



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

**TWENTY FIRST AMENDMENT
TO THE CONSTITUTION**

A

BILL

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

*Presented by Hon. R. M. Ranjith Madduma Bandara, M.P.
on 17th of May, 2022*

(Published in the Gazette on May 06, 2022)

Ordered by Parliament to be printed

[Bill No. 118]

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 100.00

Postage : Rs. 45.00

This Bill can be downloaded from www.documents.gov.lk



Twenty First Amendment to the Constitution

AN ACT TO AMEND THE CONSTITUTION OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF SRI LANKA

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

1. This Act may be cited as the Twenty First Amendment to the Constitution Short title.
- 5 2. Article 4 of the Constitution of the Democratic Socialist Republic of Sri Lanka (hereinafter referred to as “the Constitution”) is hereby amended by:- Amendment of Article 4 of the Constitution
 - 10 (a) the deletion of the words ‘elected by the People’ in paragraph (b) of Article 4 and the substitution therefor of the words ‘and the Cabinet of Ministers as provided for in the Constitution’
 - (b) the deletion of the words ‘the President of the Republic and of’ in paragraph (e) of Article 4.
3. Article 30 of the Constitution is hereby amended by:- Amendment of Article 30 of the Constitution
 - 15 (a) the deletion of the words “and of the Government” in paragraph (1) of Article 30, and the addition of the words ‘who shall act in accordance with the Constitution’ at the end of paragraph (1) of Article 30;
 - 20 (b) the deletion of the words “the People” in paragraph (2) of Article 30, and the substitution therefor of the words “Parliament, in the manner provided in paragraph (3) of this Article”;
 - 25 (c) the insertion of the word “ordinarily” immediately before the words “hold office” in paragraph (2) of Article 30;

2 *Twenty First Amendment to the Constitution*

- (d) the insertion immediately after paragraph (2) of Article 30, of the following provisos:—

5 “Provided that, notwithstanding anything to the contrary in the Constitution, the person so elected as President shall, unless he ceases to hold office in accordance with the provisions of the Constitution, continue to hold office until a President is elected by the next Parliament:

10 Provided further that such person shall cease to hold office upon the election of a President by the next Parliament, notwithstanding the fact that a period of five years has not lapsed from the date of his appointment.”;

- 15 (e) the insertion immediately after paragraph (2) of Article 30, of the following new paragraphs, which shall have effect as paragraphs (3), (4), (5) and (6) of Article 30:—

20 “(3) A citizen qualified under Article 88 and not disqualified under Articles 89 or 92 shall be elected by a simple majority of the Members of Parliament, within four weeks of its first sitting, by secret ballot, in accordance with such procedure as Parliament may by law provide:

25 Provided that until such time as Parliament shall enact such law, the provisions of Presidential Elections (Special Provisions) Act, No. 2 of 1981 shall *mutatis mutandis* apply.

30 (4) If the office of President shall become vacant by death, resignation or removal, an election shall be held not later than four weeks from the occurrence of the vacancy, in terms of paragraph (3) of this Article, to fill such vacancy. The person elected to fill such
35 vacancy shall hold office for the remainder of the term of office:

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

5 Provided further that if the office of President shall become vacant after the dissolution of Parliament, the new Parliament shall elect a President at the earliest opportunity, and the
10 person who held office of Speaker shall, notwithstanding the election of a new Speaker of Parliament, continue to act in the office of President until a new President is elected:

15 Provided that if the Speaker is unable to act, the Deputy Speaker shall act in the office of the President during such period

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

20 (6) A person who has been twice elected to the office of President by the People and / or Parliament, the duration of each term notwithstanding, shall be disqualified from being elected to such office by Parliament.”.

4. Article 31 of the Constitution is hereby repealed.

Repeal
of Article
31 of the
Constitution

25 5. Article 33 of the Constitution is hereby repealed and the following Article substituted therefor:—

Replacement of
Article 33
of the
Constitution

“Duties,
powers and
functions of
the President

33. (1) It shall be the duty of the President to:—

(a) ensure that the Constitution is respected and upheld;

(b) promote national reconciliation and integration; and

5

10

(a) to preside at ceremonial sittings of Parliament;

15

25

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

5 (d) to keep the Public Seal of the Republic, and to make and execute under the Public Seal, the acts of appointment of the Prime Minister and other Ministers of the Cabinet of Ministers, the Chief Justice and
10 other judges of the Supreme Court, the President of the Court of Appeal and other judges of the Court of Appeal, and such grants and dispositions of lands and other
15 immovable property vested in the Republic as the President is by law required or empowered to do, and to use the Public Seal for sealing all things whatsoever that shall pass
20 that Seal;

(e) to declare war and peace; and

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

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

Inclusion of Articles 33A and 33B of the Constitution

- | | | |
|---|--|--|
| <p>President to
be
responsible
to Parliament</p> <p>5</p> | <p>33A. The President shall be responsible to Parliament for the due exercise, performance and discharge of his powers, duties and functions under the Constitution and any written law, including the law for the time being relating to public security.</p> | |
| <p>President to
act on the
advice of the
Prime
Minister</p> | <p>33B. The President shall always, except as otherwise provided by the Constitution, act on the advice of the Prime Minister.”.</p> | |
| <p>10</p> | <p>7. Article 34 of the Constitution is amended by the addition of the following new paragraph which shall take effect as paragraph (4) of Article 34:-</p> | <p>Amendment
of Article
34 of the
Constitution</p> |
| <p>15</p> | <p>“(4) Notwithstanding anything to the contrary in this Article, the President shall not exercise any of the powers specified in paragraphs (1), (2) and (3) of this Article, save and except with the concurrence of both the Prime Minister and the Leader of the Opposition.”.</p> | |
| <p>20</p> | <p>8. Article 35 of the Constitution is hereby amended by:-</p> | <p>Amendment
of Article
35 of the
Constitution</p> |
| | <p>(a) the deletion in the second proviso to paragraph (1) of the words ‘paragraph (g)’ and substitution therefor of the words ‘sub- paragraph (e) of paragraph (2);</p> | |
| <p>25</p> | <p>(b) the deletion of the words “proceedings in any court in relation to the exercise of any power pertaining to any subject or function assigned to the President or remaining in his charge under paragraph (2) of Article 44 or to” in paragraph (3) of that Article;</p> | |
| <p>30</p> | <p>(c) by the deletion of the proviso to paragraph (3).</p> | |

9. Article 37 of the Constitution is hereby amended by:—

Amendment of
Article 37
of the
Constitution.

5 (a) the deletion of paragraph (1), and the substitution of the following new paragraph which shall take effect as paragraph (1):—

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

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

20 (b) the deletion in paragraph (2) of the words ‘in consultation with the Speaker’ and substitution therefor of the words ‘in consultation with the Prime Minister;

25 (c) the deletion in paragraph (2) of the words ‘his opinion to the Speaker and thereupon the Prime Minister’ and substitution therefor of the words ‘his opinion to the Prime Minister and thereupon the Speaker;

30 (d) the deletion in paragraph (2) of the words ‘and shall also appoint one of the other Ministers of the Cabinet to act in the office of Prime Minister during such period, notwithstanding the absence of such appointment as is provided for in paragraph (1) of this Article;

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

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

10. Article 38 is hereby amended by the repeal and replacement of paragraph (2) of that Article as follows:—

Amendment of Article 38 of the Constitution

10 “(2) The office of President shall become vacant upon Parliament passing, by not less than one half of the whole number of Members of Parliament (including those not present), voting in its favour, a resolution of no- confidence against the President, which resolution may be introduced by a written notice

15 addressed to the Speaker, signed by not less than one third of the whole number of Members of Parliament.”.

11. Article 39 of the Constitution is hereby amended as follows:—

Amendment of Article 39 of the Constitution

20 (a) By the deletion of the words “Prime Minister” and the substitution therefor of the words “Speaker” in paragraph (2) thereof;

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

25 thereof;

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

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

- 5 **12.** Article 40 of the Constitution is hereby repealed. Repeal of Article 40 of the Constitution.
- 13.** Article 41 of the Constitution is hereby amended by the addition of the following paragraph which shall have effect as the proviso to paragraph (1) of Article 41:— Amendment of Article 41 of the Constitution
- 10 “Provided that the Cabinet of Ministers shall determine the maximum number of secretaries, officers and staff which may be so appointed.”.
- 14.** Chapter VIIA of the Constitution is hereby repealed and the following Chapter substituted therefor:— Replacement of Chapter VIIA of the Constitution

“CHAPTER VIIA

15 THE CONSTITUTIONAL COUNCIL

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

- 20 (a) the Speaker;
- (b) the Prime Minister;
- (c) the Leader of the Opposition in Parliament;
- 25 (d) five persons appointed by the President, on the nomination of both the Prime Minister and the Leader of the Opposition; and

5 (e) one person nominated by 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 Minister and the Leader of the Opposition belong, and appointed by the President.

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

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

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

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

(6) The President shall, within fourteen days of the receipt of a written communications pecifying the nominations made under subparagraphs (d) and (e) of paragraph (1), make the necessary appointments. In the event of the President failing to make the necessary appointments within such period of fourteen days, the persons nominated shall be deemed to have been appointed as members of the Council, with effect from the date of expiry of such period.

(7) Notwithstanding the dissolution of Parliament, the Speaker, the Prime Minister, the Leader of the Opposition and the Members of Parliament who are members of the Constitutional Council, shall continue to hold office as Members of such Council, until such time after a General Election following such dissolution, a Member of Parliament is appointed as the Speaker, Prime Minister or recognized as the Leader of the Opposition.

(8) Every member of the Council appointed under sub-paragraphs (d) and (e) of paragraph (1), shall hold office for a period of three years from the date of appointment unless the member earlier resigns his office by writing addressed to the President, is removed from office by the President on both the Prime Minister and the Leader of the Opposition forming an opinion that such member is physically or mentally incapacitated and is unable to function further in office or is convicted by a court of law for any offence involving moral turpitude or if a resolution for the imposition of civic disability

upon him has been passed in terms of Article 81 of the Constitution or is deemed to have vacated his office under paragraph (7) of Article 41E.

5 (9) In the event of there being a vacancy among the members appointed under subparagraphs (d) or (e) of paragraph (1), the President shall, within fourteen days of the
10 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) and (e) of paragraph (1), shall not be eligible for re-appointment for a successive term.

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

25 Council to recommend appointments
41B. (1) No person shall be appointed by the President as the Chairman or a member of any of the Commissions specified in the Schedule to this Article, except on a recommendation of the Council.

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.

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

15 (4) The President shall appoint the
Chairman and the members of the
Commissions specified in the Schedule to this
Article, within fourteen days of receiving the
recommendations of the Council for such
20 appointments. In the event of the President
failing to make the necessary appointments
within such period of fourteen days—

25 (a) the persons recommended under
paragraph (3), to be appointed
as members of a Commission, shall
be deemed to have been appointed
as the members of the Commissions;
and

30 (b) the person whose name appears first
in the list of names recommended
under paragraph (3), to be appointed
as the Chairman of a Commission,
shall be deemed to have been
appointed the Chairman of the
35 respective Commission, with effect
from the date of expiry of such
period.

14 *Twenty First Amendment to the Constitution*

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

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

SCHEDULE

- 15 (a) The Election Commission.
- (b) The Public Service Commission.
- (c) The National Police Commission.
- (d) The Audit Service Commission.
- (e) The Human Rights Commission of Sri Lanka.
- 20 (f) The Commission to Investigate Allegations of Bribery or Corruption.
- (g) The Finance Commission.(h) The Delimitation Commission.
- (i) The National Procurement Commission.
- 25 (j) The Right to Information Commission and.
- (k) The Colombo Port City Economic Commission.

Council to
approve
appointments

5 41c. (1) No person shall be appointed by the President to any of the Offices specified in the Schedule to this Article, unless such appointment has been approved by the Council upon a recommendation made to the Council by the President.

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

15 Provided that no person shall be appointed to act in any such office for successive periods which cumulatively exceed fourteen days, unless such acting appointment has been approved by the Council on a recommendation by the President.

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

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

SCHEDULE

PART I

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

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

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

5 PART II

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

(c) The Inspector-General of Police.

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

(e) The Secretary-General of Parliament.

(f) The Governor of the Central Bank of Sri Lanka

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

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

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

Meetings of the Council	41E. (1) The Council shall meet at least 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 the Council.
5	
10	(2) The Chairman shall preside at all meetings of the Council and in the absence of the Chairman, the Prime Minister, and in the absence of the Prime Minister, the Leader of the Opposition shall preside at the meetings of the Council.
15	(3) The quorum for any meeting of the Council shall be five members.
20	(4) The Council shall endeavour to make every recommendation, approval or decision it is required to make by unanimous decision and in the absence of a unanimous decision, no recommendation, approval or decision made by the Council shall be valid, unless supported by not less than five members of the Council present at such meeting.
25	(5) The Chairman or the other member presiding shall not have an original vote, but in the event of an equality of votes on any question for decision at any meeting of the Council, the Chairman or other member presiding at such meeting, shall have a casting vote.
30	
	(6) The procedure in regard to meetings of the Council and the transaction of business at such meetings shall be determined by the

Council, including procedures to be followed in regard to the recommendation or approval of persons suitable for any appointment under Article 41B or Article 41C.

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

(8) The Council shall have the power to
act notwithstanding the fact that it has not been
fully constituted or that there is a vacancy in
15 its membership, and no act, proceeding or
decision of the Council shall be or deemed
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
20 that there has been any defect in the
appointment of a member.

Continuation
in office of
the members
of the
25 Council 41F. Notwithstanding the expiration of the
term of office of the members of the Council or
of the members of any Commission specified
in the Schedule to Article 41B, the members of
the Council or of such other Commission shall
continue in office until the assumption of
office by the new members of the Council or
of such other Commission.

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

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

5 (3) The Council shall have the power to make rules relating to the performance and discharge of its duties and functions, including procedures to be followed in regard to the recommendation or approval of persons
10 suitable for any appointment under Article 41B or Article 41C. All such rules shall be published in the *Gazette* and be placed before Parliament within three months of such publication.

15 Expenses to be charged on the Consolidated Fund 41H. The expenses incurred by the Council shall be charged on the 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
20 any ground whatsoever, or in any manner whatsoever, any decision of the Council or any approval or recommendation made by the Council, which decision, approval or recommendation shall be final and conclusive
25 for all purposes.”.

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

“CHAPTER VIII

THE EXECUTIVE

30 THE CABINET OF MINISTERS

Prime Minister and Cabinet of Ministers 42. (1) There shall be a Cabinet of Ministers charged with the direction and control of the Government of the Republic.

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

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

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

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

15 Provided that, if the vote of confidence shall not be passed by a majority of the Members of Parliament present and voting, the Member already appointed as Prime Minister shall cease to hold office, and Parliament shall elect one of
20 its Members to be Prime Minister, in accordance with such procedure as Parliament may by law or Standing Orders provide.

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

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

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

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

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

15 (3) The President shall, on the advice of the Prime Minister, change the assignment of subjects and functions of the Ministers of the Cabinet of Ministers. Such changes shall not affect the continuity of the Cabinet of Ministers and the continuity of its
20 responsibility to Parliament.

Ministers who are not members of the Cabinet of Ministers 44. (1) The President shall, on the advice of the Prime Minister, appoint from among Members of Parliament, Ministers who shall not be members of the Cabinet of Ministers.

25 (2) The President shall, on the advice of the Prime Minister, determine the assignment of subjects and functions to Ministers appointed under paragraph (1) of this Article and the Ministries, if any, which are to be in charge of,
30 such Ministers.

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

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

5 (5) Any Minister of the Cabinet of Ministers
may, by Notification published in the *Gazette*,
delegate to any Minister who is not a member
of the Cabinet of Ministers, any power or duty
pertaining to any subject or function assigned
10 to such cabinet Minister, or any power or duty
conferred or imposed on him by any written
law, and it shall be lawful for such other
Minister to exercise and perform any power or
duty delegated notwithstanding anything to
15 the contrary in the written law by which that
power or duty is conferred or imposed on such
Minister of the Cabinet of Ministers.

Deputy
Ministers
20 45. (1) The President shall, on the advice of
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.

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

Limitation of numbers and tenure of office of Ministers and Deputy Ministers	46. (1) The total number of—
	(a) Ministers of the Cabinet of Ministers shall not exceed twenty five; and
5	(b) Ministers who are not members of the Cabinet of Ministers and Deputy Ministers shall not, in the aggregate, exceed twenty five.
10	(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—
15	(a) he resigns his office by a writing under his hand addressed to the President; or
	(b) he ceases to be a Member of Parliament.
20	(3) A Minister of the Cabinet of Ministers, a Minister who is not a member of the Cabinet of Ministers and a Deputy Minister, shall continue to hold office throughout the period during which the Cabinet of Ministers continues to function under the provisions of the Constitution unless he—
25	(a) is removed from office under the hand of the President on the advice of the Prime Minister; or
	(b) resigns from office by a writing under his hand addressed to the President; or
30	(c) ceases to be a Member of Parliament; or

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

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

10 Cabinet of Ministers after dissolution of Parliament 47. (1) The Cabinet of Ministers functioning immediately prior to the dissolution of Parliament shall, notwithstanding such dissolution, continue to function and shall cease to function upon the conclusion of the General Election and accordingly, the Prime Minister and the Ministers of the Cabinet of Ministers, shall continue to function unless they cease to hold office as provided in sub-paragraph (a) of paragraph (2) and sub paragraph (a) or (b) of paragraph (3) of Article 46 and shall comply with the criteria set out by the Commissioner of Elections and shall not cause any undue influence on the General Election.

15

20

25 (2) Notwithstanding the death, or resignation of the Prime Minister, during the period intervening between the dissolution of Parliament and the conclusion of the General Election, the Cabinet of Ministers shall continue to function with the other Ministers of the Cabinet of Ministers as its members, until the conclusion of the General Election. The President may appoint one such Minister to exercise, perform and discharge the powers, duties and functions of the Prime Minister.

30

35

5 (3) On the death, removal from office or
resignation, during the period intervening
between the dissolution of Parliament and the
conclusion of the General Election, of a
Minister of the Cabinet of Ministers, the
President may, on the advice of the Prime
Minister, appoint any other Minister to be the
Minister in charge of the Ministry of such
10 Minister or to exercise, perform and discharge
the powers, duties and functions of such
Minister.

Dissolution
of the
Cabinet of
15 Ministers

48. (1) On the Prime Minister ceasing to
hold office by death, resignation or due to the
dissolution of the Cabinet of Ministers, except
during the period intervening between the
dissolution of Parliament and the conclusion
of the General Election, the Cabinet of
Ministers shall stand dissolved and the
President shall appoint a Prime Minister,
20 Ministers of the Cabinet of Ministers, Ministers
who are not members of the Cabinet of
Ministers and Deputy Ministers in terms of
Articles 42, 43, 44 and 45:

25 Provided that if after the Prime Minister
so ceases to hold office, Parliament is
dissolved, the Cabinet of Ministers shall
continue to function with the other
Ministers of the Cabinet as its members, until
the conclusion of the General Election. The
President may appoint one such Minister to
30 exercise, perform and discharge the powers,
duties and functions of the Prime Minister, and
the provisions of Article 47 shall, *mutatis
mutandis*, apply.

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

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

5 (2) If Parliament rejects the Appropriation
Bill or passes a vote of no-confidence in the
Government, the Prime Minister shall be
deemed to have resigned and the Cabinet of
10 Ministers shall stand dissolved, and the
President shall, unless he has in the exercise of
his powers under Article 70, dissolved
Parliament, appoint a Prime Minister, Ministers
of the Cabinet of Ministers, Ministers who are
15 not members of the Cabinet of Ministers and
Deputy Ministers in terms of Articles 42, 43,
44 and 45:

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

Provided further that if the President has in
the exercise of his powers under Article 70,
dissolved Parliament, he shall forthwith
25 summon Parliament, notwithstanding such
dissolution, to enable the provisions of
paragraphs (4)-(7) of Article 42 of the
Constitution to be given effect, and shall
accordingly appoint a Prime Minister,
30 Ministers of the Cabinet of Ministers, Ministers
who are not members of the Cabinet of
Ministers and Deputy Ministers in terms of
Articles 42, 43, 44 and 45.

Acting Ministers and Deputy Ministers	49. Whenever a Minister of the Cabinet of Ministers, a Minister who is not a member of the Cabinet of Ministers or a Deputy Minister is unable to discharge the functions of his office, the President may, on the advice of the Prime Minister, appoint any Member of Parliament to act in the place of such Minister of the Cabinet of Ministers, Minister who is not a member of the Cabinet of Ministers or a Deputy Minister.
5	
10	
Secretary to the Cabinet of Ministers	50. (1) There shall be a Secretary to the Cabinet of Ministers who shall be appointed by the President, on the advice of the Prime Minister.
15	(2) The Secretary shall, subject to the direction of the Prime Minister, have charge of the office of the Cabinet of Ministers, and shall discharge and perform such other functions and duties as may be assigned to him by the Prime Minister or the Cabinet of Ministers.
20	
Secretary to the Prime Minister	51. (1) There shall be a Secretary to the Prime Minister who shall be appointed by the President on the advice the Prime Minister.
25	(2) The Secretary shall have charge of the office of the Prime Minister and shall perform and discharge the duties and functions of his office, subject to the directions of the Prime Minister.
30	
Secretaries to Ministries	52. (1) There shall be a Secretary for every Ministry of a Minister of the Cabinet of Ministers, who shall be appointed by the President, on the advice of the Prime Minister.

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) The Secretary to a Ministry shall cease to hold office upon the dissolution of the Cabinet of Ministers under the provisions of the Constitution or upon a determination by the President under Article 43 or 44 which results in the Ministry ceasing to exist.

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

25 Official oath and affirmation 53. Every person appointed to any office referred to in this Chapter shall not enter upon the duties of his office until he takes and subscribes the oath, or makes and subscribes the affirmation, set out in the Fourth Schedule and Seventh Schedule.”.

30 **16.** Article 54 of the Constitution is hereby amended as follows:- Amendment of Article 54 of the Constitution

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

35 “(1) There shall be a Public Service Commission (in this Chapter referred to as the “Commission”)

5 which shall consist of nine members appointed by the President on the recommendation of the Constitutional Council, of whom not less than three members shall be persons who have had over fifteen years experience as a public officer. The President on the recommendation of the Constitutional Council shall appoint one member as its Chairman.”.

10 (2) by the repeal of paragraph (4) of that Article, and the substitution therefor of the following paragraph:-

15 “(4) Every member of the Commission shall hold office for a period of three years from the date of appointment, unless the member becomes subject to any disqualification under paragraph (2) or earlier resigns from his office by writing addressed to the President or is removed from office by the President with the approval of the Constitutional Council or is convicted by a court of law of any
20 offence involving moral turpitude or if a resolution for the imposition of civic disability upon the member has been passed in terms of Article 81 or is deemed to have vacated his office under paragraph (6).”; and

25 (3) by the repeal of paragraph (7) of that Article, and the substitution therefor of the following paragraph:-

30 “(7) The President may grant a member leave from the performance of his duties relating to the Commission for a period not exceeding two months and shall, for the duration of such period, on the

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

5 **17.** Article 61E of the Constitution is hereby amended by the deletion of the words “Article 41A”, and the substitution therefor of the words ‘Article 41C’ in paragraph (b) thereof. Amendment of Article 61E of the Constitution

18. Article 65 of the Constitution is hereby amended as follows:— Amendment of Article 65 of the Constitution

10 (a) by the deletion of the words “Article 41A”, and the substitution therefor of the words ‘Article 41C’ in paragraph 1 thereof;

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

20 (c) by the addition of the words ‘subject to the approval of the Constitutional Council,’ immediately after the words ‘President may’ in paragraph (6) thereof.

19. Article 70 of the Constitution is hereby amended as follows:— Amendment of Article 70 of the Constitution

25 (a) by the repeal of paragraph (a) to the proviso to paragraph (1) of that Article, and the substitution therefor of the following paragraph :

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

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

- 5 (b) by the deletion of paragraph (c) of the proviso to paragraph (1) of that Article.

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

Amendment of Article 78 of the Constitution

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

21. Article 80 of the Constitution is hereby amended by the addition of the following words, immediately after paragraph (2) thereof:

Amendment of Article 80 of the Constitution

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

22. Article 85 of the Constitution is hereby amended as follows:

Amendment of Article 85 of the Constitution

- 25 (a) by the addition of the following words, immediately after paragraph (1) thereof:

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

5 or provision, within 28 days of the two-thirds of the whole number of Members of Parliament (including those not present) casting their votes in favour of such Bill, such Bill or provisions thereof, shall be deemed to have been submitted to the People by Referendum, and the Elections Commission shall act accordingly.”;

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

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

24. Article 89 of Constitution is hereby amended as follows:— Amendment of Article 89 of the Constitution

(a) by the deletion of the words “at an election of the President”;

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

20 (c) in paragraph (g) of that Article, by the deletion of the words “or to the election of the President “, wherever those words occur in that paragraph;

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

(a) by the deletion of item (iv) of that sub-paragraph, and the substitution thereof of the following items:—

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

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

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

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

26. Article 92 of the Constitution is hereby amended by the addition of the words ‘and / or by Parliament,’ at the end of sub-paragraph (c) thereof’. Amendment of Article 92 of the Constitution

10 **27.** Article 93 of the Constitution is hereby amended by the deletion of the words “of the President of the Republic and”. Amendment of Article 93 of the Constitution

28. Article 94 of the Constitution is hereby repealed. Amendment of Article 94 of the Constitution

15 **29.** Article 95 of the Constitution is hereby amended in paragraph (2) of that Article, by the substitution for the words “Article 41A” of the words “Article 41B”. Amendment of Article 95 of the Constitution

30. Article 99 of the Constitution is hereby amended as follows:- Amendment of Article 99 of the Constitution

20 (a) By the repeal of the proviso to sub-paragraph (a) of paragraph (13) of Article 99, and the substitution therefor of the following new proviso:

“Provided that:

25 (i) in the case of the expulsion of a Member of Parliament such vacancy shall be suspended if, prior to the expiration of the said period of one month, he applies to the Supreme Court by Petition in writing, and the

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

- 5 (ii) such seat shall not become vacant if the Supreme Court, upon finally hearing the Application determines that such expulsion was invalid;
- 10 (iii) the Supreme Court shall limit its inquiry to the legality of the expulsion on the merits, and shall exercise no jurisdiction with regard to matters of procedure adopted by the political party or independent group;
- 15 (iv) such Petition shall be inquired into by no less than three judges of the Supreme Court, and that the Application shall be disposed of within two months of the filing of such Petition;
- 20 (v) Where the Supreme Court determines that the expulsion was valid the vacancy shall occur from the date of such determination;
- 25 (vi) Notwithstanding a determination of the Supreme Court that an expulsion was invalid, such Member of Parliament shall be disqualified from accepting appointment as a Minister in terms of Articles 43, 44, or 45, during the duration of such Parliament, in a government formed by any political party other than the political party from which he was elected to Parliament.”;
- 30

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

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

31. Article 103 of the Constitution is hereby amended
as follows:– Amendment of
Article 103
of the
Constitution

15 (a) in paragraph (1) of that Article, by the substitution
for the words “Article 41A” of the words “Article
41B”;

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

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

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

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

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

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

5 **34.** Article 107 of the Constitution is hereby amended by the substitution for the words “Article 41A” of the words “Article 41c”. Amendment of Article 107 of the Constitution

35. Article 109 of the Constitution is hereby amended as follows:— Amendment of Article 109 of the Constitution

10 (a) by the substitution for the words “Article 41A” of the words “Article 41c” in paragraph (1) thereof;

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

15 **36.** Article 111c of the Constitution is hereby amended, by the deletion of the words “or at any election of the President of the Republic” in paragraph 2 thereof. Amendment of Article 111c of the Constitution

37. Article 111D of the Constitution is hereby amended, by the substitution for the words “Article 41A” of the words “Article 41c” in paragraph (1) thereof. Amendment of Article 111D of the Constitution

20 **38.** Article 111E of the Constitution is hereby amended as follows: Amendment of Article 111E of the Constitution

(a) by the substitution for the words “Article 41A” of the words “Article 41c” in paragraph (5) thereof;

25 (b) by the addition of the words “with the approval of the Constitutional Council,” immediately after the words “The President may,” in paragraph (6) thereof.

39. Article 129 of the Constitution is hereby amended by the repeal of paragraphs (1) and (4) thereof. Amendment of Article 129 of the Constitution

40. Article 153 of the Constitution is hereby amended as follows: Amendment of Article 153 of the Constitution

- (a) by the substitution for the words “Article 41A” of the words “Article 41c” in paragraph (1) thereof;
- 5 (b) by the deletion of the words ‘The Auditor General shall hold office during good behaviour’ in paragraph (1) thereof;
- 10 (c) by the addition of the words ‘on the recommendation of the Constitutional Council,’ immediately after the word ‘President’ in item (d) of paragraph (3) thereof.
- (d) by the substitution for the words “Article 41A” of the words “Article 41c” in paragraph (4) thereof;

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

“Constitution of the Audit Service Commission 153A. (1) There shall be an Audit Service Commission (in this Chapter referred to as “Commission”), which shall consist of the Auditor-General who shall be the Chairman of the Commission, and the following members appointed by the President on the recommendation of the Constitutional Council:-
20
25

- (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, Court of Appeal or the High Court of Sri Lanka; and

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

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

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

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

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

20 (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.

25 (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).

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

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

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

Meeting of
the
Commission
10 153B. (1) The quorum for any meeting of the Commission shall be three members of the Commission.

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

Powers and
Functions of
the
Commission
20 153C. (1) The power of appointment, promotion, transfer, disciplinary control and dismissal of the members belonging to the Sri Lanka State Audit Service, shall be vested in the Commission.

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

25 (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
30 Ministers pertaining to the same;

- (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 (4) Every such rule shall come into operation on the date of such publication or on such later date as may be specified in such rules.
- 15 (5) Every such rule shall, within three months of such publication in the *Gazette* be brought before Parliament for approval. Any rule which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.
- 20 153D. (1) A person who otherwise than in the course of his duty, directly or indirectly, by himself or through any other person, in any manner whatsoever, influences or attempts to influence any decision of the Commission, any member thereof or any officer of the Sri Lanka State Audit Service, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.
- 25
- 30
- Influencing or attempting to influence decision of the Commission or any officer of the Sri Lanka State Audit Service, to be an offence.

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

- | | |
|--|---|
| <p>5 Immunity
from legal
proceedings</p> <p>10</p> <p>15</p> | <p>153E. Subject to the jurisdiction conferred on the Supreme Court under Article 126 and to the powers granted to the Administrative Appeals Tribunal under Article 153G, no court or tribunal shall have the power or jurisdiction to inquire into, pronounce upon or in any manner whatsoever call in question any order or decision made by the Commission, in pursuance of any function assigned on such Commission under this Chapter or under any law.</p> |
| <p>Costs and
expenses</p> | <p>153F. The costs and expenses of the Commission shall be a charge on the Consolidated Fund.</p> |
| <p>20 Appeals to
the
Administrative
Appeals
Tribunal</p> <p>25</p> | <p>153G. Any officer of the Sri Lanka State Audit Service who is aggrieved by any order relating to the appointment, promotion or transfer of such officer or any order on a disciplinary matter or dismissal made by the Commission, in respect of such officer, may appeal therefrom to the Administrative Appeals Tribunal established under Article 59, which shall have the power to alter, vary, rescind or confirm any order or decision made by the Commission.</p> |
| <p>30 Commission
to be
answerable to
Parliament</p> | <p>153H. The Commission shall be responsible and answerable to Parliament in accordance with the provisions of the Standing Orders of</p> |

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

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

“ (1) The Auditor-General shall audit all Departments of
the Government, the Office of the Secretary to the
10 President, the Office of the Secretary to the Prime
Minister, the Offices of the Cabinet of Ministers,
and Ministers and Deputy Ministers appointed
under Articles 44 and 45 of the Constitution, the
Judicial Services Commission, the Constitutional
15 Council, the Commissions referred to in the
Schedule to Article 41B, the Parliamentary
Commissioner for Administration, the Secretary-
General of Parliament, local authorities, public
corporations, business and other undertakings
20 vested in the Government under any written law
and companies registered or deemed to be
registered under the Companies Act, No. 7 of 2007
in which the Government or a public corporation or
local authority holds fifty per centum or more of
25 the shares of that company including the accounts
thereof.”.

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

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

45. Article 155A of the Constitution is hereby amended as follows: Amendment of Article 155A of the Constitution

5 (a) by the deletion of the words “not less than five members and not more than” in paragraph (1) thereof;

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

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

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

46. Article 155c of the Constitution is hereby amended by the substitution for the words “under paragraph (1) of Article 126,” of the words “under Article 126 and the powers granted to the Administrative Appeals Tribunal under Article 155L,” Amendment of Article 155c stitution

47. Article 155FF of the Constitution is hereby Repeal of Article 155FF of the Constitution

48. The following Articles are hereby inserted immediately after Article 155FFF and shall have the effect as Insertion of Articles 155G - 155L of the Constitution

25 Articles, 155G, 155H, 155J, 155K and 155L respectively, of the Constitution:-

“Powers of the Commission 155G. (1) (a) The appointment, promotion transfer, disciplinary control and dismissal of

5 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.

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

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

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

30 (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 efficiency and independence of the police service;

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

(d) codes of conduct and disciplinary procedures.

10 (4) The Commission shall exercise all such 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.

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

20

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

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

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

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

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

Rights of
Appeal

10 155κ. (1) Where the Commission has delegated under Article 155j to any police officer its powers of appointment, promotion, transfer, disciplinary control and dismissal of any category of police officers, the Inspector-General of Police shall have a right of appeal to the Commission against any order made by such Police officer in the exercise of his
15 delegated powers.

20 (2) A police officer aggrieved by any order relating to promotion, transfer or any order on a disciplinary matter or dismissal made by the Inspector-General of Police or a Committee or a Police Officer referred to in Article 155H and
25 155j in respect of such officer may, appeal to the Commission against such order in accordance with rules made by the Commission from time to time regulating the procedure and the period fixed for the making and hearing of an appeal by the Commission.

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

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

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

15 Appeals to Administrative Appeals Tribunal 155L. Any police officer aggrieved by any order relating to promotion, transfer, or any order on a disciplinary matter or dismissal made by the Commission, in respect of such officer, may appeal therefrom to the Administrative Appeals Tribunal established under Article 59, which shall have the power to alter, vary,
20 rescind or confirm any order or decision made by the Commission.”.

49. Article 155M is hereby repealed and the following Article substituted therefor:-

Replacement of Article 155M of the Constitution

25 “Saving of existing rules and regulations. 155M. Until the Commission otherwise provides, all rules, regulations and procedures relating to the Police Force as are in force on the date of the coming into operation of this Article, shall continue to be operative and in force.”.

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

Amendment of Article 156 of the Constitution.

- (a) by the substitution for the words “Article 41A” of the words “Article 41c” in paragraph (2) thereof;
- (b) by the deletion of the words ‘and shall hold office during good behaviour’ in paragraph (2) thereof;
- 5 (c) by the addition of the words ‘on the recommendation of the Constitutional Council,’ immediately after the word ‘President’ in item (d) of paragraph (4).

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

Insertion of Chapter XIX-A, XIX-B, XIX-C and XIX-D in the Constitution

“CHAPTER XIX-A

15 COMMISSION TO INVESTIGATE ALLEGATIONS OF BRIBERY OF CORRUPTION

Commission to Investigate Bribery or Corruption 156A. (1) Parliament shall by law provide for the establishment of a Commission to investigate allegations of bribery or corruption. Such law shall provide for—

- 20 (a) the appointment of the members of the Commission by the President on the recommendation of the Constitutional Council;
- 25 (b) the powers of the Commission, including the power to direct the holding of a preliminary inquiry or the making of an investigation into an allegation of bribery or corruption, whether of its own motion or on a complaint made to it, and
- 30 the power to institute prosecutions for

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

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

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

CHAPTER XIX-B

NATIONAL PROCUREMENT COMMISSION

20 National Procurement Commission. 156B. (1) There shall be a National Procurement Commission (in this Chapter referred to as the “Commission”) consisting of five members appointed by the President on the recommendation of the Constitutional Council, of whom at least three members shall
25 be persons who have had proven experience in procurement, accountancy, law or public administration. The President shall, on the recommendation of the Constitutional Council, appoint one member as the Chairman
30 of the Commission.

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

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

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

20 Functions of the Commission 156c. (1) It shall be the function of the
Commission to formulate fair, equitable,
transparent, competitive and cost effective
procedures and guidelines, for the
procurement of goods and services, works,
consultancy services and information systems
25 by government institutions and cause such
guidelines to be published in the *Gazette* and
within three months of such publication, to be
placed before Parliament.

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 of goods and services,

- 5 works, consultancy services and information systems by government institutions are based on procurement plans prepared in accordance with previously approved action plans;
- 10 (b) monitor and report to the appropriate authorities on whether all qualified bidders for the provision of goods and services, works, consultancy services and information systems by government institutions are afforded an equal opportunity to participate in the bidding process for the provision of those goods and services, works, consultancy services and information systems;
- 15 (c) monitor and report to the appropriate authorities on whether the procedures for the selection of contractors, and the awarding of contracts for the provision of goods and services, works, consultancy services and information systems to government institutions, are fair and transparent;
- 20 (d) report on whether members of procurement Committees and Technical Evaluation Committees relating to the procurements, appointed by government institutions are suitably qualified; and
- 25 30 (e) investigate reports of procurements made by government institutions outside established procedures and guidelines, and to report the officers responsible for such procurements to the relevant authorities for necessary action.
- 35

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

(a) questioned by the Commission;

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

(2) Every person who— .

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

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

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

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

30 (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).

Meetings of the Commission	156E. (1) The Commission shall meet as often as may be necessary for the discharge of its functions.
5	(2) The Chairman shall preside at all meetings of the Commission. In the absence of the Chairman from any meeting of the Commission, the members present shall elect a Chairman for that meeting, from among themselves.
10	(3) The quorum for any meetings of the Commission shall be three.
15	(4) Decisions of the Commission shall be by the majority vote of the members present and voting at the meeting at which the decision is taken, and in the event of an equality of votes, the Chairman or member presiding at the meeting shall have a casting vote.
20	(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.
25	(6) The Commission shall have the power to act notwithstanding any vacancy in the membership of the Commission, and no act, proceeding or decision of the Commission shall be invalid or deemed to be invalid, by reason only of such vacancy or defect in the appointment of a member.
Staff of the Commission	156F. (1) the Commission shall appoint a Secretary-General and such other officers as it may consider necessary for the proper discharge of its functions, on such terms and conditions as may be determined by the Commission.
30	

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

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

10 Expenses of the Commission to be charged to the Consolidated Fund 156G. The expenses of the Commission shall be charged on the Consolidated Fund.

15 Interpretation 156H. In this Chapter, “government institution” includes a Ministry, a government department, a public corporation, a local authority, any business or other undertaking vested in the Government and a Company registered or deemed to be registered under the Companies Act, No 7 of 2007, in which the Government, a public corporation or any local authority holds more than fifty per centum of the shares.”.

CHAPTER XIX-C

NATIONAL SECURITY COUNCIL

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

(a) the Prime Minister;

(b) the Minister of Defence;

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

(d) the Inspector-General of Police;

5 (e) the Chief of Defence Staff;

(f) the Attorney-General; and

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

10 (2) The Prime Minister shall be the Chairperson of the National Security Council. In the absence of the Prime Minister the Minister of Defence shall chair meetings of the National Security Council.

15 (3) Parliament shall by law provide for the powers and functions of the National Security Council and for other matters connected therewith.

20 (4) Until the enactment of a law as provided in paragraph (3) hereof, the National Security Council shall adopt such procedures as it shall think fit, with regard to its meetings.

CHAPTER XIX-D

COUNCIL OF STATE

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

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

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

- (i) the Minister of Finance;
- (ii) the Minister of Foreign Affairs;
- 5 (iii) the Minister of Defence;
- (iv) the Speaker;
- (v) the Leader of the Opposition;
- (vi) one Member of Parliament to represent parties in Parliament other than the parties represented by the Prime Minister and the Leader of the Opposition;
- 10 (vii) the Attorney-General; and
- (viii) twelve other members who are not Members of Parliament chosen to represent fields of expertise in business, economics, political science, law, international relations, and science and technology. In the appointment of such members, due consideration shall be given to the pluralistic nature of Sri Lanka, including ensuring gender diversity and the inclusion of youth.
- 15
- 20
- (4) Parliament shall by law make further provision for the functions and procedures of the Council of State.”.
- 25

52. Article 170 of the Constitution is hereby amended as follows:—

- (a) by the substitution for the words “Parliamentary Council” of the words “Constitutional Council” in paragraph (g) of the definition of “public officer” therein;
- 30

Amendment of
Article 170
of the
Constitution

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

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

54. For the avoidance of doubt it is hereby declared that,- Transitional Provisions

10 (1) 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;

15 (iii) the members of the Judicial Service Commission;

(iv) the President of the Court of Appeal;

(v) Judges of the Court of Appeal;

(vi) the Attorney-General;

(vii) the Auditor-General;

20 (viii) the Inspector-General of Police;

(ix) the Parliamentary Commissioner for Administration (Ombudsman);

(x) the Secretary-General of Parliament;

(xi) a judge of the High Court;

(xii) a judicial officer, a scheduled public officer, public officer or a police officer; or

5 (xiii) the Governor of the Central Bank of Sri Lanka,

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

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

(a) Parliamentary Council;

(b) Election Commission;

15 (c) Public Service Commission;

(d) National Police Commission;

(e) Human Rights Commission of Sri Lanka;

(f) Commission to Investigate Allegations of Bribery or Corruption;

20 (g) Finance Commission;

(h) Right to Information Commission;

(i) Colombo Port City Economic Commission; and

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

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

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

(3) All matters relating to,—

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

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

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

(4) All matters relating to the appointment, promotion, transfer, disciplinary control and dismissal of members of the Sri Lanka State Audit Service and pending before the Public Service Commission on the day preceding the date of
30 on which this Act comes into operation shall, with effect from that date, stand transferred to the Audit Service

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

(5) The Ninth Parliament in existence on the day preceding the date on which this Act comes into operation,
5 shall be deemed to have had its First Sitting on 20th August 2020 and continue to function for a period of five years from such date, unless sooner dissolved;

(6) The person holding office as the President on the date on which this Act comes into operation shall be deemed to
10 have been declared elected on 17th November 2019 and continue to hold such office for a period of five years from such date, subject to the provisions of the Constitution;

(7) For the avoidance of doubt, it is hereby declared that where there is a requirement in any written law to obtain the
15 recommendation or approval of the Parliamentary Council, the reference to the Parliamentary Council shall be read and construed as a reference to the Constitutional Council.

