

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

Part II of May 06, 2022

SUPPLEMENT

(Issued on 06. 05. 2022)



**TWENTY SECOND AMENDMENT
TO THE CONSTITUTION**

(Private Members' Bill)

A

BILL

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

*To be presented in Parliament by Hon. (Dr.) Wijeyadasa Rajapakshe, M. P.
for Colombo District*

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 55.00

Postage : Rs. 35.00

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



Twenty Second 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 Second Short title.
Amendment to the Constitution.

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

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

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 Chapter VIIA of the Constitution is hereby repealed Insertion of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

“CHAPTER VIIA

THE CONSTITUTIONAL COUNCIL

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

(a) the Prime Minister;

(b) the Speaker;

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

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

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- (e) (i) two Members of Parliament
nominated by both the Prime
Minister and the Leader of the
Opposition;
- 5 (ii) a professional nominated by Sri
Lanka Organization of Professional
Association;
- (iii) a person nominated by Sri Lanka
Chamber of Commerce;
- 10 (iv) a professor of a State University
nominated by the University Grant
Commission,
- appointed by the President.
- 15 (f) one Member of Parliament 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
20 Minister and the Leader of the
Opposition belong, and appointed by the
President;
- 25 (g) if there is no consensual agreement
among Vice Chancellors of State
Universities regarding a professor to be
nominated in terms of paragraph (e)(iv)
above, the Chairman of the University
Grant Commission shall nominate a
professor by the majority vote of Vice
30 Chancellors of State Universities.

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

5 (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 for such nominations arises.

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

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

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

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

10 (b) Notwithstanding the dissolution of
 Parliament, the Prime Minister, the
 Leader of the Opposition and the
 Members of Parliament who are members
 of the Constitutional Council, shall
15 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 Prime Minister or
20 recognized as the Leader of the
 Opposition or such number of Members
 of Parliament are appointed as Members
 of the Constitutional Council under sub-
 paragraphs (d), (e) and (f) of paragraph
 (1), as the case may be.

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

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

10 (9) In the event of there being a vacancy among the members appointed under subparagraphs (d), (e) or (f) of paragraph (1), the President shall, within fourteen days of the occurrence of such vacancy and having regard to the provisions of the aforementioned subparagraphs, appoint another person to
15 succeed such member. Any person so appointed, shall hold office during the unexpired part of the period of office of the member whom he succeeds.

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

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

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 members for appointment,
and the President shall appoint one of the
members recommended as Chairman.

15 (4) The President shall appoint the
Chairman and the members of the Commissions
specified in the Schedule to this Article,
within fourteen days of receiving the
recommendations of the Council for such
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 respective Commission,

35 with effect from the date of expiry of such
period.

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 Council to approve appointments 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.

5 (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:

10 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 Council on a recommendation by the President.

15 (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.

20 (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

25 PART I

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

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

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

PART II

- (a) The Attorney-General.
- 5 (b) The Auditor-General.
- (c) The Inspector-General of Police.
- (d) Governor of the Central Bank of Sri Lanka.
- 10 (e) The Parliamentary Commissioner for Administration (Ombudsman).
- (f) The Secretary-General of Parliament.
- 15 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 re-appointment.
- 20 (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.
- 25 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.
- 30 (2) The Chairman shall preside at all meetings of the Council and in the absence of the Chairman, the Prime Minister, and in the

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

5 (3) The quorum for any meeting of the Council shall be five members.

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

15 (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.

20

25 (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.

30 (7) Any member of the Council appointed under sub-paragraphs (d), (e), or (f) 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 deemed to have vacated office with effect from the date of the third of such meetings.

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

10

Continuation
in office of
the members
of the
Council

15 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.

Powers and
duties of the
Council

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

25 (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.

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

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Expenses to
be charged
on the
Consolidated
Fund

41H. The expenses incurred by the Council shall be charged on the Consolidated Fund.

5 Finality of
decisions of
the Council

41I. Subject to the provisions of Article 126, no court shall have the power or jurisdiction to entertain, hear or decide or call-in question, on any ground whatsoever, or in any manner whatsoever, any decision of the Council or any approval or recommendation made by the Council, which decision, approval or recommendation shall be final and conclusive for all purposes.”.

10

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

amendment
of Article 44
of the
Constitution

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

amendment
of Article 45
of the
Constitution

6. Paragraph (2) of Article 45 of the Constitution is hereby amended by addition of the words “on advice of the Prime Minister” before the words “the President.”

amendment
of Article 45
of the
Constitution

25 7. Paragraph (1) of Article 46 of the Constitution is hereby amended by deletion of the words “in consultation with the Prime Minister where he considers such consultation to necessary” and substitution of the words “on advice of the Prime Minister.”

amendment
of Article 46
of the
Constitution

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

amendment
of Article 47
of the
Constitution

9. Article 54 of the Constitution is hereby amended as follows:—

Amendment
of Article 54
of the
Constitution

PUBLIC SERVICE COMMISSION

5

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

“Constitution
of Public
Service
Commission

10

15

(1) There shall be a Public Service Commission (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 years’ experience as a public officer. The President on the recommendation of the Constitutional Council shall appoint one member as its Chairman.”.

20

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

“Tenure of
office

25

30

(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 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).”.

10. Article 61F of the Constitution is hereby amended by repeal of it and substitution of the following paragraph:-

Amendment
of Article
61F of the
Constitution

5 “Public Officer Interpretation 61F. For the purposes of this Chapter “public officer” does not include a member of the Army, Navy, or Air Force, an officer of the 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 Audit Service appointed by the Audit Service Commission.”

10

11. Paragraph (6) of Article 65 of the Constitution is hereby amended by repeal of it and substitution of the following paragraph:-

Amendment
of Article 65
of the
Constitution

15 “Acting Secretary-General (6) Whenever the Secretary-General is unable to discharge the functions of his office, the President may, subject to the approval of the Constitutional Council, appoint a person to act in the place of the Secretary-General.”.

12. Paragraph (1)(d) of Article 91 is hereby amended by addition of the following paragraph immediately after paragraph (va):-

Amendment
of Article 91
of the
Constitution

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

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

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

13. Paragraph (5)(b) of Article 104B of the Constitution is hereby amended by repeal of it and substitution of the following paragraph therefor:—

Amendment
of Article
104B of the
Constitution

(b) It shall be the duty of the Chairman of the Sri Lanka Broadcasting Corporation, the Chairman of the Sri Lanka Rupavahini Corporation and the Chairman of the Independent Television Network and the Chief Executive Officer of every other broadcasting or telecasting enterprise owned or controlled by the State to take all necessary steps to ensure compliance with such guidelines as are issued to them under sub-paragraph (a).”.

14. Article 149 is hereby amended by addition of the following paragraph immediately after paragraph (2):—

Amendment
of Article
149 of the
Constitution

“Responsibility of Secretaries. 149(3). The Secretary to each Ministry is the Chief Accounting Officer of that ministry and he is responsible to the Minister in charge of the subject and to the Parliament relating to the allocation of money and receivable to such Ministry and institutions within the purview of such Ministry.”

15. Article 153 is hereby amended by addition of the following Articles immediately after Article 153 and the new Articles shall have the effect as Article 153A, 153B, 154C, 153D, 153E, 153F 153G and 153H—

Insertion of
Articles
153A, 153B,
154C, 153D,
153E, 153F
153G and
153H

AUDIT SERVICE COMMISSION

“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:—

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- (a) two retired officers of the Auditor-General's Department, who have held office as a Deputy Auditor-General or above;
- 5 (b) a retired judge of the Supreme Court, Court of Appeal or the High Court of Sri Lanka; and
- (c) a retired Class I officer of the Sri Lanka Administrative Service.
- 10 (2) (a) A person appointed as a member of the Commission shall hold office for three years, unless he,—

 - (i) earlier resigns from his office, by letter addressed to the President;
 - 15 (ii) is removed from office as hereinafter provided; or
 - (iii) becomes a Member of Parliament or a Member of a Provincial Council or any local authority.
- 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 office of the Chairman or members.

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

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

meeting of
the
Commission 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.

20 Powers and
functions of
the
Commission 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.

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

30 (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

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 influencing or attempting to influence decision of the Commission or any officer of the Sri Lanka State Audit Service, to be an offence 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.

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

5	Immunity from legal proceedings	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 59, 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.
10	Expenses to be charged on the Consolidated Fund	153F. The costs and expenses of the Commission shall be a charge on the Consolidated Fund.
15 20	Appeals to the Administrative Appeals Tribunal	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.
25	Commission to be answerable to Parliament	153H. The Commission shall be responsible and answerable to Parliament in accordance with the provisions of the Standing Orders of Parliament for the discharge of its functions and shall forward to Parliament in each calendar year a report of its activities in such year.”.
30		

16. Article 155B of the Constitution is hereby amended by the addition at the end of sub Article (4) of that Article, of the following new paragraph:-

Amendment
of Article
155B of the
Constitution

Inspector
General of
Police is
entitled to be
present in
meetings

(5) The Inspector-General of Police shall be entitled to be present at meetings of the Commission, except where any matter relating to him is being considered. He shall have no right to vote at such meetings.”.

17. The following Articles are hereby inserted immediately after Article 155FFF and shall have the effect as Articles, 155G, 155H, 155J, 155K and 155L respectively, of the Constitution: -

Insertion of
Articles
155G, 155H,
155J, 155K
and 155L.

“Powers of
the
Commission.

155G. (1) (a) The appointment, promotion transfer, disciplinary control and dismissal of police officers other than the Inspector-General of Police, shall be vested in the Commission. The Commission shall exercise its powers of promotion, transfer, disciplinary control and dismissal in consultation with the Inspector-General of Police.

(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.

(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 forthwith inform the Inspector-General of Police.

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

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

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

20 (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.

25 (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.

30 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

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

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

10 (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*.

15 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.

20

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

25 Right to Appeal 155K. (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 delegated powers.

30

5 (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 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.

15 (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.

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

25 (5) Upon any delegation of its powers to the Inspector-General of Police or a Committee or police officer under Article 155H and 155J, the Commission shall not, whilst such 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 provided.

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,

5 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.”.

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

Amendment of Article 155M of the Constitution

10 “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.”.

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

Insertion of Chapter XIXA to the Constitution

“CHAPTER XIXA

NATIONAL PROCUREMENT COMMISSION

20 Constitution of the National Procurement Commission 156A. (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 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 of the Commission.

25

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

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

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

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

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

5 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,
15 consultancy services and information systems;

20 (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;

25 (d) report on whether members of procurement Committees and Technical Evaluation Committees relating to the procurements, appointed by government institutions are suitably qualified; and
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

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

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

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

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

(2) Every person who—

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

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

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

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

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

10 (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.

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

20 (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.

25 (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.

30 (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	156E. (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.	
5		
	(2) All members and officers of the Commission shall be deemed to be public servants within the meaning, and for the purposes of, Chapter IX of the Penal Code.	
10		
	(3) No suit, prosecution or other proceeding 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.	
15		
Expenses to be charged on the Consolidated Fund	156F. The expenses of the Commission shall be charged on the Consolidated Fund.	
Interpretation	156G. In this Chapter, “government institution” includes a Ministry, a government department, a public corporation, a local authority, any business or other undertaking vested in the Government and a Company registered or deemed to be registered under the Companies Act, No 7 of 2007, in which the Government, a public corporation or any local authority holds more than fifty per centum of the shares.”.	
20		
25		
20.	Article 170 of the Constitution is hereby amended by the repeal of the definition of “public officer” and the substitution of the following definition therefor:-	Amendment of Article 170 of the Constitution
30	“ “public officer” means a person who holds any paid office under the Republic other than a judicial officer, but does not include—	
	(a) the President;	

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

(t) a member of the University Grants Commission;

(u) a member of the Official Languages Commission;

(v) the Auditor-General; and

5 (w) Governor of the Central Bank of Sri Lanka.”.

21. For Avoidance of doubt:—

Transitional
provisions

(1) For the avoidance of doubt it is hereby declared that,—

10 (a) the Ninth Parliament in existence on the day preceding the date on which this Act comes into operation, shall, unless dissolved earlier, continue to function until 19th August 2025 and shall thereafter stand dissolved;

15 (b) the persons holding office respectively, as the President and the Prime Minister on the day preceding to this Act come in to operation shall continue to hold such office after such date, subject to the provisions of the Constitution as amended by this Act; and

20 (c) every person holding office on the day preceding the date on which this Act comes into operation, as,—

(i) the Chief Justice;

(ii) Judges of the Supreme Court;

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

(iv) the President of the Court of Appeal;

- (v) Judges of the Court of Appeal;
- (vi) the Attorney-General;
- (vii) the Auditor-General;
- (viii) the Inspector-General of Police;
- 5 (ix) the Parliamentary Commissioner for Administration (Ombudsman);
- (x) the Secretary-General of Parliament;
- (xi) a judge of the High Court; or
- 10 (xii) a judicial officer, a scheduled public officer, public officer or a police officer,
- 15 shall continue to hold such office and shall, subject to paragraph (3) of Article 41C, continue to exercise, perform and discharge the powers, duties and functions of that office, under the same terms and conditions.
- (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,—
- 20 (a) Parliamentary Council;
- (b) Public Service Commission;
- (c) National Police Commission;
- (d) Human Rights Commission of Sri Lanka;
- (e) Commission to Investigate Allegations of Bribery or Corruption; or
- 25 (f) Finance Commission,
- shall cease to hold such office with effect from the date on which this Act comes into operation:

5 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 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,–

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

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

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

(4) All matters relating to the appointment, promotion,
transfer, disciplinary control and dismissal of
members of the Sri Lanka State Audit Service and
25 pending before the Public Service Commission on
the day preceding the date of on which this Act
comes into operation shall, with effect from that
date, stand transferred to the Audit Service
Commission established by Article 153A and shall
30 be determined by the Audit Service Commission
accordingly.

22. 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 event of
an
inconsistency

