

The Bribery Commissioner v. Ranasinghe, PRIVY COUNCIL APPEAL No. 20 OF 1963, S. C. 4162-Bribery Tribunal Case 35/I, 172/60, (5/SC), Decided on 06/05/1964.

Constitutional Jaw-Bribery Tribunal-composition of the Tribunal-Invalidity of their appointment otherwise than by the Judicial Service Commission- " Judicial officer "-Amendment or repeal of alterable provisions in the Constitution of Ceylon-Jurisdiction of the Courts to look behind the amending Act to see, if it was validly passed-Requirement of Speaker's certificate-Voting and legislative power of Parliament-Bribery Act (Cap 26), as amended by Bribery (Amendment) Act No 40 of 1958, ss. 2 (1), 41, 42, 45-Courts Ordinance (Cap. 6), s, 3-'Ceylon (Constitution) Order in Council, 1946, ss. 3 (1), 18, 29 (1) (2) (3) (4), 52, 53 (1), 55 (1) (5), 56.

Lord Pearce with Viscount Radcliffe with Lord Evershed, Lord Morris of Borth-y-Gest, and Lord Hodson, agreeing.

The appellant (Bribery Commissioner of Ceylon) convicted a person for a bribery offence.

The Supreme Court raised an objection against the conviction laid by the commissioner on the ground that the persons in the commission were unlawfully appointed which is a violation of a safeguard in the Constitution of Ceylon.

Held;

Section 41 of the Bribery (Amendment) Act No. 40 of 1958 prescribes a method of appointment of members to the commission that is not in conflict with Section 55(1) of the Ceylon (Constitution) order in council 1946.

In this application the Supreme Court found out that the appointment of the members to the Bribery Commission was inconstituent with the constitutional safeguard therefore the convictions laid against the respondent were null and inoperative.

Application Dismissed