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

**Part II of May 06, 2022**

**SUPPLEMENT**

(*Issued on 06. 05. 2022*)



**TWENTY FIRST AMENDMENT**   
**TO THE CONSTITUTION**

*(Private Members’ Bill)*

**A**

**BILL**

**to amend the Constitution of the Democratic Socialist Republic of Sri Lanka**

*To be presented in Parliament by Hon. R. M. Ranjith Madduma Bandara, M.P.*

PRINTEDATTHEDEPARTMENTOFGOVERNMENTPRINTING, SRILANKA

TOBEPURCHASEDATTHEGOVERNMENTPUBLICATIONSBUREAU, COLOMBO5

**Price : Rs. 100.00**  **Postage : Rs. 45.00**

*This Gazette Supplement can be downloaded from* www.documents.gov.lk 

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

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 Twenty First Amendment | Short title. |

to the Constitution

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | **2.** | Article 4 of the Constitution of the Democratic | Amendment of |
| Socialist Republic of Sri Lanka (hereinafter referred to as | | Article 4 of |
| the |
| “the Constitution”) is hereby amended by:– | |
| Constitution |
| (*a*) | the deletion of the words ‘elected by the People’ |

in paragraph (*b*) of Article 4 and the substitution 10 therefor of the words ‘and the Cabinet of Ministers as provided for in the Constitution’

(*b*) the deletion of the words ‘the President of the   
 Republic and of’ in paragraph (*e*) of Article 4.

|  |  |  |
| --- | --- | --- |
| **3.** | Article 30 of the Constitution is hereby amended by:– | Amendment of |

Article 30

|  |  |  |
| --- | --- | --- |
| 15 | (*a*) the deletion of the words “and of the | of the |
| Constitution |
| Government” in paragraph (1) of Article 30, |

and the addition of the words ‘who shall act   
in accordance with the Constitution’ at the   
end of paragraph (1) of Article 30;

20 (*b*) the deletion of the words “the People” in paragraph (2) of Article 30, and the substitution therefor of the words “Parliament, in the manner provided in paragraph (3) of this Article”;

25 (*c*) the insertion of the word “ordinarily” immediately before the words “hold office” in paragraph (2) of Article 30;

2 *Twenty First Amendment to the Constitution*

(*d*) the insertion immediately after paragraph (2)

of Article 30, of the following provisos:–

|  |  |
| --- | --- |
| 5  10  15  20  25  30  35 | “Provided that, notwithstanding anything to the contrary in the Constitution, the person so elected as President shall, unless he ceases to hold office in accordance with the provisions ofthe Constitution, continue to hold office until a President is elected by the next Parliament:  Provided further that such person shall cease to hold office upon the election of a President by the next Parliament, notwithstanding the fact that a period of five years has not lapsed from the date of his appointment.”;  (*e*) the insertion immediately after paragraph (2) of Article 30, of the following new paragraphs, which shall have effect as paragraphs (3), (4), (5) and (6) of Article 30:–  “(3) A citizen qualified under Article 88 and not disqualified under Articles 89 or 92 shall be elected by a simple majority of the Members of Parliament, within four weeks of its first sitting, by secret ballot, in accordance with such procedure as Parliament may by law provide:  Provided that until such time as Parliament shall enact such law, the provisions of Presidential Elections (Special Provisions) Act, No. 2 of 1981 shall *mutatis mutandis* apply.  (4) If the office of President shall become vacant by death, resignation or removal, an election shall be held not later than four weeks from the occurrence of the vacancy, in terms of paragraph (3) of this Article, to fill such vacancy. The person elected to fill such vacancy shall hold office for the remainder of the term of office: |

*Twenty First Amendment to the Constitution*  3

Provided that if the office of President shall   
become vacant as aforesaid, the Speaker shall   
act in the office of President until Parliament   
shall elect a person to fill such vacancy:

|  |  |
| --- | --- |
| 5 | Provided further that if the office of President shall become vacant after the dissolution of |

Parliament, the new Parliament shall elect a   
President at the earliest opportunity, and the

|  |  |
| --- | --- |
| 10 | person who held office of Speaker shall, notwithstanding the election of a new Speaker |

of Parliament, continue to act in the office of   
President until a new President is elected:

Provided that if the Speaker is unable to act,

|  |  |
| --- | --- |
| 15 | the Deputy Speaker shall act in the office of the President during such period |

(5) A person elected as President shall not, as   
long as he holds office as President, hold office   
in, or be a member of, any political party.

(6) A person who has been twice elected to

|  |  |
| --- | --- |
| 20 | the office of President by the People and / or Parliament, the duration of each term |

notwithstanding, shall be disqualified from   
being elected to such office by Parliament.”.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 25 | **4.** | Article 31 of the Constitution is hereby repealed. | | Repeal |
| of Article |
| 31 of the |
| **5.** | Article 33 of the Constitution is hereby repealed and | |
| Constitution |
| Replacement of |
| the following Article substituted therefor:– | | | Article 33 |
| of the |
| “Duties,  powers and functions of | | 33. (1) It shall be the duty of the President to:– | Constitution |
| the President | | (*a*) ensure that the Constitution is |

respected and upheld;

4 *Twenty First Amendment to the Constitution*

(*b*) promote national reconciliation and   
 integration; and

(*c*) ensure and facilitate the proper functioning of the Constitutional 5 Council and the institutions referred to in Chapter VIIA;

(2) In addition to the powers, duties and   
functions expressly conferred or imposed on,   
or assigned to the President by the Constitution

10 or other written law, the President shall have the power–

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

(*b*) to receive and recognize, and to 15 appoint and accredit, Ambassadors, High Commissioners, Plenipotentiaries and other diplomatic agents. Provided that in appointing and accrediting Ambassadors, High Commissioners, 20   
 Plenipotentiaries and other diplomatic agents, the President shall act on the advice of the Prime Minister;

(*c*) to appoint as President’s Counsel,   
attorneys- at- law who have reached

25 eminence in the profession and have maintained high standards of conduct and professional rectitude. Every President’s Counsel appointed under

*Twenty First Amendment to the Constitution*  5

this paragraph shall be entitled to all   
such privileges as were hitherto   
enjoyed by Queen’s Counsel;

(*d*) to keep the Public Seal of the 5 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 10   
 other judges of the Supreme Court, the President of the Court of Appeal and other judges of the Court of Appeal, and such grants and dispositions of lands and other 15 immovable property vested in the Republic as the President is by law required or empowered to do, and to usethe Public Seal for sealing all things whatsoever that shall pass 20 that Seal;

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

(*f*) to do all such acts and things, not inconsistent with the provisions of the Constitution or written law, as 25 by international law, custom or usage the President is authorized or required to do.”.

|  |  |  |  |
| --- | --- | --- | --- |
| 30 | **6.** | The following new Articles are hereby inserted | Inclusion of |
| Articles 33A |
| immediately after Article 33 and shall have effect as Article | |
| and 33B of |
| 33A and 33B of the Constitution:- | |
| the |

Constitution

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | 6 | *Twenty First Amendment to the Constitution* | |
| President to  be  responsible  to Parliament | | 33A. 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.

|  |  |
| --- | --- |
| President to  act on the  advice of the  Prime | 33B. The President shall always, except as otherwise provided by the Constitution, act on the advice of the Prime Minister.”. |

Minister

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | **7.** | Article 34 of the Constitution is amended by the | Amendment |
| addition of the following new paragraph which shall take | | of Article |
| 34 of the |
| effect as paragraph (4) of Article 34:- | |
| Constitution |

“(4) Notwithstanding anything to the contrary in this Article, the President shall not exercise any 15 of the powers specified in paragraphs (1), (2) and (3) of this Article, save and except with the concurrence of both the Prime Minister and the Leader of the Opposition.”.

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | **8.** | Article 35 of the Constitution is hereby amended | Amendment |
| by:– | | of Article |
| 35 of the |
| (*a*) the deletion in the second proviso to paragraph | | Constitution |

(1) of the words ‘paragraph (*g*)’ and substitution   
therefor of the words ‘sub- paragraph (*e*) of   
paragraph (2);

|  |  |
| --- | --- |
| 25 | (*b*) the deletion of the words “proceedings in any court in relation to the exercise of any power pertaining |

to any subject or function assigned to the President   
or remaining in his charge under paragraph (2) of   
Article 44 or to” in paragraph (3) of that Article;

30 (*c*) by the deletion of the proviso to paragraph (3).

|  |  |  |  |
| --- | --- | --- | --- |
| *Twenty First Amendment to the Constitution* | | 7 | Amendment of Article 37  of the  Constitution. |
| **9.** | Article 37 of the Constitution is hereby amended | |
| by:–  (*a*) the deletion of paragraph (1), and the substitution | | |

of the following new paragraph which shall take 5 effect as paragraph (1):–

“(1) If the President by reason of illness, absence   
from Sri Lanka or any other cause will be unable to   
exercise, perform and discharge the powers, duties   
and functions of his office, he shall appoint the

|  |  |
| --- | --- |
| 10 | Speaker to act in the office of President and to exercise, perform and discharge the powers, duties |

and functions of the office of President during such   
period:

Provided that if the Speaker is unable to act, the 15 President shall, appoint the Deputy Speaker to exercise, perform and discharge the powers, duties and functions of the office of President during such period.”;

|  |  |
| --- | --- |
| 20 | (*b*) the deletion in paragraph (2) of the words ‘in consultation with the Speaker’ and substitution |

therefor of the words ‘in consultation with the Prime   
Minister;

(*c*) the deletion in paragraph (2) of the words ‘his   
opinion to the Speaker and thereupon the Prime

|  |  |
| --- | --- |
| 25 | Minister’ and substitution therefor of the words ‘his opinion to the Prime Minister and thereupon the |

Speaker;

(*d*) the deletion in paragraph (2) of the words ‘and shall   
also appoint one of the other Ministers of the Cabinet

|  |  |
| --- | --- |
| 30 | to act in the office of Prime Minister during such period, notwithstanding the absence of such |

appointment as is provided for in paragraph (1) of   
this Article;

8 *Twenty First Amendment to the Constitution*

(*e*) the deletion of the proviso to paragraph (2) and the   
substitution therefor of the following new proviso:–

“Provided that if the Speaker is unable to act, the Deputy Speaker shall exercise, perform and 5 discharge the powers, duties and functions of the office of President during such period.”

|  |  |  |
| --- | --- | --- |
| 10 | **10.** Article 38 is hereby amended by the repeal and | Amendment of |
| replacement of paragraph (2) of that Article as follows:- | Article 38 |
| of the |
| “(2) The office of President shall become vacant upon | Constitution |
| Parliament passing, by not less than one half of the |

whole number of Members of Parliament (including those not present), voting in its favour, a resolution of no- confidence against the President, which resolution may be introduced by a written notice 15 addressed to the Speaker, signed by not less than one third of the whole number of Members of Parliament.”.

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | **11.** | Article 39 of the Constitution is hereby amended as | Amendment of |
| follows:– | | Article 39 |
| of the |
| (*a*) By the deletion of the words “Prime Minister” and | | Constitution |

the substitution therefor of the words “Speaker” in   
paragraph (2) thereof;

(*b*) By the deletion of the words “and shall appoint one of the other Ministers of the Cabinet to act in the 25 office of the Prime Minister” in paragraph (2) thereof;

(*c*) By the deletion of the proviso to paragraph (2),   
and the substitution therefor of the following new   
proviso:–

*Twenty First Amendment to the Constitution*  9

“Provided that if the Speaker is unable to act, the   
Deputy Speaker shall exercise, perform and   
discharge the powers, duties and functions of the   
office of President during such period.”.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | **12.** | Article 40 of the Constitution is hereby repealed. | Repeal |
| **13.** | Article 41 of the Constitution is hereby amended by | of Article |
| 40 of the |
| Constitution. |
| Amendment of |
| the addition of the following paragraph which shall have | | Article 41 |
| effect as the proviso to paragraph (1) of Article 41:– | | of the |
| Constitution |

“Provided that the Cabinet of Ministers shall

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 10 | determine the maximum number of secretaries, officers | | | Replacement of |
| and staff which may be so appointed.”. | | |
| **14.** | Chapter VIIA of the Constitution is hereby repealed | |
| 15 | and the following Chapter substituted therefor:- | | | Chapter VIIA |
| of the |
| “CHAPTER VIIA | | | Constitution |
| THE CONSTITUTIONAL COUNCIL | | |
| 20 | 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 Speaker; | | |

(*b*) the Prime Minister;

(*c*) the Leader of the Opposition in   
 Parliament;

|  |  |
| --- | --- |
| 25 | (*d*) five persons appointed by the President, on the nomination of both |

the Prime Minister and the Leader of   
the Opposition; and

10 *Twenty First Amendment to the Constitution*

(*e*) one person nominated by agreement of the majority of the Members of Parliament belonging to political parties or independent groups, other 5 than the respective political parties or independent groups towhich the Prime Minister and the Leader of the Opposition belong, and appointed by the President.

10 (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 (*d*) or sub-paragraph (*e*) 15 of paragraph (1) are made, whenever an occasion for such nominations arises.

(4) In nominating the five persons referred to in sub-paragraph (*d*) of paragraph (1), the Prime Minister and the Leader of the 20 Opposition shall consult the leaders of political parties and independent groups represented in Parliament so as to ensure that the Constitutional Council reflects the pluralistic character of Sri Lankan society, including professional and 25 social diversity.

(5) The persons to be appointed under subparagraph (*d*) of paragraph (1) shall be persons of eminence and integrity who have distinguished themselves in public or 30 professional life and who are not members of any political party, and whose nomination shall be approved by Parliament.

*Twenty First Amendment to the Constitution*  11

(6) The President shall, within fourteen   
days of the receipt of a written communications   
pecifying the nominations made under   
subparagraphs (*d*) and (*e*) of paragraph (1),

|  |  |
| --- | --- |
| 5 | make the necessary appointments. In the event of the President failing to make the necessary |

appointments within such period of fourteen days, the persons nominated shall be deemed to have been appointed as members of the 10 Council, with effect from the date of expiry of such period.

(7) Notwithstanding the dissolution of   
Parliament, the Speaker, the Prime Minister,   
the Leader of the Opposition and the Members

|  |  |
| --- | --- |
| 15 | of Parliament who are members of the Constitutional Council, shall continue to hold |

office as Members of such Council, until such   
time after a General Election following such   
dissolution, a Member of Parliament is

|  |  |
| --- | --- |
| 20 | appointed as the Speaker, Prime Minister or recognized as the Leader of the Opposition. |

(8) Every member of the Council   
appointed under sub-paragraphs (*d*) and (*e*) of   
paragraph (1), shall hold office for a period of

|  |  |
| --- | --- |
| 25 | three years from the date of appointment unless the member earlier resigns his office by writing |

addressed to the President, is removed from office by the President on both the Prime Minister and the Leader of the Opposition 30 forming an opinion that such member is physically or mentally incapacitated and is unable to function further in office or is convicted by a court of law for any offenceinvolving moral turpitude or if a

35 resolution for the imposition of civic disability

12 *Twenty First Amendment to the Constitution*

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.

|  |  |
| --- | --- |
| 5 | (9) In the event of there being a vacancy among the members appointed under |

subparagraphs (*d*) or (*e*) of paragraph (1), the President shall, within fourteen days of the occurrence of such vacancy and having regard 10 to the provisions of the aforementioned subparagraphs, 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 15 member whom he succeeds.

(10) A member appointed under   
subparagraphs (*d*) and (*e*) of paragraph (1), shall   
not be eligible for re-appointment for a   
successive term.

|  |  |
| --- | --- |
| 20 | (11) The appointments made by the President under sub-paragraphs (*d*) and (*e*) of |

paragraph (1), shall be communicated to the   
Speaker.

|  |  |  |
| --- | --- | --- |
| 25 | Council to | 41B. (1) No person shall be appointed by |
| recommend | the President as the Chairman or a member of |
| appointments |
| any of the Commissions specified in the |

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

|  |  |
| --- | --- |
| 30 | (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.

*Twenty First Amendment to the Constitution*  13

(3) It shall be the duty of the Council to   
recommend to the President fit and proper   
persons for appointment as Chairmen or

|  |  |
| --- | --- |
| 5 | 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,

|  |  |
| --- | --- |
| 10 | including gender. In the case of the Chairmen of such Commissions, the Council shall |

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

|  |  |
| --- | --- |
| 15 | (4) The President shall appoint the Chairman and the members of the |

Commissions specified in the Schedule to this   
Article, within fourteen days of receiving the   
recommendations of the Council for such

|  |  |
| --- | --- |
| 20 | appointments. In the event of the President failing to make the necessary appointments |

within such period of fourteen days–

(*a*) the persons recommended under   
 paragraph (3), to be appointed

|  |  |
| --- | --- |
| 25 | as members of a Commission, shall be deemed to have been appointed |

as the members of the Commissions;   
and

|  |  |  |
| --- | --- | --- |
| 30 | (*b*) | the person whose name appears first |
| in the list of names recommended |
| under paragraph (3), to be appointed |

as the Chairman of a Commission,   
shall be deemed to have been   
appointed the Chairman of the

|  |  |
| --- | --- |
| 35 | respective Commission, with effect from the date of expiry of such |

period.

14 *Twenty First Amendment to the Constitution*

(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

|  |  |
| --- | --- |
| 5 | 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

|  |  |
| --- | --- |
| 10 | the Schedule to this Article, other than the Election Commission, shall be responsible and |

answerable to Parliament.   
 SCHEDULE

(*a*) The Election Commission.

15 (*b*) The Public Service Commission. (*c*) The National Police Commission.

(*d*) The Audit Service Commission.

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

|  |  |
| --- | --- |
| 20 | (*f*) The Commission to Investigate Allegations of Bribery or Corruption. |

(*g*) The Finance Commission.(h) The   
 Delimitation Commission.

(*i*) The National Procurement Commission.

|  |  |
| --- | --- |
| 25 | (j) The Right to Information Commission and. |

(k) The Colombo Port City Economic   
 Commission.

*Twenty First Amendment to the Constitution*  15

Council to 41C. (1) No person shall be appointed by approve the President to any of the Offices specified in appointments   
 the Schedule to this Article, unless such appointment has been approved by the Council 5   
 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 10 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   
which cumulatively exceed fourteen days,

|  |  |
| --- | --- |
| 15 | 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 20 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 25 Court and the President and Judges of the Court of Appeal, the Council shall obtain the views of the Chief Justice.

SCHEDULE

PART I

|  |  |
| --- | --- |
| 30 | (*a*) The Chief Justice and the Judges of the Supreme Court. |

16 *Twenty First Amendment to the Constitution*

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

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

5 PART II

(*a*) The Attorney-General. (b) The Auditor-  
 General.

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

(*d*) The Parliamentary Commissioner for 10 Administration (Ombudsman).

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

(*f*) The Governor of the Central Bank of   
 SriLanka

(*l*) Members of the Monetary Board of the 15 Central Bank of Sri Lanka, other than the chairperson and the Secretary to the Ministry of the Minister in charge of the subject ofFinance

|  |  |  |
| --- | --- | --- |
| 20 | Secretary - | 41D. (1) There shall be a Secretary-General |
| General and | to the Council who shall be appointed by the |
| other officers |
| Council for a term of five years. Upon |
| of the |
| Council | theexpiration of his term of office, the |

Secretary- General shall be eligible for   
reappointment.

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

*Twenty First Amendment to the Constitution*  17

Meetings of 41E. (1) The Council shall meet at least the Council twice every month, and as often as may be necessary to discharge the functions assigned to the Council by the provisions of this Chapter

|  |  |
| --- | --- |
| 5 | 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 10 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.

15 (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 20 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.

|  |  |
| --- | --- |
| 25 | (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 30 presiding at such meeting, shall have a casting vote.

(6) The procedure in regard to meetings of   
the Council and the transaction of business at   
such meetings shall be determined by the

18 *Twenty First Amendment to the Constitution*

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.

5 (7) Any member of the Council appointed under sub-paragraphs (*d*) or (*e*) 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 10 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 15 its membership, and no act, proceeding or decision of the Council shall be or deemed tobe 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 20 that there has been any defect in the appointment of a member.

|  |  |  |
| --- | --- | --- |
| 25 | Continuation | 41F. Notwithstanding the expiration of the |
| in office of | term of office of the members of the Council or |
| the members |
| of the members of any Commission specified |
| of the |
| Council | 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.

|  |  |  |
| --- | --- | --- |
| 30 | Powers and | 41G. (1) The Council shall, once in every |
| duties of the | three months, submit to the President a report |
| Council |
| of its activities during the preceding three |

months.

*Twenty First Amendment to the Constitution*  19

(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.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 5 | (3) The Council shall have the power to | | | Replacement |
| make rules relating to the performance and | | |
| discharge of its duties and functions, including | | |
| 10 | procedures to be followed in regard to the | | |
| recommendation or approval of persons | | |
| suitable for any appointment under Article | | |
| 15 | 41B or Article 41C. All such rules shall be | | |
| published in the *Gazette* and be placed | | |
| beforeParliament within three months of | | |
| such publication. | | |
| Expenses to be charged on the | | 41H. The expenses incurred by the Council shall be charged on the Consolidated Fund. |
| 20 | Consolidated | | |
| Fund | | |
| Finality of | | 41I. Subject to the provisions of Article 126, |
| decisions of the Council | | 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 | | |
| 25 | Council, which decision, approval or | | |
| recommendation shall be final and conclusive | | |
| for all purposes.”. | | |
| **15.** | Chapter VIII of the Constitution is hereby repealed | |
| and the following Chapter substituted therefor:- | | | of the Chapter |
| VIII of the |
| “CHAPTER VIII | | |
| Constitution |

THEEXECUTIVE

|  |  |  |
| --- | --- | --- |
| 30 | Prime | THE CABINET OF MINISTERS |
| 42. (1) There shall be a Cabinet of |
| Minister and | Ministers charged with the direction and |
| Cabinet of |
| control of the Government of the Republic. |
| Ministers |

20 *Twenty First Amendment to the Constitution*

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

(3) The Prime Minister shall be the Head of 5 the Cabinet of Ministers.

(4) The President shall appoint as Prime   
Minister, the Member of Parliament, who   
commands the confidence of Parliament.

(5) A vote of confidence in the Member 10 appointed as Prime Minister shall be moved in Parliament, at its first sitting, immediately after the election of the Speaker, in accordance with such procedure as Parliament may by law or Standing Orders provide:

|  |  |
| --- | --- |
| 15 | Provided that, if the vote of confidence shall not be passed by a majority of the Members of |

Parliament present and voting, the Member already appointed as Prime Minister shall cease to hold office, and Parliament shall elect one of 20 its Members to be Prime Minister, in accordance with such procedure as Parliament may by law or Standing Orders provide.

(6) In the event of a Member being elected as Prime Minister in terms of the proviso to 25 paragraph (5) of this Article, such Member shall be sworn in by the President forthwith, and in the event of his not been sworn in within two days of such election, shall be deemed to have been sworn in as Prime Minister, at the end of 30 such period of two days.

(7) The Prime Minister appointed by the   
President or deemed to have been sworn in as   
Prime Minister, shall, unless he ceases to hold

*Twenty First Amendment to the Constitution*  21

office in accordance with the provisions of the   
Constitution, hold office until a Prime Minister   
is appointed after the conclusion of the next   
Parliamentary General Election.

|  |  |  |
| --- | --- | --- |
| 5 | Minister and | 43. (1) The President shall, on the advice of |
| their subjects | the Prime Minister, specify the number of |
| and functions |
| Ministers of the Cabinet of Ministers and the |

Ministries and the assignment of subjects and   
functions to such Ministers.

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

(3) The President shall, on the advice of the

|  |  |
| --- | --- |
| 15 | Prime Minister, change the assignment of subjects and functions of the Ministers of the |

Cabinet of Ministers. Such changes shall not   
affect the continuity of the Cabinet of   
Ministers and the continuity of its

|  |  |  |
| --- | --- | --- |
| 20 | Ministers | responsibility to Parliament. |
| 44. (1) The President shall, on the advice of |
| 25 | who are not | the Prime Minister, appoint from among |
| members of |
| Members of Parliament, Ministers who shall |
| the Cabinet |
| not be members of the Cabinet of Ministers. |
| of Ministers |
| (2) The President shall, on the advice of the |
| Prime Minister, 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,

30 such Ministers.

(3) The President shall, on the advice of the   
Prime Minister, change any assignment made   
under paragraph (2).

22 *Twenty First Amendment to the Constitution*

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

(5) Any Minister of the Cabinet of Ministers 5 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 10   
 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 15 power or duty is conferred or imposed on such Minister of the Cabinet of Ministers.

|  |  |
| --- | --- |
| Deputy  Ministers | 45. (1) The President shall, on the advice of the Prime Minister, appoint from among |

Members of Parliament, Deputy Ministers to 20 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 25 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 30 delegated notwithstanding anything to the contrary in the written law by which that power or duty is conferred or imposed on such Minister.

*Twenty First Amendment to the Constitution*  23

Limitation of 46. (1) The total number of–  
numbers and   
tenure of office of (*a*) Ministers of the Cabinet of

Ministers and Ministers shall not exceed twenty

Deputy five; and   
Ministers

|  |  |
| --- | --- |
| 5 | (*b*) Ministers who are not members of the Cabinet of Ministers and |

Deputy Ministers shall not, in the   
aggregate, exceed twenty five.

(2) The Prime Minister shall continue to

|  |  |
| --- | --- |
| 10 | hold office throughout the period during which the Cabinet of Ministers continues to function |

under the provisions of the Constitution   
unless–

(*a*) he resigns his office by a writing under 15 his hand addressed to the President; or

(*b*) he ceases to be a Member of   
 Parliament.

(3) A Minister of the Cabinet of Ministers,

|  |  |
| --- | --- |
| 20 | a Minister who is not a member of the Cabinetof 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–

|  |  |
| --- | --- |
| 25 | (*a*) is removed from office under the hand of the President on the advice of the |

Prime Minister; or

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

30 (*c*) ceases to be a Member of Parliament; or

24 *Twenty First Amendment to the Constitution*

(*d*) is removed in terms of paragraph (4) of   
 this Article.

(4) If Parliament passes a vote of no-confidence against any Minister of the 5 Cabinet of Ministers, a Minister who is not a member of the Cabinet of Ministers, or a Deputy Minister, such Minister shall stand removed from such office upon the passing of such vote of no-confidence.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 10 | Cabinet of | 47. (1) The Cabinet of Ministers | | | |
| Ministers | functioning immediately prior to the | | | |
| after |
| dissolution | of | Parliament | shall, |
| dissolution |
| 15 | notwithstanding such dissolution, continue to | | | |
| of Parliament |
| 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 20 paragraph (2) and sub paragraph (*a*) or (*b*) of paragraph (3) of Article 46 and shall comply with the criteria set out by the Commissioner of Elections and shall not cause any undue influence on the General Election.

25 (2) Notwithstanding the death, 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

|  |  |
| --- | --- |
| 30 | 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,

35 duties and functions of the Prime Minister.

*Twenty First Amendment to the Constitution*  25

(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 5 Minister of the Cabinet of Ministers, the President may, on the advice of 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

|  |  |  |
| --- | --- | --- |
| 10 | Dissolution | the powers, duties and functions of such |
| Minister. |
| 48. (1) On the Prime Minister ceasing to |
| 15 | of the | hold office by death, resignation or due to the |
| Cabinet of | dissolution of the Cabinet of Ministers, except |
| Ministers | during the period intervening between the |
| dissolution of Parliament and the conclusion |

of the General Election, the Cabinet of Ministers shall stand dissolved and the President shall appoint a Prime Minister, 20 Ministers of the Cabinet of Ministers, Ministers who are not members of the Cabinet of Ministers and Deputy Ministers in terms of Articles 42, 43, 44 and 45:

Provided that if after the Prime Minister

|  |  |
| --- | --- |
| 25 | 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

|  |  |
| --- | --- |
| 30 | 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 47 shall, *mutatis*   
*mutandis*, apply.

35 Provided further that in the event of such dissolution, the President shall forthwith

26 *Twenty First Amendment to the Constitution*

summon Parliament, notwithstanding such   
dissolution, to enable the provisions of   
paragraphs (4)-(7) of Article 42 of the   
Constitution to be given effect.

5 (2) If Parliament rejects the Appropriation Bill or passes a vote of no-confidence in the Government, the Prime Minister shall be deemed to have resigned and the Cabinet of

|  |  |
| --- | --- |
| 10 | 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, Ministers who are not members of the Cabinet of Ministers and 15 Deputy Ministers in terms of Articles 42, 43, 44 and 45:

Provided that for the purpose of this Article, during the first two years from the first sitting of Parliament, the Appropriation Bill shall 20 only be deemed to be rejected if it is defeated in Parliament on two occasions.”

Provided further that if the President has in the exercise of his powers under Article 70, dissolved Parliament, he shall forthwith 25 summon Parliament, notwithstanding such dissolution, to enable the provisions of paragraphs (4)-(7) of Article 42 of the Constitution to be given effect, and shall accordingly appoint a Prime Minister,

|  |  |
| --- | --- |
| 30 | Ministers of the Cabinet of Ministers, Ministers who are not members of the Cabinet of |

Ministers and Deputy Ministers in terms of   
Articles 42, 43, 44 and 45.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | *Twenty First Amendment to the Constitution* | | 27 |
| Acting | 49. Whenever a Minister of the Cabinet of | |
| Ministers and Deputy  Ministers | 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, on the advice of 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

|  |  |  |
| --- | --- | --- |
| 10 | Secretary to | Deputy Minister. |
| 50. (1) There shall be a Secretary to the |
| the Cabinet |
| Cabinet of Ministers who shall be appointed |
| of Ministers |
| by the President, on the advice of the Prime |

Minister.

15 (2) The Secretary shall, subject to the direction of the Prime Minister, 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 Prime

|  |  |  |
| --- | --- | --- |
| 20 | Secretary to | Minister or the Cabinet of Ministers. |
| 51. (1) There shall be a Secretary to the |
| the Prime | Prime Minister who shall be appointed by the |
| Minister |
| President on the advice the Prime Minister. |

(2) The Secretary shall have charge of the

|  |  |
| --- | --- |
| 25 | 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.

|  |  |  |
| --- | --- | --- |
| 30 | 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, on the advice of the Prime Minister.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 5 | 28 | *Twenty First Amendment to the Constitution* | | | Amendment of |
| (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) The Secretary to a Ministry shall cease | | | |
| to hold office upon the dissolution of the | | | |
| 10 |
| Cabinet of Ministers under the provisions of | | | |
| the Constitution or upon a determination by | | | |
| the President under Article 43 or 44 which | | | |
| 15 | results in the 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 | | | |
| 20 | office of the 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 | | | |
| 25 | be deemed not to be departments of | | | |
| Government. | | | |
| Official oath and  affirmation | | | 53. Every person appointed to any office referred to in this Chapter shall not enter upon the duties of his office until he takes and subscribes the oath, or makes and subscribes |
| the affirmation, set out in the Fourth Schedule | | | |
| and Seventh Schedule.”. | | | |
| **16.** | Article 54 of the Constitution is hereby amended as | | |
| 30 | follows:- | | | | Article 54 |
| of the |
| 35 | (1) | | by the repeal of paragraph (1) of that Article, and | | Constitution |
| the substitution therefor of the following | | | |
| paragraph:- | | | |
| “(1) There shall be a Public Service Commission | | | |
| (in this Chapter referred to as the “Commission”) | | | |

*Twenty First Amendment to the Constitution*  29

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 5 years experience as a public officer. The President on the recommendation of the Constitutional Council shall appoint one member as its Chairman.”.

|  |  |  |
| --- | --- | --- |
| 10 | (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 15 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

20 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

|  |  |  |
| --- | --- | --- |
| 25 | (3) | 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 30 Commission for a period not exceeding two months and shall, for the duration of such period, on the

30 *Twenty First Amendment to the Constitution*

recommendation of the Constitutional Council,   
appoint a person qualified to be a member of the   
Commission, to be a temporary member for the   
period of such leave.”.

|  |  |  |
| --- | --- | --- |
| 5 | **17.** Article 61E of the Constitution is hereby amended by | Amendment of |
| 10 |
| the deletion of the words “Article 41A”, and the substitution | Article 61E |
| of the |
| therefor of the words ‘Article 41C” in paragraph (*b*) thereof. |
| Constitution |
| **18.**  Article 65 of the Constitution is hereby amended as | Amendment of |
| follows:– | Article 65 |
| of the |
| (*a*) by the deletion of the words “Article 41A”, and the | Constitution |

substitution therefor of the words ‘Article 41C” in   
paragraph 1 thereof;

(*b*) by the addition of the words ‘on the recommendation of the Constitutional Council,’15 immediately after the word ‘President’ in item (*d*) of paragraph (5);

(*c*) by the addition of the words ‘subject to the   
approval of the Constitutional Council,’  
immediately after the words ‘President may’ in

|  |  |  |
| --- | --- | --- |
| 20 | paragraph (6) thereof. | Amendment of |
| **19.** Article 70 of the Constitution is hereby amended as |
| follows:– | Article 70 |
| of the |
| (*a*) by the repeal of paragraph (*a*) to the proviso to | Constitution |

paragraph (1) of that Article, and the substitution

25 therefor of the following paragraph :

“(*a*) Provided that the President shall not dissolve   
Parliament unless Parliament by resolution, passed   
by not less than one half of the whole number of

*Twenty First Amendment to the Constitution*  31

Members of Parliament (including those not   
present) voting in its favour, requests the President   
to do so.”;

(*b*) by the deletion of paragraph (*c*) of the proviso to

|  |  |  |
| --- | --- | --- |
| 5 | paragraph (1) of that Article. | Amendment of |
| **20.**  Article 78 of the Constitution is hereby amended by |
| Article 78 |
| the repeal of paragraph (1) of that Article, and the substitution |
| of the |
| therefor of the following paragraph:- |
| Constitution |

“(1) Every Bill shall be published in the *Gazette* at least 10 fourteen days before it is placed on the Order Paper of Parliament.”

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | **21.** | Article 80 of the Constitution is hereby amended by | Amendment of |
| the addition of the following words, immediately after | | Article 80 |
| of the |
| paragraph (2) thereof: | |
| Constitution |
| “Provided that, where the President fails to certify the | |

Bill within fourteen days of the expiry of the period specified in sub- paragraph (*a*), or in the event a Petition is filed challenging the validity of the Referendum, within fourteen days of the Supreme Court determining the 20 Referendum to be valid, the Bill shall be deemed to be certified upon the expiry of the aforesaid period of fourteen days.”.

|  |  |  |  |
| --- | --- | --- | --- |
| 25 | **22.** | Article 85 of the Constitution is hereby amended as | Amendment of |
| follows: | | Article 85 |
| of the |
| (*a*) by the addition of the following words, | | Constitution |

immediately after paragraph (1) thereof:

“Provided that, where the President fails to   
submit to the People by Referendum, any such Bill

32 *Twenty First Amendment to the Constitution*

or provision, within 28 days of the two-thirds of the   
whole number of Members of Parliament (including   
those not present) casting their votes in favour of   
such Bill, such Bill or provisions thereof, shall be

|  |  |
| --- | --- |
| 5 | deemed to have been submitted to the People by Referendum, and the Elections Commission shall |

act accordingly.”;

(*b*) by the repeal of paragraph (2) of that Article.

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | **23.** | Article 88 of the Constitution is hereby amended by | Amendment of |
| the deletion of the words “of the President and”. | | Article 88 |
| of the |

Constitution

|  |  |  |
| --- | --- | --- |
| **24.** | Article 89 of Constitution is hereby amended as | Amendment of Article 89  of the  Constitution |
| follows:–  (*a*) by the deletion of the words “at an election of the | |

President”;

15 (*b*) in paragraph (*e*) of that Article, by the deletion of the words “or to the election of the President”, wherever those words occur in that paragraph;

(*c*) in paragraph (*g*) of that Article, by the deletion of   
the words “or to the election of the President “,

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | wherever those words occur in that paragraph; | | Amendment of |
| **25.** | Article 91 of the Constitution is hereby amended in |
| sub-paragraph (*d*) of paragraph (1) of that Article as follows:- | | Article 91 |
| of the |
| (*a*) by the deletion of item (iv) of that sub-paragraph, | | Constitution |

and the substitution thereof of the following items:-

|  |  |
| --- | --- |
| 25 | “(iv) a member of the Constitutional Council, referred to in Article 41A other than any Member of |

Parliament;

*Twenty First Amendment to the Constitution*  33

(iv-a) a member of any Commission specified in   
the Schedule to Article 41B;”;

(*b*) by the addition immediately after item (xii) of that   
 sub-paragraph, of the following new item:-

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | “(xiii) a citizen of Sri Lanka who is also a citizen | | Amendment of |
| of any other country;”. | |
| **26.** | Article 92 of the Constitution is hereby amended by |
| 10 | the addition of the words ‘and / or by Parliament,’ at the | | Article 92 |
| end of sub-paragraph (*c*) thereof’. | | of the |
| Constitution |
| **27.** | Article 93 of the Constitution is hereby amended |
| Amendment of |
| by the deletion of the words “of the President of the Republic | | Article 93 |
| and”. | | of the |
| Constitution |
| **28.** | Article 94 of the Constitution is hereby repealed. | Amendment of |
| Article 94 |

of the   
Constitution

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | **29.** Article 95 of the Constitution is hereby amended in | | Amendment of |
| paragraph (2) of that Article, by the substitution for the words | | Article 95 |
| of the |
| “Article 41A” of the words “Article 41B”. | |
| Constitution |
| 20 | **30.** | Article 99 of the Constitution is hereby amended as | Amendment of |
| follows:– | | Article 99 |
| of the |
| (*a*) By the repeal of the proviso to sub-paragraph (*a*) of | | Constitution |
| paragraph (13) of Article 99, and the substitution | |
| therefor of the following new proviso: | |

“Provided that:

(i) in the case of the expulsion of a Member of   
Parliament such vacancy shall be suspended

|  |  |
| --- | --- |
| 25 | if, prior to the expiration of the said period of one month, he applies to the Supreme |

Court by Petition in writing, and the

34 *Twenty First Amendment to the Constitution*

Supreme Court, within two weeks of the   
filing of such Petition, after an *inter partes*   
hearing, grants leave to proceed with such   
Application in the first instance;

|  |  |
| --- | --- |
| 5 | (ii) such seat shall not become vacant if the Supreme Court, upon finally hearing the |

Application determines that such expulsion   
was invalid;

(iii) the Supreme Court shall limit its inquiry to 10 the legality of the expulsion on the merits, and shall exercise no jurisdiction with regard to matters of procedure adopted by the political party or independent group;

(iv) such Petition shall be inquired into by no 15 less than three judges of the Supreme Court, and that the Application shall be disposed of within two months of the filing of such Petition;

(v) Where the Supreme Court determines that 20 the expulsion was valid the vacancy shall occur from the date of such determination;

(vi) Notwithstanding a determination of the Supreme Court that an expulsion was invalid, such Member of Parliament shall 25 be disqualified from accepting appointment as a Minister in terms of Articles 43, 44, or 45, during the duration of such Parliament, in a government formed by any political party other than the political party from 30 which he was elected to Parliament.”;

(*b*) By the addition of the following new paragraph   
which shall take effect as paragraph (14) of   
Article 99:

*Twenty First Amendment to the Constitution*  35

“(14) Except as provided for in paragraph (13) of this Article, no court shall have jurisdiction to hear and determine any matter relating to disciplinary action taken or proposed to be taken by any 5 recognized political party or independent group against a member thereof, who is a Member of Parliament, and accordingly no court shall have the power to grant a writ, injunction, an enjoining order or any other relief, preventing, restraining or

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | prohibiting any such action or proposed action.”. | | Amendment of |
| **31.** | Article 103 of the Constitution is hereby amended |
| as follows:– | | Article 103 |
| of the |
| (*a*) in paragraph (1) of that Article, by the substitution | | Constitution |

for the words “Article 41A” of the words “Article 15 41B”;

(*b*) by the addition of the words “subject to the   
provisions of Article 41B,” immediately after the   
words “The President shall” in paragraph (1)   
thereof’;

20 (*c*) in paragraph (7) of that Article, by the substitution for the words “Article 41A” of the words “Article 41B”;

|  |  |  |
| --- | --- | --- |
| **32.** | Article 104B of the Constitution is hereby amended | Amendment of Article 104B of the |
| by the repeal of paragraph (4*a*) thereof. | |

Constitution

|  |  |  |  |
| --- | --- | --- | --- |
| 25 | **33.** | Article 104E of the Constitution is hereby amended | Amendment of |
| as follows: | | Article 104E |

of the (*a*) by the addition of the words ‘subject to the Constitution approval of the Constitutional Council,’,   
 immediately after the words ‘who shall’ in   
30 paragraph (1) thereof;

36 *Twenty First Amendment to the Constitution*

(*b*) in sub-paragraph (*c*) of paragraph (7) of that   
Article, by the substitution for the words “sixty” of   
the words “sixty five”

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | **34.** | Article 107 of the Constitution is hereby amended | Amendment of |
| by the substitution for the words “Article 41A” of the words | | Article 107 |
| of the |
| “Article 41C”. | |
| Constitution |
| 10 | **35.** Article 109 of the Constitution is hereby amended as | | Amendment of |
| follows:– | | Article 109 |
| of the |
| (*a*) by the substitution for the words “Article 41A” of | | Constitution |
| the words “Article 41C” in paragraph (1) thereof; | |

(*b*) by the substitution for the words “Article 41A” of   
 the words “Article 41C” in paragraph (2) thereof.

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | **36.** | Article 111C of the Constitution is hereby amended, | Amendment of |
| by the deletion of the words “or at any election of the | | Article 111C |
| of the |
| President of the Republic” in paragraph 2 thereof. | |
| Constitution |
| 20 | **37.** | Article 111D of the Constitution is hereby | Amendment of |
| amended, by the substitution for the words “Article 41A” of | | Article 111D |
| the words “Article 41C” in paragraph (1) thereof. | | of the |
| Constitution |
| **38.** | Article 111E of the Constitution is hereby amended |
| Amendment of |
| as follows: | | Article 111E |
| of the |
| (*a*) by the substitution for the words “Article 41A” of | | Constitution |

the words “Article 41C” in paragraph (5) thereof;

(*b*) by the addition of the words “with the approval   
of the Constitutional Council,” immediately

|  |  |  |  |
| --- | --- | --- | --- |
| 25 | after the words “The President may,” in paragraph | | Amendment |
| (6) thereof. | |
| **39.** | Article 129 of the Constitution is hereby amended |
| by the repeal of paragraphs (1) and (4) thereof. | | of Article |
| 129 of the |

Constitution

|  |  |  |  |
| --- | --- | --- | --- |
| *Twenty First Amendment to the Constitution* | | 37 | Amendment of Article 153  of the  Constitution |
| **40.** | Article 153 of the Constitution is hereby amended | |
| as follows:   (*a*) by the substitution for the words “Article 41A” of | | |

the words “Article 41C” in paragraph (1) thereof;

5 (*b*) by the deletion of the words ‘The Auditor General shall hold office during good behaviour’ in paragraph (1) thereof;

(*c*) by the addition of the words ‘on the recommendation of the Constitutional Council,’10 immediately after the word ‘President’ in item (*d*) of paragraph (3) thereof.

(*d*) by the substitution for the words “Article 41A” of   
 the words “Article 41C” in paragraph (4) thereof;

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | **41.** The following new Articles are hereby inserted | | Insertion of |
| immediately after Article 153, and shall have effect as | | Articles |
| 153A-H of the |
| 20 | Article 153A, 153B, 153C, 153D, 153E, 153F, 153G and 153H | |
| Constitution. |
| of the Constitution:- | |
| “Constitution of the Audit Service  Commission | 153A. (1) There shall be an Audit Service Commission (in this Chapter referred to as“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

25 Council:-

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

38 *Twenty First Amendment to the Constitution*

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

(*c*) a retired Class I officer of the Sri Lanka 5 Administrative Service.

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

(i) earlier resigns from his office, by letter 10 addressed to the President;

(ii) is removed from office as hereinafter   
 provided; or

(iii) becomes a Member of Parliament or a member of a Provincial Council or any 15 local authority.

(*b*) 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 20 Council.

(3) 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 25 under paragraph (1).

(4) 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 30 shall not be diminished during the term of the Chairman or members.

*Twenty First Amendment to the Constitution*  39

(5) 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.

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

|  |  |  |
| --- | --- | --- |
| 10 | Meeting of | 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   
SriLanka State Audit Service and such other

|  |  |  |
| --- | --- | --- |
| 15 | Powers and | matters connected with and incidental thereto. |
| 153C. (1) The power of appointment, |
| 20 | Functions of | promotion, transfer, disciplinary control and |
| the |
| dismissal of the members belonging to the Sri |
| Commission |
| 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 25 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 30 Ministers pertaining to the same;

40 *Twenty First Amendment to the Constitution*

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

(c) exercise, perform and discharge such 5 other powers, duties and functions as may be provided for by law.

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

10 (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 rules.

(5) Every such rule shall, within three months of such publication in the *Gazette* be 15 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.

|  |  |  |
| --- | --- | --- |
| 20 | 153D. (1) A person who otherwise than in | Influencing |
| the course of his duty, directly or indirectly, by | or attempting |
| to influence |
| himself or through any other person, in any |
| decision of |
| 25 | manner whatsoever, influences or attempts to |
| the |
| influence any decision of the Commission, any | Commission |
| or any officer |
| member thereof or any officer of the Sri Lanka |
| of the Sri |
| 30 | State Audit Service, shall be guilty of an | Lanka State |
| offence and shall on conviction be liable to a | Audit |
| Service, to be |
| fine not exceeding one hundred thousand |
| an offence. |
| rupees or to imprisonment for a term not |
| exceeding three years or to both such fine and |

imprisonment.

*Twenty First Amendment to the Constitution*  41

(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).

|  |  |  |
| --- | --- | --- |
| 5 | Immunity | 153E. Subject to the jurisdiction conferred |
| from legal | on the Supreme Court under Article 126 and to |
| proceedings |
| the powers granted to the Administrative |

Appeals Tribunal under Article 153G, no court or tribunal shall have the power or jurisdiction 10 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 on such Commission under this Chapter or under any

|  |  |  |
| --- | --- | --- |
| 15 | Costs and | law. |
| 153F. The costs and expenses of the |
| expenses |
| Commission shall be a charge on the |

Consolidated Fund.

|  |  |  |
| --- | --- | --- |
| 20 | Appeals to | 153G. Any officer of the Sri Lanka State |
| the |
| Audit Service who is aggrieved by any order |
| Administrative |
| relating to the appointment, promotion or |
| Appeals |
| Tribunal | transfer of such officer or any order on a |

disciplinary matter or dismissal made by the Commission, in respect of such officer, may 25 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.

|  |  |  |
| --- | --- | --- |
| 30 | Commission | 153H. The Commission shall be responsible |
| to be | and answerable to Parliament in accordance |
| answerable to |
| with the provisions of the Standing Orders of |
| Parliament |

42 *Twenty First Amendment to the Constitution*

Parliament for the discharge of its functions   
and shall forward to Parliament in each   
calendar year a report of its activities in such   
year.”

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | **42.** | Article 154 of the Constitution is hereby amended | Amendment of |
| Article 154 |
| by the repeal of paragraph (1) of that Article and the | |
| of the |
| substitution of the following paragraph therefor:- | |
| Constitution |

“(1) The Auditor-General shall audit all Departments of the Government, the Office of the Secretary to the 10 President, the Office of the Secretary to the Prime Minister, the Offices of the Cabinet of Ministers, and Ministers and Deputy Ministers appointed under Articles 44 and 45 of the Constitution, the Judicial Services Commission, the Constitutional 15 Council, the Commissions referred to in the Schedule to Article 41B, the Parliamentary Commissioner for Administration, the Secretary- General of Parliament, local authorities, public corporations, business and other undertakings 20 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

25 the shares of that company including the accounts thereof.”.

|  |  |  |
| --- | --- | --- |
| **43.** | Article 154F of the Constitution is hereby amended | Amendment of Article 154F of the |
| by the deletion of paragraphs (2) and (3) thereof. | |

Constitution

|  |  |  |  |
| --- | --- | --- | --- |
| 30 | **44.** | Article 154R of the Constitution is hereby amended | Amendment of |
| Article 154R |
| by the substitution for the words “Article 41A” of the words | |
| of the |
| “Article 41B” in sub-paragraph (*c*) of paragraph (1) thereof. | |
| Constitution |

|  |  |  |  |
| --- | --- | --- | --- |
| *Twenty First Amendment to the Constitution* | | 43 | Amendment  of Article  155A of the  Constitution |
| **45.** | Article 155A of the Constitution is hereby amended | |
| as follows:   (*a*) by the deletion of the words “not less than five | | |

members and not more than” in paragraph (1) 5 thereof;

(*b*) by the substitution for the words “Article 41A” of   
 the words “Article 41B” in paragraph (1) thereof.

(c) by the addition of the words ‘on the recommendation of the Constitutional Council,’10 immediately after the words ‘The President shall’ in paragraph (1) thereof.

(d) by the addition of the words “for reasons assigned and with the approval of the Constitutional Council” immediately after the words “removed 15 from office by the President” in paragraph (4) thereof.

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | **46.** | Article 155C of the Constitution is hereby amended | Amendment |
| by the substitution for the words “under paragraph (1) of | | of Article |
| 155C |
| Article 126,”, of the words “under Article 126 and the | |
| stitution |
| powers granted to the Administrative Appeals | |

Tribunal under Article 155L,”

|  |  |  |
| --- | --- | --- |
| **47.** | Article 155FF of the Constitution is hereby | Repeal of |
| Article |

155FFof the   
Constitution

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 25 | **48.** | The following Articles are hereby inserted | | Insertion of |
| immediately after Article 155FFF and shall have the effect as | | | Articles 155G |
| - 155L of the |
| Articles, 155G, 155H, 155J, 155K and 155L respectively, of | | |
| Constitution |
| the Constitution:- | | |
| “Powers of  the  Commission | | 155G. (1) (*a*) The appointment, promotion transfer, disciplinary control and dismissal of |

44 *Twenty First Amendment to the Constitution*

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

|  |  |
| --- | --- |
| 5 | 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 10 Provincial Police Service Commissions as and when such Commissions are established under Chapter XVlIA of the Constitution.

(2) The Commission shall establish procedures to entertain and investigate public 15 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 20 forthwith inform the Inspector-General of Police.

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

25 officers, including:-

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

30 same;

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

*Twenty First Amendment to the Constitution*  45

(*c*) the nature and type of the arms, ammunition and other equipment necessary for the use of the National Division and the Provincial Divisions; 5 and

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

(4) The Commission shall exercise all such

|  |  |
| --- | --- |
| 10 | powers and discharge and perform all such functions and duties as are vested in it |

underAppendix I of List I contained in the   
Ninth Schedule to the Constitution.

|  |  |  |
| --- | --- | --- |
| 15 | Delegation | 155H. (1) The Commission may delegate to a |
| of certain | Committee of the Commission (not consisting |
| powers of |
| of members of the Commission) as shall be |
| the |
| nominated by the Commission, the powers of |
| Commission |
| to a | appointment, promotion, transfer, disciplinary |
| Committee | control and dismissal of such categories of |

police officers as are specified by the 20 Commission.

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

(3) The procedure and quorum for meetings

|  |  |
| --- | --- |
| 25 | 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*.

|  |  |  |
| --- | --- | --- |
| 30 | Delegation of | 155J. (1) The Commission may, subject to |
| certain | such conditions and procedures as may be |
| functions by |
| prescribed by the Commission, delegate to the |
| the |
| Commission | Inspector-General of Police or in consultation |

46 *Twenty First Amendment to the Constitution*

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.

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

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

officer its powers of appointment, promotion, 10 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 his 15 delegated powers.

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

20 Police Officer referred to in Article 155H 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 25 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) 30 or paragraph (2), or to give directions in relation thereto or to order such further or other inquiry, as to the Commission shall deem fit.

*Twenty First Amendment to the Constitution*  47

(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 5 the Inspector-General of Police or a Committee or police officer under Article 155H or 155J, the Commission shall not, whilst such delegation is in force, exercise, perform or discharge its powers, duties or functions in respect of

|  |  |
| --- | --- |
| 10 | thecategories of police officers in respect of which such delegation is made, subject to the |

right of appeal hereinbefore provided.

|  |  |  |
| --- | --- | --- |
| 15 | Appeals to | 155L. Any police officer aggrieved by any |
| Administrative | order relating to promotion, transfer, or any order |
| Appeals |
| on a disciplinary matter or dismissal made by |
| Tribunal |
| 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,

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 20 | rescind or confirm any order or decision made | | | Replacement |
| by the Commission.”. | | |
| **49.** | Article 155M is hereby repealed and the following | |
| 25 | Article substituted therefor:- | | | of Article |
| 155Mof the |
| 155M. Until the Commission otherwise | | | Constitution |
| “Saving of  existing rules and  regulations. | | 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.”.

|  |  |  |  |
| --- | --- | --- | --- |
| 30 | **50.** | Article 156 of the Constitution is hereby amended | Amendment |
| as follows:– | | of Article |
| 156 of the |

Constitution.

48 *Twenty First Amendment to the Constitution*

(*a*) by the substitution for the words “Article 41A” of   
 the words “Article 41C” in paragraph (2) thereof;

(*b*) by the deletion of the words ‘and shall hold office   
 during good behaviour’ in paragraph (2) thereof;

5 (*c*) by the addition of the words ‘on the recommendation of the Constitutional Council,’ immediately after the word ‘President’ in item (*d*) of paragraph (4).

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | **51.** | The following new Chapters are hereby inserted | Insertion of |
| immediately after Chapter XIX and shall have effect as | | Chapter XIX- |
| A, XIX-B, |
| Chapters XIX-A, XIX-B, XIX-C and XIX-D respectively, of | |
| XIX-C and |
| the Constitution:- | | XIX-D in the |

Constitution

“CHAPTER XIX-A

COMMISSIONTO INVESTIGATE ALLEGATIONSOF BRIBERYOF

|  |  |  |
| --- | --- | --- |
| 15 | Commission | CORRUPTION |
| 156A. (1) Parliament shall by law provide for |
| 20 | to Investigate | the establishment of a Commission to |
| Bribery or |
| investigate allegations of bribery or |
| Corruption |
| corruption. Such law shall provide for– |
| (*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

|  |  |
| --- | --- |
| 25 | 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 30 the power to institute prosecutions for

*Twenty First Amendment to the Constitution*  49

offences under the law in force relating   
to bribery or corruption;

(*c*) measures to implement the United

|  |  |
| --- | --- |
| 5 | 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

|  |  |
| --- | --- |
| 10 | 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

|  |  |
| --- | --- |
| 15 | its own motion or on a written complaint made to it. |

CHAPTER XIX-B

NATIONAL PROCERUMENT COMMISSIOn

|  |  |  |
| --- | --- | --- |
| 20 | National | 156B. (1) There shall be a National |
| Procurement | Procurement Commission (in this Chapter |
| Commission. |
| 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 25 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

30 of the Commission.

(2) Every member of the Commission shall

hold office for a period of three years from the

50 *Twenty First Amendment to the Constitution*

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 assignedwith the approval 5 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 10 imposition of a civic disability on him is passed in terms of Article 81 of the Constitution.

(3) The Chairman and every member of the   
Commission shall be paid such allowances as

|  |  |
| --- | --- |
| 15 | 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.

|  |  |  |
| --- | --- | --- |
| 20 | 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 25 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

30 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,

*Twenty First Amendment to the Constitution*  51

works, consultancy services and information systems by government institutions are based on procurement plans prepared in accordance with 5 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 10 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, 15 consultancy services and information systems;

(*c*) monitor and report to the appropriate   
authorities on whether the procedures

|  |  |
| --- | --- |
| 20 | 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;

|  |  |
| --- | --- |
| 25 | (*d*) report on whether members of procurement Committees and Technical |

Evaluation Committees relating to the

|  |  |  |  |
| --- | --- | --- | --- |
| 30 | procurements, | appointed | by |
| government institutions are suitably qualified; and | | |

(*e*) investigate reports of procurements   
made by government institutions outside   
established procedures and guidelines,

|  |  |
| --- | --- |
| 35 | and to report the officers responsible for such procurements to the relevant authorities for necessary action. |

52 *Twenty First Amendment to the Constitution*

Powers of 156D. (1) The Commission may, by Notice the in writing, require any person to,–  
Commission

(*a*) questioned by the Commission;

(*b*) produce to the Commission, any 5 document or thing in the possession or control of that person and specified in such Notice.

(2) Every person who– .

(*a*) fails, without reasonable cause to appear 10 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 15 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

|  |  |
| --- | --- |
| 20 | he was required to produce by a Notice sent to him under paragraph (1), |

shall be guilty of an offence and shall on conviction beliable to a fine not exceeding one hundred thousand rupees or to 25 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 30 referred to in paragraph (2).

*Twenty First Amendment to the Constitution*  53

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

(2) The Chairman shall preside at all 5 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.

|  |  |
| --- | --- |
| 10 | (3) The quorum for any meetings 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

|  |  |
| --- | --- |
| 15 | 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

|  |  |
| --- | --- |
| 20 | 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

|  |  |
| --- | --- |
| 25 | 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.

|  |  |  |
| --- | --- | --- |
| 30 | Staff of the | 156F. (1) the Commission shall appoint a |
| Commission | 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.

54 *Twenty First Amendment to the Constitution*

(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.

5 (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

|  |  |  |
| --- | --- | --- |
| 10 | Expenses of | of his functions, under the Constitution. |
| 156G. The expenses of the Commission shall |
| the |
| be charged on the Consolidated Fund. |
| Commission |

to be charged   
to the   
Consolidated   
Fund

|  |  |  |
| --- | --- | --- |
| 15 | Interpretation | 156H. In this Chapter, “government |
| institution” includes a Ministry, a government |
| department, a public corporation, a local |

authority, any business or other undertaking vested in the Government and a Company registered or deemed to be registered under the Companies Act, No 7 of 2007, in which the 20 Government, a public corporation or any local authority holds more than fifty per centum of the shares.”.

CHAPTER XIX-C

NATIONAL SECURITY COUNCIL

National

|  |  |  |
| --- | --- | --- |
| 25 | Security | 156J. (1) There shall be a National |
| Council | Security Council which shall comprise: |

(*a*) the Prime Minister;

(*b*) the Minister of Defence;

*Twenty First Amendment to the Constitution*  55

(*c*) the Chair of the Oversight Committee   
of Parliament in charge of the subject   
of national security;

(*d*) the Inspector-General of Police;

5 *(e*) the Chief of Defence Staff;

(*f*) the Attorney-General; and

(*g*) any other public officers or persons as   
 may be determined by law.

(2) The Prime Minister shall be the

|  |  |
| --- | --- |
| 10 | Chairperson of the National Security Council. In the absence of the Prime Minister the |

Minister of Defence shall chair meetings of the   
National Security Council.

(3) Parliament shall by law provide for the

|  |  |
| --- | --- |
| 15 | powers and functions of the National Security Council and for other matters connected |

therewith.

(4) Until the enactment of a law as   
provided in paragraph (3) hereof, the National

|  |  |
| --- | --- |
| 20 | Security Council shall adopt such procedures as it shall think fit, with regard to its meetings. |

CHAPTER XIX-D

COUNCILOF STATE

|  |  |  |
| --- | --- | --- |
| 25 | Council of | 156K. (1) There shall be a Council of State |
| State | to discuss matters of national importance. |

(2) The Council of State shall be a forum by   
which the public may provide non-binding   
advice to the Government.

56 *Twenty First Amendment to the Constitution*

(3) The Council, which shall be chaired by   
the Prime Minister, shall consist of:

(i) the Minister of Finance;

(ii) the Minister of Foreign Affairs;

5 (iii) the Minister of Defence;

(iv the Speaker;

(v) the Leader of the Opposition;

|  |  |
| --- | --- |
| 10 | (vi) one Member of Parliament to represent parties in Parliament other than the parties represented by the Prime Minister and the Leader of the Opposition; |

(vii) the Attorney-General; and

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | (viii) twelve other members who are not | | Amendment of |
| Members of Parliament chosen to | |
| represent fields of expertise in business, | |
| economics, political science, law, | |
| 20 | international relations, and science and | |
| technology. In the appointment of such | |
| members, due consideration shall be | |
| given to the pluralistic nature of Sri | |
| Lanka, including ensuring gender | |
| 25 | diversity and the inclusion of youth. | |
| (4) Parliament shall by law make further | |
| provision for the functions and procedures of | |
| the Council of State.”. | |
| **52.** | Article 170 of the Constitution is hereby amended |
| 30 | as follows:– | | Article 170 |
| of the |
| (*a*) by the substitution for the words “Parliamentary | |
| Constitution |
| Council” of the words “Constitutional Council” in | |
| paragraph (*g*) of the definition of “public officer” | |
| therein; | |

*Twenty First Amendment to the Constitution*  57

(*b*) by the substitution for the words “Article 41A” of   
the words “Article 41B” in paragraph (i) of the   
definition of “public officer” therein.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 5 | **53.** | | In the event of any inconsistency between the | Sinhala text |
| to prevail in |
| Sinhala and Tamil texts of this Act, the Sinhala text shall | | |
| the case of |
| prevail. | | |
| inconsistency |
| **54.** | For the avoidance of doubt it is hereby declared | | Transitional |
| Provisions |
| that,- | | |

(1) every person holding office on the day preceding 10 the date on which this Act comes into operation, as,–  
 (i) the Chief Justice;   
 (ii) Judges of the Supreme Court;   
 (iii) the members of the Judicial Service 15   
 Commission; (iv) the President of the Court of Appeal; (v) Judges of the Court of Appeal;   
 (vi) the Attorney-General;   
 (vii) the Auditor-General;   
20 (viii) the Inspector-General of Police;   
 (ix) the Parliamentary Commissioner for Administration (Ombudsman);   
 (x) the Secretary-General of Parliament;

58 *Twenty First Amendment to the Constitution*

(xi) a judge of the High Court;   
 (xii) a judicial officer, a scheduled public officer, public officer or a police officer; or (xiii) the Governor of the Central Bank of Sri 5 Lanka,   
 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.

10 (2) Every person holding office on the day preceding the date on which this Act comes into operation, as the Chairman or a member of the,–  
 (*a*) Parliamentary Council;   
 (*b*) Election Commission;

15 (*c*) Public Service Commission;

(*d*) National Police Commission;   
(*e*) Human Rights Commission of Sri Lanka;   
(*f*) Commission to Investigate Allegations of Bribery   
 or Corruption;

20 (*g*) Finance Commission;   
 (*h*) Right to Information Commission;   
 (*i*) Colombo Port City Economic Commission; and

*Twenty First Amendment to the Constitution*  59

(*j*) Members of the Monetary Board of the Central   
Bank of Sri Lanka (other than the chairperson and   
the Secretary to the Ministry of the Minister in   
charge of the subject of Finance),

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

Provided that 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 10 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.

(3) All matters relating to,–

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

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

20 pending before the Public Service Commission on the day preceding the date of 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 25 accordingly.

(4) 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 of

|  |  |
| --- | --- |
| 30 | on which this Act comes into operation shall, with effect from that date, stand transferred to the Audit Service |

60 *Twenty First Amendment to the Constitution*

Commission established by Article 153A and shall be determined by the Audit Service Commission accordingly.

(5) The Ninth Parliament in existence on the day

|  |  |
| --- | --- |
| 5 | preceding the date on which this Act comes into operation, shall be deemed to have had its First Sitting on 20thAugust |

2020 and continue to function for a period of five years from such date, unless sooner dissolved;

(6) The person holding office as the President on the date

|  |  |
| --- | --- |
| 10 | on which this Act comes into operation shall be deemed to have been declared elected on 17thNovember 2019 and |

continue to hold such office for a period of five years from such date, subject to the provisions of the Constitution;

(7) For the avoidance of doubt, it is hereby declared that where there is a requirement in any written law to obtain the

|  |  |
| --- | --- |
| 15 | recommendation or approval of the Parliamentary Council, the reference to the Parliamentary Council shall be read and |

construed as a reference to the Constitutional Council.

|  |  |
| --- | --- |
| *Twenty First Amendment to the Constitution* | 61 |

Department of Government Printing