

PUB 1270: Socio-Political Environment

Session 11

Constitution of Sri Lanka



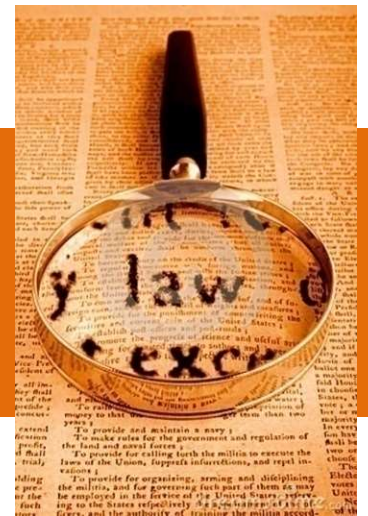
**Department of Public Administration
Faculty of Management Studies and Commerce
University of Sri Jayewardenepura
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Learning Outcomes

- Define the meaning of constitution
- Identify the milestones of constitutional development in Sri Lanka
- Understand the structure Government of Sri Lanka



Definition on Constitution



The body of rules or laws, written or unwritten which determine the organization of government, the distribution of powers of various organs of government and the general principles on which these powers are exercised.

Gilchrist, 1952

WE, THE FREELY ELECTED REPRESENTATIVES OF THE PEOPLE OF SRI LANKA, in pursuance of such Mandate, humbly acknowledging our obligations to our People and gratefully remembering their heroic and unremitting struggle to regain and preserve their rights and privileges so that the Dignity and Freedom of the Individual may be assured, Just, Social, Economic and Cultural Order attained, the Unity of the Country restored, and Concord established with other Nations,

do hereby adopt and enact

this

CONSTITUTION

as the

SUPREME LAW

of the

DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA.

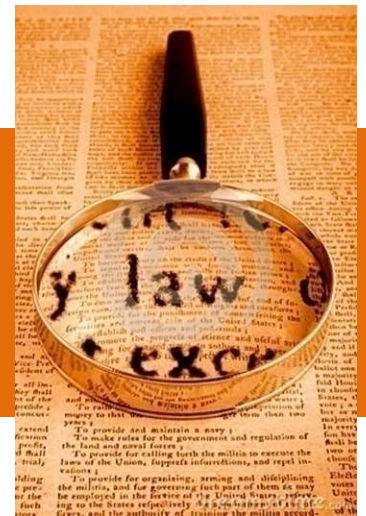
Source: The Constitution of Sri Lanka, 1978

CHAPTER I

THE PEOPLE, THE STATE AND SOVEREIGNTY

- | | |
|--|-----------------------------------|
| 1. Sri Lanka (Ceylon) is a Free, Sovereign, Independent and Democratic Socialist Republic and shall be known as the Democratic Socialist Republic of Sri Lanka. | The State. |
| 2. The Republic of Sri Lanka is a Unitary State. | Unitary State. |
| 3. In the Republic of Sri Lanka sovereignty is in the People and is inalienable. Sovereignty includes the powers of government, fundamental rights and the franchise. | Sovereignty of the People. |
| 4. The Sovereignty of the People shall be exercised and enjoyed in the following manner :— | Exercise of Sovereignty. |
| (a) the legislative power of the People shall be exercised by Parliament, consisting of elected representatives of the People and by the People at a Referendum ; | |
| (b) the executive power of the People, including the defence of Sri Lanka, shall be exercised by the President of the Republic elected by the People ; | |
| (c) the judicial power of the People shall be exercised by Parliament through courts, tribunals and institutions created and established, or recognized, by the Constitution, or created and established by law, except in regard to matters relating to the privileges, immunities and powers of Parliament and of its Members, wherein the judicial power of the People may be exercised directly by Parliament according to law ; | |

Definition on Constitution Cont'd.



Constitution is the higher law that describes the basic principles of the state, the structures and processes of government and the fundamental rights of citizens in a that cannot be unilaterally changed by an ordinary legislative act.

Bulmer, 2017

Functions of Constitution



1. Declares and defines the boundaries of a State
2. Defines the nature and authority of the political community
3. Expresses the national identity and values
4. Declares rights and duties of citizens
5. Establishes and regulates the political institutions
6. Defines the transfer of power between different layers of government
7. Commits to particular social, economic or developmental goals

Territory of the Republic.

5. The territory of the Republic of Sri Lanka shall consist of the ¹[twenty- five] administrative districts, the names of which are set out in the First Schedule and its ²[territorial waters:

Provided that such administrative districts may be subdivided or amalgamated so as to constitute different administrative districts, as Parliament may by resolution determine].

The National Flag.

6. The National Flag of the Republic of Sri Lanka shall be the Lion Flag depicted in the Second Schedule.

The National Anthem.

7. The National Anthem of the Republic of Sri Lanka shall be “Sri Lanka Matha”, the words and music of which are set out in the Third Schedule.

The National Day.

8. The National Day of the Republic of Sri Lanka shall be the fourth day of February.

Source: The Constitution of Sri Lanka, 1978

CHAPTER III

FUNDAMENTAL RIGHTS

**Freedom of thought,
conscience and
religion.**

10. Every person is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice.

**Freedom from
torture.**

11. No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Right to equality.

12. (1) All persons are equal before the law and are entitled to the equal protection of the law.

(2) No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds :

Provided that it shall be lawful to require a person to acquire within a reasonable time sufficient knowledge of any language as a qualification for any employment or office in the Public, Judicial or Local Government Service or in the service of any Public Corporation, where such knowledge is reasonably necessary for the discharge of the duties of such employment or office :

CHAPTER VI

**DIRECTIVE PRINCIPLES OF STATE POLICY AND
FUNDAMENTAL DUTIES**

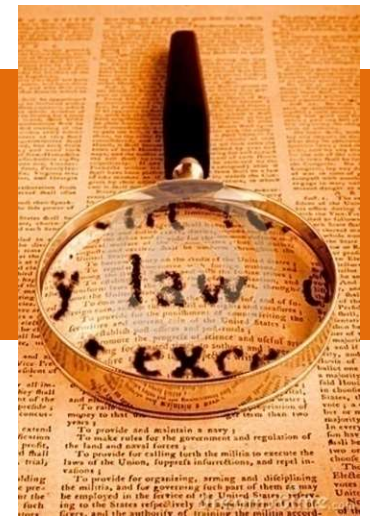
27. (1) The Directive Principles of State Policy herein contained shall guide Parliament, the President and the Cabinet of Ministers in the enactment of laws and the governance of Sri Lanka for the establishment of a just and free society.

**Directive Principles
of State Policy.**

(2) The State is pledged to establish in Sri Lanka a Democratic Socialist Society, the objectives of which include –

- (a) the full realization of the fundamental rights and freedoms of all persons ;
- (b) the promotion of the welfare of the People by securing and protecting as effectively as it may, a social order in which justice (social, economic and political) shall guide all the institutions of the national life ;
- (c) the realization by all citizens of an adequate standard of living for themselves and their families, including adequate food, clothing and housing, the continuous improvement of living conditions and the full enjoyment of leisure and social and cultural opportunities ;
- (d) the rapid development of the whole country by means of public and private economic activity and by laws prescribing such planning and controls as may be expedient for directing and co-ordinating such public and private economic activity towards social objectives and the public weal ;

Milestones of Constitutional Development



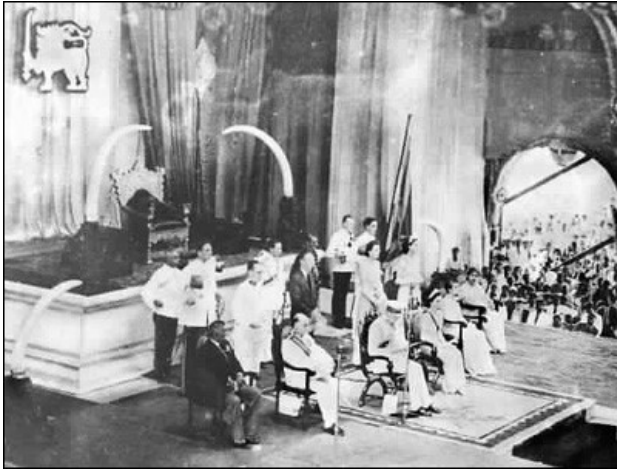
- 1833 -Colebrooke-Cameron Reforms
- 1910 -MacCallum Reforms
- 1920 -1st Manning Reforms
- 1924 -2nd Manning Reforms
- 1931 –Donoughmore Constitution
- 1947 –Soulbury Constitution

Milestones in Constitutional Development cont'd.

- Independence under the Ceylon Independence Act, 1947 was not a *pure independence*.
- Since Ceylon had to enter into three agreements with the British government such as,
 - Defense Agreement
 - External Affairs Agreement and
 - Public Officers Agreement
- Followed the Westminster System
- Right of appeal to the Privy Council in London



Milestones in Constitutional Development cont'd.



■ *Dominion Status of Ceylon*

The Soulbury Constitution gave the colony internal self-government but retained some imperial safeguards in defense and external affairs.

Thus, in 1947, the Ceylon Independence Act conferred dominion status on the colony.

Encyclopedia Britannica

Milestones in Constitutional Development cont'd.



- Ceylon became a Republic on 22nd May 1972 breaking its 157 years of link with the British Crown.

- The country was recognized as "Republic of Sri Lanka"
- Enforced the first Republican Constitution

Milestones in Constitutional Development cont'd.



- The present Constitution is promulgated in 1978, that facilitates unicameral parliament and Executive Presidency.

The Constitution of the Democratic Socialist Republic of Sri Lanka of 1978

Structure of the Government

Legislature

- Parliament

Executive

- President
- Constitutional Council
- Cabinet of Ministers
- Public Service

Judiciary

- Supreme Court
- Court of Appeal

The Constitution of the Democratic Socialist Republic of Sri Lanka of 1978



Legislative Branch

Name	The Parliament
Type of the Legislature	Uni-Cameral
Membership (Number is determined by the Delimitation Commission)	196 are elected and rest is from the National List(29) created by the 14th Amendment
Election Method	Proportional Representation system
Duration of Office	05 years (19th Amendment)

The Constitution of the Democratic Socialist Republic of Sri Lanka of 1978 cont'd.



Executive Branch

The President of the Republic

President is the Head of the State, the Head of the Executive and of the Government, and the Commander-in-Chief of the Armed Forces.

Selection

Presidential Election

Tenure of the President

05 years (19th Amendment)

Prime Minister works

According to the guidance of the President

The Constitution of the Democratic Socialist Republic of Sri Lanka of 1978 cont'd.



Executive Branch

The Cabinet of Ministers

Entrusted with the power to direct and control the Government and they are collectively responsible and answerable to Parliament.

Head of the Cabinet	President
Selection of Cabinet Members	President in consultation with the Prime Minister determine the number of Cabinet Ministers and the assignment of subjects

The Constitution of the Democratic Socialist Republic of Sri Lanka of 1978 cont'd.



Executive Branch

The Public Service

- It represents the specialized professional services of the government.
- They provide services to the general public.
- The Public Service Commission is determine all policy matters related to public officers.

The Constitutional Council (21st Amendment)

- 10-member council which is responsible to administrate independent commissions and monitoring it affairs.

The Constitution of the Democratic Socialist Republic of Sri Lanka of 1978 cont'd.



Judicial Branch

Main types	Supreme Court Court of Appeal High Court/ Provincial High Courts District Court Magistrate Court Tribunals
Appointment of Judges	by the President for SC, CA, and HC/PHCs with the approval of the constitutional council