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

**Part II of May 06, 2022**

**SUPPLEMENT**

(*Issued on 06. 05. 2022*)



**TWENTY SECOND 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. (Dr.) Wijeyadasa Rajapakshe, M. P. for Colombo District*

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| *Twenty Second 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:–

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

Amendment to the Constitution.

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| --- | --- | --- | --- |
| 5 | **2.** | Article 12 of the Constitution is hereby amended | Insertion of |
| by addition of the following Sub Article immediately after | | sub Artical |
| 12(1)(*a*) |
| Sub Article (1) thereof. | |

“1A. Every person is entitled to right to life and personal liberty.”.

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| --- | --- | --- | --- |
| 10 | **3.** | Chapter VIIA of the Constitution is hereby repealed | Insertion of |
| and the following Chapter substituted therefor; | | Chapter VIIA |
| to the |
| Constitution |
| of the |
| Democratic |
| Socialist |
| Republic of |
| Sri Lanka |

“CHAPTER VIIA

THE CONSTITUTIONAL COUNCIL

|  |  |  |
| --- | --- | --- |
| 15 | Constitution | 41A. (1) There shall be a Constitutional |
| of the | Council (in this Chapter referred to as the |
| Constitutional | “Council”) which shall consist of the following |
| Council | members:– |

(*a*) the Prime Minister;

(*b*) the Speaker;

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

(*d*) one Member of Parliament appointed by   
 the President;

2 *Twenty Second Amendment to the Constitution*

(*e)*  (i) twoMembers of Parliament   
 nominated by both thePrime   
 Minister and the Leader of the   
 Opposition;

5 (ii) a professional nominated by Sri Lanka Organization of Professional Association;

(iii) a person nominated by Sri Lanka   
 Chamber of Commerce;

10 (iv) a professor of a State University nominated by the University Grant Commission,

appointed by the President.

(*f*) one Member of Parliament nominated by 15 agreement of the majority of the Members of Parliament belonging to political parties or independent groups, other than the respective political parties or independent groups to which the Prime

|  |  |
| --- | --- |
| 20 | Minister and the Leader of the Opposition belong, and appointed by the |

President;

(*g*) if there is no consensual agreement among Vice Chancellors of State 25 Universities regarding a professor to be nominated in terms of paragraph (*e* )(iv) above, the Chairman of the University Grant Commission shall nominate a professor by the majority vote of Vice

30 Chancellors of State Universities.

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

*Twenty Second Amendment to the Constitution*  3

(3) It shall be the duty of the Speaker to   
ensure that nominations for appointments   
under sub-paragraph (*e*) or sub-paragraph (*f*) of

|  |  |
| --- | --- |
| 5 | paragraph (1) are made, whenever an occasion for such nominations arises. |

(4) In nominating the five persons referred   
to in sub-paragraph (*e*) of paragraph (1), the   
Prime Minister and the Leader of the   
Opposition shall consult the leaders of political

|  |  |
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| 10 | 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 social diversity.

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| 15 | (5) The persons who are not Members of Parliament to be appointed under subparagraph |

(*e*) of paragraph (1) shall be persons of eminence   
and integrity who have distinguished   
themselves in public or professional life and

|  |  |
| --- | --- |
| 20 | who are not members of any political party whose nomination shall be approved by |

Parliament.

(6) The President shall, within fourteen days of the receipt of a written communication 25 specifying the nominations made under subparagraphs (*e*) and (*f*) of paragraph (1), make the necessary appointments. In the event of the President failing to make the necessary

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| 30 | appointments within such period of fourteen days, the persons nominated shall be deemed |

to have been appointed as members of the   
Council, with effect from the date of expiry of   
such period.

4 *Twenty Second Amendment to the Constitution*

(7) (*a*) On the dissolution of Parliament, notwithstanding the provisions of paragraph (2) of Article 64, the Speaker shall continue to hold office as a member 5 of the Council, until a Member of Parliament is elected to be the Speaker under paragraph (1) of the aforesaid Article;

(*b*) Notwithstanding the dissolution of 10 Parliament, the Prime Minister, the Leader of the Opposition and the Members of Parliament who are members of the Constitutional Council, shall continue to hold office as Members of 15   
 such Council, until such time after a General Election following such dissolution, a Member of Parliament is appointed as the Prime Minister or recognized as the Leader of the 20 Opposition or such number of Members of Parliament are appointed as Members of the Constitutional Council under sub- paragraphs (*d*), (*e*) and (*f*) of paragraph (1), as the case may be.

25 (8) Every member of the Council appointed under sub-paragraphs (*d*), (*e*) and (*f*) of paragraph (1), shall hold office for a period of three years from the date of appointment unless the member earlier resigns his office by writing 30 addressed to the President, or, is removed from office by the President on both the Prime Minister and the Leader of the Opposition forming an opinion that such member is physically or mentally incapacitated and is 35 unable to function further in office or is

*Twenty Second Amendment to the Constitution*  5

convicted by a court of law for any offence involving moral turpitude or if a resolution for the imposition of civic disability upon him has been passed in terms of Article 81 of the 5 Constitution or is deemed to have vacated his office under paragraph (7) of Article 41E.

(9) In the event of there being a vacancy   
among the members appointed under   
subparagraphs (*d*), (*e*) or (*f*)) of paragraph (1),

|  |  |
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| 10 | the President shall, within fourteen days of the occurrence of such vacancy and having regard |

to the provisions of the aforementioned subparagraphs, appoint another person to succeed such member. Any person so 15 appointed, shall hold office during the unexpired part of the period of office of the member whom he succeeds.

(10) A member appointed under subparagraphs (*d*), (*e*) or (*f*) of paragraph (1), 20 shall not be eligible for re-appointment.

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

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| 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.

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| 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.

6 *Twenty Second Amendment to the Constitution*

(3) It shall be the duty of the Council to recommend to the President fit and proper persons for appointment as Chairmen or members of the Commissions specified in the 5 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 members for appointment, and the President shall appoint one of the members 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

|  |  |
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| 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 as 25 members of a Commission, shall be deemed to have been appointed as the members of the Commissions; and

(*b*) the person whose name appears first in the list of names recommended under 30 paragraph (3), to be appointed as the Chairman of a Commission, shall be deemed to have been appointed the Chairman of the respective Commission,

with effect from the date of expiry of such

35 period.

*Twenty Second Amendment to the Constitution*  7

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

(6) All the Commissions referred to in the 10 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.

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

8 *Twenty Second Amendment to the Constitution*

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

(2) The provisions of paragraph (1) of this

|  |  |
| --- | --- |
| 5 | Article shall apply in respect of any person appointed to act for a period exceeding |

fourteen days, in any Office specified in the   
Schedule to this Article:

Provided that no person shall be appointed

|  |  |
| --- | --- |
| 10 | to act in any such office for successive periods not exceeding fourteen days, unless such |

acting appointment has been approved by the   
Council on a recommendation by the President.

(3) No person appointed to any Office

|  |  |
| --- | --- |
| 15 | specified in the Schedule to this Article or to act in any such Office, shall be removed from |

such Office except as provided for in the   
Constitution or in any law.

(4) In the discharge of its function relating 20 to the appointment of Judges of the Supreme Court and the President and Judges of the Court of Appeal, the Council shall obtain the views of the Chief Justice.

SCHEDULE

25 PART I

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

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

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

*Twenty Second Amendment to the Constitution*  9

PART II

(*a*) The Attorney-General.

5 (*b*) The Auditor-General.

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

(*d*) Governor of the Central Bank of   
 Sri Lanka.

|  |  |
| --- | --- |
| 10 | (*e*) The Parliamentary Commissioner for Administration (Ombudsman). |

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

|  |  |  |
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| 15 | Secretary- | 41D. (1) There shall be a Secretary-General |
| General | to the Council who shall be appointed by the |
| and other | Council for a term of five years. Upon the |
| officers |
| expiration of his term of office, the Secretary- |
| of the |
| General shall be eligible for re-appointment. |
| Council |

(2) The Council may appoint such officers

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| --- | --- |
| 20 | as it considers necessary for the discharge of its functions, on such terms and conditions as |

shall be determined by the Council.

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| 25 | 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 |

or by any law, and such meetings shall be   
summoned by the Secretary- General to the   
Council on the direction of the Chairman of

30 the Council.

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

10 *Twenty Second Amendment to the Constitution*

absence of the Prime Minister, the Leader of   
the Opposition shall preside at the meetings of   
the Council.

(3) The quorum for any meeting of the

5 Council shall be five members.

(4) The Council shall endeavour to make every recommendation, approval or decision it is required to make by unanimous decision and in the absence of an unanimous decision, 10 no recommendation, approval or decision made by the Council shall be valid, unless supported by not less than five members of the Council present at such meeting.

(5) The Chairman or the other member

|  |  |
| --- | --- |
| 15 | presiding shall not have an original vote, but in the event of an equality of votes on any |

question for decision at any meeting of the Council, the Chairman or other member presiding at such meeting, shall have a casting 20 vote.

(6) The procedure in regard to meetings of the Council and the transaction of business at such meetings shall be determined by the Council, including procedures to be followed 25 in regard to the recommendation or approval of persons suitable for any appointment under Article 41B or Article 41C.

(7) Any member of the Council appointed under sub-paragraphs (*d*), (*e*), or (*f*) of paragraph 30 (1) of Article 41A, who without obtaining prior leave of the Council absents himself from three consecutive meetings of the Council, shall be deemed to have vacated office with effect from the date of the third of such meetings.

*Twenty Second Amendment to the Constitution*  11

(8) The Council shall have the power to act notwithstanding the fact that it has not been fully constituted or that there is a vacancy in its membership, and no act, proceeding or 5 decision of the Council shall be or deemed to be invalid by reason only of the fact that the Council has not been fully constituted or that there has been a vacancy in its membership or that there has been any defect in the

|  |  |  |
| --- | --- | --- |
| 10 | Continuation | appointment of a member. |
| 41F. Notwithstanding the expiration of the |
| 15 | in office of | term of office of the members of the Council or |
| the members |
| of the members of any Commission specified |
| of the |
| in the Schedule to Article 41B, the members of |
| Council |
| the Council or of such other Commission shall |

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

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| 20 | Powers and | 41G. (1) | The Council shall, once in every |
| duties of the | three months, submit to the President and | |
| Council |
| Parliament a report of its activities during the | |

preceding three months.

(2) The Council shall perform and discharge such other duties and functions as may be 25 imposed or assigned to the Council by the Constitution, or by any other written law.

(3) The Council shall have the power to make rules relating to the performance and discharge of its duties and function. All such 30 rules shall be published in the *Gazette* and be placed before Parliament within three months of such publication.

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| 5 | 12 | *Twenty Second Amendment to the Constitution* | |
| Expenses to be charged on the | | 41H. The expenses incurred by the Council shall be charged on the Consolidated Fund. |
| Consolidated  Fund | | |
| Finality of  decisions of the Council | | 41I. Subject to the provisions of Article 126, no court shall have the power or jurisdiction to entertain, hear or decide or call- |

in question, on any ground whatsoever, or in any manner whatsoever, any decision of the Council or any approval or recommendation made by the Council, which decision, approval 10 or recommendation shall be final and conclusive for all purposes.”.

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| 15 | **4.** | Paragraph (1) of Article 44 is of the Constitution | amendment |
| hereby amended by deletion of the words, “in consultation | | of Article 44 |
| with the Prime Minister where he considers such consultation | | of the |
| Constitution |
| to necessary” and substitution of the words “on advice of | |

the Prime Minister”.

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| 20 | **5.** | Paragraph (1) of Article 45 is of the Constitution | amendment |
| hereby amended by deletion of the words, “in consultation | | of Article 45 |
| of the |
| with the Prime Minister where he considers such consultation | |
| Constitution |
| to necessary” and substitution of the words “on advice of | |

the Prime Minister”.

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| 25 | **6.** | Paragraph (2) of Article 45 of the Constitution is | amendment |
| hereby amended by addition of the words “on advice of the | | of Article 45 |
| of the |
| Prime Minister” before the words “the President.” | |
| Constitution |
| **7.** | Paragraph (1) of Article 46 of the Constitution is | amendment |
| hereby amended by deletion of the words “in consultation | | of Article 46 |
| of the |
| with the Prime Minister where he considers such consultation | |
| Constitution |
| to necessary” and substitution of the words “on advice of | |

the Prime Minister.”

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| 30 | **8.** | Paragraphs (3) and (4) of Article 47 of the Constitution | amendment |
| is hereby repealed. | | of Article 47 |
| of the |
| Constitution |

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| --- | --- | --- | --- | --- |
| 5 | *Twenty Second Amendment to the Constitution* | | 13 | Amendment |
| **9.** | Article 54 of the Constitution is hereby amended as | |
| of Article 54 |
| follows:– | | |
| of the |
| PUBLIC SERVICE COMMISSION | | | Constitution |

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

|  |  |  |
| --- | --- | --- |
| 10 | “Constitution | (1) There shall be a Public Service |
| of Public | Commission (in this Chapter referred |
| Service |
| to as the “Commission”) which shall |
| Commission |
| 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

|  |  |
| --- | --- |
| 15 | years’ experience as a public officer. The President on the recommendation |

of the Constitutional Council shall   
appoint one member as its Chairman.”.

|  |  |
| --- | --- |
| 20 | (2) by the repeal of paragraph (4) of that Article, and the substitution therefor of |

the following paragraph:–

|  |  |  |
| --- | --- | --- |
| 25 | “Tenure of | (4) Every member of the Commission |
| office | shall hold office for a period of three |
| years from the date of appointment, |
| unless the member becomes subject to |

any disqualification under paragraph   
(2) or earlier resigns from his office by   
writing addressed to the President or is

|  |  |
| --- | --- |
| 30 | removed from office by the President with the approval of the Constitutional |

Council or is convicted by a court of   
law of any offence involving moral   
turpitude or if a resolution for the   
imposition of civic disability upon the

14 *Twenty Second Amendment to the Constitution*

member has been passed in terms of   
Article 81 or is deemed to have vacated   
his office under paragraph (6).”.

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| --- | --- | --- | --- | --- | --- |
| 5 | **10.** | Article 61F of the Constitution is hereby amended | | | Amendment |
| by repeal of it and substitution of the following paragraph:- | | | | of Article |
| 61F of the |
| “Public  Officer  Interpretation | | | 61F. For the purposes of this Chapter“public officer” does not include a member of the Army, Navy, or Air Force, an officer of the |
| Constitution |
| Election Commission appointed by such | | | | Amendment |
| Commission, a police officer appointed by the | | | |
| National Police Commission, a scheduled | | | |
| public officer appointed by the Judicial Service | | | |
| 10 |
| Commission or a member of the Sri Lanka State | | | |
| Audit Service appointed by the Audit Service | | | |
| Commission.” | | | |
| **11.** | Paragraph (6) of Article 65 of the Constitution is | | |
| 15 | hereby amended by repeal of it and substitution of the | | | | of Article 65 |
| of the |
| following paragraph:- | | | |
| Constitution |
| “Acting | (6) Whenever the Secretary-General is | | |
| Secretary-General | | unable to discharge the functions of his office, the President may, subject to the approval of | |
| the Constitutional Council, appoint a person | | | |
| 20 | to act in the place of the Secretary-General.”. | | | | Amendment |
| **12.** Paragraph (1)(*d*) of Article 91 is hereby amended by | | | |
| addition of the following paragraph immediately after | | | | of Article 91 |
| of the |
| paragraph (v*a*):- | | | |
| Constitution |

(1) “(v*b*) a member of the Constitutional Council,   
referred to in paragraph (1)(*e*) of Article 41A   
other than any Member of Parliament;

|  |  |
| --- | --- |
| 25 | (2) Paragraph (1)(*d*) of Article 91 is hereby amended by addition of the following paragraph immediately after paragraph (xii):– |

“(xiii) a person who is not citizen of Sri Lanka or a   
citizen of Sri Lanka who is also a citizen any   
other country;”.

|  |  |  |  |  |  |
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| 5 | *Twenty Second Amendment to the Constitution* | | | 15 | Amendment |
| **13.** | Paragraph (5)(*b*) of Article 104B of the Constitution | | |
| is hereby amended by repeal of it and substiution of the | | | | of Article |
| 104B of the |
| following paragraph therefor:– | | | |
| Constitution |
| (*b*) | | It shall be the duty of the Chairman of the Sri Lanka | |
| Broadcasting Corporation, the Chairman of the Sri | | | |

Lanka Rupavahini Corporation and the Chairman of   
the Independent Television Nerwork and the Chief   
Executive Officer of every other broadcasting or

|  |  |
| --- | --- |
| 10 | telecasting enerprise owned or controlled by the State to take all necessary steps to ensure compliance with |

such guidelines as are issued to them under sub-  
paragraph (*a*).”.

|  |  |
| --- | --- |
| **14.** Article 149 is hereby amended by addition of the following paragraph immediately after paragraph (2):– | Amendment of Article |

149 of the   
Constitution

|  |  |  |
| --- | --- | --- |
| 15 | “Responsibility | 149(3). The Secretary to each Ministry is |
| of | the Chief Accounting Officer of that ministry |
| Secretaries. |
| and he is responsible to the Minister in charge |

of the subject and to the Parliament relating to

|  |  |
| --- | --- |
| 20 | the allocation of money and receivable to such Ministry and institutions within the purview |

of such Ministry.”

|  |  |  |  |
| --- | --- | --- | --- |
| 25 | **15.** Article 153 is hereby amended by addition of the | | Insertion of |
| following Articles immediately after Article 153 and the | | Articles |
| new Articles shall have the effect as Article 153A, 153B, | | 153A, 153B, |
| 154C, 153D, 153E, 153F 153G and 153H– | | 154C, 153D, |
| 153E, 153F |
| AUDIT SERVICE COMMISSION | |
| 153G and |
| 153H |
| “Audit  Service  Commission | 153A. (1) There shall be an Audit Service Commission (in this Chapter referred to as“Commission”), which shall consist of the |
| 30 |
| Auditor-General who shall be the Chairman of | |
| the Commission, and the following members | |

appointed by the President on the   
recommendation of the Constitutional   
Council:-

16 *Twenty Second Amendment to the Constitution*

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

|  |  |
| --- | --- |
| 5 | (*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   
 Administrative Service.

|  |  |  |
| --- | --- | --- |
| 10  15  20  25  30 | (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 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 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 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 under paragraph (1).  (4) The Chairman and the members of the Commission shall be paid such allowances as | |

are determined by Parliament. Such allowances

*Twenty Second Amendment to the Constitution*  17

shall be charged on the Consolidated Fund and   
shall not be diminished during the term of   
office of the Chairman or members.

|  |  |
| --- | --- |
| 5 | (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.

(6) There shall be a Secretary to the

|  |  |  |
| --- | --- | --- |
| 10 | meeting of | Commission who shall be appointed by the |
| Commission. |
| 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 15 (1), provide by law for meetings of the Commission, the establishment of the Sri Lanka State Audit Service and such other matters connected with and incidental thereto.

|  |  |  |
| --- | --- | --- |
| 20 | Powers and | 153C. (1) The power of appointment, |
| 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.

|  |  |
| --- | --- |
| 25 | (2) The Commission shall also exercise, perform and discharge the following powers, |

duties and functions:-

(*a*) make rules pertaining to schemes of   
recruitment, the appointment, transfer,   
disciplinary control and dismissal of the

|  |  |
| --- | --- |
| 30 | members belonging to the Sri Lanka State Audit Service, subject to any |

policy determined by the Cabinet of   
Ministers pertaining to the same;

18 *Twenty Second Amendment to the Constitution*

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

|  |  |
| --- | --- |
| 5 | (*c*) exercise, perform and discharge such 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 | influencing | (4) Every such rule shall come into |
| operation on the date of such publication or |
| 15 | 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 |
| brought before Parliament for approval. Any |
| 20 | 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. |
| 153D. (1) A person who otherwise than in |
| or attempting | the course of his duty, directly or indirectly, |
| to influence |
| by 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 | member thereof or any officer of the Sri Lanka |
| officer of the | State Audit Service, shall be guilty of an |
| Sri Lanka |
| offence and shall on conviction be liable to a |
| Stste Audit |
| 30 | fine not exceeding one hundred thousand |
| Service, to be |
| rupees or to imprisonment for a term not |
| an offence |
| exceeding three years or to both such fine and |
| imprisonment. |

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

|  |  |
| --- | --- |
| 35 | referred to in paragraph (1). |

*Twenty Second Amendment to the Constitution*  19

Immunity 153E. Subject to the jurisdiction conferred from legal proceedings on the Supreme Court under Article 126 and to the powers granted to the Administrative Appeals Tribunal under Article 59, no court or 5   
 tribunal shall have the power or jurisdiction to inquire into, pronounce upon or in any manner whatsoever call in question any order or decision made by the Commission, in pursuance of any function assigned on such 10 Commission under this Chapter or under any law.

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| Expenses to  be charged  on the  Consolidated | 153F. The costs and expenses of the Commission shall be a charge on the Consolidated Fund. |

Fund

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

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

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| --- | --- | --- |
| 25 | Commission | by the Commission. |
| 153H. The Commission shall be responsible |
| 30 | to be | and answerable to Parliament in accordance |
| answerable to |
| with the provisions of the Standing Orders of |
| Parliament |
| 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 | 20 | *Twenty Second Amendment to the Constitution* | | | Amendment |
| **16.** Article 155B of the Constitution is hereby amended | | | |
| of Article |
| by the addition at the end of sub Article (4) of that Article, of | | | |
| 155B of the |
| the following new paragraph:- | | | |
| Constitution |
| Inspector  General of  Police is  entitled to be | | | (5) The Inspector-General of Police shall be entitled to be present at meetings of the Commission, except where any matter relating |
| 10 | present in meetings | | | to him is being considered. He shall have no right to vote at such meetings.”. | Insertion of |
| 17. | | The following Articles are hereby inserted | |
| Articles |
| immediately after Article 155FFF and shall have the effect | | | |
| 155G, 155H, |
| as Articles, 155G, 155H, 155J, 155K and 155L respectively, | | | |
| 155J, 155K |
| 15 | of the Constitution: - | | | | and 155L. |
| “Powers of  the  Commission. | | | 155G. (1) (*a*) The appointment, promotion transfer, disciplinary control and dismissal of police officers other than the Inspector-General |
| of Police, shall be vested in the Commission. | | | |

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

20 (*b*) The Commission shall not in the exercise of its powers under this Article, derogate from the powers and functions assigned to the Provincial Police Service Commissions as and when such Commissions 25 are established under Chapter XVlIA of the Constitution.

(2) The Commission shall establish procedures to entertain and investigate public complaints and complaints of any aggrieved 30 person made against a police officer or the police service, and provide redress as provided

*Twenty Second Amendment to the Constitution*  21

by law. In the event of the Commission   
providing redress, the Commission shall   
forthwith inform the Inspector-General of   
Police.

|  |  |
| --- | --- |
| 5 | (3) The Commission shall, in consultation with the Inspector-General of Police, provide |

for and determine all matters regarding police   
officers, including:-

|  |  |
| --- | --- |
| 10 | (*a*) the formulation of schemes of recruitment, promotion and transfers, |

subject to any policy determined by the   
Cabinet of Ministers pertaining to the   
same;

(*b*) training and the improvement of the 15 efficiency and independence of the police service;

(*c*) the nature and type of the arms, ammunition and other equipment necessary for the use of the National 20 Division and the Provincial Divisions; and

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

(4) The Commission shall exercise all such 25 powers and discharge and perform all such functions and duties as are vested in it under Appendix I of List I contained in the Ninth Schedule to the Constitution.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 30 | Delegation of | 155H. (1) The Commission may delegate to | | | | |
| certain |
| a | Committee | of | the | Commission |
| powers of the |
| (not consisting of members of the Commission) | | | | |
| Commission |
| to a Committee | as shall be nominated by the Commission, the | | | | |

22 *Twenty Second Amendment to the Constitution*

powers of appointment, promotion, transfer,   
disciplinary control and dismissal of such   
categories of police officers as are specified by   
the Commission.

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

(3) The procedure and quorum for meetings of a Committee nominated under paragraph 10 (1) shall be according to rules made by the Commission. The Commission shall cause such rules to be published in the *Gazette*.

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

with the Inspector-General of Police to any Police Officer, its powers of appointment, promotion, transfer, disciplinary control and 20 dismissal of any category of police officers.

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

|  |  |  |
| --- | --- | --- |
| 25 | Right to | 155K. (1) Where the Commission has |
| Appeal | delegated under Article 155J to any police |
| officer its powers of appointment, promotion, |

transfer, disciplinary control and dismissal of any category of police officers, the Inspector- General of Police shall have a right of appeal to the Commission against any order made by 30 such Police officer in the exercise of his delegated powers.

*Twenty Second Amendment to the Constitution*  23

(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

|  |  |
| --- | --- |
| 5 | a 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 procedure and

|  |  |
| --- | --- |
| 10 | the period fixed for the making and hearing of an appeal by the Commission. |

(3) The Commission shall have the power to alter, vary, rescind or confirm such order upon an appeal made under paragraph (1) or 15 paragraph (2), or to give directions in relation thereto or to order such further or other inquiry, as to the Commission shall deem fit.

(4) The Commission shall from time-to- time cause to be published in the *Gazette*, rules 20 made by it.

(5) Upon any delegation of its powers to the Inspector-General of Police or a Committee or police officer under Article 155H and 155J, the Commission shall not, whilst such 25 delegation is in force, exercise, perform or discharge its powers, duties or functions in respect of the categories of police officers in respect of which such delegation is made, subject to the right of appeal hereinbefore

|  |  |  |
| --- | --- | --- |
| 30 | Appeals to | provided. |
| 155L. Any police officer aggrieved by any |
| Administrative | order relating to promotion, transfer, or any |
| Appeals |
| order on a disciplinary matter or dismissal made |
| Tribunal |
| by the Commission, in respect of such officer, |

24 *Twenty Second Amendment to the Constitution*

may appeal therefrom to the Administrative   
Appeals Tribunal established under Article 59,   
which shall have the power to alter, vary,

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | rescind or confirm any order or decision made | | Amendment |
| by the Commission.”. | |
| **18.** Article 155M is hereby repealed and the following | |
| 10 | Article substituted therefor:- | | of Article |
| 155M of the |
| “Saving of  existing rules and  regulations | 155M. Until the Commission otherwise provides, all rules, regulations and procedures relating to the Police Force as are in force on the date of the coming into operation of this | Constitution |

Article, shall continue to be operative and in   
force.”.

|  |  |  |
| --- | --- | --- |
| 15 | **19.** The following new Chapter is hereby inserted | Insertion of |
| immediately after Chapter XIX and shall have effect as | Chapter |
| XIXA to the |
| Chapters XIXA of the Constitution:- |
| Constitution |

“CHAPTER XIXA

NATIONAL PROCUREMENT COMMISSION

|  |  |  |
| --- | --- | --- |
| 20 | Constitution | 156A. (1) There shall be a National |
| of the | Procurement Commission (in this Chapter |
| National |
| referred to as the “Commission”) consisting of |
| Procurement |
| five members appointed by the President on |
| Commission |
| 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

*Twenty Second Amendment to the Constitution*  25

the date of appointment, unless such member   
earlier resigns from office by a writing addressed   
to the President or is removed from office by   
the President for causes assigned with the

|  |  |
| --- | --- |
| 5 | approval of the Constitutional Council or is convicted by a court of law for an offence |

involving moral turpitude or is elected as a Member of Parliament or as a Member of a Provincial Council or of a local authority or if 10 a resolution for the imposition of a civic disability on him is passed in terms of Article 81.

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

|  |  |  |
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| 20 | Functions of | 156B. (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 25 services and information systems by government institutions and cause such guidelines to be published in the *Gazette* and within three months of such publication, to be placed before Parliament.

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

(*a*) monitor and report to the appropriate authorities, on whether all procurement 35 of goods and services, works,

26 *Twenty Second Amendment to the Constitution*

consultancy services and information   
systems by government institutions are   
based on procurement plans prepared   
in accordance with previously

5 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 for the selection of contractors, and the 20 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 procurements, appointed   
by government institutions are suitably

30 qualified; and

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

|  |  |
| --- | --- |
| 35 | responsible for such procurements to the relevant authorities for necessary |

action;

*Twenty Second Amendment to the Constitution*  27

(*f*) direct such contract and agreements to   
be presented to the Parliament one   
month before they are entered into.

|  |  |  |
| --- | --- | --- |
| 5 | Powers of the | 156C. (1) The Commission may, by Notice |
| Commission | in writing, require any person to,– |

(*a*) attend before the Commission, to be   
 questioned by the Commission;

(*b*) produce to the Commission, any document or thing in the possession or 10 control of that person and specified in such Notice.

(2) Every person who–

(*a*) fails, without reasonable cause to appear before the Commission when 15 required to do so by a Notice sent to him under paragraph (1);

(*b*) appears before the Commission in compliance with such a Notice, but refuses without reasonable cause, to 20 answer any questions put to him by the Commission; or

(*c*) fails or refuses, without reasonable cause, to produce any document or thing which he was required to 25 produce by a Notice sent to him under paragraph (1), shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred thousand rupees or to 30 imprisonment for a term not exceeding seven years, or to both such fine and imprisonment.

28 *Twenty Second Amendment to the Constitution*

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

|  |  |  |
| --- | --- | --- |
| 5 | Meeting of | 156D. (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   
meetings of the Commission. In the absence of

|  |  |
| --- | --- |
| 10 | the Chairman from any meeting of the Commission, the members present shall elect a |

Chairman for that meeting, from among   
themselves.

(3) The quorum for any meeting of the 15 Commission shall be three.

(4) Decisions of the Commission shall be by the majority vote of the members present and voting at the meeting at which the decision is taken, and in the event of an equality of 20 votes, the Chairman or member presiding at the meeting shall have a casting vote.

(5) Subject to the preceding provisions of this Article, the Commission may determine the procedure with regard to its meetings and 25 the transaction of business at such meetings.

(6) The Commission shall have the power to act notwithstanding any vacancy in the membership of the Commission, and no act, proceeding or decision of the Commission shall 30 be invalid or deemed to be invalid, by reason only of such vacancy or defect in the appointment of a member.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | *Twenty Second Amendment to the Constitution* | | 29 |
| Staff of the | 156E. (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. | | |

(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.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 10 | (3) No suit, prosecution or other proceeding | | | Amendment |
| shall lie against any member or officer of the | | |
| Commission for any act or thing which in good | | |
| 15 | faith is done or purported to be done by him in | | |
| the performance of his duties or the discharge | | |
| of his functions, under the Constitution. | | |
| 20 | Expenses to be charged  on the  Consolidated Fund | | 156F. The expenses of the Commission shall be charged on the Consolidated Fund. |
| Interpritation | | 156G. 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 | | |
| 25 | registered or deemed to be registered under the | | |
| Companies Act, No 7 of 2007, in which the | | |
| Government, a public corporation or any local | | |
| authority holds more than fifty per centum of | | |
| the shares.”. | | |
| **20.** | Article 170 of the Constitution is hereby amended | |
| 30 | by the repeal of the definition of “public officer” and the | | | of Article |
| substitution of the following definition therefor:- | | | 170 of the |
| Constitution |

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

(*a*) the President;

30 *Twenty Second Amendment to the Constitution*

(*b*) the Prime Minister;   
 (*c*) the Speaker;   
 (*d*) a Minister;   
 (*e*) a Deputy Minister;   
5 (*f*) a Member of Parliament;   
 (*g*) a member of the Constitutional Council; (*h*) a member of the Judicial Service Commission; (*i*) a member of the Public Service Commission; (*j*) a member of the Election Commission;   
10 (*k*) a member of the National Police Commission; (*l*) a member of the Audit Service Commission; (*m*) a member of the Human Rights Commission of Sri Lanka;   
 (*n*) a member of the Commission to Investigate 15 Allegations of Bribery or Corruption;   
 (*o*) a member of the Finance Commission;   
 (*p*) a member of the Delimitation Commission; (*q*) a member of the National Procurement Commission;   
20 (*r*) the Secretary-General of Parliament;   
 (*s*) a member of the staff of the Secretary-General of Parliament;

*Twenty Second Amendment to the Constitution*  31

(*t*) a member of the University Grants Commission;

(*u*) a member of the Official Languages   
 Commission;

(v) the Auditor-General; and

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | **21.** | (*w*) Governor of the Central Bank of Sri Lanka.”. | Transitional |
| For Avoidance of doubt:– |
| (1) | For the avoidance of doubt it is hereby declared | provisions |

that,–

|  |  |  |
| --- | --- | --- |
| 10 | (*a*) | the Ninth Parliament in existence on the day |
| preceding the date on which this Act comes |

into operation, shall, unless dissolved earlier,   
continue to function until 19th August 2025   
and shall thereafter stand dissolved;

|  |  |  |
| --- | --- | --- |
| 15 | (*b*) | the persons holding office respectively, as |
| the President and the Prime Minister on the |
| day preceding to this Act come in to |

operation shall continue to hold such office   
after such date, subject to the provisions of   
the Constitution as amended by this Act; and

|  |  |  |
| --- | --- | --- |
| 20 | (*c*) | every person holding office on the day |

preceding the date on which this Act comes   
into operation, as,–

(i) the Chief Justice;

(ii) Judges of the Supreme Court;

|  |  |
| --- | --- |
| 25 | (iii) the members of the Judicial Service Commission; |

(iv) the President of the Court of Appeal;

32 *Twenty Second Amendment to the Constitution*

(v) Judges of the Court of Appeal;   
 (vi) the Attorney-General;   
(vii) the Auditor-General;   
(viii) the Inspector-General of Police;

|  |  |
| --- | --- |
| 5 | (ix) the Parliamentary Commissioner for Administration (Ombudsman); |

(x) the Secretary-General of Parliament;   
(xi) a judge of the High Court; or

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | (2) | (xii) a judicial officer, a scheduled public | |
| officer, public officer or a police officer, | |
| 15 | 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. | |
| 20 |
| 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*) | Public Service Commission; |
| 25 | (*c*) | National Police Commission; |
| (*d*) | Human Rights Commission of Sri Lanka; |
| (*e*) | Commission to Investigate Allegations of |
| Bribery or Corruption; or | |
| (*f*) | Finance Commission, |

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

*Twenty Second Amendment to the Constitution*  33

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

|  |  |
| --- | --- |
| 5 | Commission referred to above may continue to exercise and discharge powers and functions of their |

respective offices until such date on which the   
respective Commissions are constituted in   
accordance with Chapter VIIA of the Constitution.

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | (3) | All matters relating to,– | |
| (*a*) | the appointment, promotion, transfer, |

disciplinary control and dismissal of police   
officers; and

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

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

|  |  |  |
| --- | --- | --- |
| 20 | (4) | be determined by the National Police Commission |
| accordingly. |
| All matters relating to the appointment, promotion, |

transfer, disciplinary control and dismissal of   
members of the Sri Lanka State Audit Service and

|  |  |
| --- | --- |
| 25 | 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 Audit Service

|  |  |
| --- | --- |
| 30 | Commission established by Article 153A and shall be determined by the Audit Service Commission |

accordingly.

|  |  |  |
| --- | --- | --- |
| **22.** | In the event of any inconsistency between the | Sinhala text  to prevail in the event of  an  inconsistency |
| Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. | |

|  |  |
| --- | --- |
| 34 | *Twenty Second Amendment to the Constitution* |

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