutor shall be set up by law.
- 16) An independent Office of the Public Defender shall be set up by law.
- 17) The Attorney-General, Chief Public Prosecutor and Public Defender shall be appointed by the President on the recommendation of the Constitutional Council.
- 18) Consider the feasibility and scope to recruit external lawyers to the AG's Department at all levels based on objective criteria calculated to promote better competence and integrity. However, those internal candidates would be given due consideration.
- 19) Any appointee to the post of Attorney General or the Solicitor General shall not hold office in excess of three years.

Criminal Prosecutions:

- 20) Delays in serving indictments should be curtailed. All indictments should be filed within three months or the most 6 months of the alleged crime. In order to complete the back log private Lawyers should be hired under the

supervision of the AG. Allocation and coordination of such cases will be conducted by a **decentralized public prosecutor**.

- 21) In order to curtail delays in trials no postponement shall be granted on the basis that the Lawyer is in another court as is the practice in Indian Courts. This will also give more opportunities to younger Lawyers.
- 22) Consider timeframes for expeditious conclusion, such as if a criminal trial isn't completed within a given time span, day to day trials should be held. The right to bail to be enhanced where prosecution isn't commenced within a determinate timeframe.
- 23) A truly independent Public Prosecutor (independent of the Attorney General) to be set up. This will facilitate the crimes that take place within such area to be dealt with expeditiously and in an effective manner. Also consider optimal decentralization of the prosecution function.
- 24) All illegal Narcotics arrested shall be produced in court forthwith and will be destroyed immediately on the same day by an order of the magistrate before the rise of the court after obtaining the report of the government analyst. Necessary legislation will be brought in to ensure the same.
- 25) Rule of Law should apply with the same force and vigor to MPs and public officers as much as it applies to the citizens.
- 26) There should be four special Courts to be established in Colombo, Kandy, Galle, Anuradhapura and Jaffna to hear and determine criminal cases against all politically sensitive people on a day-to-day basis. They should be High Courts and judges shall be selected from among retired High Court Judges. Selection of such High Court Judges should be by an eminent panel of Three most senior President's Counsel, Attorney General, President BASL, two judges of the Supreme Court President Court of Appeal and presided by the Chief Justice.

"Liberty over Suppression: Making the Case for the Repeal of Draconian Laws to Restore Civil Liberties and Uphold Democratic Values"

- 27) The Counter Terrorism Bill has to be repealed and instead introduce a new Bill which ensure the democratic rights of the citizens and international human rights standards.
- 28) Counter Terrorism Bill gazetted during the *Yahapalana* regime could be taken as a good base for a new act in place of PTA.

"Empowering Free Expression: Advocating for the Repeal of Restrictive Speech Laws to Safeguard Fundamental Rights and Foster Open Dialogue"

- 29) Online Safety bill will be withdrawn and a new bill be presented to protect the vulnerable women & Children.
- 30) Online safety bill to be withdrawn and a new act to be introduced in consultation with the stake holders addressing the actual dangers faced by women and children.
- 31) Rights of the aggrieved parties and citizens to prosecute against false publications and defamatory speech have to be established preserving the social democratic values of the people, under the Civil Procedure Code.

"Unraveling the Truth: Enhancing and Accelerating the Investigation into the Easter Bomb Attacks for Justice and National Security"

- 32) Easter Bomb investigations to be restarted by the same investigators who were involved with the investigations prior to 2019 November.

"Enhanced Investigative Strategy and Parliamentary Oversight for Retrieving Stolen National Assets with International Cooperation"

- 33) Same team of investigators to be deployed with additional staff to bring back the stolen assets of the Country with the assistance of foreign governments. This process will be supervised by a team of Parliamentarians with qualifications in the field consisting of all parties.

- 34) All those who are holding assets that are unaccounted for shall be frozen and confiscated after an investigative process under the supervision of the judiciary. Necessary legislation for such effort shall be passed within 6 months of the elections.
- 35) All such cases to be concluded within one year. There shall be no postponements granted unless for the ill health of counsel.

"Fostering Accountability and Independence: Proposals for Strengthening the COMMISSION TO INVESTIGATE ALLEGATIONS OF BRIBERY OR CORRUPTION to Ensure Impartiality and Effectiveness"

- 36) The police commission, bribery commission and public service commission must be made truly independent entities, free from political influence and interference. They should be selected on merit-based mark system by a panel of eminent personalities devoid of political affiliations.
- 37) Bribery Commission to be initially given 3 months for investigation of a complaint. If further Extension of time is requiring it shall be only with the approval of the relevant Magistrate. Indictment should be filed within 6 months and the trials of cases in excess of Rs. 5 M should be heard by a trial at bar on a day-to-day basis.
- 38) Retired High Court judges may be considered to be drawn in as temporary High Court judges to hear and conclude such cases.
- 39) CIABOC to be provided sufficient funds to recruit necessary experts in the relevant fields drawn from respective professional Associations for consultation.
- 40) All CID investigations to be concluded on the same basis and indictment should be filed in a similar manner within one year.
- 41) Bribery commission shall table a report before the Parliament quarterly of the Complaints received, investigations completed and indictments served.
- 42) All persons at all level be it politically elected or officials involved with unsolicited proposals in excess of 1 M US\$ with no justification with no project evaluation will be charged under the Bribery and corruption Law.

- 43) If the persons concerned are public officers it shall be no excuse that they were carrying out ministerial directives. They will also be subjected to confiscation of all their property except the house they live in and their personal belongings. Necessary Laws will be promulgated in such connection.
- 44) All projects so initiated will be reevaluated in order to examine the objectivity of the project with a project/cost analysis by qualified professionals in the subject.
- 45) All bribery cases that were withdrawn on the basis that all the commissioners haven't signed the warrant or withdrawn with no basis, shall be refilled.
- 46) All persons who are possessed with unaccounted assets will be proved and the CIABOC will be urged to initiate proceedings under its law.
- 47) Ensure that Labor Law reforms are effected to ensure that Sri Lanka is in line with international norms.

"Transforming Economic Growth: A Blueprint for Overhauling the BOI and Streamlining the Investment Process for Enhanced Efficiency and Global Competitiveness"

- 48) Rationalize and simplify the approval systems for investment into the country. Port City and the BOI have to be amalgamated by amending the BOI Law conferring sole power to BOI without repealing the BOI Law.
- 49) In that behalf, the Schedule B of the BOI has to be amended expanding the same to include local government institutions, Geological Survey and Mines Bureau, Ceylon Electricity Board, Customs Law, Exchange Control, Inland revenue department, Forest Department, Central Environmental Agency, Department of Lands, Mahaweli Authority, Urban Development Authority etc.
- 50) This will enable such liner agencies to give the necessary approval within a matter of 2 weeks.
- 51) If such approval is not granted by the liner agency the onus will shift to the board of directors of the BOI to grant such approval within a further two weeks,

- 52) If approval or its reasonable denial is not conveyed to the investor within further two weeks it shall be deemed that the required approval has been granted.
- 53) Once such approval is granted the liner agency shall give effect to the same. Any failure shall be considered as an act of corruption and shall be dealt with accordingly.
- 54) All approval process shall be on-line with no physical contact and shall be supervised by heads of department.
- 55) Violation of such procedure shall be an act of 'Corruption' and shall be dealt with accordingly.
- 56) Article 157 of the constitution will also be amended to protect all foreign investments made in the Country by virtue of agreements entered in to with the BOI under section 16 or 17 of BOI Law.
- 57) All private investments shall be protected and free from expropriation. All assets that have been expropriated with no compensation shall be returned to the private owners. There shall be a constitutional guarantee incorporated.
- 58) All government projects above one Million US\$, will be published through worldwide tenders on a transparent basis,

"Constitutional Evolution: Crafting Modern Provisions for Presidential, Prime Ministerial, and Parliamentary Roles to Ensure Effective Governance and Representation"

- 59) A candidate who has contested presidential election three times will be debarred from contesting again.
- 60) President of the Country once his office is relinquished shall not be entitled to be elected to the Parliament.
- 61) All past Presidents or their spouses shall not be entitled to any retirement benefits.

- 62) To contest for the office of presidency, one must be a sitting or a former member of parliament.
- 63) Siblings of politician will not be allowed to enter politics until a cooling off period of those who are already holding political office retire.
- 64) None of the family members would be able to enter in to any government contract. Such contracts if entered during the time of the immediate family member hold political office, shall be void. Members of the immediate family of the President, Prime Minister, Ministers and Members of Parliament shall not be employed in the personal staff of the Ministries and or in any institution under them.
- 65) Any person failed to get elected at a general election shall be disqualified from being nominated as a member of parliament through the National List during the same tenure.
- 66) Any MP who has been convicted for a specified Criminal offense (may be an indictable offense) by high court, shall be debarred from attending parliament whether the matter is pending in appeal or not. If in the case of a Minister or a public officer who is facing indictment prior to the conclusion of the trial, he shall not function as a Minister until the conclusion of the trial. Any member of Parliament who has been convicted of any moral turpitude such as misappropriation, Criminal breach of trust, extortion, theft or having any contract with the GOSL shall be disqualified and expelled from Parliament. During the period of appeal, he or she will not be able to attend Parliament.
- 67) All Ministers and Members of Parliament shall have only one security guard. If more security is needed, it's costs shall be recovered from the Minister or the member of Parliament personally.
- 68) Only one official vehicle shall be allocated to a Minister or a state minister. All facilities given to MPs and Ministers to be taxed on a current valuation basis. No official vehicle or any facility given to such persons shall be used by his family except upon payment as predetermined by the Chief government valuer. This includes official bungalows.
- 69) All meals from the Parliament Canteen shall be charged as per the actual cost basis.

- 70) All government vehicles shall bear the government emblem.
- 71) President, Prime Minister, Ministers, Members of Parliament nor any public official shall not be entitled to use more than one official vehicle. They shall not be entitled change the vehicle except after 5 years of usage. In the case of breakdown of vehicles there shall be pool vehicles available.
- 72) The President, The Prime Minister or Members of Parliament will not be entitled for a pension.
- 73) No Foreign trips shall be embarked upon unless it is absolutely necessary.
- 74) No car/Jeep duty free permit shall be given to members of Parliament. However, in the extreme case if such permits are granted such license shall be given personally to such person and shall not be transferable for a period of five years. This should be enacted by Law not by circular. The use of such vehicle shall not be transferred to a third party.
- 75) All concealed weapons given to MPs must be recalled. (This was done in 1987/88 due to the civil commotion. It was not there earlier) There is no need for such weapons now. Besides most of the guys do not know how to use them. No officer shall be entitled to carry weapons unless they are on duty dressed in uniform.
- 76) Constitution should be suitably amended with a mandatory provision stating that Crossing over entails the loss of the seat with immediate effect.
- 77) cabinet of Ministers shall comprise of 15 with 15 Deputy Minister. There shall be no more state Ministers or subject Ministers.
- 78) No Members of Parliament shall be appointed to oversee the Ministries.
- 79) All Ministries shall have a panel of experts in order to examine and recommend changes in Law in order to expedite the process, transparency, and adopt methods that are investor friendly while maintaining the democratic governance.

"Upholding Justice: Redefining Liability and Compensation Mechanisms for Fundamental Rights Violations to Ensure Accountability and Restitution to the Government"

- 80) Their Lordships of the Supreme Court have concluded that Gotabaya Rajapaksha, Mahinda Rajapaksha, Basil Rajapaksha, Nivard Cabral, Dr PB Jayasundera, SR Atygala & Dr WD Laxman have by their actions and or inaction have caused a loss to the Government of Sri Lanka by Rs 493394 million (Pg 73 of the judgement Sc FR 195/2022). Further it has been concluded by their judgement (Pg 74-75) that the foreign Currency reserves of US\$ 7780.08 Million have been made to gradually deplete "with no adequate steps been taken to maintain such reserves and such failures have heavily contributed and had a domino effect on the economy which ultimately collapsed bringing in serious hardships to the entire country" (Pg 76 of the judgement), therefore steps will be taken against Gotabaya Rajapaksha, Mahinda Rajapaksha, Basil Rajapaksha, Nivard Cabral, Dr PB Jayasundera, SR Atygala & Dr WD Laxman, Samantha Kumarasinghe in the light of the SC FR 195/2022, as responsible for the Economic debacle as held by the Supreme Court,
- 81) They will be prosecuted under the Public Property Act No 12 of 1982, which entails a mandatory jail term of minimum of one year and maximum 20 years and a fine of three times the value of the loss caused for making the Government of Sri Lanka lose the Tax revenue of 493 billion and the foreign reserves of US\$ 7,680.08 Million as confirmed by the then Minister of Finance Ali Sabry in Parliament on the 3rd May 2022.
- 82) Therefore, in addition action will be taken recover such losses as referred to above. This recovery process will be given utmost priority and the persons referred to above will be made to pay the government of Sri Lanka, such amounts within 6 months of the election.
- 83) All persons faulted by the Supreme Court as having violated fundamental rights, shall cease to hold Ministerial positions or government employment. If such person is the President, Prime Minister or a Minister or a member of Parliament he shall be deprived of his civic rights and, if by his action there has been a loss to the government or to any person such loss shall be recovered from him upon a certificate that will be filed by the Auditor General. This Law shall be effective from 2015. Necessary Laws shall be promulgated to carry out such objectives within 6 months of election of new government.

84) All losses caused by respondents in Fundamental Rights violation cases as having been faulted by the Supreme Court shall be recovered three times of such value from those responsible upon a certificate to be issued by the Auditor General and filed in the Magistrate's court by way of a fine. Same shall not be challenged in any court in the same manner as provided for under the Local government Law, Inland revenue Law and Corporative societies Law.

85) All those who cause losses or those who have been held to be responsible for such losses caused to the government shall be prosecuted under the public Property Act.

86) All those found fault shall not be eligible to be employed or continue to be employed in the government sector. Private sector too will be urged to follow suit.

"Optimizing Public Finances: Proposals for Enhanced Efficiency and Accountability in Public Expenditure through Strategic Financial Management and Robust Audit Practices"

87) Moneys expended on deferent people and or projects from the president's fund, *Mahapola* Trust Fund and consolidated fund must be placed before the parliament. Approval must be sought from the Parliament to expend a sum of money over and above a specified limit.

88) The audited account of the fund must be tabled in parliament periodically. At least once in three months.

89) Audited accounts of all statutory boards, Government Corporations, state owned companies where in more than 95% of the shares are held by the Government and managed by the government shall be tabled before the Parliament as duly expected. Failure to place such accounts before the Parliament shall result in the heads of such institutions and the heads of Finance cease to hold office.

90) In the same vein accounts of the ministries particularly monies spent on account of the Minister and or his entourage including travel expenses vehicle expenses, fuel expenses, overtime expenses, food expenses and or related expenses too must be tabled before parliament for consideration. No family

member of a Minister shall be employed either in the Ministry or any Department or a statutory institution under the same Ministry.

- 91) Assets and liabilities declaration of all elected persons and or all public officers must be made annually. Any member of public must be entitled to obtain a copy of such declaration as a matter of right. Failure to comply with such time lines will deprive such persons from holding office.
- 92) No elected representative or any of his family members or a company in which they have substantial controlling interest directly or indirectly shall enter in to any contract with the Government. If such conflict of interest is revealed such member shall be prosecuted for corruption.
- 93) All liquor licenses shall be awarded by transparent tender procedure annually except those issued to clubs, hotels and restaurants. Such tender procedure shall be entrusted to the GA of the District whose duty shall be to adopt a transparent tender procedure.
- 94) Pension scheme should be earnestly addressed and reconsidered. All persons shall be entitled to draw their pension from the first month of retirement. All the paper work shall be completed six months before the retirement date,
- 95) There will be no pensions for the former Presidents their spouses Ministers, Parliamentarians, Chairman of Statutory boards and Central Bank.

"Strengthening Legal Frameworks: Parate Execution Laws for Expedited and Efficient Satisfaction of Claims in Commercial Transactions"

- 96) This facility shall be available to financial institutions against those who have obtained loans in excess of Rs. 10 Million.
- 97) Prior to the resolution for the auction there shall be a valuation to be conducted by the bank and upset price to be fixed accordingly.
- 98) If the borrower is not agreeable to the valuation so determined by the bank he shall be entitled to carry on a second valuation.
- 99) If the second valuation so obtained is different, the average value of the two valuation shall be the upset price.

100) If there are no bidders at the auction and the bank is willing to buy the property it shall be entitled to buy the same for a price not less the upset price.

101) Once the banks purchase the same for the upset price if there is a surplus balance remaining the same shall be refunded to the owner within three days of the auction.

Renewing Constitutional Oversight: Proposals for Comprehensive Reforms to Enhance the Effectiveness and Independence of the Constitutional Council

102) The Constitutional Council shall consist of:

- (a) the Prime Minister;
- (b) the Speaker;
- (c) the Leader of the Opposition in the House of Representatives;
- (d) the Chair of the Senate;
- (e) five persons appointed by the President, upon the nomination of both the Prime Minister and the Leader of the Opposition; and
- (f) one person appointed by the President upon being nominated by agreement of the majority of the Members of the House of Representatives whose names appeared on the nomination papers of the political parties or independent groups other than the respective political parties or independent groups to which the Prime Minister and the Leader of the Opposition belong at the time of their becoming such Members.

In nominating the five persons referred to in sub-paragraph (e), the Prime Minister and the Leader of the Opposition shall consult the leaders of political parties and independent groups represented in Parliament to ensure that the Constitutional Council reflects the pluralistic character of Sri Lankan society, the professional and social diversity. The five persons referred to in sub-paragraph (e), and the person referred to in sub-paragraph (f) shall not be members of the House of Representatives or the Senate.

103) The Speaker shall be the Chairman of the Council.

- 104) The Chief Justice and the Judges of the Supreme Court, the President and Judges of the Constitutional Court, the President and the Judges of the Court of Appeal, the Members of the Judicial Service Commission other than the Chairman, the Attorney-General, the Governor of the Central Bank of Sri Lanka, the Auditor-General, the Inspector-General of Police, the Parliamentary Commissioner for Administration (Ombudsman), the Secretary-General of Parliament and members of the independent Commissions shall be appointed by the President on the recommendation of the Constitutional Council.
- 105) In the discharge of its function relating to the appointment of the President and Judges of the Constitutional Court, Judges of the Supreme Court and the President and Judges of the Court of Appeal, the Council shall obtain the views of the Chief Justice and the two senior-most Judges of the Supreme Court.
- 106) In making recommendations as required by the Constitution, the Constitutional Council shall afford opportunities for public representation and may, where the Council deems necessary, permit oral representations to be made before the Council.

"Constitutional Court Creation: Building a Pillar of Judicial Integrity and Constitutional Interpretation for Enhanced Governance and Protection of Fundamental Rights"

- 107) There shall be a Constitutional Court consisting of seven Judges who shall be appointed by the President on the recommendation of the Constitutional Council. The Judges shall be chosen from among persons who have distinguished themselves in the Judiciary, the legal profession or legal education/research with a specialized knowledge of Constitutional Law. They shall be appointed for a term of five years and shall not be eligible for reappointment.
- 108) All seven Judges shall sit as the Court. Where any matter which falls within the jurisdiction of the Constitutional Court arises before any court in the country, such matter shall be referred to the Constitutional Court.
- 109) The jurisdiction of the Constitutional Court shall be as follows:
- a. Interpretation of the Constitution, including the authority to determine whether a matter/issue falls within the ambit of an interpretation of the Constitution;

- b. Judicial Review of Acts and Provincial Statutes;
- c. The validity of a Proclamation issued under Article XXX (relating to the intervention by the Centre in a Provincial Council);
- d. Disputes between the Centre and Provincial Councils and between Provincial Councils;
- e. Breach of privileges of Parliament;
- f. Review of its own judgments;
- g. An exclusive jurisdiction to inquire into allegations of violations of fundamental rights by the Office of the Attorney-General, Office of the Public Prosecutor and the Office of the Public Defender.

110) Post-enactment judicial review of laws and statutes would be permitted. Accordingly, the Constitutional Court shall have sole and exclusive jurisdiction and power to make-

- a. a declaration that any law made by Parliament, any statute made by a Provincial Council or provision thereof that is inconsistent with any provision of the Constitution is invalid to the extent of the inconsistency; and,
- b. any order that is just and equitable, including -
 - i. an order limiting the retrospective effect of the declaration of invalidity; and
 - ii. an order suspending the declaration of invalidity for such period and subject to such conditions as would enable Parliament or a Provincial Council to take steps to make the impugned law or statute cease to be inconsistent with the provisions of the Constitution

"Empowering Justice: Proposals for Strengthening Fundamental Rights Jurisdiction to Safeguard Individual Liberties and Promote Equality in Legal Adjudication"

111) The Chapter on fundamental rights shall be improved to include rights that are universally recognized. The right to life shall be recognized, and the death penalty abolished. The scope of civil and political rights shall be broadened. The right of access to justice and the right to fair State action shall be recognized. Social and economic rights, cultural rights, rights of women, children, the aged and the disabled, as well as group, environmental and development rights, shall be recognized as judicially enforceable rights.

- 112)** Social and economic rights would include the right to education, right to health, right of access to sufficient food, clean water, sanitation, adequate housing and shelter, appropriate social protection and decent employment, freedom from exploitation, the right to the enjoyment of just and favorable conditions of work, and consumer rights.
- 113)** Public interest litigation shall be expressly recognized and shall be applicable in Civil and Criminal Jurisdiction. There shall be no time limit for filing applications on circumstances that are explained so that applications filed within a reasonable time can be entertained.
- 114)** The Public Defender shall be entitled to institute a fundamental or language rights application in the public interest.
- 115)** All existing law shall be read subject to the Constitution, including the chapter on fundamental rights.
- 116)** Since there is no any provisions in the Civil Procedure Code in relation to institute Public Interest Litigations, it is hereby proposed to make necessary amendments to Civil Procedure Code within 3 months which confer the Locus standi for the Persons to institute Public Interest Litigations and thus the compensations can be paid to aggrieved parties through the Treasury. This will enable the persons who have been directly and/or indirectly affected by the E-Press Pearl disaster.