

**PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**   
**SRI LANKA**

**TWENTIETH AMENDMENT TO THE CONSTITUTION**

**[Certified on 29th of October, 2020]**

*Printed on the Order of Government*

Published as a Supplement to Part II of the **Gazette of the Democratic Socialist Republic of Sri Lanka** of October 29, 2020

PRINTEDATTHEDEPARTMENTOFGOVERNMENTPRINTING, SRILANKA   
TOBEPURCHASEDATTHEGOVERNMENTPUBLICATIONSBUREAU, COLOMBO5

**Price : Rs. 44.00**  **Postage : Rs. 35.00**

*This Act can be downloaded from* www.documents.gov.lk 

|  |  |
| --- | --- |
| *Twentieth Amendment to the Constitution* | 1 |

[Certified on 29th of October, 2020]

L.D.- O. 7/2020

AN ACTTOAMENDTHE CONSTITUTIONOFTHE DEMOCRATIC SOCIALIST REPUBLICOF SRI LANKA

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

|  |  |  |
| --- | --- | --- |
| **1.**  This Act may be cited as the Twentieth Amendment to the Constitution.  **2.** The Constitution of the Democratic Socialist Republic of Sri Lanka (in this Act referred to as the “Constitution”) is hereby amended in paragraph (3A)(*a*)(i) of Article 31 thereof, by the substitution, for the words “by election, for a further term.” of the words “by election, for a second term.”.  **3.** Article 33 of the Constitution is hereby repealed and the following Article substituted therefor:- | | Short title.  Amendment of  Article 31 of the Constitution of the Democratic Socialist  Republic of  Sri Lanka.  Replacement of Article 33 of  the Constitution. |
| “Powers and functions of the  President. | 33. In addition to the powers and functions expressly conferred on or assigned to him by the Constitution or by any written law, the President shall have the power- |

(*a*) to make the Statement of Government   
Policy in Parliament at the commencement   
of each session of Parliament;

(*b*) to preside at ceremonial sittings of   
 Parliament;

(*c*) to ensure the creation of proper   
conditions for the conduct of free and   
fair elections, at the request of the Election   
Commission;

2 *Twentieth Amendment to the Constitution*

(*d*) to receive and recognize and to appoint   
and accredit Ambassadors, High   
Commissioners, Plenipotentiaries and   
other diplomatic agents;

(*e*) to appoint as President’s Counsel,   
attorneys-at-law who have reached   
eminence in the profession and have   
maintained high standards of conduct   
and professional rectitude. Every   
President’s Counsel appointed under this   
paragraph shall be entitled to all such   
privileges as were hitherto enjoyed by a   
Queen’s Counsel;

(*f*) to keep the Public Seal of the Republic,   
and to make and execute under the Public   
Seal the acts of appointment of the Prime   
Minister and other Ministers of the   
Cabinet of Ministers, the Chief Justice   
and other Judges of the Supreme   
Court, the President and other Judges of   
the Court of Appeal and such grants and   
dispositions of lands and immovable   
property vested in the Republic as he is   
by law required or empowered to do, and   
to use the Public Seal for sealing all things   
whatsoever that shall pass that Seal;

(*g*) to declare war and peace; and

(*h*) to do all such acts and things, not being   
inconsistent with the provisions of the   
Constitution or written law, as by   
international law, custom or usage he is   
required or authorized to do.”.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| *Twentieth Amendment to the Constitution* | | | 3 | Repeal of  Article 33A of the  Constitution.  Replacement of Article 35 of  the  Constitution. |
| **4.** | Article 33A of the Constitution is hereby repealed. | | |
| **5.**  Article 35 of the Constitution is hereby repealed and  the following Article substituted therefor:- | | | |
| “Immunity  of  President  from suit. | | 35. (1) While any person holds office as President, no proceedings shall be instituted or continued against him in any court or tribunal in respect of anything done or omitted to be done | |
| by him either in his official or private capacity: | | | |

Provided that nothing in this paragraph shall   
be read and construed as restricting the right   
of any person to make an application under Article   
126 against the Attorney-General, in respect of   
anything done or omitted to be done by the   
President, in his official capacity:

Provided further that the Supreme Court shall   
have no jurisdiction to pronounce upon the   
exercise of the powers of the President under   
paragraph (*g*) of Article 33.

(2) Where provision is made by law limiting   
the time within which proceedings of any   
description may be brought against any person,   
the period of time during which such person   
holds the office of President shall not be taken   
into account in calculating the period of time   
prescribed by that law.

(3) The immunity conferred by the provisions   
of paragraph (1) of this Article shall not apply to   
any proceedings in any court in relation to the   
exercise of any power pertaining to any subject   
or function assigned to the President or remaining

4 *Twentieth Amendment to the Constitution*

in his charge under paragraph (2) of Article 44 or   
to proceedings in the Supreme Court under   
paragraph (2) of Article 129 or to proceedings in   
the Supreme Court under Article 130 (*a*) relating   
to the election of the President or the validity of   
a referendum or to proceedings in the Court of   
Appeal under Article 144 or in the Supreme Court,   
relating to the election of a Member of Parliament:

Provided that any such proceedings in relation   
to the exercise of any power pertaining to any   
such subject or function shall be instituted against   
the Attorney-General.”.

|  |  |
| --- | --- |
| Replacement of Chapter VIIA  of the  Constitution. | **6.**  Chapter VIIA of the Constitution is hereby  repealed and the following Chapter substituted therefor:-  “CHAPTER VII A |

**THE EXECUTIVE**

THE PARLIAMENTARY COUNCIL

|  |  |
| --- | --- |
| President to  make the  appointments  in respect  of the  Commissions  and offices  referred to  in the  Schedules. | 41A. (1) The Chairmen and members of the Commissions referred to in Schedule I to this Article and the persons to be appointed to the offices referred to in Part I and Part II of Schedule II to this Article shall be appointed to such Commissions and such offices by the President. In making such appointments, the President shall seek the observations of a Parliamentary Council (hereinafter referred to as “the Council”), comprising– |

(*a*) the Prime Minister;

(*b*) the Speaker;

(*c*) the Leader of the Opposition;

*Twentieth Amendment to the Constitution*  5

(*d*) a nominee of the Prime Minister, who   
 shall be a Member of Parliament; and

(*e*) a nominee of the Leader of the   
Opposition, who shall be a Member of   
Parliament:

Provided that, the persons appointed in terms   
of sub-paragraphs (*d*) and (*e*) above shall be   
nominated in such manner as would ensure that   
the nominees would belong to communities which   
are communities other than those to which the   
persons specified in paragraphs (*a*), (*b*) and (*c*)   
above, belong.

**SCHEDULE I**

1. The Election Commission.

2. The Public Service Commission.

3. The National Police Commission.

4. The Human Rights Commission of Sri Lanka.

5. The Commission to Investigate Allegations of   
 Bribery or Corruption.

6. The Finance Commission.

7. The Delimitation Commission.

**SCHEDULE II**

PART I

1. The Chief Justice and the Judges of the   
 Supreme Court.

2. The President and Judges of the Court of   
 Appeal.

3. The Members of the Judicial Service   
 Commission, other than the Chairman.

6 *Twentieth Amendment to the Constitution*

PART II

1. The Attorney-General.

2. The Auditor-General.

3. The Parliamentary Commissioner for   
 Administration (Ombudsman).

4. The Secretary-General of Parliament.

5. The Inspector-General of Police.

(2) The Speaker shall require the Prime Minister   
and the Leader of the Opposition to make such   
nominations within one week of the date of the   
commencement of this Article**,** provided that if the   
Prime Minister and the Leader of the Opposition fail   
to make such nominations, the Speaker shall proceed   
to nominate any Members of Parliament to be   
nominees for the purposes of sub-paragraphs (*d*)   
and (*e*) of paragraph (1), taking into consideration   
the criteria specified in the proviso to paragraph (1)   
of this Article.

(3) If at the time the President seeks the   
observations of the Council under paragraph (1),   
the Prime Minister and the Leader of the Opposition   
have failed to nominate the persons who shall be   
their nominees in the Council, the Speaker shall   
nominate such Members of Parliament to be   
nominees for the purposes of sub-paragraphs (*d*)   
and (*e*) of paragraph (1), taking into consideration   
the criteria specified in the proviso to paragraph (1)   
of this Article.

(4) Notwithstanding the provisions of paragraph   
(2) of Article 64 of the Constitution, the Speaker   
shall, for the purpose of this Article, continue as   
Speaker on the dissolution of Parliament, until a

*Twentieth Amendment to the Constitution*  7

Member of Parliament is elected to be the Speaker   
under paragraph (1) of Article 64. The new Speaker   
shall thereupon be a member of the Council**.**

(5) Notwithstanding the dissolution of   
Parliament, the Leader of the Opposition shall for   
the purposes of this Article, continue as Leader of   
the Opposition, until such time after a General   
Election following such dissolution, a Member of   
Parliament is recognized as the Leader of the   
Opposition in Parliament. The new Leader of the   
Opposition shall thereupon be a member of the   
Council.

(6) Notwithstanding the dissolution of   
Parliament, the nominees of the Prime Minister and   
the Leader of the Opposition respectively who are   
Members of Parliament shall continue as members   
until such time after a General Election following   
such dissolution, Members of Parliament are elected   
to Parliament. The Prime Minister and the Leader of   
the Opposition shall thereupon respectively   
nominate two new members of Parliament to be their   
nominees in terms of sub-paragraphs (*d*) and (*e*) of   
paragraph (1) of this Article.

(7) The tenure of the Council constituted under   
this Article shall extend for such period as specified   
in paragraph (2) of Article 62 and such tenure shall   
not be affected by any prorogation of Parliament in   
terms of Article70:

Provided that, the persons appointed as   
nominees of the Prime Minister and the Leader of   
the Opposition respectively, may during such tenure   
at the request of the Prime Minister or the Leader of   
the Opposition, as the case may be, be removed by   
the President for the reasons assigned therefor or in   
the event of an incapacity of such nominee, the

8 *Twentieth Amendment to the Constitution*

President may require the Prime Minister or   
Leader of the Opposition, as the case may be, to   
nominate taking into consideration the criteria   
specified in the proviso to paragraph (1), another   
Member of Parliament to be his nominee in the   
Council. In such an event, the Member of   
Parliament nominated to fill the vacancy created   
by either removal or incapacity, as the case may   
be, shall continue as member of the Council only   
for the unexpired period of the tenure of the   
member for whose vacancy he was nominated.

(8) (*a*) When the President seeks the   
observations of the Council under paragraph (1),   
he shall require the Council to convey through   
the Speaker the observations of the Council, on   
the persons proposed by him for such   
appointments, within a period of one week from   
the date of seeking such observations.

(*b*) If the Council fails to communicate its   
observations to him within the period specified   
in sub-paragraph (*a*), the President shall   
forthwith proceed to make the aforesaid   
appointments.

(9) Where the Leader of any recognized   
political party represented in Parliament desires   
to propose the name of any person for   
appointment as Chairman or member of a   
Commission referred to in Schedule I to   
paragraph (1) of this Article, he may within a   
period of one week from the date of the President   
seeking such observations of the Council,   
forward to the Speaker the name of any person   
in relation thereto.The President may take such   
names into consideration when making such   
appointments.

(10) No person appointed to be the Chairman   
or member of a Commission referred to in   
Schedule I of this Article or any of the persons   
appointed to the offices referred to in Part I and

*Twentieth Amendment to the Constitution*  9

Part II of Schedule II of this Article shall be   
removed, otherwise than in the manner provided for   
in the Constitution or in any law enacted for such   
purpose. Where no such provision is made, such   
person shall be removed by the President.

(11) (*a*) The Speaker shall be the Chairman of the   
Council.

(*b*) The procedure to be followed in obtaining   
the observations of the Council shall be as   
determined by the Speaker.

(12) The Council shall perform and discharge   
such other duties and functions as may be imposed   
or assigned to the Council by the Constitution, or   
by any other written law.”.

|  |  |
| --- | --- |
| **7.**  Chapter VIII of the Constitution is hereby repealed  and the following Chapter substituted therefor:-  “CHAPTER VIII | Replacement of Chapter VIII of the  Constitution. |

**THE EXECUTIVE**

THE CABINET OF MINISTERS

|  |  |
| --- | --- |
| Responsibility of the  President.  Cabinet  of  Ministers. | 42. The President shall be responsible to Parliament for the due exercise, performance and discharge of his powers, duties and functions under the Constitution and any written law, including the law for the time being relating to public security.  43. (1) There shall be a Cabinet of Ministers charged with the direction and control of the Government of the Republic, which shall be collectively responsible and answerable to Parliament. |

10 *Twentieth Amendment to the Constitution*

(2) The President shall be a member of the   
Cabinet of Ministers and shall be the Head of   
the Cabinet of Ministers:

Provided that notwithstanding the   
dissolution of the Cabinet of Ministers under   
the provisions of the Constitution, the President   
shall continue in office.

(3) The President shall appoint as Prime   
Minister the Member of Parliament who in his   
opinion is most likely to command the confidence   
of Parliament.

|  |  |
| --- | --- |
| Ministers  of Cabinet  and their  subjects  and  functions. | 44. (1) The President shall, from time to time, in consultation with the Prime Minister, where he considers such consultation to be necessary –  (*a*) determine the number of Ministers of the Cabinet of Ministers and the Ministries and the assignment of subjects and functions to such Ministers; and |

(*b*) appoint from among the Members of   
Parliament, Ministers to be in charge of   
the Ministries so determined.

(2) The President may assign to himself any   
subject or function and shall remain in charge of   
any subject or function not assigned to any   
Minister under the provisions of paragraph (1)   
of this Article or the provisions of paragraph (1)   
of Article 45 and may for that purpose determine   
the number of Ministries to be in his charge, and   
accordingly, any reference in the Constitution or   
any written law to the Minister to whom such   
subject or function is assigned, shall be read   
and construed as a reference to the President.

*Twentieth Amendment to the Constitution*  11

(3) The President may, at any time, change   
the assignment of subjects and functions and   
the composition of the Cabinet of Ministers. Such   
changes shall not affect the continuity of the   
Cabinet of Ministers, and the continuity of its   
responsibility to Parliament.

|  |  |
| --- | --- |
| Ministers  who are not members of the Cabinet and their  Ministries,  subjects and functions. | 45. (1) The President may, from time to time, in consultation with the Prime Minister where he considers such consultation to be necessary –  (*a*) appoint from among Members of Parliament, Ministers who shall not be Members of the Cabinet of Ministers; and |

(*b*) determine the assignment of subjects   
and functions to, and the Ministries, if   
any, which are to be in charge of, such   
Ministers.

(2) The President may at any time change   
any appointment or assignment made under   
paragraph (1) of this Article.

(3) Every Minister appointed under this   
Article shall be responsible and answerable to   
the Cabinet of Ministers and to Parliament.

(4) Any Minister of the Cabinet of Ministers   
may, by Notification published in the *Gazette*,   
delegate to any Minister who is not a member of   
the Cabinet of Ministers any power or duty   
pertaining to any subject or function assigned to   
him, or any power or duty conferred or imposed   
on him by any written law and it shall be lawful   
for such other Minister to exercise and perform   
any power or duty delegated to him under this   
paragraph, notwithstanding anything to the

12 *Twentieth Amendment to the Constitution*

contrary in the written law by which that power   
or duty is conferred or imposed on such Minister   
of the Cabinet of Ministers.

|  |  |
| --- | --- |
| Deputy  Ministers. | 46. (1) The President may, from time to time, in consultation with the Prime Minister, where he considers such consultation to be necessary, appoint from among the Members of Parliament, Deputy Ministers to assist the Ministers of the Cabinet of Ministers in the performance of their duties. |

(2) Any Minister of the Cabinet of Ministers   
may, by Notification published in the *Gazette*,   
delegate to his Deputy Minister any power or   
duty pertaining to any subject or function   
assigned to him, or any power or duty conferred   
or imposed on him by any written law and it shall   
be lawful for the Deputy Minister to exercise and   
perform any power or duty delegated to him under   
this paragraph notwithstanding anything to the   
contrary in the written law by which that power   
or duty is conferred or imposed on such Minister   
of the Cabinet of Ministers.

|  |  |  |  |
| --- | --- | --- | --- |
| Tenure of  office of  the Prime  Minister,  Ministers  and  Deputy  Ministers  and the  limitation  of number  of  Ministers  and  Deputy  Ministers. | 47. | (1) | The total number of - |
| (*a*) | Ministers of the Cabinet of Ministers shall not exceed thirty; and | |
| (*b*) | Ministers who are not members of the Cabinet of Ministers and Deputy Ministers shall not, in the aggregate exceed forty. | |
| (2) The Prime Minister, a Minister of the Cabinet of Ministers, any other Minister or Deputy Minister shall continue to hold office throughout the period during which the Cabinet of Ministers continues to function under the provisions of the Constitution unless he- | | |

*Twentieth Amendment to the Constitution*  13

(*a*) is removed by a writing under the hand   
 of the President;

(*b*) resigns his office by a writing under   
 his hand addressed to the President;   
 or

(*c*) ceases to be a Member of Parliament.

(3) Notwithstanding anything contained   
in paragraph (1) of this Article, where the   
recognized political party or the independent   
group which obtains highest number of seats   
in Parliament forms a National Government, the   
number of Ministers in the Cabinet of Ministers,   
the number of Ministers who are not Cabinet of   
Ministers and the number of Deputy Ministers   
shall be determined by Parliament.

(4) For the purpose of paragraph (3),  
“National Government” means, a Government   
formed by the recognized political party or the   
independent group which obtains the highest   
number of seats in Parliament together with the   
other recognized political parties or the   
independent groups.

|  |  |
| --- | --- |
| Cabinet of  Ministers  after  dissolution  of  Parliament. | 48. (1) The Cabinet of Ministers functioning immediately prior to the dissolution of Parliament shall, notwithstanding such dissolution continue to function and shall cease to function upon the conclusion of the General Election. Accordingly, the Prime Minister, Ministers of the Cabinet of Ministers, other Ministers and Deputy Ministers shall continue to function unless they cease to hold office as provided in sub-paragraph (*a*) or (*b*) of paragraph (2) of Article 47. |

14 *Twentieth Amendment to the Constitution*

(2) Notwithstanding the death, removal from   
office or resignation of the Prime Minister, during   
the period intervening between the dissolution   
of Parliament and the conclusion of the General   
Election, the Cabinet of Ministers shall continue   
to function with the other Ministers of the   
Cabinet as its members until the conclusion of   
the General Election. The President may appoint   
one such Minister to exercise, perform and   
discharge, or may himself exercise, perform and   
discharge the powers, duties and functions of   
the Prime Minister. If there is no such other   
Minister, the President shall himself exercise   
perform and discharge the powers, duties and   
functions of the Cabinet of Ministers until the   
conclusion of the General Election.

(3) On the death, removal from office or   
resignation, during the period intervening   
between the dissolution of Parliament and the   
conclusion of the General Election, of a Minister   
of the Cabinet of Ministers or any other Minister,   
the President may appoint any other Minister   
to be the Minister in charge of such Ministry or   
to exercise, perform and discharge the powers,   
duties and functions of such Minister or may   
himself take charge of such Ministry or exercise,   
perform and discharge such powers, duties and   
functions.

|  |  |
| --- | --- |
| Dissolution of  Cabinet of  Ministers. | 49. (1) On the Prime Minister ceasing to hold office by death, removal, resignation or otherwise, except during the period intervening between the dissolution of Parliament and the conclusion of the General Election the Cabinet of Ministers shall, unless the President has in the exercise of his powers under Article 70 dissolved Parliament, stand dissolved and the President shall appoint a Prime Minister, Ministers of the Cabinet of Ministers, other Ministers and Deputy Ministers in terms of Articles 43, 44, 45 and 46: |

*Twentieth Amendment to the Constitution*  15

Provided that if after the Prime Minister so   
ceases to hold office, Parliament is dissolved,   
the Cabinet of Ministers shall continue to   
function with the other Ministers of the Cabinet   
as its members, until the conclusion of the   
General Election. The President may appoint   
one such Minister to exercise, perform and   
discharge or may himself exercise, perform and   
discharge the powers, duties and functions of   
the Prime Minister and the provisions of Article   
48 shall, *mutatis mutandis,* apply.

(2) If Parliament rejects the Statement of   
Government Policy or the Appropriation Bill or   
passes a vote of no-confidence in the   
Government, the Cabinet of Ministers shall   
stand dissolved, and the President shall, unless   
he has in the exercise of his powers under   
Article 70 dissolved Parliament, appoint a Prime   
Minister, Ministers of the Cabinet of Ministers,   
other Ministers and Deputy Ministers in terms   
of Articles 43, 44, 45 and 46.

|  |  |
| --- | --- |
| Acting  Minister and acting  Deputy  Minister.  Secretary  to the  Prime  Minister  and  Secretary  to the  Cabinet of  Ministers. | 50. Whenever a Minister of the Cabinet of Ministers, other Minister or Deputy Minister is unable to discharge the functions of his office, the President may appoint any Member of Parliament to act in place of the said Minister of the Cabinet of Ministers, other Minister or Deputy Minister.  51. (1) (*a*)There shall be a Secretary to the Prime Minister who shall be appointed by the President.  (*b*) The Secretary to the Prime Minister shall have charge of the Office of the Prime Minister and shall perform and discharge the duties and functions of his office, subject to the directions of the Prime Minister. |

|  |  |
| --- | --- |
| 16  Secretaries  t o  Ministries. | *Twentieth Amendment to the Constitution*  (2) There shall be a Secretary to the Cabinet of Ministers who shall be appointed by the President.The Secretary shall, subject to the direction of the President, have charge of the Office of the Cabinet of Ministers, and shall discharge and perform such other functions and duties as may be assigned to him by the President or the Cabinet of Ministers.  52. (1) There shall be for each Ministry a Secretary who shall be appointed by the President. |

(2) The Secretary to the Ministry shall,   
subject to the direction and control of his   
Minister, exercise supervision over the   
departments of Government or other   
institutions in the charge of his Minister.

(3) The Secretary to a Ministry shall cease   
to hold office upon the dissolution of the   
Cabinet of Ministers under the provisions of   
the Constitution or upon a determination by   
the President under Article 44 or Article 45 which   
results in such Ministry ceasing to exist.

(4) Where the Secretary to a Ministry so   
ceases to hold office, the Cabinet of Ministers   
may appoint such Secretary to any other post   
in the Public Service:

Provided that a person who immediately   
prior to his appointment as Secretary was in   
the Public or Local Government Service or in   
the service of any public corporation shall be   
deemed to have been temporarily released from   
such service and shall be entitled to revert to   
such service without loss of seniority upon his   
so ceasing to hold office as Secretary.

*Twentieth Amendment to the Constitution*  17

(5) The proviso to paragraph (4) of this   
Article shall, *mutatis mutandis*, apply to a   
Secretary to a Ministry upon –

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| (*a*)  (*b*) | the President terminating his services, otherwise than by dismissal on disciplinary grounds; or  his resignation, unless disciplinary | | | |
| proceedings | are | pending | or |
| contemplated against him on the date of his resignation. | | | |

(6) For the purposes of paragraphs (4) and   
(5) of this Article, any person who has   
continuously held the office of Secretary to   
the President, Secretary to a Ministry or any   
other office in the President’s staff or any one   
or more of such offices shall be deemed to have   
continuously held the office which such person   
last held.

(7) For the purposes of this Article –

|  |  |
| --- | --- |
| (*a*)  (*b*) | the Office of the Secretary-General of Parliament, the Office of the Parliamentary Commissioner for Administration (Ombudsman), the Public Service Commission, the Election Commission, the National Police Commission and the Office of the Secretary to the Cabinet of Ministers; and  the National Audit Office, |

shall be deemed not to be departments of   
Government.

|  |  |  |
| --- | --- | --- |
| Amendment of Article 54 of  the Constitution | 18 | *Twentieth Amendment to the Constitution* |
| Official  oath or  affirmation. | 53. A person appointed to any office referred to in this Chapter shall not enter upon the duties of his office until such person takes |
| and subscribes the oath or makes and subscribes the affirmations set out in the Fourth Schedule and Seventh Schedule.”.  **8.** Article 54 of the Constitution is hereby amended as follows:- | |
| (1) | by the repeal of paragraph (1) of that Article, and |
| the substitution therefor of the following paragraph:- | |

“(1) There shall be a Public Service Commission   
(in this Chapter referred to as the  
“Commission”) which shall consist of not less   
than five members and not more than nine   
members appointed by the President subject   
to the provisions of Article 41A, of whom not   
less than three members shall be persons who   
have had over fifteen years experience as   
public officers. The President shall appoint   
one of such members as its Chairman.”;

|  |  |
| --- | --- |
| (2)  (3) | by the substitution, in paragraph (4) of that Article, for the words “by the President with the approval of the Constitutional Council or is convicted” of the words “by the President or is convicted”;  by the substitution, in paragraph (7) of that Article, for the words “such period, on the recommendation of the Constitutional Council, appoint” of the words and figures “such period, subject to the provisions of Article 41A, appoint”. |

|  |  |  |  |
| --- | --- | --- | --- |
| *Twentieth Amendment to the Constitution* | | 19 | Amendment of Article 61D of the  Constitution.  Replacement of Articles 61E and 61F of the  Constitution. |
| **9.**  Article 61D of the Constitution is hereby amended by the substitution, for the words “the affirmation set out in the Fourth Schedule to the Constitution.” of the words “the affirmations set out in the Fourth and Seventh Schedules to the Constitution.”.  **10.**  Articles 61E and 61F of the Constitution are hereby repealed and the following Articles are substituted therefor:- | | |
| “Appointments by the  President. | 61E. The President shall appoint –  (*a*) the Heads of the Army, the Navy and the Air Force; and | |

(*b*) subject to the provisions of Article 41A,   
the Attorney-General and the Inspector-  
General of Police.

|  |  |
| --- | --- |
| Interpretation. 61F. For the purposes of this Chapter, “public officer” does not include a member of the Army, Navy, or Air Force, an officer of the Election Commission appointed by such Commission or a scheduled public officer appointed by the Judicial Service Commission.”.  **11.** Article 65 of the Constitution is hereby amended as follows:-  (1) by the repeal of paragraph (1) of that Article, and the substitution therefor, of the following paragraph:- | Amendment of  Article 65 of the Constitution. |

“(1) There shall be a Secretary-General of   
Parliament who shall, subject to the provisions   
of Article 41A, be appointed by the President   
and who shall hold office during good   
behaviour.”;

(2) by the repeal of paragraph (6) of that Article, and   
the substitution therefor of the following paragraph:-

“(6) Whenever the Secretary-General is   
unable to discharge the functions of his office,   
the President may appoint a person to act in   
the place of the Secretary-General.”.

|  |  |  |
| --- | --- | --- |
| Amendment of Article 70 of  the  Constitution. | 20 | *Twentieth Amendment to the Constitution* |
| **12.**  Article 70 of the Constitution is hereby amended by the repeal of paragraph (1) of that Article, and the substitution therefor of the following paragraph:-  “(1) The President may, from time to time, by Proclamation summon, prorogue and dissolve Parliament: | |

Provided that –

(*a*) subject to the provisions of sub-paragraph (*d*),   
the President shall not dissolve Parliament until   
the expiration of a period of not less than two   
years and six months from the date appointed   
for its first meeting, unless Parliament by   
resolution requests the President to dissolve   
Parliament;

(*b*) the President shall not dissolve Parliament on   
the rejection of the Statement of Government   
Policy at the commencement of the first session   
of Parliament after a General Election;

(*c*) subject to the provisions of sub-paragraph (*d*),   
the President shall not dissolve Parliament after   
the Speaker has entertained a resolution   
complying with the requirements of   
sub-paragraphs (*a*) and (*b*) of paragraph (2) of   
Article 38, unless –

(i) such resolution is not passed as required   
by sub-paragraph (*c*) of paragraph (2) of   
Article 38;

(ii) the Supreme Court determines and reports   
that the President has not become   
permanently incapable of discharging the   
functions of his office or that the President   
has not been guilty of any of the other   
allegations contained in such resolution;

*Twentieth Amendment to the Constitution*  21

(iii) the consequent resolution for the removal   
of the President is not passed as required   
by sub-paragraph (*e*) of paragraph (2) of   
Article 38; or

(iv) Parliament by resolution requests the   
 President to dissolve Parliament;

(*d*) where the President has not dissolved Parliament   
consequent upon the rejection by Parliament of   
the Appropriation Bill, the President shall   
dissolve Parliament if Parliament rejects the next   
Appropriation Bill.”.

|  |  |
| --- | --- |
| **13.** Article 78 of the Constitution is hereby amended as follows:- | Amendment of  Article 78 of the Constitution. |

(1) by the repeal of paragraph (1) thereof, and the   
substitution therefor of the following paragraph:-

“(1) Every Bill shall be published in the   
*Gazette* at least seven days before it is placed   
on the Order Paper of Parliament.”; and

(2) by the insertion, immediately after paragraph (2)   
of that Article, of the following paragraph:-

“(3) Any amendment proposed to a Bill in   
Parliament shall not deviate from the merits   
and principles of such Bill.”.

|  |  |
| --- | --- |
| **14.** Article 85 of the Constitution is hereby amended by the insertion, immediately after paragraph (1) of that Article, of the following paragraph:- | Amendment of  Article 85 of the Constitution. |

“(2) The President may in his discretion submit   
to the People by Referendum any Bill (not being a   
Bill for the repeal or amendment of any provision of   
the Constitution, or for the addition of any provision

22 *Twentieth Amendment to the Constitution*

to the Constitution, or for the repeal and replacement   
of the Constitution, or which is inconsistent with   
any provision of the Constitution), which has been   
rejected by Parliament.”.

|  |  |  |
| --- | --- | --- |
| Amendment of Article 91 of  the  Constitution.  Amendment of  Article 92 of the Constitution.  Amendment of Article 95 of  the  Constitution.  Amendment of Article 103 of the  Constitution. | **15.**  Article 91 of the Constitution is hereby amended in  sub-paragraph (*d*) of paragraph (1) of that Article, as follows:- | |
| (1) | by the repeal of items (iv), (iv*a*), (v), (v*a*) and (v*b*) of that sub-paragraph and the substitution therefor of the following items:- |
| “(iv) | a member of any Commission referred to in Schedule I to Article 41A, |
| (v) | a member of a Provincial Public Service Commission, |
| (v*a*) | the Commissioner-General of Elections,”; |
| (2) | by the repeal of item (xiii) of that sub-paragraph. |
| **16.**  Article 92 of the Constitution is hereby amended, by the substitution in paragraph (*a*) of that Article, for the words “thirty five”, of the word “thirty”.  **17.**  Article 95 of the Constitution is hereby amended in paragraph (2) of that Article, by the substitution for the words and figure “paragraph (1) of this Article, appoint”, of the words and figures “paragraph (1) of this Article and subject to the provisions of Article 41A, appoint”.  **18.**  Article 103 of the Constitution is hereby amended as follows:-  (1) by the repeal of paragraph (1) of that Article, and the substitution therefor of the following paragraph:- | |

“(1) There shall be an Election Commission   
(in this Chapter referred to as the

*Twentieth Amendment to the Constitution*  23

“Commission”) consisting of five members   
appointed by the President subject to the   
provisions of Article 41A, from amongst   
persons who have distinguished themselves   
in any profession or in the field of   
administration or education. One of the   
members so appointed shall be a retired officer   
of the Department of Elections or Election   
Commission, who has held office as a Deputy   
Commissioner of Elections or above.The   
President shall appoint one member as its   
Chairman.”;

(2) by the repeal of paragraph (7) of that Article, and   
the substitution therefor of the following   
paragraph:-

“(7) The President may grant a member leave   
from the performance of his duties relating to   
the Commission for a period not exceeding   
two months and may, subject to the provisions   
of Article 41A, appoint a person qualified to   
be a member of the Commission to be a   
temporary member for the period of such   
leave.”.

|  |  |
| --- | --- |
| **19.**  Article 104B of the Constitution is hereby amended as follows:-  (1) by the substitution, in sub-paragraph (i) of paragraph (4)(*a*) of that Article, for the words“the election or any candidate of any political party”, of the words “the election of any candidate or any political party”; | Amendment of Article 104B of the  Constitution. |

(2) by the insertion, immediately after paragraph (4)   
of that Article, of the following paragraph:-

“(4*a*) For the avoidance of doubt it is stated   
that any guideline issued by the Commission   
during the period commencing on the date of

24 *Twentieth Amendment to the Constitution*

the making of an Order for the holding of an   
election or the date of the making of a   
Proclamation requiring the conduct of the   
Referendum, as the case may be, shall –

(*a*) be limited to matters which are directly   
connected with the holding of the   
respective election or the conduct of the   
respective Referendum, as the case may   
be; and

(*b*) not be connected directly with any   
matter relating to the public service or   
any matter within the ambit of   
administration of the Public Service   
Commission or the Judicial Service   
Commission, as the case may be,   
appointed under the Constitution.”;

(3) by the repeal of sub-paragraph (*b*) of paragraph   
(5) of that Article and substitution therefor of the   
following paragraph:-

“(*b*) It shall be the duty of any broadcasting   
or telecasting operator or any proprietor or   
publisher of a newspaper, as the case may be,   
to take all necessary steps to ensure   
compliance with any guidelines as are issued   
to them under paragraph (*a*).”.

|  |  |
| --- | --- |
| Amendment of Article 104E of the  Constitution. | **20.**  Article104E of the Constitution is hereby amended  as follows:-  (1) by the repeal of paragraph (1) of that Article and the  substitution therefor, of the following paragraph:- |

“(1) There shall be a Commissioner-General of   
Elections who shall be appointed by the   
Commission on such terms and conditions as shall   
be determined by the Commission.”;

*Twentieth Amendment to the Constitution*  25

(2) by the repeal of sub-paragraph (*c*) of paragraph (7)   
of that Article and the substitution therefor, of the   
following sub-paragraph:-

“(*c*) on his attaining the age of sixty years;”.

|  |  |
| --- | --- |
| **21.** Article 107 of the Constitution is hereby amended by the repeal of paragraph (1) of that Article and the substitution therefor of the following paragraph:- | Amendment of Article 107 of the  Constitution. |

“(1) The Chief Justice, the President of the Court   
of Appeal and every other Judge of the Supreme   
Court and the Court of Appeal shall be appointed   
by the President subject to the provisions of Article   
41A, by Warrant under his hand.”.

|  |  |
| --- | --- |
| **22.** Article 109 of the Constitution is hereby repealed and the following Article substituted therefor:-  “Acting 109.(1) If the Chief Justice or the President of appointments. the Court of Appeal is temporarily unable to exercise, perform and discharge the powers, duties and functions of his office, by reason of illness, absence from Sri Lanka or any other cause the President shall, subject to the provisions of Article 41A, appoint another Judge of the Supreme Court, or of the Court of Appeal, as the case may be, to act in the office of Chief Justice, or the President of the Court of Appeal, respectively, during such period. | Replacement of Article 109 of  the Constitution. |

(2) If any Judge of the Supreme Court or of   
the Court of Appeal is temporarily unable to   
exercise, perform and discharge the powers,   
duties and functions of his office, by reason of   
illness, absence from Sri Lanka or any other cause,   
the President may, subject to the provisions of   
Article 41A, appoint another Judge to act as a   
Judge of the Supreme Court or Court of Appeal,

as the case may be, during such period.”.

|  |  |  |
| --- | --- | --- |
| Amendment of Article 111D of the  Constitution. | 26 | *Twentieth Amendment to the Constitution* |
| **23.** | Article 111D of the Constitution is hereby amended |
| in paragraph (1) of that Article, by the substitution for the words “appointed by the President, subject to the approval of the Constitutional Council.”, of the words and figures | |

“appointed by the President subject to the provisions of Article 41A.”.

|  |  |  |
| --- | --- | --- |
| Amendment of Article 111E of the  Constitution. | **24.** | Article 111E of the Constitution is hereby amended |
| by the repeal of paragraphs (5) and (6) of that Article, and the substitution therefor of the following paragraphs:- | |

“(5) The President may grant to any member of the   
Commission leave from his duties and may, subject to   
the provisions of Article 41A, appoint a person qualified   
to be a member of the Commission to be a temporary   
member for the period of such leave.

(6) The President may, for cause assigned, remove   
from office any member of the Commission.”.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Amendment of Article 119 of the  Constitution.  Insertion of new Article 122 of  the  Constitution. | **25.** | Article 119 of the Constitution is hereby amended in | | |
| paragraph (1) of that Article, by the substitution for the words“not more than ten other judges”, of the words “not more than sixteen other Judges”. | | | |
| **26.** | The following new Article is hereby inserted | | |
| immediately after Article 121 and shall have effect as Article 122 of the Constitution:- | | | |
| “Special  exercise of constitutional jurisdiction | | | 122. (1) In the case of a Bill which is, in view of the Cabinet of Ministers, urgent in the interest of national security or for the purpose of any matter |
| in respect of urgent Bills. | | relating to disaster management, and bears an endorsement to that effect under the hand of the Secretary to the Cabinet – | |

*Twentieth Amendment to the Constitution*  27

(*a*) the provisions of paragraph (1) of Article   
78 and of Article 121, 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. 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 the Speaker.

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

(3) The provisions of this Article shall not   
apply to any Bill for the amendment, repeal and   
replacement, alteration or addition of any   
provision of the Constitution or for the repeal   
and replacement of the Constitution.”.

|  |  |
| --- | --- |
| **27.**  Article 123 of the Constitution is hereby amended by the insertion immediately after paragraph (2) of that Article, of the following new paragraph: - | Amendment of Article 123 of the  Constitution. |

“(3) In the case of a Bill endorsed as provided in   
Article 122, if the Supreme Court entertains a doubt   
whether the Bill or any provision thereof is   
inconsistent with the Constitution, it shall be deemed

28 *Twentieth Amendment to the Constitution*

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 the provisions of paragraphs (1) and (2) of this   
Article.”.

|  |  |  |
| --- | --- | --- |
| Amendment of Article 124 of the  Constitution.  Amendment of Article 128 of the  Constitution. | **28.** | Article 124 of the Constitution is hereby amended |
| by the substitution for the words and figures “provided in Articles 120 and 121,”, of the words and figures “provided in Articles 120,121 and 122,”. | |
| **29.** | Article 128 of the Constitution is hereby amended, |
| by the addition, immediately after paragraph (4) of that Article, of the following new paragraph:- | |

“(5) Any application for leave to appeal or special   
leave to appeal made to the Supreme Court under this   
Article may be granted or refused, as the case may be,   
by not less than two Judges of the Supreme Court.”.

|  |  |  |
| --- | --- | --- |
| Amendment of Article 134 of the  Constitution.  Amendment of Article 137 of the  Constitution.  Amendment of Article 153 of the  Constitution. | **30.** | Article 134 of the Constitution is hereby amended in |
| paragraph (1) of that Article, by the substitution for the figures“121, 125,”, of the figures “121, 122,125,”. | |
| **31.** | Article 137 of the Constitution is hereby amended |
| by the substitution, for the words “not more than eleven other Judges” of the words “not more than nineteen other Judges”. | |
| **32.** | Article 153 of the Constitution is hereby amended as |
| follows: - | |

(1) by the repeal of paragraph (1) of that Article, and   
the substitution therefor of the following   
paragraph:-

*Twentieth Amendment to the Constitution*  29

“(1) There shall be an Auditor-General who   
shall be a qualified auditor and who shall,   
subject to the provisions of Article 41A, be   
appointed by the President. The Auditor-  
General shall hold office during good   
behaviour.”;

(2) by the repeal of paragraph (4) of that Article, and   
the substitution therefor of the following   
paragraph: -

“(4) Whenever the Auditor-General is   
unable to discharge the functions of his office,   
the President may, subject to the provisions   
of Article 41A, appoint a qualified auditor to   
act in the place of the Auditor-General.”.

|  |  |  |
| --- | --- | --- |
| **33.** | Article 153A of the Constitution is hereby repealed. | Repeal of  Article 153A  of the  Constitution. |
| **34.** | Article 153B of the Constitution is hereby repealed. | Repeal of |
| Article 153B |
| **35.** | Article 153C of the Constitution is hereby repealed. | of the |
| Constitution. |
| Repeal of |
| Article 153C |
| **36.** | Article 153D of the Constitution is hereby repealed. | of the |
| Constitution. |
| Repeal of |
| Article 153D |
| **37.** | Article 153E of the Constitution is hereby repealed. | of the |
| Constitution. |
| Repeal of  Article 153E  of the  Constitution. |
| **38.** | Article 153F of the Constitution is hereby repealed. | Repeal of  Article 153F  of the  Constitution. |
| **39.** | Article 153G of the Constitution is hereby repealed. | Repeal of  Article 153G  of the  Constitution. |

|  |  |  |
| --- | --- | --- |
| Repeal of  Article 153H of the  Constitution.  Amendment of Article 154 of the  Constitution. | 30 | *Twentieth Amendment to the Constitution* |
| **40.** | Article 153H of the Constitution is hereby repealed. |
| **41.** | Article 154 of the Constitution is hereby amended in |
| paragraph (1) of that Article, by the substitution for all the words and figures from “the Offices of the Cabinet of | |

Ministers,” to the end of that paragraph, of the words and figures “the Office of the Secretary to the Cabinet of Ministers, the Offices of the Ministers appointed under Article 44 or 45, the Judicial Service Commission, the Parliamentary Council, the Commissions referred to in Schedule I to Article 41A, the Provincial Public Service Commissions, the Parliamentary Commissioner for Administration, the Secretary-General of Parliament, local authorities, public corporations, business and other undertakings vested in the Government under any written law and companies registered or deemed to be registered under the Companies Act, No. 7 of 2007 in which the Government or a public corporation or local authority holds fifty *per centum* or more of the shares of that company, including the accounts threreof.”.

|  |  |  |
| --- | --- | --- |
| Amendment of Article 154R of the  Constitution. | **42.** | Article 154R of the Constitution is hereby amended |
| in paragraph (1) of that Article, by the repeal of sub-paragraph (*c*) of that paragraph, and the substitution therefor of the | |

following sub-paragraph: -

“(*c*) three other members appointed by the President, subject to the provisions of Article 41A, to represent the three major communities each of whom shall be a person who has distinguished himself, or held high office, in the field of finance, law, administration, business or learning.”.

|  |  |  |  |
| --- | --- | --- | --- |
| *Twentieth Amendment to the Constitution* | | 31 | Amendment of Article 155A of the  Constitution. |
| **43.** | Article 155A of the Constitution is hereby amended | |
| as follows:- | | |
| (1) | by the repeal of paragraph (1) of that Article, and | |

the substitution therefor of the following   
paragraph:-

“(1) There shall be a National Police   
Commission (in this Chapter referred to as   
the “Commission”) consisting of not less   
than five members and not more than seven   
members appointed by the President subject   
to the provisions of Article 41A. The   
President shall appoint one member as the   
Chairman of the Commission.”; and

(2) by the repeal of paragraph (4) of that Article, and   
 the substitution therefor of the following   
 paragraph: -

“(4) Every member of the Commission   
shall hold office for a period of three years   
from the date of his appointment, unless he   
becomes subject to any disqualification   
under paragraph (2) of this Article, or earlier   
resigns from his office by writing addressed   
to the President or is removed from office   
by the President, or is convicted by a court   
of law of any offence involving moral   
turpitude or if a resolution for the imposition   
of civic disability upon him has been passed   
in terms of Article 81 or is deemed to have   
vacated his office under paragraph (6) of   
this Article.”.

|  |  |  |  |
| --- | --- | --- | --- |
| Amendment of Article 155B of the  Constitution.  Amendment of Article 155C of the  Constitution.  Amendment of Article 155F of the  Constitution.  Insertion of new Article 155FF of the  Constitution. | 32 | *Twentieth Amendment to the Constitution* | |
| **44.**  Article 155B of the Constitution is hereby amended  as follows:- | | |
| (1) | in paragraph (1) of that Article, by the substitution for the words “shall be four members”, of the words“shall be five members”; | |
| (2) | by the repeal of paragraph (5) of that Article. | |
| **45.**  Article 155C of the Constitution is hereby amended in paragraph (1) of that Article, by the substitution for the words and figures “under Article 126 and the powers granted to the Administrative Appeals Tribunal under Article 155L,”of the words and figures “under paragraph (1) of Article 126,”.  **46.**  Article 155F of the Constitution is hereby amended in paragraph (1) of that Article, by the substitution for all the words from “directly or indirectly” to the words “shall be guilty”, of the words “directly or indirectly by himself or by or with any other person, in any manner whatsoever influences or attempts to influence or interferes with any decision of the Commission or a Committee or to so influence any member of the Commission or a Committee shall be guilty”.  **47.**  The following new Article is hereby inserted immediately after Article 155F and shall have effect as Article 155FF of the Constitution: **-** | | |
| “Powers  of the  Commission. | | 155FF.The Commission shall be empowered to entertain and investigate complaints from members of the public or any aggrieved person against a police officer or the police force, and shall provide redress in accordance with the provisions of any law enacted by Parliament. For this purpose the Commission may make rules to establish procedures for entertaining and investigating complaints from members of the |
| public or any aggrieved person.”. | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| *Twentieth Amendment to the Constitution* | | | 33 | Repeal of  Article 155G of the Constitution.  Repeal of  Article 155H of the Constitution.  Repeal of  Article 155J of  the Constitution.  Repeal of  Article 155K of the Constitution.  Repeal of  Article 155L of  the Constitution.  Replacement of Article 155M of the Constitution.  Amendment of Article 156 of  the Constitution |
| **48.** | Article 155G of the Constitution is hereby repealed. | | |
| **49.** | Article 155H of the Constitution is hereby repealed. | | |
| **50.** | Article 155J of the Constitution is hereby repealed. | | |
| **51.** | Article 155K of the Constitution is hereby repealed. | | |
| **52.** | Article 155L of the Constitution is hereby repealed. | | |
| **53.** | Article 155M of the Constitution is hereby repealed | | |
| and the following Article substituted therefor:- | | | |
| “Saving of  existing  rules and  regulations. | | 155M. All rules, regulations and procedures in force on the date of the commencement of this Article relating to police officers shall be deemed to continue to be operative, until rules, regulations | |
| and procedures are made hereunder by the Public Service Commission.”. | | | |
| **54.** | Article 156 of the Constitution is hereby amended | | |
| as follows:- | | | |
| (1) | by the repeal of paragraph (2) of that Article and the | | |
| substitution therefor of the following paragraph: - | | | |

“(2) The Parliamentary Commissioner for   
Administration shall, subject to the provisions   
of Article 41A, be appointed by the President and   
shall hold office during good behaviour.”;

|  |  |  |
| --- | --- | --- |
| 34 | (2) | *Twentieth Amendment to the Constitution* |
| by the repeal of paragraph (5) of that Article and the substitution therefor of the following paragraph:- |

“(5) Whenever the Parliamentary   
Commissioner for Administration is unable to   
perform and discharge the duties and functions   
of his office, the President shall subject to the   
provisions of Article 41A, appoint a person to   
act in his place.”.

|  |  |
| --- | --- |
| Repeal of  Chapter XIXA of the  Constitution.  Repeal of  Chapter XIXB of the  Constitution.  Amendment of Article 170 of the  Constitution. | **55.**  Chapter XIXA of the Constitution (Article 156A) is hereby repealed.  **56.**  Chapter XIXB of the Constitution (Articles 156B to 156H) is hereby repealed.  **57.**  Article 170 of the Constitution is hereby amended by the repeal of the definition of the expression “public officer” and the substitution therefor of the following definition: - |

“ “public officer” means a person who holds any paid   
office under the Republic, other than a judicial   
officer but does not include –

|  |  |
| --- | --- |
| (*a*)  (*b*)  (*c*)  (*d*)  (*e*)  (*f*)  (*g*)  (*h*) | the President;  the Prime Minister;  the Speaker;  a Minister appointed under Article 44 or 45; a Deputy Minister appointed under Article 46;  a Member of Parliament;  a member of the Parliamentary Council; a member of the Judicial Service Commission; |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| *Twentieth Amendment to the Constitution* | | | 35 | Transitional  Provisions. |
| (*i*) | | a member of any Commission referred to in Article 41A; | |
| (*j*) | | the Commissioner - General of Elections; ; | |
| (k) | | the officers appointed to the Election | |
| Commission, by the Election Commission; | | | |
| (*l*) | | the Secretary-General of Parliament; | |
| (*m*) | | a member of the staff of the Secretary-General | |
| of Parliament; | | | |
| (*n*) | | a member of the University Grants | |
| Commission; | | | |
| (*o*) | | a member of the Official Languages Commission; | |
| (*p*) | | the Auditor -General; and | |
| (*q*) | | the Parliamentary Commissioner for | |
| Administration (Ombudsman)”. | | | |
| **58.** | (1) Every person holding office on the day | | |
| immediately preceding the date of commencement of this Act*,* | | | |

as–

|  |  |
| --- | --- |
| (i)  (ii)  (iii)  (iv)  (v)  (vi)  (vii)  (viii)  (ix)  (x) | the Chief Justice;  Judges of the Supreme Court;  the members of the Judicial Service Commission;  the President of the Court of Appeal;  Judges of the Court of Appeal;  the Attorney-General;  the Auditor-General;  the Inspector-General of Police;  the Parliamentary Commissioner for Administration (Ombudsman);  the Secretary-General of Parliament; |

|  |  |  |
| --- | --- | --- |
| 36 | *Twentieth Amendment to the Constitution* | |
| (xi) | judges of the High Court; or |
| (xii) | judicial officers, scheduled public officers, |
| public officers or police officers, | |

shall, unless he earlier resigns, dies or is removed from office continue to hold such office and shall continue to exercise, perform and discharge the powers, duties and functions of that office under the same terms and conditions.

(2) Every person holding office on the day immediately preceding the date of commencement of this Act as a member of the Constitutional Council shall cease to hold such office with effect from the date of commencement of this Act.

(3) Every person holding office on the day immediately preceding the date of commencement of this Act as the Chairman or a member of –

|  |  |
| --- | --- |
| (*a*)  (*b*)  (*c*)  (*d*)  (*e*)  (*f*)  (*g*) | the Election Commission;  the Public Service Commission;  the National Police Commission;  the Human Rights Commission of Sri Lanka; the Commission to Investigate Allegations of Bribery or Corruption;  the Finance Commission; and  the Delimitation Commission, |

shall, unless he earlier resigns, dies or is removed from office continue to exercise, perform and discharge the powers, duties and functions of his office until such date on which the respective Commissions are constituted in accordance with Chapter VIIA of the Constitution.

*Twentieth Amendment to the Constitution*  37

(4) Every person holding office on the day immediately preceding the date of commencement of this Act as the Chairman or a member of –

(*a*) the Audit Service Commission; and

(*b*) the National Procurement Commission,

shall cease to hold such office with effect from the date of commencement of this Act.

(5) Notwithstanding the provisions of subsection (4),-

(*a*) all suits, prosecutions, actions, proceedings,   
 matters or things which have been instituted by or   
 against the Audit Service Commission and the   
 National Procurement Commission and which are   
 pending as at the day immediately preceding the   
 date of commencement of this Act shall, with effect   
 from the date of commencement of this Act, be   
 deemed to be suits, prosecutions, actions,   
 proceedings, matters or things which have been   
 instituted by or against the Government;

(*b*) any decree, order or award entered or made in favour   
 of or against the Audit Service Commission and the   
 National Procurement Commission by any court or   
 tribunal or other body in any action, matter,   
 proceeding or thing shall, with effect from the date   
 of commencement of this Act, be deemed to be a   
 decree, order or award entered or made in favour of   
 or against the Government and may be enforced   
 accordingly; and

38 *Twentieth Amendment to the Constitution*

(*c*) all property movable and immovable,   
 belonging to the Audit Service Commission   
 and the National Procurement Commission as   
 at the day immediately preceding the date of   
 commencement of this Act shall, with effect   
 from the date of commencement of this Act,   
 vest in and be deemed to be the property of   
 the Government.

(6) All matters relating to the appointment, promotion, transfer, disciplinary control and dismissal of members of the Sri Lanka State Audit Service and pending before the Audit Service Commission on the day immediately preceding the date of commencement of this Act shall, with effect from that date, stand transferred to the Public Service Commission and shall be determined by the Public Service Commission accordingly.

(7) All matters pertaining to-

(*a*) the appointment, promotion, transfer, disciplinary   
 control and dismissal of police officers; and

(*b*) appeals by police officers to the National Police   
 Commission,

pending before the National Police Commission on the day immediately preceding the date of commencement of this Act, shall, with effect from that date, stand transferred to the Public Service Commission and shall be determined by the Public Service Commission accordingly.

|  |  |
| --- | --- |
| Avoidance of  doubt.  Sinhala text to prevail in case of  inconsistency. | **59.**  For the avoidance of doubt, it is hereby declared that where there is a requirement in any written law to obtain the recommendation or approval of the Constitutional Council, the reference to the Constitutional Council shall be read and construed as a reference to the Parliamentary Council.  **60.**  In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall  prevail. |

|  |  |
| --- | --- |
| *Twentieth Amendment to the Constitution* | 39 |

English Acts of the Parliament can be purchased at the “PRAKASHANA PIYASA”, DEPARTMENTOF

GOVERNMENT PRINTING, NO. 118, DR. DANISTER DE SILVA MAWATHA, COLOMBO 8.