

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

**TWENTY FIRST AMENDMENT TO THE CONSTITUTION**

**[Certified on 31st of October, 2022]**

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| *Twenty First Amendment to the Constitution* | 1 |

[Certified on 31st of October, 2022]   
L.D.— O. 12/2022   
 AN ACTTOAMENDTHE CONSTITUTIONOFTHE DEMOCRATIC SOCIALIST REPUBLICOF SRI LANKA   
BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

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| **1.** | This Act may be cited as the Twenty First | Short title |

Amendment to the Constitution.

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| **2.** | Chapter VIIA of the Constitution of the Democratic | Replacement of Chapter VIIA of the  Constitution of the Democratic Socialist  Republic of  Sri Lanka |
| Socialist Republic of Sri Lanka (in this Act referred to as the“Constitution”) is hereby repealed and the following Chapter is substituted therefor:- | |

“CHAPTER VIIA   
**THE CONSTITUTIONAL COUNCIL**

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| Constitution of the  Constitutional Council. | **41A.** (1) There shall be a Constitutional Council (in this Chapter referred to as the“Council”) which shall consist of the following members:– |

(*a*) the Prime Minister;   
(*b*) the Speaker;   
(*c*) the Leader of the Opposition in   
 Parliament;   
(*d*) one Member of Parliament appointed   
 by the President;   
(*e*) five persons appointed by the President,   
 upon being nominated as follows:-  
 (i) one Member of Parliament   
 nominated by agreement of the

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majority of the Members of   
Parliament representing the   
Government;

(ii) one Member of Parliament   
nominated by agreement of the   
majority of the Members of   
Parliament of the political party   
or independent group to which   
the Leader of the Opposition   
belongs; and

(iii) three persons nominated by the   
Speaker by agreement of the   
Prime Minister and the Leader of   
the Opposition; and

(*f*) one Member of Parliament nominated by   
agreement of the Members of Parliament   
other than those representing the   
Government and those belonging to the   
political party or independent group to   
which the Leader of the Opposition   
belongs, and appointed by the President.

(2) The Speaker shall be the Chairman of   
the Council.

(3) It shall be the duty of the Speaker to   
ensure that nominations for appointments   
under sub-paragraph (*e*) or sub-paragraph (*f*) of   
paragraph (1) are made, whenever an occasion   
for such nominations arises.

(4) In nominating the five persons referred   
to in sub-paragraph (*e*) of paragraph (1), the   
Prime Minister, the Speaker and the Leader of

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the Opposition or the Members of Parliament,   
as the case may be, shall ensure that the Council   
reflects the pluralistic character of Sri Lankan   
society, including professional and social   
diversity.

(5) The persons who are not Members of   
Parliament to be appointed under sub-  
paragraph (*e*) of paragraph (1) shall be persons   
of eminence and integrity who have   
distinguished themselves in public or   
professional life and who are not members of   
any political party whose nomination shall be   
approved by Parliament.

(6) The President shall, within fourteen days   
of the receipt of a written communication   
specifying the nominations made under sub-  
paragraphs (*e*) and (*f*) of paragraph (1), make   
the necessary appointments.

(7) (*a*) On the dissolution of Parliament,   
notwithstanding the provisions of paragraph   
(2) of Article 64, the Speaker shall continue to   
hold office as a member of the Council, until a   
Member of Parliament is elected to be the   
Speaker under paragraph (1) of the aforesaid   
Article.

(*b*) Notwithstanding the dissolution of   
Parliament, the Prime Minister, the Leader of   
the Opposition and the Members of Parliament   
who are members of the Council, shall continue   
to hold office as Members of such Council,   
until such time after a General Election

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following such dissolution, a Member of   
Parliament is appointed as the Prime Minister   
or recognized as the Leader of the Opposition   
or such number of Members of Parliament are   
appointed as Members of the Council under   
sub-paragraphs (*d*), (*e*) and (*f*) of paragraph (1),   
as the case may be.

(8) (*a*) The member of the Council appointed   
under sub-paragraph (*d*) of paragraph (1), shall   
hold office for a period of three years from the   
date of appointment unless the member earlier   
resigns his office by writing addressed to the   
Presidentoris removed from office by the   
President.

(*b*) Every member of the Council appointed   
under sub-paragraphs (*e*) and (*f*) of paragraph   
(1) shall hold office for a period of three years   
from the date of appointment unless the   
member earlier resigns his office by writing   
addressed to the President or is removed from   
office by the President on a resolution passed   
by the majority of the Members of Parliament   
(including those not present) voting in its   
favour on the grounds of physical or mental   
incapacity and is unable to function further in   
office or is convicted by a court of law for 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   
of the Constitution or is deemed to have   
vacated his office under paragraph (7) of   
Article 41E.

(9) In the event of there being a vacancy   
among the members appointed under sub-  
paragraph (*d*), (*e*) or (*f*) of paragraph (1), the   
President shall, within fourteen days of the

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occurrence of such vacancy and having regard   
to the provisions of the aforementioned sub-  
paragraphs, appoint another person to succeed   
such member. Any person so appointed, shall   
hold office during the unexpired part of the   
period of office of the member whom he   
succeeds.

(10) A member appointed under sub-  
paragraph (*d*), (*e*) or (*f*) of paragraph (1), shall   
not be eligible for re-appointment.

(11) The appointments made by the   
President under sub-paragraphs (*d*), (*e*) and (*f*)   
of paragraph (1), shall be communicated to the   
Speaker.

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| Council to  recommend  appointments. | **41B.** (1) No person shall be appointed by the President as the Chairman or a member of any of the Commissions specified in the |

Schedule to this Article, except on a   
recommendation of the Council.

(2) The provisions of paragraph (1) of this   
Article shall apply in respect of any person   
appointed to act as the Chairman or as a   
member of any such Commission.

(3) It shall be the duty of the Council to   
recommend to the President fit and proper   
persons for appointment as Chairmen or   
members of the Commissions specified in the   
Schedule to this Article, whenever the occasion   
for such appointments arises, and such   
recommendations shall endeavour to ensure   
that such recommendations reflect the   
pluralistic character of Sri Lankan society,   
including gender. In the case of the Chairmen

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of such Commissions, the Council shall   
recommend three persons for appointment, and   
the President shall appoint one of the persons   
recommended as Chairman.

(4) The President shall appoint the   
Chairmen and the members of the Commissions   
specified in the Schedule to this Article, within

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| fourteen | days | of | receiving | the |

recommendations of the Council for such   
appointments.

(5) No person appointed under paragraph   
(1) or a person appointed to act as the Chairman   
or a member of any such Commission, shall be   
removed except as provided for in the   
Constitution or in any written law, and where   
there is no such provision, such person shall   
be removed by the President only with the prior   
approval of the Council.

(6) All the Commissions referred to in the   
Schedule to this Article shall be responsible   
and answerable to Parliament.

**SCHEDULE**

(*a*) The Election Commission.

(*b*) The Public Service Commission.

(*c*) The National Police Commission.

(*d*) The Audit Service Commission.

(*e*) The Human Rights Commission of   
 Sri Lanka.

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(*f*) The Commission to Investigate   
 Allegations of Bribery or Corruption.

(*g*) The Finance Commission.

(*h*) The Delimitation Commission.

(*i*) The National Procurement Commission.

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| Council to  approve  appointments. | **41C.** (1) No person shall be appointed by the President to any of the Offices specified in the Schedule to this Article, unless such |

appointment has been approved by the   
Council upon a recommendation made to the   
Council by the President.

(2) The provisions of paragraph (1) of this   
Article shall apply in respect of any person   
appointed to act for a period exceeding   
fourteen days, in any Office specified in the   
Schedule to this Article:

Provided that no person shall be appointed   
to act in any such office for successive periods   
not exceeding fourteen days, unless such   
acting appointment has been approved by the   
Council on a recommendation by the President.

(3) No person appointed to any Office   
specified in the Schedule to this Article or to   
act in any such Office, shall be removed from   
such Office except as provided for in the   
Constitution or in any law.

(4) In the discharge of its function relating   
to the appointment of 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.

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**SCHEDULE**

PART I   
(*a*) The Chief Justice and the Judges of the   
 Supreme Court.

(*b*) The President and the Judges of the Court   
 of Appeal.

(*c*) The Members of the Judicial Service   
 Commission, other than the Chairman.

PART II   
(*a*) The Attorney-General.

(*b*) The Governor of the Central Bank of   
 Sri Lanka.

(*c*) The Auditor-General.

(*d*) The Inspector-General of Police.

(*e*) The Parliamentary Commissioner for   
 Administration (Ombudsman).

(*f*) The Secretary-General of Parliament.

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| Secretary- General and  other officers  of the  Council. | **41D.** (1) There shall be a Secretary-General to the Council who shall be appointed by the Council for a term of three years. Upon the expiration of his term of office, the Secretary-General shall be eligible for reappointment. |

(2) The Council may appoint such officers   
as it considers necessary for the discharge of   
its functions, on such terms and conditions as   
may be determined by the Council.

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Meetings of **41E.** (1) The Council shall meet at least twice the Council. every month, and as often as may be necessary to discharge the functions assigned to the Council by the provisions of this Chapter or by any law, and such meetings shall be summoned by the Secretary-General to the Council on the direction of the Chairman of the Council.

(2) The Chairman shall preside at all   
meetings of the Council and in the absence of   
the Chairman, the Prime Minister, and in the   
absence of the Prime Minister, the Leader of   
the Opposition shall preside at the meetings of   
the Council.

(3) The quorum for any meeting of the   
Council shall be five members.

(4) The Council shall endeavour to make   
every recommendation, approval or decision   
it is required to make by unanimous decision   
and in the absence of a unanimous decision,   
no recommendation, approval or decision made   
by the Council shall be valid, unless supported   
by not less than five members of the Council   
present at such meeting.

(5) The Chairman or the other member   
presiding shall not have an original vote, but   
in the event of an equality of votes on any   
question for decision at any meeting of the   
Council, the Chairman or other member   
presiding at such meeting, shall have a casting   
vote.

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(6) The procedure in regard to meetings of   
the Council and the transaction of business at   
such meetings shall be determined by the   
Council, including procedures to be followed   
in regard to the recommendation or approval   
of persons suitable for any appointment under   
Article 41B or Article 41C.

(7) Any member of the Council appointed   
under sub-paragraph (*d*), (*e*) or (*f*) of paragraph   
(1) of Article 41A, who without obtaining prior   
leave of the Council absents himself from three   
consecutive meetings of the Council, shall be   
deemed to have vacated office with effect from   
the date of the third of such meetings.

(8) The Council shall have the power to act   
notwithstanding the fact that it has not been   
fully constituted or that there is a vacancy in   
its membership. No act, proceeding or decision   
of the Council carried out or made by the   
majority vote of the members shall be or   
deemed to be invalid by reason only of the fact   
that the Council has not been fully constituted   
or that there has been a vacancy in its   
membership or that there has been any defect   
in the appointment of a member.

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| Continuation  in office of  the members  of the  Council. | **41F.** Notwithstanding the expiration of the term of office of the members of the Council or of the members of any Commission specified in the Schedule to Article 41B, the members of |

the Council or of such other Commission shall   
continue in office until the assumption of office   
by the new members of the Council or of such   
other Commission.

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Powers and **41G.** (1) The Council shall, once in every duties of the   
Council. three months, submit to the President and Parliament a report of its activities during the preceding three months.

(2) 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.

(3) The Council shall have the power to   
make rules relating to the performance and   
discharge of its duties and functions. All such   
rules shall be published in the *Gazette* and be   
placed before Parliament within three months   
of such publication.

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| Expenses to  be charged  on the | **41H.** The expenses incurred by the Council shall be charged on the Consolidated Fund. |

Consolidated   
Fund.

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| Finality of  decisions of the Council. | **41J.** Subject to the provisions of Article 126, no court shall have the power or jurisdiction to entertain, hear or decide or call in question, on |

any ground whatsoever, or in any manner   
whatsoever, any decision of the Council or any   
approval or recommendation made by the   
Council, which decision, approval or   
recommendation shall be final and conclusive   
for all purposes.”.

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| **3.** | Chapter VIII of the Constitution is hereby repealed | Replacement of Chapter VIII of the Constitution |
| and the following Chapter is substituted therefor:- | |

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“CHAPTER VIII

**THE EXECUTIVE**

THE CABINET OF MINISTERS

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| President to  be  responsible  t o  Parliament. | **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.

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| Prime  Minister and  the Cabinet  of Ministers. | **43.** (1) There shall be a Cabinet of Ministers charged with the direction and control of the Government of the Republic. |

(2) The Cabinet of Ministers shall be   
collectively responsible and answerable to   
Parliament.

(3) 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.

(4) The President shall appoint as Prime   
Minister the Member of Parliament, who, in   
the President’s opinion, is most likely to   
command the confidence of Parliament.

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

(2) The President shall, in consultation with   
the Prime Minister, appoint from among   
Members of Parliament, Ministers, to be in   
charge of the Ministries so determined.

(3) The President shall be the Minister in   
charge of the subject of Defence and may   
exercise, perform and discharge the powers,   
duties and functions of any Minister of the   
Cabinet of Ministers or any Minister who is   
not a member of the Cabinet of Ministers,   
subject to the provisions of the Constitution,   
for not exceeding fourteen days during a period   
within which any subject or function is not   
assigned to any such Minister under the   
provisions of paragraph (1) of this Article or   
under paragraph (1) of Article 45 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:

Provided however, preceding provisions of   
this paragraph shall not preclude the President   
from assigning any subject or function to   
himself in consultation with the Prime Minister   
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.

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(4) 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.

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| Ministers  who are not  members of  the Cabinet  of Ministers. | **45.** (1) The President may, in consultation with the Prime Minister, appoint from among Members of Parliament, Ministers who shall not be members of the Cabinet of Ministers. |

(2) The President may, in consultation with   
the Prime Minister where he considers such   
consultation to be necessary, determine the   
assignment of subjects and functions to   
Ministers appointed under paragraph (1) of this   
Article and the Ministries, if any, which are to   
be in charge of, such Ministers.

(3) The President may at any time change   
any assignment made under paragraph (2).

(4) Every Minister appointed under   
paragraph (1) shall be responsible and   
answerable to the Cabinet of Ministers and to   
Parliament.

(5) 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 such Cabinet Minister, 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 notwithstanding anything to   
the contrary in the written law by which that

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power or duty is conferred or imposed on such   
Minister of the Cabinet of Ministers.

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| Deputy  Ministers. | **46.** (1) The President may, in consultation with the Prime Minister, appoint from among |

Members of Parliament, Deputy Ministers to   
assist 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 such Deputy Minister to   
exercise and perform any power or duty   
delegated notwithstanding anything to the   
contrary in the written law by which that power   
or duty is conferred or imposed on such   
Minister.

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| Tenure of  office of the Prime  Minister, and the limitation of numbers  and tenure of office 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 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–

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(*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) A Minister of the Cabinet of Ministers,   
a Minister who is not a member of the Cabinet   
of Ministers and a 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–

(*a*) is removed from office under the hand   
of the President in consultation with   
the Prime Minister;

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

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

(4) 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.

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(5) For the purpose of paragraph (4),   
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.

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| 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 and accordingly, the Prime   
Minister and the Ministers of the Cabinet of   
Ministers, shall continue to function unless   
they cease to hold office as provided in sub-  
paragraph (*a*) of paragraph (2) or sub-paragraph   
(*a*) or (*b*) of paragraph (3) of Article 47 and   
shall comply with the criteria set out by the   
Commissioner-General of Elections and shall   
not cause any undue influence on the General   
Election.

(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 of Ministers as   
its members, until the conclusion of the   
General Election. The President may appoint   
one such Minister to exercise, perform and   
discharge the powers, duties and functions of   
the Prime Minister.

(3) On the death, removal from office or   
resignation, during the period intervening

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between the dissolution of Parliament and the   
conclusion of the General Election, of a   
Minister of the Cabinet of Ministers, the   
President may, in consultation with the Prime   
Minister, appoint any other Minister to be the   
Minister in charge of the Ministry of such   
Minister or to exercise, perform and discharge   
the powers, duties and functions of such   
Minister.

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| Dissolution  of the  Cabinet of  Ministers. | **49.** (1) On the Prime Minister ceasing to hold office by death, 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, Ministers   
who are not members of the Cabinet of   
Ministers and Deputy Ministers in terms of   
Articles 43, 44, 45 and 46:

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 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

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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, Ministers who are not members of   
the Cabinet of Ministers and Deputy Ministers   
in terms of Articles 43, 44, 45 and 46.

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| Acting  Ministers and Deputy  Ministers. | **50.** Whenever a Minister of the Cabinet of Ministers, a Minister who is not a member of the Cabinet of Ministers or a Deputy Minister is unable to discharge the functions of his |

office, the President may, in consultation with   
the Prime Minister, appoint any Member of   
Parliament to act in the place of such Minister   
of the Cabinet of Ministers, Minister who is   
not a member of the Cabinet of Ministers or a   
Deputy Minister.

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| Secretary to the Prime  Minister and Secretary to the Cabinet  of Ministers. | **51.** (1) (*a*) There shall be a Secretary to the Prime Minister who shall be appointed by the President.  (*b*) The Secretary 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.

(2) (*a*) There shall be a Secretary to the   
Cabinet of Ministers who shall be appointed   
by the President.

(*b*) 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.

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Secretaries to **52.** (1) There shall be a Secretary for every Ministries. Ministry of a Minister of the Cabinet of Ministers, who shall be appointed by the President.

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

(3) Notwithstanding the dissolution of the   
Cabinet of Ministers under the provisions of   
the Constitution, the Secretary to a Ministry   
shall continue to hold office until a new   
Secretary is appointed to such Ministry, in   
terms of the provisions of the Constitution:

Provided however, the Secretary to a   
Ministry shall cease to hold office upon a   
determination by the President under Article   
44 or 45 which results in such Ministry ceasing   
to exist.

(4) For the purposes of this Article, the office   
of the Secretary to the President, the office of   
the Secretary to the Cabinet of Ministers, the   
office of the Auditor-General, the office of the

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| Parliamentary | Commissioner | for |

Administration (Ombudsman), the office of the   
Secretary-General of Parliament, the   
Constitutional Council, and the Commissions   
referred to in the Schedule to Article 41B shall   
be deemed not to be departments of   
Government.

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| 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 |

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subscribes the oath or makes and subscribes   
the affirmations set out in the Fourth Schedule   
and Seventh Schedule.”.

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| **4.** | Article 54 of the Constitution is hereby amended as | Amendment of Article 54 of the Constitution |
| 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 nine members appointed by   
the President on the recommendation of the   
Constitutional Council, of whom not less than three   
members shall be persons who have had over fifteen   
years experience as a public officer. The President   
on the recommendation of the Constitutional   
Council shall appoint one member as its   
Chairman.”;

(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   
appointment, unless the member becomes subject   
to any disqualification under paragraph (2) or   
earlier resigns from his office by writing addressed   
to the President or is removed from office by the   
President with the approval of the Constitutional   
Council 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 the   
member has been passed in terms of Article 81 or is   
deemed to have vacated his office under paragraph   
(6).”; and

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(3) by the substitution, in paragraph (7) of that Article,   
for the words and figures “subject to the provisions   
of Article 41A,” of the words “on the   
recommendation of the Constitutional Council,”.

|  |  |  |
| --- | --- | --- |
| Amendment of Article 61E of  the Constitution | **5.** | Article 61E of the Constitution is hereby amended, |
| in paragraph (*b*) of that Article, by the substitution for the words and figures “subject to the provisions of Article 41A,” | |

of the words “on the approval of the Constitutional Council,”.

|  |  |  |  |
| --- | --- | --- | --- |
| Replacement of Article 61F of  the Constitution | **6.** | Article 61F of the Constitution is hereby repealed | |
| and the following Article is substituted therefor:- | | |
| “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, a police officer appointed by the   
National Police Commission, a scheduled   
public officer appointed by the Judicial Service   
Commission or a member of the Sri Lanka State   
Audit Service appointed by the Audit Service   
Commission.”.

|  |  |  |
| --- | --- | --- |
| Amendment of Article 65 of the Constitution | **7.** | Article 65 of the Constitution is hereby amended as |
| follows:- | |

(1) by the substitution, in paragraph (1) of that Article,   
for the words and figures “subject to the provisions   
of Article 41A,” of the words “on the approvalof   
the Constitutional Council,”; and

(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

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President may, subject to the approval of the   
Constitutional Council, appoint a person to act in   
the place of the Secretary-General.”.

|  |  |  |
| --- | --- | --- |
| **8.** | Article 91 of the Constitution is hereby amended in | Amendment of Article 91 of the Constitution |
| sub-paragraph (*d*) of paragraph (1) of that Article as follows:- | |

(1) by the substitution, in item (iv) of that sub-  
paragraph, for the words and figures “referred toin   
Schedule I to Article 41A,” of the words and figures  
“referred to in the Schedule to Article 41B,”;

(2) by the insertion, immediately after item (*va*) of that   
 sub-paragraph, of the following item:-

“(*vb*) a member of the Constitutional Council   
referred to in sub-paragraph (*e*) of paragraph   
(1) of Article 41A, other than any Member   
of Parliament;”; and

(3) by the insertion, immediately after item (xii) of that   
 sub-paragraph, of the following item:-

“(xiii) a citizen of Sri Lanka who is also a citizen   
 of any other country;”.

|  |  |  |
| --- | --- | --- |
| **9.** | Article 95 of the Constitution is hereby amended in | Amendment of Article 95 of the Constitution |
| paragraph (2) of that Article, by the substitution for the words and figures “paragraph (1) of this Article and subject to the | |

provisions of Article 41A, appoint”, of the words and figure“paragraph (1) and on the recommendation of the Constitutional Council, appoint”.

|  |  |  |
| --- | --- | --- |
| **10.** | Article 103 of the Constitution is hereby amended | Amendment of Article 103 of  the Constitution |
| as follows:- | |

(1) by the substitution, in paragraph (1) of that Article,   
for the words and figures “subject to the provisions

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of Article 41A,” of the words “on the   
recommendation of the Constitutional Council,”;   
and

(2) by the substitution, in paragraph (7) of that Article,   
for the words and figures “subject to the provisions   
of Article 41A,” of the words “on the   
recommendation of the Constitutional Council,”.

|  |  |  |
| --- | --- | --- |
| Amendment of Article 104B of the Constitution | **11.** | Article 104B of the Constitution is hereby amended |
| by the repeal of sub-paragraph (*a*) of paragraph (5) of that Article and the substitution therefor of the following sub- | |

paragraph:-

“(*a*) The Commission shall have the power to   
issue, from time to time, in respect of the holding of   
any election or the conduct of a referendum, such   
guidelines as the Commission may consider   
appropriate, to any broadcasting or telecasting   
operator or any proprietor or any publisher of a   
newspaper, as the case may be, as the Commission   
may consider necessary to ensure a free and fair   
election.”.

|  |  |  |
| --- | --- | --- |
| Amendment of  Article 107 of the Constitution | **12.** | Article 107 of the Constitution is hereby amended |
| in paragraph (1) of that Article, by the substitution, for the words and figures “subject to the provisions of Article 41A,” | |

of the words “subject to the approval of the Constitutional Council,”.

|  |  |  |
| --- | --- | --- |
| Amendment of Article 109 of  the Constitution | **13.** | Article 109 of the Constitution is hereby amended |
| as follows:- | |

(1) by the substitution, in paragraph (1) of that Article,   
for the words and figures “subject to the provisions   
of Article 41A,” of the words “on the approval of   
the Constitutional Council,”; and

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(2) by the substitution, in paragraph (2) of that Article,   
for the words and figures “subject to the provisions   
of Article 41A,” of the words “on the approvalof   
the Constitutional Council,”.

|  |  |  |
| --- | --- | --- |
| **14.** | Article 111D of the Constitution is hereby amended | Amendment of Article  111D of the |
| as follows:- | |

Constitution (1) by the substitution in paragraph (1) of that Article,   
 for the words and figures “subject to the provisions   
 of Article 41A.”, of the words “subject to the   
 approval of the Constitutional Council.”; and

(2) by the substitution in paragraph (2) of that Article,   
 for the words “a judge of a Court of First Instance”  
 wherever those words occur in that paragraph, of   
 the words “a Magistrate or a District Judge”.

|  |  |  |
| --- | --- | --- |
| **15.** | Article 111E of the Constitution is hereby amended | Amendment of Article 111E of the Constitution |
| in paragraph (5) of that Article, by the substitution, for the words and figures “subject to the provisions of Article 41A,” | |

of the words “subject to the approval of the Constitutional Council,”.

|  |  |
| --- | --- |
| **16.** Article 111M of the Constitution is herby amended in the definition of the expression “judicial officer” in paragraph (*a*) thereof, by the substitution for the words “Court | Amendment of Article 111M of the Constitution |

of Appeal or of the High Court” of the words “Court of Appeal”.”

|  |  |  |
| --- | --- | --- |
| **17.** | Article 121 of the Constitution is hereby amended | Amendment of Article 121 of  the Constitution |
| in paragraph (1) of that Article, by the substitution, for the words “within one week” of the words “within fourteen days”. | |

|  |  |  |
| --- | --- | --- |
| Amendment of Article 153 of  the Constitution | 26 | *Twenty First Amendment to the Constitution* |
| **18.** Article 153 of the Constitution is hereby amended as follows:- | |

(1) by the substitution, in paragraph (1) of that Article,   
for the words and figures “subject to the provisions   
of Article 41A,” of the words “subject to the approval   
of the Constitutional Council,”; and

(2) by the substitution, in paragraph (4) of that Article,   
for the words and figures “subject to the provisions   
of Article 41A,” of the words “subject to the approval   
of the Constitutional Council,”.

|  |  |  |
| --- | --- | --- |
| Insertion of new Articles  153A,153B,  153C,153D,  153E,153F, 153G | **19.** | The following new Articles are hereby inserted |
| immediately after Article 153 and shall have effect as Articles 153A, 153B, 153C, 153D, 153E, 153F, 153G and 153H of the Constitution:- | |

and 153H in the   
Constitution

|  |  |
| --- | --- |
| “Constitution  of the Audit  Service  Commission. | **153A.** (1) There shall be an Audit Service Commission (in this Chapter referred to as the“Commission”), which shall consist of the Auditor-General who shall be the Chairman of |

the Commission, and the following members   
appointed by the President on the   
recommendation of the Constitutional   
Council:-

(*a*) two retired officers of the Auditor-  
General’s Department, who have held   
office as a Deputy Auditor-General or   
above;

(*b*) a retired judge of the Supreme Court,   
the Court of Appeal or the High Court   
of Sri Lanka; and

(*c*) a retired Class I officer of the Sri Lanka   
 Administrative Service.

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(2) A person appointed as a member of the   
Commission shall hold office for three years,   
unless he–

(*a*) earlier resigns from his office, by letter   
 addressed to the President;

(*b*) is removed from office as hereinafter   
 provided; or

(*c*) becomes a Member of Parliament or a   
member of a Provincial Council or a   
local authority.

(3) A person appointed as a member of the   
Commission shall be eligible to be appointed   
for a further term of office, on the   
recommendation of the Constitutional   
Council.

(4) The President may, for cause assigned   
and with the approval of the Constitutional   
Council, remove from office any person   
appointed as a member of the Commission   
under paragraph (1).

(5) The Chairman and the members of the   
Commission shall be paid such allowances as   
are determined by Parliament. Such allowances   
shall be charged on the Consolidated Fund and   
shall not be diminished during the term of   
office of the Chairman or members.

(6) The Chairman and the members of the   
Commission shall be deemed to be public   
servants within the meaning and for the   
purposes of Chapter IX of the Penal Code   
(Chapter 19).

(7) There shall be a Secretary to the   
Commission who shall be appointed by the   
Commission.

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Meetingsof **153B.** (1) The quorum for any meeting of the the Commission shall be three members of the Commission. Commission.

(2) Parliament shall, subject to paragraph   
(1), provide by law for meetings of the   
Commission, the establishment of the Sri   
Lanka State Audit Service and such other   
matters connected with and incidental thereto.

|  |  |
| --- | --- |
| Powers and  functions of  the  Commission. | **153C.** (1) Thepowers of appointment, promotion, transfer, disciplinary control and dismissal of the members belonging to the Sri |

Lanka State Audit Service, shall be vested in   
the Commission.

(2) The Commission shall also exercise,   
perform and discharge the following powers,   
duties and functions: -

(*a*) make rules pertaining to schemes of   
recruitment, the appointment, transfer,   
disciplinary control and dismissal of the   
members belonging to the Sri Lanka   
State Audit Service, subject to any   
policy determined by the Cabinet of   
Ministers pertaining to the same;

(*b*) prepare annual estimates of the National   
 Audit Office established by law; and

(*c*) exercise, perform and discharge such   
other powers, duties and functions as   
may be provided for by law.

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(3) The Commission shall cause the rules   
made under paragraph (2) to be published in   
the *Gazette*.

(4) Every such rule shall come into   
operation on the date of such publication or   
on such later date as may be specified in such   
rule.

(5) Every such rule shall, within three   
months of such publication in the *Gazette* be   
brought before Parliament for approval. Any   
rule which is not so approved shall be   
deemed to be rescinded as from the date of   
such disapproval, but without prejudice to   
anything previously done thereunder.

|  |  |
| --- | --- |
| Influencing  or  attempting to influence  decision of  the  Commission or any  officer of the Sri Lanka  State Audit  Service, to  be an  offence. | **153D.** (1) A person who otherwise than in the course of his duty, directly or indirectly, by himself or through any other person, in any manner whatsoever, influences or attempts to influence any decision of the Commission, any member thereof or any officer of the Sri Lanka State Audit Service, commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand rupees or |

to imprisonment for a term not exceeding   
three years or to both such fine and   
imprisonment.

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(2) Every High Court established under   
Article 154P of the Constitution shall have   
jurisdiction to hear and determine any matter   
referred to in paragraph (1).

|  |  |
| --- | --- |
| Immunity  from legal  proceedings**.** | **153E.** Subject to the jurisdiction conferred on the Supreme Court under Article 126 and to the powers granted to the Administrative |

Appeals Tribunal under Article 153G, no court   
or tribunal shall have the power or jurisdiction   
to inquire into, pronounce upon or in any   
manner whatsoever call in question any order   
or decision made by the Commission, in   
pursuance of any function assigned tosuch   
Commission under this Chapter or under any   
law.

|  |  |
| --- | --- |
| Costs and  expenses. | **153F.** The costs and expenses of the Commission shall be a charge on the |

Consolidated Fund.

|  |  |
| --- | --- |
| Appeals to  the  Administrative  Appeals  Tribunal**.** | **153G.** Any officer of the Sri Lanka State Audit Service who is aggrieved by any order relating to the appointment, promotion or transfer of such officer or any order on a |

disciplinary matter or dismissal made by the   
Commission, in respect of such officer, may   
appeal therefrom to the Administrative   
Appeals Tribunal established under Article 59,   
which shall have the power to alter, vary,   
rescind or confirm any order or decision made   
by the Commission.

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Commission **153H.** The Commission shall be responsible to be   
answerable to and answerable to Parliament in accordance Parliament. with the provisions of the Standing Orders of Parliament for the discharge of its functions and shall forward to Parliament in each calendar year a report of its activities in such year.”.

|  |  |  |
| --- | --- | --- |
| **20.** | Article 154 of the Constitution is hereby amended | Amendment of Article 154 of  the Constitution |
| in paragraph (1) of that Article, by the substitution for the words and figures “the Parliamentary Council, the | |

Commissions referred to in Schedule I to Article 41A,” of the words and figures “the Constitutional Council, the Commissions referred to in the Schedule to Article 41B,”.

|  |  |  |
| --- | --- | --- |
| **21.** | Article 154R of the Constitution is hereby amended | Amendment of Article 154R of the Constitution |
| in sub-paragraph (*c*) of paragraph (1) of that Article, by the substitution for the words and figures “subject to the | |

provisions of Article 41A,” of the words “on the recommendation of the Constitutional Council,”.

|  |  |  |
| --- | --- | --- |
| **22.** | Article 155A of the Constitution is hereby amended | Amendment of Article 155A of the Constitution |
| in paragraph (1) of that Article, by the substitution for the words and figures “subject to the provisions of Article 41A,” | |

of the words “on the recommendation of the Constitutional Council,”.

|  |  |  |
| --- | --- | --- |
| **23.** | Article 155B of the Constitution is hereby amended, | Amendment of Article 155B of the Constitution |
| by the insertion, immediately after paragraph (4) of that Article, of following paragraph:- | |

“(5) The Inspector-General of Police shall be entitled   
to be present at meetings of the Commission, except   
where any matter relating to him is being considered.

He shall have no right to vote at such meetings.”.

|  |  |  |
| --- | --- | --- |
| Amendment of Article 155C of the Constitution | 32 | *Twenty First Amendment to the Constitution* |
| **24.** Article 155C of the Constitution is hereby amended, by the substitution, for the words and figures “under paragraph (1) of Article 126,” of the words and figures “under | |

paragraph (1) of Article 126 and the powers granted to the Administrative Appeals Tribunal under Article 155L,”.

|  |  |  |
| --- | --- | --- |
| Insertion of  newArticles  155G,155H,  155J,155K and 155L in the  Constitution | **25.** The following new Articles are hereby inserted immediately after Article 155FFF and shall have effect as Articles 155G, 155H, 155J, 155K and 155L respectively, of the Constitution: - | |
| “Powers of | **155G.** (1)(*a*) The appointment, promotion, |
| the  Commission. | transfer, disciplinary control and dismissal of police officers other than the Inspector-General |

of Police, shall be vested in the Commission.   
The Commission shall exercise its powers of   
promotion, transfer, disciplinary control and   
dismissal in consultation with the Inspector-  
General of Police.

(*b*) The Commission shall not in the   
exercise of its powers under this Article,   
derogate from the powers and functions   
assigned to the Provincial Police Service   
Commissions as and when such Commissions   
are established under Chapter XVIIA of the   
Constitution.

(2) The Commission shall establish   
procedures to entertain and investigate public   
complaints and complaints of any aggrieved   
person made against a police officer or the   
police service, and provide redress as provided   
by law. In the event of the Commission   
providing redress, the Commission shall   
forthwith inform the Inspector-General of   
Police.

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(3) The Commission shall, in consultation   
with the Inspector-General of Police, provide   
for and determine all matters regarding police   
officers, including-

(*a*) the formulation of schemes of   
 recruitment, promotion and   
 transfer, subject to any policy   
 determined by the Cabinet of   
 Ministers pertaining to the same;

(*b*) training and the improvement of   
 the efficiency and independence   
 of the police service;

(*c*) the nature and type of the arms,   
 ammunition and other equipment   
 necessary for the use of the   
 National Division and the   
 Provincial Divisions; and

(*d*) codes of conduct and disciplinary   
 procedures.

(4) The Commission shall exercise all such   
powers and discharge and perform all such   
duties and functions as are vested in it under   
Appendix I of List I contained in the Ninth   
Schedule to the Constitution.

|  |  |
| --- | --- |
| Delegation of  certain  powers of the  Commission  to a  Committee. | **155H.** (1) The Commission may delegate to a Committee of the Commission (not consisting of members of the Commission) as shall be nominated by the Commission, the powers of appointment, promotion, transfer, |

disciplinary control and dismissal of such   
categories of police officers as are specified by   
the Commission.

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(2) The Commission shall cause to be   
published in the *Gazette*, the appointment of   
any such Committee.

(3) The procedure and quorum for meetings   
of a Committee nominated under paragraph   
(1) shall be according to rules made by the   
Commission. The Commission shall cause such   
rules to be published in the *Gazette*.

|  |  |
| --- | --- |
| Delegation of certain  functions by the  Commission. | **155J.** (1) The Commission may, subject to such conditions and procedures as may be specified by the Commission, delegate to the Inspector-General of Police or in consultation |

with the Inspector-General of Police to any   
police officer, its powers of appointment,   
promotion, transfer, disciplinary control and   
dismissal of any category of police officers.

(2) The Commission shall cause any such   
delegation to be published in the *Gazette.*

|  |  |
| --- | --- |
| Right of  appeal. | **155K.** (1) Where the Commission has delegated under Article 155J to any police |

officer its powers of appointment, promotion,   
transfer, disciplinary control and dismissal of   
any category of police officers, the Inspector-  
General of Police shall have a right of appeal   
to the Commission against any order made by   
such police officer in the exercise of the powers   
delegated to him.

(2) A police officer aggrieved by any order   
relating to promotion, transfer or any order on   
a disciplinary matter or dismissal made by a   
Committee or the Inspector-General of Police   
or a police officer referred to in Articles 155H

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and 155J in respect of such officer may appeal   
to the Commission against such order in   
accordance with rules made by the   
Commission, from time to time, regulating the   
procedure and the period fixed for the making   
and hearing of an appeal by the Commission.

(3) The Commission shall have the power   
to alter, vary, rescind or confirm such order   
upon an appeal made under paragraph (1) or   
paragraph (2), or to give directions in relation   
thereto or to order such further or other inquiry,   
as the Commission shall deem fit.

(4) The Commission shall, from time to   
time, cause to be published in the *Gazette*, rules   
made by it under paragraph (2) of this Article.

(5) Upon any delegation of its powers to a   
Committee or the Inspector-General of Police   
or police officer under Articles 155H and 155J,   
the Commission shall not, whilst such   
delegation is in force, exercise, perform or   
discharge its powers, duties or functions in   
respect of the categories of police officers in   
respect of which such delegation is made,   
subject to the right of appeal hereinbefore   
provided.

|  |  |
| --- | --- |
| Appeals to  Administrative  Appeals  Tribunal. | **155L.** Any police officer aggrieved by any order relating to promotion, transfer or any order on a disciplinary matter or dismissal made by the Commission in terms of Article 155K, in |

respect of such officer, may appeal therefrom   
to the Administrative Appeals Tribunal   
established under Article 59, which shall have   
the power to alter, vary, rescind or confirm any   
order or decision made by the Commission.”.

|  |  |  |
| --- | --- | --- |
| 36 | *Twenty First Amendment to the Constitution* | Replacement of Article  155M of the |
| **26.** Article 155M of the Constitution is hereby repealed and the following Article is substituted therefor:- | |

Constitution

|  |  |
| --- | --- |
| “Saving of  existing rules  and  regulations. | **155M.** Until the Commission otherwise provides, all rules, regulations and procedures relating to the Police Force as are in force on |

the date of the coming into operation of this   
Article, shall continue to be operative and in   
force.”.

|  |  |
| --- | --- |
| **27.** Article 156 of the Constitution is hereby amended as follows: - | Amendment of Article  156 of the |

Constitution (1) by the substitution, in paragraph (2) of that Article,   
 for the words and figures “subject to the provisions   
 of Article 41A,” of the words “subject to the approval   
 of the Constitutional Council,”; and

(2) by the substitution, in paragraph (5) of that Article,   
 for the words and figures “subject to the provisions   
 of Article 41A,” of the words “subject to the approval   
 of the Constitutional Council,”.

|  |  |
| --- | --- |
| **28.** The following new Chapters are hereby inserted immediately after Chapter XIX and shall have effect as Chapter XIXA and Chapter XIXB of the Constitution: - | Insertion of  new Chapters XIXA and  XIXB in the |

Constitution

“CHAPTER XIXA

**COMMISSIONTO INVESTIGATE ALLEGATIONSOF BRIBERYOR**   
**CORRUPTION**

|  |  |
| --- | --- |
| Commission to investigate bribery or  corruption. | **156A.** (1) Parliament shall by law provide for the establishment of a Commission to investigate allegations of bribery or corruption. |

Such law shall provide for–

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(*a*) the appointment of the members   
 of the Commission by the   
 President on the recommendation   
 of the Constitutional Council;

(*b*) the powers of the Commission,   
 including the power to direct the   
 holding of a preliminary inquiry   
 or the making of an investigation   
 into an allegation of bribery or   
 corruption, whether of its own   
 motion or on a complaint made to   
 it, and the power to institute   
 prosecutions for offences under   
 the law in force relating to bribery   
 or corruption; and

(*c*) measures to implement the United   
 Nations Convention Against   
 Corruption and any other   
 International Convention relating   
 to the prevention of corruption,   
 to which Sri Lanka is a party.

(2) Until Parliament so provides, the   
Commission to Investigate Allegations of   
Bribery or Corruption Act, No. 19 of 1994 shall   
apply, subject to the modification that it shall   
be lawful for the Commission appointed under   
that Act, to inquire into, or investigate, an   
allegation of bribery or corruption, whether on   
its own motion or on a written complaint made   
to it.

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CHAPTER XIXB

**NATIONAL PROCUREMENT COMMISSION**

|  |  |
| --- | --- |
| National  Procurement  Commission. | **156B.** (1) There shall be a National Procurement Commission (in this Chapter referred to as the “Commission”) consisting of |

five members appointed by the President on   
the recommendation of the Constitutional   
Council, of whom at least three members shall   
be persons who have had proven experience in   
procurement, accountancy, law or public   
administration. The President shall, on the   
recommendation of the Constitutional   
Council, appoint one member as the Chairman   
of the Commission.

(2) Every member of the Commission   
shall hold office for a period of three years from   
the date of appointment, unless such member   
earlier resigns from office by a writing addressed   
to the President or is removed from office by   
the President for causes assigned with the   
approval of the Constitutional Council or is   
convicted by a court of law for an offence   
involving moral turpitude or is elected as a   
Member of Parliament or as a member of a   
Provincial Council or of a local authority or if   
a resolution for the imposition of a civic   
disability on him is passed in terms of   
Article 81.

(3) The Chairman and every member of the   
Commission shall be paid such allowances as   
may be determined by a resolution of   
Parliament. Such allowances shall be charged   
on the Consolidated Fund and shall not be   
diminished during the term of office of such   
Chairman or the member.

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Functions of **156C.** (1) It shall be the function of the the Commission to formulate fair, equitable, Commission.

transparent, competitive and cost effective   
procedures and guidelines, for the procurement   
of goods and services, works, consultancy   
services and information systems by   
government institutions and cause such   
guidelines to be published in the *Gazette* and   
within three months of such publication, to be   
placed before Parliament.

(2) Without prejudice to the generality of   
paragraph (1), it shall be the function of the   
Commission to –

(*a*) monitor and report to the   
 appropriate authorities, on   
 whether all procurement of goods   
 and services, works, consultancy   
 services and information systems   
 by government institutions are   
 based on procurement plans   
 prepared in accordance with   
 previously approved action   
 plans;

(*b*) monitor and report to the   
 appropriate authorities on   
 whether all qualified bidders for   
 the provision of goods and   
 services, works, consultancy   
 services and information systems   
 by government institutions are   
 afforded an equal opportunity to   
 participate in the bidding process   
 for the provision of those goods   
 and services, works, consultancy   
 services and information systems;

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(*c*) monitor and report to the   
 appropriate authorities on   
 whether the procedures for the   
 selection of contractors, and the   
 awarding of contracts for the   
 provision of goods and services,   
 works, consultancy services   
 and information systems to   
 government institutions, are fair   
 and transparent;

(*d*) report on whether members   
 of Procurement Committees   
 and Technical Evaluation   
 Committees relating to the   
 procurements, appointed by   
 government institutions are   
 suitably qualified; and

|  |  |  |  |
| --- | --- | --- | --- |
| (*e*) | investigate | reports | of |
| procurements | made | by |

government institutions outside   
established procedures and   
guidelines, and to report the   
officers responsible for such   
procurements to the relevant   
authorities for necessary action.

|  |  |  |
| --- | --- | --- |
| Powers of the Commission. | **156D.** (1) The Commission may, by Notice in writing, require any person to– | |
| (*a*) | attend before the Commission, |

to be questioned by the   
Commission;

(*b*) produce to the Commission, any   
 document or thing in the   
 possession or control of that   
 person and specified in such   
 Notice.

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(2) Every person who–

(*a*) fails, without reasonable cause to   
 appear before the Commission   
 when required to do so by a   
 Notice sent to him under   
 paragraph (1);

(*b*) appears before the Commission   
 in compliance with such a Notice,   
 but refuses without reasonable   
 cause, to answer any questions   
 put to him by the Commission;   
 or

(*c*) fails or refuses, without   
 reasonable cause, to produce any   
 document or thing which he was   
 required to produce by a Notice   
 sent to him under paragraph (1),

commits an offence and shall on conviction be   
liable to a fine not exceeding one hundred   
thousand rupees or to imprisonment for a term   
not exceeding seven years, or to both such fine   
and imprisonment.

(3) Every High Court established under   
Article 154P of the Constitution shall have   
jurisdiction to hear and determine any matter   
referred to in paragraph (2).

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| Meetings of  the  Commission. | **156E.** (1) The Commission shall meet as often as may be necessary for the discharge of its functions. |

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(2) The Chairman shall preside at all   
meetings of the Commission. In the absence of   
the Chairman from any meeting of the   
Commission, the members present shall elect a   
Chairman for that meeting, from among   
themselves.

(3) The quorum for any meeting of the   
Commission shall be three.

(4) Decisions of the Commission shall be   
by the majority vote of the members present   
and voting at the meeting at which the decision   
is taken, and in the event of an equality of   
votes, the Chairman or member presiding at   
the meeting shall have a casting vote.

(5) Subject to the preceding provisions of   
this Article, the Commission may determine   
the procedure with regard to its meetings and   
the transaction of business at such meetings.

(6) The Commission shall have the power   
to act notwithstanding any vacancy in the   
membership of the Commission, and no act,   
proceeding or decision of the Commission shall   
be invalid or deemed to be invalid, by reason   
only of such vacancy or defect in the   
appointment of a member.

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| Staff of the  Commission. | **156F.** (1) The Commission shall appoint a Secretary-General and such other officers as it |

may consider necessary for the proper discharge   
of its functions, on such terms and conditions   
as may be determined by the Commission.

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(2) All members and officers of the   
Commission shall be deemed to be public   
servants within the meaning, and for the   
purposes of, Chapter IX of the Penal Code   
(Chapter 19).

(3) No suit, prosecution or other   
proceeding shall lie against any member or   
officer of the Commission for any act or thing   
which in good faith is done or purported to be   
done by him in the performance of his duties   
or the discharge of his functions, under the   
Constitution.

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| Expenses of  the Commis- sion to be | **156G.** The expenses of the Commission shall be charged on the Consolidated Fund. |

charged on   
the Consoli-  
dated Fund.

Interpretation. **156H.** In this Chapter, “government institution” includes the office of the Secretary to the President, the office of the Secretary to the Prime Minister, 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 Constitutional Council, the Commissions referred to in the Schedule to Article 41B, the Parliamentary Commissioner for Administration, the Secretary-General of Parliament, Ministries, Government Departments, Provincial Councils, local Authorities, Public Corporations, business or 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, a public corporation or local

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authority holds more than fifty *per centum* of   
the shares of that company.”.

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| **29.** 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 | Amendment of  Article 170 of the  Constitution |

under the Republic, other than a judicial officer,   
but does not include –  
 (*a*) the President;   
 (*b*) the Prime Minister;   
 (*c*) the Speaker;   
 (*d*) a Minister appointed under Article 44 or 45;   
 (*e*) a Deputy Minister appointed under   
 Article 46;   
 (*f*) a Member of Parliament;   
 (*g*)   
 a member of the Constitutional Council; (*h*) a member of the Judicial Service   
 Commission;   
 (*i*) the Chairman or a member of any   
 Commission referred to in Article 41B;   
 (*j*)   
 the Secretary-General of Parliament; (*k*) a member of the staff of the Secretary-  
 General of Parliament;   
 (*l*) a member of the University Grants   
 Commission;

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(*m*) a member of the Official Languages

Commission;

(*n*) the Auditor-General; and

(*o*) the Governor of the Central Bank of

Sri Lanka.”.

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| **30.** (1) (*a*) The ninth Parliament in existence on the day preceding the date on which this Act comes into operation, | Transitional provisions |

shall, unless dissolved earlier continue to function until

August 19, 2025 and shall thereafter stand dissolved.

(*b*) The persons holding office respectively as the

President and the Prime Minister on the day preceding the

date on which this Act comes into operation, shall continue

to hold office after such date subject to the provisions of the

Constitution.

(2) Every person holding office on the day preceding the

date on which this Act comes into operation, as–

(*a*) the Chief Justice;

(*b*) the Judges of the Supreme Court;

(*c*) the members of the Judicial Service Commission;

(*d*) the President of the Court of Appeal;

(*e*) the Judges of the Court of Appeal;

(*f*) the Attorney-General;

(*g*) the Governor of the Central Bank of Sri Lanka;

(*h*) the Auditor-General;

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| 46 | (*i*) | *Twenty First Amendment to the Constitution* |
| the Inspector-General of Police; |
| (*j*) | the Parliamentary Commissioner for Administration |

(Ombudsman);

(*k*) the Secretary-General of Parliament;

(*l*) the Judges of the High Court; or

(*m*) the judicial officers, scheduled public officers, public officers or police officers,

shall continue to hold such office and shall, subject to paragraph (3) of Article 41C, continue to exercise, perform and discharge the powers, duties and functions of that office, under the same terms and conditions.

(3) Every person holding office on the day preceding the date on which this Act comes into operation, as a member of the Parliamentary Council shall cease to hold office as a member of the Parliamentary Council with effect from the date on which this Act comes into operation.

(4) Every person holding office on the day preceding the date on which this Act comes into operation, as the Chairman or a member of –

(*a*) the Election Commission;

(*b*) the Public Service Commission;

(*c*) the National Police Commission;

(*d*) the Human Rights Commission of Sri Lanka;

(*e*) the Commission to Investigate Allegations of   
 Bribery or Corruption;

(*f*) the Finance Commission; and

(*g*) the Delimitation Commission,

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shall cease to hold such office with effect from the date on which this Act comes into operation:

Provided however, a person holding office on the day preceding the date on which this Act comes into operation, as a Chairman or a member of any such Commission referred to above may continue to exercise and discharge powers and functions of their respective offices until such date on which the respective Commissions are constituted in accordance with Chapter VIIA of the Constitution.

(5) All matters relating to–

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

(*b*) appeals by police officers to the Public Service   
 Commission,

pending before the Public Service Commission on the day preceding the date on which this Act comes into operation, shall, with effect from that date, stand transferred to the National Police Commission established by Article 155A and shall be determined by the National Police Commission accordingly.

(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 Public Service Commission on the day preceding the date on which this Act comes into operation, shall, with effect from that date, stand transferred to the Audit Service Commission established by Article 153A and shall be determined by the Audit Service Commission accordingly.

**31.** For the avoidance of doubt, it is hereby declared that- Avoidance of doubt

(*a*) where there is a requirement in any written law to   
 obtain the recommendation or approval of the

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Parliamentary Council on the day preceding the   
date on which this Act comes into operation, the   
reference to the Parliamentary Council shall be read   
and construed as a reference to the Constitutional   
Council with effect from the date on which this Act   
comes into operation; and

(*b*) any Member of the ninth Parliament in existence   
 on the day preceding the date on which this Act   
 comes into operation, who is subject to the   
 disqualification specified in item (xiii) of sub-  
 paragraph (*d*) of paragraph (1) of Article 91 of the   
 Constitution shall not be qualified to sit and vote   
 in Parliament with effect from the date on which   
 this Act comes into operation.

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| **32.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. | Sinhala text  to prevail in case of  inconsistency |

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