

***Sri Lanka Telecom Ltd, v. Human Rights Commission of Sri Lanka, (CA (WRIT) Application No. 519, 2008) (1/CA) Decided on 30/01/2012.***

*Section 15(3) of Prevention of Terrorism Act, No. 48 of 1979- where an investigation conducted by the Human Rights Commission discloses the infringement of a fundamental right by executive or administrative action, the commission may make recommendations as they see appropriate.*

S.Sriskandarajah.J,

Petitioner received a complaint that the Respondent had solicited a bribe while acting as the Assistant Sales Manager of the company. After an investigation performed by the Petitioner, the report decided that the respondent was no longer fit to hold his position and was transferred out of the department. The Respondent refused to transfer and filed an application to the Human Rights Commission (1<sup>st</sup> Respondent). The Human Rights Commission concluded that there was a violation of the Petitioner's fundamental rights Article 12(1) of the constitution. The Commission recommended that the Respondent should be granted a salary not less than his colleagues and to pay a reasonable compensation for the full loss of career. The Petitioner has filed an appeal on the grounds that the Commission does not have jurisdiction to inquire into the bribery complaint.

Held;

Section 14(a) of the Human Rights Commission Act No.21 of 1996 provides for the Human Rights Commission to investigate an allegation of infringement of fundamental rights by executive or administrative action. Under *Hemasiri Fernando vs. Managala Samaraweera*, the Petitioner Company falls within the definition of "institution," because their majority shares are held by the government.

Under Section 15(3) of Prevention of Terrorism Act, No. 48 of 1979, where an investigation conducted by the Human Rights Commission discloses the infringement of a fundamental right by executive or administrative action, the commission may make recommendations as they see appropriate.

Therefore, the Human Rights Commission has jurisdiction over this claim and the recommendations cannot be quashed by a writ of Certiorari.

Appeal dismissed.