

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

*————————*

**TWENTY SECOND AMENDMENT**   
**TO THE CONSTITUTION**

**A**

**BILL**

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

*————————*

*Presented by the Minister of Justice, Prison Affairs and Constitutional Reforms on 10th of August, 2022*

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

L.D.— O. 12/2022   
 AN ACTTOAMENDTHE CONSTITUTIONOFTHE DEMOCRATIC

SOCIALIST REPUBLICOF SRI LANKA

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

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

Amendment to the Constitution.

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| --- | --- | --- | --- |
| 5 | **2.** | Chapter VIIA of the Constitution of the Democratic | Replacement |
| of Chapter |
| Socialist Republic of Sri Lanka (in this Act referred to as the | |
| VIIA of the |
| “Constitution”) is hereby repealed and the following Chapter | | Constitution |
| is substituted therefor:- | | of the |
| Democratic |

Socialist   
 Republic of   
 Sri Lanka  
“CHAPTER VIIA

|  |  |  |
| --- | --- | --- |
| 10 | Constitution | **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:– |
| of the |
| 15 | Constitutional |
| Council |
| (*a*) the Prime Minister; |

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

|  |  |
| --- | --- |
| 20 | (*d*) one Member of Parliament appointed by the President; |

(*e*) five persons appointed by the President,   
 upon being nominated as follows:-  
 (i) one Member of Parliament   
 nominated by agreement of the

2 *Twenty Second Amendment to the Constitution*

majority of the Members of   
Parliament representing the   
Government;

(ii) one Member of Parliament

|  |  |
| --- | --- |
| 5 | nominated by agreement of the majority of the Members of |

Parliament of the political party   
or independent group to which   
the Leader of the Opposition

10 belongs; and

(iii) three persons nominated by the Speaker in consultation with the Prime Minister and the Leader of the Opposition by agreement of 15 the majority of Members of Parliament;

(*f*) one Member of Parliament nominated by agreement of the Members of Parliament other than those representing the 20 Government and those belonging to the political party or independent group to which the Leader of the Opposition belongs, and appointed by the President.

(2) The Speaker shall be the Chairman of 25 the Council.

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

30 for such nominations arises.

(4) In nominating the five persons referred   
to in sub-paragraph (*e*) of paragraph (1), the   
Members of Parliament shall ensure that the

*Twenty Second Amendment to the Constitution*  3

Council reflects the pluralistic character of Sri   
Lankan society, including professional and   
social diversity.

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

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| 10 | any political party whose nomination shall be approved by Parliament. |

(6) The President shall, within fourteen days of the receipt of a written communication specifying the nominations made under sub-15 paragraphs (*e*) and (*f*) of paragraph (1), 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 20 to have been appointed as members of the Council, with effect from the date of expiry of such period.

(7) (*a*) On the dissolution of Parliament, notwithstanding the provisions of paragraph 25 (2) of Article 64, the Speaker shall continue to hold office as a member of the Council, until a Member of Parliament is elected to be the Speaker under paragraph (1) of the aforesaid Article.

30 (*b*) Notwithstanding the dissolution of Parliament, the Prime Minister, the Leader of the Opposition and the Members of Parliament who are members of the Council, shall continue to hold office as Members of such Council,

35 until such time after a General Election

4 *Twenty Second Amendment to the Constitution*

following such dissolution, a Member of   
Parliament is appointed as the Prime Minister   
or recognized as the Leader of the Opposition   
or such number of Members of Parliament are

|  |  |
| --- | --- |
| 5 | appointed as Members of the Council under sub-paragraphs (*d*), (*e*) and (*f*) of paragraph (1), |

as the case may be.

(8) (*a*) The member of the Council appointed under sub-paragraph (*d*) of paragraph (1), shall 10 hold office for a period of three years from the date of appointment unless the member earlier resigns his office by writing addressed to the Presidentoris removed from office by the President.

15 (*b*) Every member of the Council appointed under sub-paragraphs (*e*) and (*f*) of paragraph (1) shall hold office for a period of three years from the date of appointment unless the member earlier resigns his office by writing 20 addressed to the President or is removed from office by the President on a resolution passed by the majority of the Members of Parliament (including those not present) voting in its favour on the grounds of physical or mental 25 incapacity and is unable to function further in office or is convicted by a court of law for any offence involving moral turpitude or if a resolution for the imposition of civic disability upon him has been passed in terms of Article 81 30 of the Constitution or is deemed to have vacated his office under paragraph (7) of Article 41E.

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

|  |  |
| --- | --- |
| 35 | paragraph (*d*), (*e*) or (*f*) of paragraph (1), the President shall, within fourteen days of the |

*Twenty Second Amendment to the Constitution*  5

occurrence of such vacancy and having regard   
to the provisions of the aforementioned sub-  
paragraphs, appoint another person to succeed

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| --- | --- |
| 5 | such member. Any person so appointed, shall hold office during the unexpired part of the |

period of office of the member whom he   
succeeds.

(10) A member appointed under sub- paragraph (*d*), (*e*) or (*f*) of paragraph (1), shall 10 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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| --- | --- | --- |
| 15 | 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.

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

(3) It shall be the duty of the Council to 25 recommend to the President fit and proper persons for appointment as Chairmen or members of the Commissions specified in the Schedule to this Article, whenever the occasion

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| --- | --- |
| 30 | for such appointments arises, and such recommendations shall endeavour to ensure |

that such recommendations reflect the   
pluralistic character of Sri Lankan society,   
including gender. In the case of the Chairmen

6 *Twenty Second Amendment to the Constitution*

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

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

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| --- | --- | --- | --- | --- |
| fourteen | days | of | receiving | the |

recommendations of the Council for such 10 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 15 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 20 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 25 period.

(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

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

*Twenty Second Amendment to the Constitution*  7

(6) All the Commissions referred to in the   
Schedule to this Article, other than the Election   
Commission, shall be responsible and   
answerable to Parliament.

5 **SCHEDULE**

(*a*) The Election Commission.

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

|  |  |
| --- | --- |
| 10 | (*e*) The Human Rights Commission of Sri Lanka. |

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

(*g*) The Finance Commission.

15 (*h*) The Delimitation Commission.   
 (*i*) The National Procurement Commission.

|  |  |  |
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| 20 | 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 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

|  |  |
| --- | --- |
| 25 | appointed to act for a period exceeding fourteen days, in any Office specified in the |

Schedule to this Article:

8 *Twenty Second Amendment to the Constitution*

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

5 Council on a recommendation by the President.

(3) No person appointed to any Office specified in the Schedule to this Article or to act in any such Office, shall be removed from such Office except as provided for in the 10 Constitution or in any law.

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

15 of the Chief Justice.

**SCHEDULE**

PART I

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

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

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

PART II

25 (*a*) The Attorney-General.

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

*Twenty Second Amendment to the Constitution*  9

(*c*) The Auditor-General.

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

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

|  |  |  |
| --- | --- | --- |
| 5 | Secretary- | (*f*) The Secretary-General of Parliament. |
| **41D.** (1) There shall be a Secretary-General |
| 10 | General and | to the Council who shall be appointed by the |
| other officers |
| Council for a term of three years. Upon the |
| of the |
| expiration of his term of office, the Secretary- |
| Council |
| General shall be eligible for reappointment. |

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

|  |  |  |
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| 15 | Meetings of | **41E.** (1) The Council shall meet at least twice |
| the Council | every month, and as often as may be necessary |

to discharge the functions assigned to the   
Council by the provisions of this Chapter or   
by any law, and such meetings shall be

|  |  |
| --- | --- |
| 20 | summoned by the Secretary-General to the Council on the direction of the Chairman of |

the Council.

(2) The Chairman shall preside at all meetings of the Council and in the absence of 25 the Chairman, the Prime Minister, and in the absence of the Prime Minister, the Leader of the Opposition shall preside at the meetings of the Council.

(3) The quorum for any meeting of the

30 Council shall be five members.

10 *Twenty Second Amendment to the Constitution*

(4) The Council shall endeavour to make   
every recommendation, approval or decision   
it is required to make by unanimous decision   
and in the absence of a unanimous decision,

5 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 10 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

15 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

|  |  |
| --- | --- |
| 20 | in regard to the recommendation or approval of persons suitable for any appointment under |

Article 41B or Article 41C.

(7) Any member of the Council appointed under sub-paragraph (*d*), (*e*) or (*f*) of paragraph 25 (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.

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| 30 | (8) The Council shall have the power to act notwithstanding the fact that it has not been |

fully constituted or that there is a vacancy in   
its membership. No act, proceeding or decision

*Twenty Second Amendment to the Constitution*  11

of the Council carried out or made by the majority vote of the members shall be or deemed to be invalid by reason only of the fact that the Council has not been fully constituted 5 or that there has been a vacancy in its membership or that there has been any defect in the appointment of a member.

|  |  |  |
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| 10 | 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 |
| 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

|  |  |  |
| --- | --- | --- |
| 15 | Powers and | other Commission. |
| **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.

|  |  |
| --- | --- |
| 20 | (2) The Council shall perform and discharge such other duties and functions as may be |

imposed or assigned to the Council by the   
Constitution, or by any other written law.

(3) The Council shall have the power to

|  |  |
| --- | --- |
| 25 | make rules relating to the performance and discharge of its duties and functions. All such |

rules shall be published in the *Gazette* and be   
placed before Parliament within three months   
of such publication.

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| 30 | Expenses to | **41H.** The expenses incurred by the Council |
| be charged | shall be charged on the Consolidated Fund. |
| on the |

Consolidated   
Fund

12 *Twenty Second Amendment to the Constitution*

Finality of **41J.** 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 5   
 whatsoever, any decision of the Council or any approval or recommendation made by the Council, which decision, approval or recommendation shall be final and conclusive for all purposes.”.

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| 10 | **3.** | Chapter VIII of the Constitution is hereby repealed | Replacement |
| and the following Chapter is substituted therefor:- | | of Chapter |
| VIII of the |
| “CHAPTER VIII | | Constitution |

**THE EXECUTIVE**

THE CABINET OF MINISTERS

|  |  |  |
| --- | --- | --- |
| 15 | Responsibility | **42.** The President shall be responsible to |
| of the | Parliament for the due exercise, performance |
| President |
| and discharge of his powers, duties and |

functions under the Constitution and any   
written law, including the law for the time being

|  |  |  |
| --- | --- | --- |
| 20 | Prime | relating to public security. |
| **43.** (1) There shall be a Cabinet of Ministers |
| Minister and | charged with the direction and control of the |
| the Cabinet |
| Government of the Republic. |
| of Ministers |

(2) The Cabinet of Ministers shall be 25 collectively responsible and answerable to Parliament.

(3) The President shall be a member of the   
Cabinet of Ministers and shall be the Head of   
the Cabinet of Ministers.

*Twenty Second Amendment to the Constitution*  13

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

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| 5 | Ministers and | **44.** (1) The President shall, in consultation |
| their subjects | with the Prime Minister, where he considers |
| and functions |
| such consultation to be necessary, determine |

the number of Ministers of the Cabinet of Ministers and the Ministries and the 10 assignment of subjects and functions to such Ministers.

(2) The President shall, on the advice of the Prime Minister, appoint from among Members of Parliament, Ministers, to be in charge of the 15 Ministries so determined.

(3) The President shall be the Minister in   
charge of the subject of Defence and may   
exercise, perform and discharge the powers,   
duties and functions of any Minister of the

|  |  |
| --- | --- |
| 20 | Cabinet of Ministers or any Minister who is not a member of the Cabinet of Ministers, |

subject to the provisions of the Constitution,   
for not exceeding fourteen days during a period   
within which any subject or function is not

|  |  |
| --- | --- |
| 25 | assigned to any such Minister under the provisions of paragraph (1) of this Article or |

under paragraph (1) of Article 45 and accordingly, any reference in the Constitution or any written law to the Minister to whom 30 such subject or function is assigned, shall be read and construed as a reference to the President:

Provided however, preceding provisions of   
this paragraph shall not preclude the President

35 from assigning any subject or function to

14 *Twenty Second Amendment to the Constitution*

himself on the advice of the Prime Minister   
and accordingly, any reference in the   
Constitution or any written law to the Minister

|  |  |
| --- | --- |
| 5 | to whom such subject or function is assigned, shall be read and construed as a reference to |

the President.

(4) The President may at any time change   
the assignment of subjects and functions and   
the composition of the Cabinet of Ministers.

10 Such changes shall not affect the continuity of the Cabinet of Ministers and the continuity of its responsibility to Parliament.

|  |  |  |
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| 15 | Ministers | **45.** (1) The President may, on the advice |
| who are not | of the Prime Minister, appoint from among |
| members of |
| Members of Parliament, Ministers who shall |
| the Cabinet |
| of Ministers | not be members of the Cabinet of Ministers. |

(2) The President may, in consultation with   
the Prime Minister where he considers such   
consultation to be necessary, determine the

|  |  |
| --- | --- |
| 20 | assignment of subjects and functions to Ministers appointed under paragraph (1) of this |

Article and the Ministries, if any, which are to   
be in charge of, such Ministers.

(3) The President may at any time change 25 any assignment made under paragraph (2).

(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

|  |  |
| --- | --- |
| 30 | 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

*Twenty Second Amendment to the Constitution*  15

to such Cabinet Minister, or any power or duty   
conferred or imposed on him by any written   
law, and it shall be lawful for such other   
Minister to exercise and perform any power or

|  |  |
| --- | --- |
| 5 | duty delegated notwithstanding anything to the contrary in the written law by which that |

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

|  |  |  |
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| 10 | Deputy | **46.** (1) The President may, on the advice of |
| Ministers | the Prime Minister, appoint from among |

Members of Parliament, Deputy Ministers to   
assist Ministers of the Cabinet of Ministers in   
the performance of their duties.

(2) Any Minister of the Cabinet of Ministers 15 may, by Notification published in the *Gazette*, delegate to his Deputy Minister, any power or duty pertaining to any subject or function assigned to him or any power or duty conferred or imposed on him by any written law, and it 20   
 shall be lawful for such Deputy Minister to exercise and perform any power or duty delegated notwithstanding anything to the contrary in the written law by which that power or duty is conferred or imposed on such

|  |  |  |
| --- | --- | --- |
| 25 | Tenure of | Minister. |
| **47.** (1) The total number of– |
| 30 | office of the | (*a*) Ministers of the Cabinet of |
| Prime |
| Minister, and |
| Ministers shall not exceed |
| the limitation |
| of numbers | thirty; and |
| and tenure of |
| office of | (*b*) Ministers who are not members |
| Ministers and |
| Deputy | of the Cabinet of Ministers and |
| Ministers | Deputy Ministers shall not, in |

the aggregate, exceed forty.

16 *Twenty Second Amendment to the Constitution*

(2) The Prime Minister shall continue to hold office throughout the period during which the Cabinet of Ministers continues to function under the provisions of the Constitution unless 5 he–

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

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

(3) A Minister of the Cabinet of Ministers, a 10 Minister who is not a member of the Cabinet of Ministers and a Deputy Minister, shall continue to hold office throughout the period during which the Cabinet of Ministers continues to function under the provisions of 15 the Constitution unless he–

(*a*) is removed from office under the hand   
of the President on the advice of the   
Prime Minister;

(*b*) resigns from office by a writing under 20 his hand addressed to the President; or

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

(4) Notwithstanding anything contained in paragraph (1) of this Article, where the recognized political party or the independent 25 group which obtains highest number of seats in Parliament forms a National Government, the number of Ministers in the Cabinet of Ministers, the number of Ministers who are not Cabinet of Ministers and the number of Deputy

30 Ministers shall be determined by Parliament.

*Twenty Second Amendment to the Constitution*  17

(5) For the purpose of paragraph (4),   
National Government means, a Government   
formed by the recognized political party or the   
independent group which obtains the highest

|  |  |
| --- | --- |
| 5 | number of seats in Parliament together with the other recognized political parties or the |

independent groups.

|  |  |  |
| --- | --- | --- |
| 10 | Cabinet of | **48.** (1) The Cabinet of Ministers functioning |
| Ministers | immediately prior to the dissolution of |
| after |
| Parliament shall, notwithstanding such |
| dissolution of |
| dissolution, continue to function and shall |
| Parliament |
| cease to function upon the conclusion of the |

General Election and accordingly, the Prime   
Minister and the Ministers of the Cabinet of

|  |  |
| --- | --- |
| 15 | Ministers, shall continue to function unless they cease to hold office as provided in sub- |

paragraph (*a*) of paragraph (2) or sub-paragraph   
(*a*) or (*b*) of paragraph (3) of Article 47 and   
shall comply with the criteria set out by the

|  |  |
| --- | --- |
| 20 | Commissioner-General of Elections and shall not cause any undue influence on the General |

Election.

(2) Notwithstanding the death, removal from office or resignation of the Prime Minister, 25 during the period intervening between the dissolution of Parliament and the conclusion of the General Election, the Cabinet of Ministers shall continue to function with the other Ministers of the Cabinet of Ministers as

|  |  |
| --- | --- |
| 30 | its members, until the conclusion of the General Election. The President may appoint |

one such Minister to exercise, perform and   
discharge the powers, duties and functions of   
the Prime Minister.

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| --- | --- |
| 35 | (3) On the death, removal from office or resignation, during the period intervening |

18 *Twenty Second Amendment to the Constitution*

between the dissolution of Parliament and the conclusion of the General Election, of a Minister of the Cabinet of Ministers, the President may, on the advice of the Prime 5 Minister, appoint any other Minister to be the Minister in charge of the Ministry of such Minister or to exercise, perform and discharge the powers, duties and functions of such Minister.

|  |  |  |
| --- | --- | --- |
| 10 | Dissolution | **49.** (1) On the Prime Minister ceasing to hold |
| of the | office by death, resignation or otherwise, |
| Cabinet of |
| except during the period intervening between |
| Ministers |
| the dissolution of Parliament and the |

conclusion of the General Election, the Cabinet 15 of Ministers shall, unless the President has in the exercise of his powers under Article 70, dissolved Parliament, stand dissolved and the President shall appoint a Prime Minister, Ministers of the Cabinet of Ministers, Ministers 20   
 who are not members of the Cabinet of Ministers and Deputy Ministers in terms of Articles 43, 44, 45 and 46:

Provided that if after the Prime Minister so   
ceases to hold office, Parliament is dissolved,

|  |  |
| --- | --- |
| 25 | the Cabinet of Ministers shall continue to function with the other Ministers of the Cabinet |

as its members, until the conclusion of the   
General Election. The President may appoint   
one such Minister to exercise, perform and

|  |  |
| --- | --- |
| 30 | discharge the powers, duties and functions of the Prime Minister, and the provisions of |

Article 48 shall, *mutatis mutandis*, apply.

(2) If Parliament rejects the Statement of   
Government Policy or the Appropriation Bill

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| --- | --- |
| 35 | or passes a vote of no-confidence in the Government, the Cabinet of Ministers shall |

*Twenty Second Amendment to the Constitution*  19

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

|  |  |
| --- | --- |
| 5 | Ministers, Ministers who are not members of the Cabinet of Ministers and Deputy Ministers |

in terms of Articles 43, 44, 45 and 46.

|  |  |  |
| --- | --- | --- |
| 10 | Acting | **50.** Whenever a Minister of the Cabinet of |
| Ministers and | Ministers, a Minister who is not a member of |
| Deputy |
| the Cabinet of Ministers or a Deputy Minister |
| Ministers |
| 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

|  |  |
| --- | --- |
| 15 | of the Cabinet of Ministers, Minister who is not a member of the Cabinet of Ministers or a |

Deputy Minister.

|  |  |  |
| --- | --- | --- |
| 20 | Secretary to | **51.** (1) (*a*) There shall be a Secretary to the |
| the Prime | Prime Minister who shall be appointed by the |
| Minister and |
| President. |
| Secretary to |
| the Cabinet | (*b*) The Secretary shall have charge of the |
| of Ministers |

office of the Prime Minister and shall perform and discharge the duties and functions of his office, subject to the directions of the Prime 25 Minister.

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

(*b*) The Secretary shall, subject to the 30 direction of the President, have charge of the office of the Cabinet of Ministers, and shall discharge and perform such other functions and duties as may be assigned to him by the President or the Cabinet of Ministers.

20 *Twenty Second Amendment to the Constitution*

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.

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

10 (3) Notwithstanding the dissolution of the Cabinet of Ministers under the provisions of the Constitution, the Secretary to a Ministry shall continue to hold office until a new Secretary is appointed to such Ministry, in 15 terms of the provisions of the Constitution:

Provided however, the Secretary to a Ministry shall cease to hold office upon a determination by the President under Article 44 or 45 which results in such Ministry ceasing 20 to exist.

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

|  |  |  |  |
| --- | --- | --- | --- |
| 25 | 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 30 be deemed not to be departments of Government.

|  |  |
| --- | --- |
| Official oath  or  affirmation | **53.** A person appointed to any office referred to in this Chapter shall not enter upon the duties of his office until such person takes and |

*Twenty Second Amendment to the Constitution*  21

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

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | **4.** | Article 54 of the Constitution is hereby amended as | Amendment |
| follows:- | | of Article 54 |
| of the |
| (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 10 (in this Chapter referred to as the “Commission”) which shall consist of nine members appointed by the President on the recommendation of the Constitutional Council, of whom not less than three members shall be persons who have had over fifteen

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

Council shall appoint one member as its   
Chairman.”;

(2) by the repeal of paragraph (4) of that Article and 20 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

|  |  |
| --- | --- |
| 25 | to any disqualification under paragraph (2) or earlier resigns from his office by writing addressed |

to the President or is removed from office by the President with the approval of the Constitutional Council or is convicted by a court of law of any offence involving moral turpitude or if a resolution 30 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

22 *Twenty Second Amendment to the Constitution*

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

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

Council,”.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 10 | **6.** | Article 61F of the Constitution is hereby repealed | | Replacement |
| and the following Article is substituted therefor:- | | | of Article 61F |
| of the |
| “Interpretation | | **61F.** For the purposes of this Chapter, | Constitution |

“public officer” does not include a member of the Army, Navy or Air Force, an officer of the 15 Election Commission appointed by such Commission, a police officer appointed by the National Police Commission, a scheduled public officer appointed by the Judicial Service Commission or a member of the Sri Lanka State 20 Audit Service appointed by the Audit Service Commission.”.

|  |  |  |  |
| --- | --- | --- | --- |
| 25 | **7.** | Article 65 of the Constitution is hereby amended as | Amendment |
| follows:- | | of Article 65 |
| of the |
| (1) by the substitution, in paragraph (1) of that Article, | | Constitution |
| for the words and figures “subject to the provisions | |

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

(2) by the repeal of paragraph (6) of that Article, and the substitution therefor of the following 30 paragraph:-

“(6) Whenever the Secretary-General is unable   
to discharge the functions of his office, the

*Twenty Second Amendment to the Constitution*  23

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

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | **8.** | Article 91 of the Constitution is hereby amended in | Amendment |
| sub-paragraph (*d*) of paragraph (1) of that Article as follows:- | | of Article 91 |
| of the |
| (1) by the substitution, in item (iv) of that sub- | | Constitution |

paragraph, for the words and figures “referred toin   
Schedule I to Article 41A,” of the words and figures  
“referred to in the Schedule to Article 41B,”;

|  |  |
| --- | --- |
| 10 | (2) by the insertion, immediately after item (*va*) of that sub-paragraph, of the following item:- |

“(*vb*) a member of the Constitutional Council referred to in sub-paragraph (*e*) of paragraph (1) of Article 41A, other than any Member of Parliament;”; 15 and

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

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

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | **9.** | Article 95 of the Constitution is hereby amended in | Amendment |
| paragraph (2) of that Article, by the substitution for the words | | of Article 95 |
| of the |
| and figures “paragraph (1) of this Article and subject to the | |
| Constitution |
| provisions of Article 41A, appoint”, of the words and figure | |

“paragraph (1) and on the recommendation of the

|  |  |  |  |
| --- | --- | --- | --- |
| 25 | Constitutional Council, appoint”. | | Amendment |
| **10.** | Article 103 of the Constitution is hereby amended |
| as follows:- | | of Article |
| 103 of the |
| (1) by the substitution, in paragraph (1) of that Article, | | Constitution |

for the words and figures “subject to the provisions

24 *Twenty Second Amendment to the Constitution*

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

(2) by the substitution, in paragraph (7) of that Article, 5 for the words and figures “subject to the provisions of Article 41A,” of the words “on the recommendation of the Constitutional Council,”.

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | **11.** | Article 104B of the Constitution is hereby amended | Amendment |
| by the repeal of sub-paragraph (*a*) of paragraph (5) of that | | of Article |
| 104B of the |
| Article and the substitution therefor of the following sub- | |
| Constitution |
| paragraph:- | |

“(*a*) The Commission shall have the power to issue, from time to time, in respect of the holding of any election or the conduct of a referendum, such guidelines as 15 the Commission may consider appropriate, to any broadcasting or telecasting operator or any proprietor or any publisher of a newspaper, as the case may be, as the Commission may consider necessary to ensure a free and fair election.”.

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | **12.** | Article 107 of the Constitution is hereby amended | Amendment |
| in paragraph (1) of that Article, by the substitution, for the | | of Article |
| 107 of the |
| words and figures “subject to the provisions of Article 41A,” | |
| Constitution |
| of the words “subject to the approval of the Constitutional | |

Council,”.

|  |  |  |  |
| --- | --- | --- | --- |
| 25 | **13.** | Article 109 of the Constitution is hereby amended | Amendment |
| as follows:- | | of Article |
| 109 of the |
| (1) by the substitution, in paragraph (1) of that Article, | | Constitution |

for the words and figures “subject to the provisions of Article 41A,” of the words “on the approval of 30 the Constitutional Council,”; and

*Twenty Second Amendment to the Constitution*  25

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

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | **14.** | Article 111D of the Constitution is hereby amended | Amendment |
| of Article |
| in paragraph (1) of that Article, by the substitution for the | |
| 111D of the |
| words and figures “subject to the provisions of Article 41A.”, | | Constitution |

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

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | **15.** | Article 111E of the Constitution is hereby amended | Amendment |
| in paragraph (5) of that Article, by the substitution, for the | | of |
| Article 111E |
| words and figures “subject to the provisions of Article 41A,” | | of the |
| of the words “subject to the approval of the Constitutional | | Constitution |

Council,”.

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | **16.** | Article 121 of the Constitution is hereby amended | Amendment |
| in paragraph (1) of that Article, by the substitution, for the | | of |
| Article 121 |
| words “within one week” of the words “within fourteen days”. | | of the |

Constitution

|  |  |
| --- | --- |
| **17.** Article 153 of the Constitution is hereby amended as follows:- | Amendment of  Article 153 |

of the

|  |  |  |
| --- | --- | --- |
| 20 | (1) by the substitution, in paragraph (1) of that Article, | Constitution |

for the words and figures “subject to the provisions   
of Article 41A,” of the words “subject to the approval   
of the Constitutional Council,”; and

(2) by the substitution, in paragraph (4) of that Article, 25 for the words and figures “subject to the provisions of Article 41A,” of the words “subject to the approval of the Constitutional Council,”.

|  |  |  |
| --- | --- | --- |
| 26 | *Twenty Second Amendment to the Constitution* | Insertion of new Articles 153A,153B,  153C,153D,  153E,153F, |
| **18.** | The following new Articles are hereby inserted |
| immediately after Article 153 and shall have effect as Articles 153A, 153B, 153C, 153D, 153E, 153F, 153G and 153H of the Constitution:- | |

153G   
and153H in   
the

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | “Constitution | **153A.** (1) There shall be an Audit Service | Constitution |
| 10 | of the Audit | Commission (in this Chapter referred to as the |
| Service |
| “Commission”), which shall consist of the |
| Commission |
| Auditor-General who shall be the Chairman of |
| the Commission, and the following members |
| appointed by the President on the |
| 15 | recommendation of the Constitutional |
| Council:- |
| (*a*) two retired officers of the Auditor- |
| General’s Department, who have held |
| office as a Deputy Auditor-General or |
| above; |

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

|  |  |
| --- | --- |
| 20 | (*c*) a retired Class I officer of the Sri Lanka Administrative Service. |

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

|  |  |
| --- | --- |
| 25 | (*a*) earlier resigns from his office, by letter addressed to the President; |

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

|  |  |
| --- | --- |
| 30 | (*c*) becomes a Member of Parliament or a member of a Provincial Council or a local authority. |

*Twenty Second Amendment to the Constitution*  27

(3) A person appointed as a member of the Commission shall be eligible to be appointed for a further term of office, on the recommendation of the Constitutional 5 Council.

(4) The President may, for cause assigned and with the approval of the Constitutional Council, remove from office any person appointed as a member of the Commission 10 under paragraph (1).

(5) The Chairman and the members of the   
Commission shall be paid such allowances as   
are determined by Parliament. Such allowances   
shall be charged on the Consolidated Fund and

|  |  |
| --- | --- |
| 15 | shall not be diminished during the term of office of the Chairman or members. |

(6) The Chairman and the members of the   
Commission shall be deemed to be public

|  |  |
| --- | --- |
| 20 | servants within the meaning and for the purposes of Chapter IX of the Penal Code |

(Chapter 19).

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

|  |  |  |
| --- | --- | --- |
| 25 | Meetingsof | **153B.** (1) The quorum for any meeting of |
| the | the Commission shall be three members of the |
| Commission | Commission. |

(2) Parliament shall, subject to paragraph (1), provide by law for meetings of the 30 Commission, the establishment of the Sri Lanka State Audit Service and such other matters connected with and incidental thereto.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | 28 | *Twenty Second Amendment to the Constitution* | |
| Powers and | | **153C.** (1) Thepowers of appointment, |
| functions of the  Commission | | promotion, transfer, disciplinary control and dismissal of the members belonging to the Sri Lanka State Audit Service, shall be vested in |
| the Commission. | | |

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

|  |  |
| --- | --- |
| 10  15 | (*a*) make rules pertaining to schemes of recruitment, the appointment, transfer, disciplinary control and dismissal of the members belonging to the Sri Lanka State Audit Service, subject to any policy determined by the Cabinet of Ministers pertaining to the same; |

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

|  |  |
| --- | --- |
| 20 | (*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*.

|  |  |
| --- | --- |
| 25 | (4) Every such rule shall come into operation on the date of such publication or on such later date as may be specified in such rule. |

(5) Every such rule shall, within three months of such publication in the *Gazette* be 30 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.

|  |  |  |  |
| --- | --- | --- | --- |
| 5  10 | *Twenty Second Amendment to the Constitution* | | 29 |
| Influencing | **153D.** (1) A person who otherwise than in | |
| or  attempting to influence  decision of  the | the course of his duty, directly or indirectly, by himself or through any other person, in any manner whatsoever, influences or attempts to influence any decision of the Commission, any | |
| Commission or any  officer of the Sri Lanka  State Audit | member thereof or any officer of the Sri Lanka State Audit Service, commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand rupees or to | |
| Service, to be an  offence | imprisonment for a term not 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

|  |  |  |
| --- | --- | --- |
| 15 | Immunity | referred to in paragraph (1). |
| **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

|  |  |
| --- | --- |
| 20 | or tribunal shall have the power or jurisdiction to inquire into, pronounce upon or in any |

manner whatsoever call in question any order   
or decision made by the Commission, in   
pursuance of any function assigned tosuch

|  |  |  |
| --- | --- | --- |
| 25 | Costs and | Commission under this Chapter or under any |
| law. |
| **153F.** The costs and expenses of the |
| expenses | Commission shall be a charge on the |

Consolidated Fund.

|  |  |  |
| --- | --- | --- |
| 30 | 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 |
| transfer of such officer or any order on a |
| Tribunal |

disciplinary matter or dismissal made by the

35 Commission, in respect of such officer, may

30 *Twenty Second Amendment to the Constitution*

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

|  |  |  |
| --- | --- | --- |
| 5 | Commission | by the Commission. |
| **153H.** The Commission shall be responsible |
| 10 | 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.”.

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | **19.** | Article 154 of the Constitution is hereby amended | Amendment |
| in paragraph (1) of that Article, by the substitution for the | | of |
| words and figures “the Parliamentary Council, the | | Article 154 |
| of the |
| Commissions referred to in Schedule I to Article 41A,” of the | |
| Constitution |
| words and figures “the Constitutional Council, the | |

Commissions referred to in the Schedule to Article 41B,”.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 20 | **20.** | Article 154R of the Constitution is hereby amended | | Amendment |
| in sub-paragraph (*c*) of paragraph (1) of that Article, by the | | | of |
| Article 154R |
| substitution for the words and figures “subject to the | | |
| of the |
| provisions of Article 41A,” of the words “on the | | |
| Constitution |
| recommendation of the Constitutional Council,”. | | |
| 25 | **21.** | Article 155A of the Constitution is hereby amended | | Amendment |
| in paragraph (1) of that Article, by the substitution for the | | | of |
| Article 155A |
| words and figures “subject to the provisions of Article 41A,” | | |
| of the |
| of the words “on the recommendation of the Constitutional | | |
| Constitution |
| Council,”. | | |
| 30 | **22.** | | Article 155B of the Constitution is hereby amended, | Amendment |
| by the insertion, immediately after paragraph (4) of that | | | of |
| Article, of following paragraph:- | | | Article 155B |
| of the |
| “(5) The Inspector-General of Police shall be entitled to | | | Constitution |

be present at meetings of the Commission, except   
where any matter relating to him is being considered.

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

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 5 | *Twenty Second Amendment to the Constitution* | | 31 | Amendment |
| **23.** Article 155C of the Constitution is hereby amended, | | |
| by the substitution, for the words and figures “under | | | of Article |
| 155C of the |
| paragraph (1) of Article 126,” of the words and figures “under | | |
| Constitution |
| paragraph (1) of Article 126 and the powers granted to the | | |
| Administrative Appeals Tribunal under Article 155L,”. | | |
| 10 | Insertion of |
| **24.** The following new Articles are hereby inserted | | |
| immediately after Article 155FFF and shall have effect as | | | newArticles |
| 155G,155H, |
| Articles 155G, 155H, 155J, 155K and 155L respectively, of | | |
| 155J,155K |
| the Constitution: - | | | and 155L in |
| the |
| “Powers of | **155G.** (1)(*a*) The appointment, promotion, | | Constitution |
| the  Commission | transfer, disciplinary control and dismissal of police officers other than the Inspector-General | |

of Police, shall be vested in the Commission.   
The Commission shall exercise its powers of

|  |  |
| --- | --- |
| 15 | promotion, transfer, disciplinary control and dismissal in consultation with the Inspector- |

General of Police.

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

25 (2) The Commission shall establish procedures to entertain and investigate public complaints and complaints of any aggrieved person made against a police officer or the

|  |  |
| --- | --- |
| 30 | police service, and provide redress as provided by law. In the event of the Commission |

providing redress, the Commission shall   
forthwith inform the Inspector-General of   
Police.

32 *Twenty Second Amendment to the Constitution*

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

|  |  |  |
| --- | --- | --- |
| 5 | (*a*) | the formulation of schemes of |

recruitment, promotion and   
transfer, subject to any policy   
determined by the Cabinet of   
Ministers pertaining to the same;

|  |  |  |
| --- | --- | --- |
| 10 | (*b*) | training and the improvement of |

the efficiency and independence   
of the police service;

(*c*) the nature and type of the arms,   
 ammunition and other equipment

|  |  |
| --- | --- |
| 15 | necessary for the use of the National Division and the |

Provincial Divisions; and

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

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

|  |  |  |
| --- | --- | --- |
| 25 | Delegation of | **155H.** (1) The Commission may delegate |
| certain | to a Committee of the Commission (not |
| powers of the |
| consisting of members of the Commission) as |
| Commission |
| 30 | shall be nominated by the Commission, the |
| to a |
| Committee | powers of appointment, promotion, transfer, |
| disciplinary control and dismissal of such |
| categories of police officers as are specified by |

the Commission.

*Twenty Second Amendment to the Constitution*  33

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

(3) The procedure and quorum for meetings 5 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*.

|  |  |  |
| --- | --- | --- |
| 10 | Delegation of | **155J.** (1) The Commission may, subject to |
| certain |
| such conditions and procedures as may be |
| functions by |
| specified 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, 15 promotion, transfer, disciplinary control and dismissal of any category of police officers.

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

|  |  |  |
| --- | --- | --- |
| 20 | Right of | **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 25 to the Commission against any order made by such police officer in the exercise of the powers delegated to him.

(2) A police officer aggrieved by any order relating to promotion, transfer or any order on 30 a disciplinary matter or dismissal made by a Committee or the Inspector-General of Police or a police officer referred to in Articles 155H

34 *Twenty Second Amendment to the Constitution*

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 5 procedure and the period fixed for the making and hearing of an appeal by the Commission.

(3) The Commission shall have the power to alter, vary, rescind or confirm such order upon an appeal made under paragraph (1) or 10 paragraph (2), or to give directions in relation thereto or to order such further or other inquiry, as the Commission shall deem fit.

(4) The Commission shall, from time to time, cause to be published in the *Gazette*, rules 15 made by it under paragraph (2) of this Article.

(5) Upon any delegation of its powers to a   
Committee or the Inspector-General of Police   
or police officer under Articles 155H and 155J,

|  |  |
| --- | --- |
| 20 | the Commission shall not, whilst such delegation is in force, exercise, perform or |

discharge its powers, duties or functions in   
respect of the categories of police officers in   
respect of which such delegation is made,   
subject to the right of appeal hereinbefore

|  |  |  |
| --- | --- | --- |
| 25 | Appeals to | provided. |
| **155L.** Any police officer aggrieved by any |
| 30 | Administrative | order relating to promotion, transfer or any order |
| Appeals |
| on a disciplinary matter or dismissal made by |
| Tribunal |
| the Commission in terms of Article 155K, in |
| respect of such officer, may appeal therefrom |

to the Administrative Appeals Tribunal   
established under Article 59, which shall have   
the power to alter, vary, rescind or confirm any   
order or decision made by the Commission.”.

|  |  |  |
| --- | --- | --- |
| *Twenty Second Amendment to the Constitution* | 35 | Replacement of Article  155M of the |
| **25.** Article 155M of the Constitution is hereby repealed and the following Article substituted therefor:- | |

Constitution

|  |  |  |
| --- | --- | --- |
| 5 | “Saving of | **155M.** Until the Commission otherwise |
| existing rules | provides, all rules, regulations and procedures |
| and |
| relating to the Police Force as are in force on |
| regulations |

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

|  |  |  |
| --- | --- | --- |
| 10 | **26.** Article 156 of the Constitution is hereby amended as | Amendment |
| follows: - | of Article |
| 156 of the |

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

|  |  |  |
| --- | --- | --- |
| 15 | (2) | by the substitution, in paragraph (5) of that Article, |

for the words and figures “subject to the provisions   
of Article 41A,” of the words “subject to the approval   
of the Constitutional Council,”.

|  |  |  |
| --- | --- | --- |
| 20 | **27.** The following new Chapters are hereby inserted | Insertion of |
| immediately after Chapter XIX and shall have effect as | new Chapters |
| XIXA and |
| Chapter XIXA and Chapter XIXB of the Constitution: - |
| XIXB in the |

Constitution

“CHAPTER XIXA

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

|  |  |  |
| --- | --- | --- |
| 25 | Commission | **156A.** (1) Parliament shall by law provide |
| to investigate |
| for the establishment of a Commission to |
| bribery or |
| corruption | investigate allegations of bribery or corruption. |

Such law shall provide for–

36 *Twenty Second Amendment to the Constitution*

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

|  |  |  |
| --- | --- | --- |
| 5 | (*b*) | the powers of the Commission, |

including the power to direct the holding of a preliminary inquiry or the making of an investigation into an allegation of bribery or 10 corruption, whether of its own motion or on a complaint made to it, and the power to institute prosecutions for offences under the law in force relating to bribery

|  |  |  |
| --- | --- | --- |
| 15 | (*c*) | or corruption; and |
| measures to implement the United |

Nations Convention Against Corruption and any other International Convention relating 20 to the prevention of corruption, to which Sri Lanka is a party.

(2) Until Parliament so provides, the Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994 shall 25 apply, subject to the modification that it shall be lawful for the Commission appointed under that Act, to inquire into, or investigate, an allegation of bribery or corruption, whether on its own motion or on a written complaint made

30 to it.

*Twenty Second Amendment to the Constitution*  37

CHAPTER XIXB

**NATIONAL PROCUREMENT COMMISSION**

|  |  |  |
| --- | --- | --- |
| 5 | 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   
be persons who have had proven experience in

|  |  |
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| 10 | procurement, accountancy, law or public administration. The President shall, on the |

recommendation of the Constitutional   
Council, appoint one member as the Chairman   
of the Commission.

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| --- | --- |
| 15 | (2) Every member of the Commission shall hold office for a period of three years from |

the date of appointment, unless such member earlier resigns from office by a writing addressed to the President or is removed from office by 20 the President for causes assigned with the approval of the Constitutional Council or is convicted by a court of law for an offence involving moral turpitude or is elected as a Member of Parliament or as a member of a 25 Provincial Council or of a local authority or if a resolution for the imposition of a civic disability on him is passed in terms of Article 81.

(3) The Chairman and every member of the

|  |  |
| --- | --- |
| 30 | Commission shall be paid such allowances as may be determined by a resolution of |

Parliament. Such allowances shall be charged   
on the Consolidated Fund and shall not be   
diminished during the term of office of such

35 Chairman or the member.

38 *Twenty Second Amendment to the Constitution*

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 5   
 of goods and services, works, consultancy services and information systems by government institutions and cause such guidelines to be published in the *Gazette* and within three months of such publication, to be 10 placed before Parliament.

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

|  |  |  |
| --- | --- | --- |
| 15 | (*a*) | monitor and report to the |
| appropriate authorities, on |

whether all procurement of goods and services, works, consultancy services and information systems by government institutions are 20 based on procurement plans prepared in accordance with previously approved action plans;

|  |  |  |
| --- | --- | --- |
| 25 | (*b*) | monitor and report to the |
| appropriate authorities on |

whether all qualified bidders for   
the provision of goods and   
services, works, consultancy   
services and information systems

|  |  |
| --- | --- |
| 30 | by government institutions are afforded an equal opportunity to |

participate in the bidding process for the provision of those goods and services, works, consultancy 35 services and information systems;

*Twenty Second Amendment to the Constitution*  39

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

|  |  |
| --- | --- |
| 5 | selection of contractors, and the awarding of contracts for the |

provision of goods and services,   
works, consultancy services   
and information systems to

|  |  |  |
| --- | --- | --- |
| 10 | (*d*) | government institutions, are fair |
| and transparent; |
| report on whether members |

of Procurement Committees   
and Technical Evaluation   
Committees relating to the

|  |  |
| --- | --- |
| 15 | procurements, appointed by government institutions are |

suitably qualified; and

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 20 | (*e*) | investigate | reports | | of |
| procurements | | made | by |
| government institutions outside | | | |
| established procedures and | | | |

guidelines, and to report the   
officers responsible for such   
procurements to the relevant

|  |  |  |  |
| --- | --- | --- | --- |
| 25 | Powers of the | authorities for necessary action. | |
| **156D.** (1) The Commission may, by Notice | |
| Commission | in writing, require any person to– | |
| (*a*) | attend before the Commission, |

to be questioned by the

|  |  |  |
| --- | --- | --- |
| 30 | (*b*) | Commission; |
| produce to the Commission, any |

document or thing in the   
possession or control of that   
person and specified in such

35 Notice.

40 *Twenty Second Amendment to the Constitution*

(2) Every person who–

(*a*) fails, without reasonable cause to   
 appear before the Commission   
 when required to do so by a

5 Notice sent to him under paragraph (1);

(*b*) appears before the Commission in compliance with such a Notice, but refuses without reasonable 10 cause, to answer any questions put to him by the Commission; or

(*c*) fails or refuses, without reasonable cause, to produce any 15 document or thing which he was required to produce by a Notice sent to him under paragraph (1),

commits an offence and shall on conviction be liable to a fine not exceeding one hundred 20 thousand rupees or to imprisonment for a term not exceeding seven years, or to both such fine and imprisonment.

(3) Every High Court established under   
Article 154P of the Constitution shall have

25 jurisdiction to hear and determine any matter referred to in paragraph (2).

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

*Twenty Second Amendment to the Constitution*  41

(2) The Chairman shall preside at all meetings of the Commission. In the absence of the Chairman from any meeting of the Commission, the members present shall elect a 5 Chairman for that meeting, from among themselves.

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

(4) Decisions of the Commission shall be 10 by the majority vote of the members present and voting at the meeting at which the decision is taken, and in the event of an equality of votes, the Chairman or member presiding at the meeting shall have a casting vote.

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

(6) The Commission shall have the power 20 to act notwithstanding any vacancy in the membership of the Commission, and no act, proceeding or decision of the Commission shall be invalid or deemed to be invalid, by reason only of such vacancy or defect in the

|  |  |  |
| --- | --- | --- |
| 25 | Staff of the | appointment of a member. |
| **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 30 as may be determined by the Commission.

42 *Twenty Second 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 (Chapter 19).

(3) No suit, prosecution or other proceeding shall lie against any member or officer of the Commission for any act or thing which in good faith is done or purported to be 10 done by him in the performance of his duties or the discharge of his functions, under the Constitution.

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

charged on   
the Consoli-  
dated Fund

|  |  |  |
| --- | --- | --- |
| 15 | Interpretation | **156H.** In this Chapter, “government |

institution” includes the office of the Secretary to the President, the office of the Secretary to the Prime Minister, the office of the Secretary to the Cabinet of Ministers, the offices of the 20 Ministers appointed under Article 44 or 45, the Judicial Service Commission, the Constitutional Council, the Commissions referred to in the Schedule to Article 41B, the Parliamentary Commissioner for 25 Administration, the Secretary-General of Parliament, Ministries, government departments, local authorities, public corporations, business or other undertakings vested in the government under any written 30 law and Companies registered or deemed to be registered under the Companies Act, No. 7 of 2007, in which the government, a public

*Twenty Second Amendment to the Constitution*  43

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

|  |  |  |
| --- | --- | --- |
| 5 | **28.** Article 170 of the Constitution is hereby amended by | Amendment |
| the repeal of the definition of the expression “public officer” | of |
| Article 170 |
| and the substitution therefor of the following definition: - |
| of the |
| “public officer” means a person who holds any paid office | Constitution |

under the Republic, other than a judicial officer,   
but does not include –

|  |  |  |
| --- | --- | --- |
| 10 | (*a*) | the President; |
| (*b*) | the Prime Minister; |
| (*c*) | the Speaker; |
| (*d*) | a Minister appointed under Article 44 or 45; |
| (*e*) | a Deputy Minister appointed under |

Article 46;

|  |  |  |
| --- | --- | --- |
| 15 | (*f*) | a Member of Parliament; |
| (*g*) | a member of the Constitutional Council; |
| (*h*) | a member of the Judicial Service |

Commission;

|  |  |  |
| --- | --- | --- |
| 20 | (*i*) | the Chairman or a member of any |
| (*j*) | Commission referred to in Article 41B; |
| the Secretary-General of Parliament; |
| (*k*) | a member of the staff of the Secretary- |

General of Parliament;

|  |  |  |
| --- | --- | --- |
| 25 | (*l*) | a member of the University Grants |
| Commission; |

44 *Twenty Second Amendment to the Constitution*

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

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | (*n*) | the Auditor-General; and | Transitional |
| (*o*) | the Governor of the Central Bank of |
| Sri Lanka.”. | |
| **29.** (1) (*a*) The ninth Parliament in existence on the day | |
| preceding the date on which this Act comes into operation, | | provisions |

shall, unless dissolved earlier continue to function until August 19, 2025 and shall thereafter stand dissolved.

10 (*b*) The persons holding office respectively as the President and the Prime Minister on the day preceding the date on which this Act comes into operation, shall continue to hold office after such date subject to the provisions of the Constitution.

|  |  |  |
| --- | --- | --- |
| 15  20 | (2) Every person holding office on the day preceding the date on which this Act comes into operation, as– | |
| (*a*) | the Chief Justice; |
| (*b*) | the Judges of the Supreme Court; |
| (*c*) | the members of the Judicial Service Commission; |
| (*d*) | the President of the Court of Appeal; |
| (*e*) | the Judges of the Court of Appeal; |
| (*f*) | the Attorney-General; |
| (*g*) | the Governor of the Central Bank of Sri Lanka; |
| (*h*) | the Auditor-General; |

*Twenty Second Amendment to the Constitution*  45

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

(*j*) the Parliamentary Commissioner for Administration   
 (Ombudsman);

|  |  |  |
| --- | --- | --- |
| 5 | (*k*) | the Secretary-General of Parliament; |
| (*l*) | the Judges of the High Court; or |
| (*m*) | the judicial officers, scheduled public officers, |

public officers or police officers,

shall continue to hold such office and shall, subject to paragraph (3) of Article 41C, continue to exercise, perform

|  |  |
| --- | --- |
| 10 | and discharge the powers, duties and functions of that office, under the same terms and conditions. |

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

|  |  |
| --- | --- |
| 15 | member of the Parliamentary Council with effect from the date on which this Act comes into operation. |

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

|  |  |  |
| --- | --- | --- |
| 20 | (*a*) | the Election Commission; |
| 25 | (*b*) | the Public Service Commission; |
| (*c*) | the National Police Commission; |
| (*d*) | the Human Rights Commission of Sri Lanka; |
| (*e*) | the Commission to Investigate Allegations of |
| Bribery or Corruption; |
| (*f*) | the Finance Commission; and |
| (*g*) | the Delimitation Commission, |

46 *Twenty Second Amendment to the Constitution*

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

Provided however, a person holding office on the day preceding the date on which this Act comes into operation, 5 as a Chairman or a member of any such Commission referred to above may continue to exercise and discharge powers and functions of their respective offices until such date on which the respective Commissions are constituted in accordance with Chapter VIIA of the Constitution.

10 (5) All matters relating to–

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

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

15 pending before the Public Service Commission on the day preceding the date on which this Act comes into operation, shall, with effect from that date, stand transferred to the National Police Commission established by Article 155A and shall be determined by the National Police Commission 20 accordingly.

(6) All matters relating to the appointment, promotion, transfer, disciplinary control and dismissal of members of the Sri Lanka State Audit Service and pending before the Public Service Commission on the day preceding the date

|  |  |
| --- | --- |
| 25 | on which this Act comes into operation, shall, with effect from that date, stand transferred to the Audit Service |

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

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

|  |  |  |
| --- | --- | --- |
| 30 | (*a*) | where there is a requirement in any written law to |
| obtain the recommendation or approval of the |

*Twenty Second Amendment to the Constitution*  47

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

|  |  |  |
| --- | --- | --- |
| 5 | (*b*) | Council with effect from the date on which this Act |
| comes into operation; and |
| any Member of the ninth Parliament in existence |

on the day preceding the date on which this Act   
comes into operation, who is subject to the

|  |  |
| --- | --- |
| 10 | disqualification specified in item (xiii) of sub-paragraph (*d*) of paragraph (1) of Article 91 of the |

Constitution shall not be qualified to sit and vote   
in Parliament with effect from the date on which   
this Act comes into operation.

|  |  |  |
| --- | --- | --- |
| 15 | **31.** In the event of any inconsistency between the Sinhala | Sinhala text |
| and Tamil texts of this Act, the Sinhala text shall prevail. | to prevail in |
| case of |
| inconsistency |

|  |  |
| --- | --- |
| 48 | *Twenty Second Amendment to the Constitution* |

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