

L.D.O 20/2015

**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:-

Short
title and
date of
operation

1. (1) This Act may be cited as the Nineteenth Amendment to the Constitution.

(2) The provisions of sections 3, 4, 5, 6, 7, 8, 9, 11 (other than paragraph (1) of Article 46), 17, 19, 20, 21, 23, 33, 34, 35, 36, 37 and 38 of this Act shall come into force on April 22, 2015 and the other sections shall come into force on the date on which this Act comes into operation.

(3) The provisions of section 11 of this Act, in so far as it relates to paragraph (1) of Article 46 of the Constitution of the Democratic Socialist Republic of Sri Lanka shall come into force upon the conclusion of the general election held immediately after the date on which this Act comes into operation.

Insertion
of new
Article
14A in
the
Constituti
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of the
Democrat
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Socialist
Republic
of Sri
Lanka.

2. The Constitution of the Democratic Socialist Republic of Sri Lanka (hereinafter in this Act referred to as the "Constitution") is hereby amended by the insertion immediately after Article 14 thereof of the following new Article :-

"Right of
access to
information.

14A. (1) Every citizen shall have the right of access to any information held by:-

- (a) the State, a Ministry or any Government Department or any statutory body established or created by or under any law;
- (b) any Ministry of a Province or any Department or statutory body established or created by a statute of a Provincial Council;
- (c) any local authority; and
- (d) any other person,

being information that is required for the exercise or protection of the citizen's rights.

(2) No restrictions shall be placed on the right declared and recognized by this Article, other than such restrictions prescribed by law as are necessary in a

democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals and of the reputation or the rights of others, privacy, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

(3) In this Article, “citizen” includes a body whether incorporated or unincorporated, if not less than three-fourths of the members of such body are citizens.”.

Replace
ment of
Article
30 of the
Constituti
on.

3. Article 30 of the Constitution is hereby repealed and the following Article substituted therefor:-

“The President
of the
Republic

30. (1) There shall be a President of the Republic of Sri Lanka, who is the Head of the State, the Head of the Executive and of the Government and the Commander in Chief of the Armed Forces.

(2) The President of the Republic shall be elected by the People and shall hold office for a term of five years.”.

Amendme
nt of
Article 31
of the
Constituti
on.

4. Article 31 of the Constitution is hereby amended as follows:-

(1) by the insertion immediately after paragraph (1) of that Article, of the following new paragraph:-

“(2) No person who has been twice elected to the office of President by the People, shall be qualified thereafter to be elected to such office by the People.”;

(2) in paragraph (3A) of that Article:-

- (a) (i) by the substitution in sub-paragraph (a)(i) of that paragraph, for the words “commencement of his current term of office, by Proclamation, declare his intention”, of the words “commencement of his first term of office, by Proclamation, declare his or her intention”; and
- (ii) by the repeal of the proviso to sub-paragraph (a)(i);

(b) by the repeal of item (iii) of sub-paragraph (c) of that paragraph and the substitution therefor of the following item:-

“(iii) If by reason of the death referred to in sub-paragraph (i) there is a vacancy in the office of President, the Speaker shall act in the office of President:

Provided that if the office of the Speaker be then vacant or the Speaker is unable to act, the Deputy Speaker shall act in the office of President.”; and

(c) in sub-paragraph (d) of that paragraph, by the substitution for the words “for a term of six years” wherever those words appear in that sub-paragraph, of the words “ for a term of five years”;

(3) by the repeal of paragraphs (b) and (c) of the proviso to paragraph (4) of that Article, and the substitution therefor the following paragraphs:-

“(b) where the President in office is not a candidate or is not re-elected at a poll for the election of a President, his or her term of office shall be deemed to have expired on the date on which the result of such election is declared. The person elected as President at such election shall assume office forthwith, but not later than two weeks from such date:

Provided that the President in office, notwithstanding anything to the contrary in Article 30,

shall continue to exercise, perform and discharge the powers, duties and functions of the office of President, until the assumption of office by the person declared elected as President. If the office of President becomes vacant by reason of the person declared elected as President failing to assume office, the President in office shall continue to exercise, perform and discharge the powers, duties and functions of the office of President, until the Speaker or if the office of Speaker be then vacant, or if the Speaker is unable to act, the Deputy Speaker commences to act in the office of President;

By reason of the death referred to in paragraph (a) there is a vacancy in the office of President the Speaker shall act in the office of President during the period between the occurrence of such vacancy and the assumption of office by the new President:

Provided that if the office of the Speaker be then vacant or the Speaker is unable to act, the Deputy Speaker shall act in the office of the President.”;

Replace
ment of
Article
33 of the
Constituti
on.

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

“Duties, powers
and functions of
the President.

33. (1) The President shall be the symbol of national
unity.

(2) It shall be the duty of the President to:-

- (a) ensure that the Constitution is respected and upheld by all organs of Government;
- (b) ensure and facilitate the preservation of religious and ethnic harmony;
- (c) promote national reconciliation and integration;
- (d) ensure and facilitate the proper functioning of the Constitutional Council and the institutions referred to in Chapter VIIA; and
- (e) on the advice of the Election

Commission, ensure the creation of proper conditions for the conduct of free and fair elections and referenda.

(3) In addition to the powers, duties and functions expressly conferred or imposed on, or assigned to the President by the Constitution or other written law, the President shall have the power:-

- (a) to make the Statement of Government Policy in Parliament at the commencement of each session of Parliament;
- (b) to preside at ceremonial sittings of Parliament;
- (c) to summon, prorogue and dissolve Parliament;
- (d) to receive and recognize, and to appoint and accredit, Ambassadors, High Commissioners, Plenipotentiaries and other diplomatic agents;
- (e) to appoint as President's Counsel, attorneys-at-law who have reached eminence in the profession and have maintained high standards of conduct and professional rectitude. Every President's Counsel appointed under this paragraph shall be entitled to all such privileges as were hitherto enjoyed by Queen's Counsel;
- (f) 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 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 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 that Seal;

(g) to declare war and peace; and

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

Insertion of new Article 33A in the Constitution.

6. The following Article is hereby inserted immediately after Article 33, and shall have effect as Article 33A of the Constitution:-

“President to be responsible to Parliament.

33A. The President shall be responsible to Parliament for the due exercise, performance and discharge of his or her powers, duties and functions under the Constitution and any written law, including the law for the time being relating to public security.”.

Replacement of Article 35 of the Constitution.

7. Article 35 of the Constitution is hereby repealed and the following Article is substituted therefor:-

“Immunity of President from suit.

35.(1) Where any person holds office as President of the Republic of Sri Lanka, no civil or criminal proceedings shall be instituted or continued against the President in respect of anything done or omitted to be done by the President, either in his or her official or private capacity:

Provided that nothing in this paragraph shall be read and construed as restricting the right of any person to make an application under Article 126 against the Attorney General, in respect of anything done or omitted to be done by the President, in his or her official capacity:

Provided further that the Supreme Court shall have no jurisdiction to pronounce upon the exercise of the powers of the President under Article 33(g).

(2) Where provision is made by law limiting the time within which proceedings of any description may be instituted against any person, a period of time during which such person holds the office of President of the Republic of Sri Lanka shall not be taken into account in calculating any period of time prescribed by that law.

(3) The immunity conferred by the provisions of paragraph (1) shall not apply to proceedings in the Supreme Court under Article 130 (a) relating to the election of the President or the validity of a referendum.”.

Replace
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Articles
37 of the
Constituti
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8. Article 37 of the Constitution is hereby repealed and the following Article substituted therefor:-

“Acting
President.

37.(1) Whenever the President by reason of any illness, absence from Sri Lanka or any other cause is unable to exercise, perform or discharge the powers, duties and functions of the office of President, Speaker shall act in the office of President during such period. If the office of Speaker be then vacant or the Speaker is unable to act, the Deputy Speaker shall act in the office of President.

(2) The provisions of the Constitution (other than the provisions of paragraph (2) of Article 32) shall apply, insofar as they can be applied, to a person acting in the office of President.

Replace
ment of
Articles
39 and
40 of the
Constituti

9. Articles 39 and 40 of the Constitution are hereby repealed and the following Articles are substituted therefor :-

“Determination
by the Supreme

39. (1) Where the Supreme Court in the exercise of its jurisdiction under Article 130 determines that:-

on.

Court that
President is not
duly elected.

(a) the election of the President is void and does not determine that any other person was duly elected, then a vacancy shall be deemed to have occurred in the office of President and an election shall be held to fill such vacancy in accordance with Article 40, not later than one month from the date of such determination; or

(b) any other person was duly elected as the President, then, such other person shall assume the office of President within one month of the date of such determination.

(2) Upon the Supreme Court making any such determination as is referred to in sub-paragraph (a) of paragraph (1), the person who was exercising, performing and discharging the powers, duties and functions of the office of President shall forthwith cease to exercise, perform and discharge such powers, duties and functions. During the period intervening between the date of such determination and the assumption of office by the new President, the Speaker shall act in the office of President:

Provided that if the office of the Speaker be then vacant or the Speaker is unable to act, the Deputy Speaker shall act in the office of President.

(3) For the purpose of paragraph (2) of Article 30 and notwithstanding the provisions of paragraph (4) of Article 31, the term of office of the new President shall be deemed to have commenced on the date on which the term of office of the person whose election was determined to have been void or undue, would, but for such determination have commenced.

(4) The exercise, performance and discharge by any person of the powers, duties and functions of the office of President, shall not be invalid by reason only of the fact that the Supreme Court subsequently determines that the election of such person as President was void or undue.

(5) The provisions of this Article shall apply notwithstanding anything to the contrary in Article 40.

Vacation of office by President and election of successor.

40. (1) (a) If the office of President shall become vacant prior to the expiration of his or her term of office, Parliament shall elect as President one of its Members who is qualified to be elected to the office of President. Any person so succeeding to the office of President shall hold office only for the unexpired period of the term of office of the President vacating office.

(b) An election to fill such vacancy shall be held as soon as possible after, and in no case later than one month from, the date of occurrence of the vacancy. Such election shall be by secret ballot and by an absolute majority of the votes cast in accordance with such procedure as Parliament may by law provide:

Provided that if such vacancy occurs after the dissolution of Parliament, the President shall be elected by the new Parliament within one month of its first meeting.

(c) During the period between the occurrence of such vacancy and the assumption of office by the new President the Speaker shall act in the office of President:

Provided that if the office of the Speaker be then vacant or the Speaker is unable to act, the Deputy Speaker shall act in the office of President.

(2) The provisions of the Constitution relating to the President (other than the provisions of paragraph (2) of Article 32) shall in so far as they can be applied, apply to the person acting for the President.

(3) Parliament shall by law provide for all matters relating to the procedure for the election of the President by Parliament and all other matters necessary or incidental thereto. Until Parliament so provides, the Presidential Elections (Special Provisions) Act, No 2 of 1981 shall apply to such election.”.

Replace 10. Chapter VIIA of the Constitution is hereby repealed and the following Chapter

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Chapter
VIIA of
the
Constituti
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substituted therefor:-

“CHAPTER VIIA

The Constitutional Council

Constituti
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Constituti
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Council.

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

- (a) the Prime Minister;
- (b) the Speaker;
- (c) the Leader of the Opposition in Parliament;
- (d) one person appointed by the President;
- (e) five persons appointed by the President, on the nomination of both the Prime Minister and the Leader of the Opposition; and
- (f) 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.

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

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

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

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

(7) (a) On the dissolution of Parliament, notwithstanding the provisions of paragraph (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;

(b) Notwithstanding the dissolution of Parliament, the Prime Minister and the Leader of the Opposition shall continue to hold office as members of the Council, until such time after a General Election following such dissolution, a Member of Parliament is appointed as Prime Minister or recognized as the Leader of the Opposition in Parliament, as the case may be.

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

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

(10) A member appointed under sub-paragraphs (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.

Council
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recommen
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appointm
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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.

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

(3) It shall be the duty of the Council to 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, 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.

(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 appointments. In the event of the President failing to make the necessary appointments within such period of fourteen days:-

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

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

with effect from the date of expiry of such period.

(5) No person appointed under paragraph (1) or a person appointed to act as the Chairman or a member of any such Commission, shall be 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.

SCHEDULE

- (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.
- (f) The Commission to Investigate Allegations of Bribery or Corruption.
- (g) The Finance Commission.
- (h) The Delimitation Commission.
- (i) The National Procurement Commission.
- (j) The University Grants Commission.
- (k) The Official Languages Commission.

Council
to
approve
appointm
ents.

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.

(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:

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.

(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.

(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, the Minister in charge of the subject of Justice, the Attorney-General and the President of the Bar Association of Sri Lanka.

SCHEDULE

Part I

- (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.

Part II

- (a) The Attorney-General.
- (b) The Auditor-General.
- (c) The Inspector-General of Police.
- (d) The Parliamentary Commissioner for Administration (Ombudsman).
- (e) The Secretary-General of Parliament.

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 or her term of office, the Secretary General shall be eligible for reappointment.

(2) The Council may appoint such officers as it considers necessary for the discharge of its functions, on such terms and conditions as 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 other law, and such meetings shall be summoned by the Secretary- General to the Council on the direction of the Chairman of the Council.

(2) The Chairman shall preside at all meetings of the Council and in the absence of 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. When the Chairman, the Prime Minister and the Leader of the Opposition are all absent from any such meeting, the members present shall elect a member from among themselves to preside at such meeting.

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

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

(5) The Chairman or the other member 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.

(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.

(7) Any member of the Council appointed under subparagraphs (d), (e), or (f) of paragraph (1) of Article 41A, who without obtaining prior leave of the Council absents himself or herself 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.

(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.

Continuation in office of the members of the 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.

Powers and

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

duties of
the
Council.

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.

(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.

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 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.”.

Replace
ment of
Chapter
VIII of
the
Constituti
on.

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

“CHAPTER VIII

THE EXECUTIVE

The Cabinet of Ministers

Prime Minister
and the 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.

(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, in the President's opinion, is most likely to command the confidence of Parliament.

Ministers and their subjects and functions.

43. (1) The Prime Minister shall determine the number of Ministers of the Cabinet of Ministers, and the Ministries and the assignment of subjects and functions to such Ministers.

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

(3) The Prime Minister may at any time change the assignment of subjects and functions and recommend to the President changes in the composition of the Cabinet of Ministers. Such changes shall not affect the continuity of the Cabinet of Ministers and the continuity of its responsibility to Parliament.

Ministers who are not members of the Cabinet of Ministers.

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

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

(3) The Prime Minister may at any time 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) At the request of the Prime Minister, 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 to such cabinet Minister, or any power or duty conferred or imposed on him or her 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 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.

45. (1) The President may, 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.

(2) Any Minister of the Cabinet of Ministers may at the request of the Prime Minister and by Notification published in the *Gazette*, delegate to any Deputy Minister, any power or duty pertaining to any subject or function assigned to him or her or any power or duty conferred or imposed on him or her by any written law, and it shall be lawful for such Deputy Minister to exercise and perform any power or duty delegated notwithstanding anything to the contrary in the written law by which that power or duty is conferred or imposed on such 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 thirty; and
- (b) Ministers who are not members of the Cabinet of Ministers and Deputy Ministers shall not, in the aggregate, exceed forty.

(2) 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 or she:-

- (a) is removed from office under the hand of the President on the advice of the Prime Minister;
- (b) resigns from office by a writing under his or her hand addressed to the President; or
- (c) ceases to be a Member of Parliament.

(3) If at the conclusion of the General Election held immediately after the coming into force of this Article, the recognized political party or the independent group obtaining the highest and the recognized political party or the independent group obtaining the second highest number of seats in Parliament agrees to form a Government of national unity, then, notwithstanding the provisions of paragraph (1), the number of Ministers of the Cabinet of Ministers and the number of Ministers outside of the Cabinet of Ministers and the Deputy Ministers, may be increased up to forty-five and fifty-five, respectively, if Parliament agrees to such increase, within two weeks of the first sitting of such Parliament.

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) or (b) of paragraph (2) of Article 46.

(2) Notwithstanding the death, removal from office 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.

(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 Minister or to exercise, perform and discharge the powers, duties and functions of such Minister.

Dissolution of the Cabinet of Ministers.

48. (1) On the Prime Minister ceasing to hold office by death, resignation or otherwise, except during the period intervening between the dissolution of Parliament and the conclusion of the General Election, the Cabinet of Ministers shall, unless the President has in the exercise of his powers under Article 70, dissolved Parliament, stand dissolved and the President shall appoint a Prime Minister, Ministers of the Cabinet of Ministers, other Ministers and Deputy Ministers in terms of Articles 42, 43, 44 and 45:

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 exercise, perform and discharge the powers, duties and functions of the Prime Minister, and the provisions of Article 47 shall, *mutatis mutandis*, apply.

(2) If Parliament rejects the Statement of Government Policy or the Appropriation Bill or passes a vote of no-confidence in the Government, the Cabinet of 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, other 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, other Minister appointed under Article 44 or a Deputy Minister is unable to discharge the functions of his or her 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, other Minister or Deputy Minister.

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.

(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 or her by the Prime Minister or the Cabinet of

Ministers.

Secretaries to the Prime Minister.

51.(1) There shall be a Secretary to the Prime Minister who shall be appointed by the President.

(2) The Secretary shall have charge of the office of the Prime Minister and shall perform and discharge the duties and functions of his or her office, subject to the directions of the Prime Minister.

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.

(2) The Secretary to a Ministry shall, subject to the direction and control of his or her Minister, exercise supervision over the departments of government and other institutions in charge of the Minister.

(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 Prime Minister under Article 43 or 44 which results in the Ministry ceasing to exist.

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

Official oath and affirmation.

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

Amendment of Article 54 of the Constitution.

12. Article 54 of the Constitution is hereby amended as follows:-

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

“(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.”;

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

“(4) Every member of the Commission shall hold office for a period of three years from the date of appointment, unless the member becomes subject to any disqualification under paragraph (2) or earlier resigns from his or her 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 or her office under paragraph (6).”; and

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

“(7) The President may grant a member leave from the performance of his or her 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.”.

Amendment of Article 56 of the Constitution.

13. Article 56 of the Constitution is hereby amended in paragraph (1) of that Article, by the substitution for the words “as are specified by the Cabinet of Ministers”, of the words “as are specified by the Commission”.

Amendment of

14. Article 57 of the Constitution is hereby amended in paragraph (1) of that Article, by the substitution for the words “as are specified by the Cabinet of

Article 57 of the Constitution.

Ministers”, of the words “as are specified by the Commission”.

Amendment of Article 61A of the Constitution.

15. Article 61A of the Constitution is hereby amended by the substitution for the words “Subject to the provisions of paragraphs (1), (2), (3), (4), and (5) of Article 126”, of the words “Subject to the provisions of Article 59 and of Article 126,”.

Replacement of Article 61E and 61F of the Constitution.

16. Articles 61E and 61F of the Constitution are hereby repealed and the following Articles substituted therefor:-

“Appointments by the President.

61E. (1) The President shall appoint:-

- (a) the Heads of the Army, the Navy and the Air Force;
- (b) subject to the approval of the Constitutional Council, the Attorney General and the Inspector General of Police,

(2) The holders of the Offices of Attorney General and the Inspector General of Police shall retire from their respective Office, upon their attaining the age of sixty years.

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.”.

Amendment of Article 62 of the Constitution.

17. Article 62 of the Constitution is hereby amended by the repeal of paragraph (2) of that Article, and the substitution therefor of the following paragraph:-

“(2) Unless Parliament is sooner dissolved, every Parliament shall continue for five years from the date appointed for its first

meeting and no longer, and the expiry of the said period of five years shall operate as a dissolution of Parliament.”.

Amendm
ent of
Article
65 of the
Constituti
on.

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

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

“(1) There shall be a Secretary General of Parliament who shall, subject to the approval of the Constitutional Council, be appointed by the President and who shall hold office during good behaviour.”; and

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

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

Amendm
ent of
Article
70 of the
Constituti
on.

19. Article 70 of the Constitution is hereby amended by the repeal of paragraph (1) of that Article, and the substitution therefor of the following paragraph:-

“(1) The President may by Proclamation, summon, prorogue and dissolve Parliament:

Provided that the President shall not dissolve Parliament until the expiration of a period of not less than four years and six months from the date appointed for its first meeting, unless Parliament requests the President to do so by a resolution passed by not less than two-thirds of the whole number of Members (including those not present), voting in its favour .”.

Amendm
ent of
Article
78 of the
Constituti
on.

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:-

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

Amendm

21. Article 85 of the Constitution is hereby amended by the repeal of paragraph

ent of
Article
85 of the
Constituti
on.
Amendm
ent of
Article
91 of the
Constituti
on.

(2) of that Article.

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

(1) by the substitution for items (v), (va) and (vc) of that sub-paragraph, of the following items:-

“(v) a member of the Constitutional Council, referred to in sub-paragraphs (d), (e) and (f) of paragraph (1) of Article 41A;

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

(vb) the Commissioner General of Elections;”;

(2) by the substitution in item (vii) of that sub-paragraph, for the words “a public officer holding any office”, of the words “a public officer or a member of the Sri Lanka State Audit Service holding any office”.

(3) by the substitution in item (viii) of that sub-paragraph, for the words “a public officer holding any office”, of the words “a public officer or a member of the Sri Lanka State Audit Service holding any office”; and

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

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

Amendm
ent of
Article
92 of the
Constituti
on.

23. Article 92 of the Constitution is hereby amended as follows:-

(1) in paragraph (a) of that Article, by the substitution, for the words ”thirty”, of the words ”thirty five”;

(2) by the addition immediately after paragraph (b) of that Article, of the following new paragraph:-

“(c) if he has been twice elected to the office of President by the People.”; and

(3) by the repeal of paragraph (d) of that Article.

Amendm
ent of
Article
99 of the
Constituti
on.

24. Article 99 of the Constitution is hereby amended by the addition at the end of that Article, of the following new paragraph:-

“(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 prohibiting any such action or proposed action.”.

Amendm
ent of
Article
103 of the
Constituti
on.

25. Article 103 of the Constitution is hereby amended as follows:-

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

“(1) There shall be an Election Commission (in this Chapter referred to as the "Commission") consisting of three members appointed by the President on the recommendation of the Constitutional Council, from amongst persons who have distinguished themselves in any profession or in the fields of administration or education. One of the members so appointed shall be a retired officer of the Department of Elections, who has held office as a Deputy Commissioner of Elections or above. The President shall on the recommendation of the Constitutional Council, appoint one member as its Chairman.”; and

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

“(7) The President may grant a member leave from the performance duties relating to the Commission for a period not exceeding two months, and may appoint a person qualified to be a member of the Commission to be a temporary member for the period of such leave. Every such appointment shall be made on the recommendation of the Constitutional Council.”.

Amendm
ent of
Article
104B of
the

26. Article 104B of the Constitution is hereby amended by the repeal of paragraphs (4), (4a) and (5) of that Article and the substitution of the following paragraphs therefor:-

Constituti
on.

“(4) (a) The Commission shall have the power during the period of an election, to prohibit the use of any movable or immovable property belonging to the State or any public corporation:-

- (i) for the purpose of promoting or preventing the election or any candidate of any political party or independent group contesting at such election;
- (ii) by any candidate or any political party or any independent group contesting at such election,

by a direction in writing by the Chairman of the Commission or of the Commissioner General of Elections on the instructions of the Commission.

(b) It shall be the duty of every person or officer in whose custody or under whose control such property is for the time being, to comply with, and give effect to, such direction.

(5) (a) The Commission shall have the power to issue from time to time, in respect of the holding of any election or the conduct of a Referendum, such guidelines as the Commission may consider appropriate, to any broadcasting or telecasting operator or any proprietor or publisher of a newspaper, as the case may be, as the Commission may consider necessary to ensure a free and fair election. All such guidelines issued by the Commission shall be given adequate publicity in a manner as determined by the Commission.

(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 and of the enterprise of every private broadcasting or telecasting operator, to take all necessary steps to ensure compliance with such guidelines as are issued to them under subparagraph (a).

(c) Where the Sri Lanka Broadcasting Corporation, the Sri Lanka Rupavahini Corporation or the Independent Television Network or any other broadcasting or telecasting enterprise owned or controlled by the

State or the enterprise of every private broadcasting or telecasting operator, as the case may be, contravenes any guidelines issued by the Commission under sub-paragraph (a), the Commission may appoint a Competent Authority by name or by office, who shall, with effect from the date of such appointment, take over the management of such Broadcasting Corporation, Rupavahini Corporation or Independent Television Network, or other broadcasting or telecasting enterprise owned or controlled by the State or the enterprise of such private broadcasting or telecasting operator, as the case may be, insofar as such management relates to all political broadcasts or any other broadcast, which in the opinion of the Commission impinge on the election, until the conclusion of the election, and the Sri Lanka Broadcasting Corporation, the Sri Lanka Rupavahini Corporation and the Independent Television Network or other broadcasting or telecasting enterprise owned or controlled by the State or the enterprise of such private broadcasting or telecasting operator, shall not, during such period, discharge any function connected with, or relating to, such management which is taken over by the Competent Authority.

(d) Parliament may by law provide for the powers and functions of the Competent Authority, appointed under sub-paragraph (c).

(e) The Commission shall cause the guidelines issued by it under this paragraph, to be published in at least one newspaper widely circulated in the Sinhala, Tamil and English language.

(6) The provisions of paragraph (5) shall not be applicable to an operator, proprietor or publisher, who informs the Commission within seven days from the date of nomination of candidates at an election or from the date of the Proclamation requiring a Referendum to be held, that it is the policy of the broadcasting or telecasting station or newspaper, which such operator, proprietor or publisher represents, to support any particular candidate or any particular named political party or independent group at that election, or to support or to oppose a proposal put to the People at that Referendum, as the case may be.”.

Amendment of Article 104E of the Constitution.

27. Article 104E of the Constitution is hereby amended by the repeal of paragraph (1) of that Article and the substitution of the following paragraph therefor:-

“(1) There shall be a Commissioner General of Elections who shall, subject to the approval of the Constitutional Council, be appointed by the Commission on such terms and conditions as may be determined by the Commission.”.

Insertion

28. The following new Article is hereby inserted immediately after Article 104G

of new Article 104GG in the Constitution.

and shall have effect as Article 104GG of the Constitution:-

“Failure to comply with directions to be an offence.

104GG. (1) A public officer who:-

- (a) refuses or fails without a reasonable cause to co-operate with the Commission, to secure the enforcement of any law relating to the holding of an election or the conduct of a Referendum; or
- (b) fails without a reasonable cause to comply with any directions or guidelines issued by the Commission under sub-paragraph (b) of paragraph (4) or sub-paragraph (a) of paragraph (5), respectively, of Article 104B,

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.

(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).”.

Amendment of Article 107 of the Constitution.

29. Article 107 of the Constitution is hereby amended by the repeal of paragraph (1) of) of that Article and the substitution of the following paragraph therefor:-

“(1) The Chief Justice, the President of the Court of Appeal and every other judge of the Supreme Court and of the Court of Appeal shall, subject to the approval of the Constitutional Council, be appointed by the President by warrant under his hand.”.

Replacement of Article 109 of the Constitution.

30. Article 109 of the Constitution is hereby repealed and the following Article substituted therefor:-

“Acting appointments.

109. (1) If the Chief Justice or the President of the Court of Appeal is temporarily unable to exercise, perform and discharge the powers, duties and functions

of his or her office, by reason of illness, absence from Sri Lanka or any other cause, the President shall, subject to the approval of the Constitutional Council, appoint another Judge of the Supreme Court, or of the Court of Appeal, as the case may be, to act in the office of Chief Justice, or President of the Court of Appeal, , during such period.

(2) If any Judge of the Supreme Court or of the Court of Appeal is temporarily unable to exercise, perform and discharge the powers, duties and functions of his or her office, by reason of illness, absence from Sri Lanka or any other cause, the President may, subject to the approval of the Constitutional Council, appoint another Judge to act as a Judge of the Supreme Court or Court of Appeal, during such period.”.

Amendm
ent of
Article
111D of
the
Constituti
on.

31. Article 111D of the Constitution is hereby repealed and the following Article substituted therefor:-

“Constitution of
the Judicial
Service
Commission.

111D. (1) There shall be a Judicial Service Commission (in this Chapter referred to as the "Commission") consisting of the Chief Justice and the two most senior Judges of the Supreme Court appointed by the President, subject to the approval of the Constitutional Council.

(2) Where the Chief Justice and the two most Senior Judges of the Supreme Court are Judges who have not had any judicial experience serving as a Judge of a Court of First Instance, the Commission shall consist of the Chief Justice, the senior most Judge of the Supreme Court and the next most senior Judge of such Court, who has had experience as a Judge of a Court of First Instance.

(3) The Chief Justice shall be the Chairman of the Commission.”.

Amendment of Article 111E of the Constitution.

32. Article 111E of the Constitution is hereby amended by the repeal of paragraphs (5) and (6) of that Article and the substitution of the following paragraphs therefor:-

(5) The President may grant to any member of the Commission leave from duties and may appoint subject to the approval of the Constitutional Council, a person qualified to be a member of the Commission to be a temporary member for the period of such leave.

(6) The President may, with the approval of the Constitutional Council, and for cause assigned, remove from office any member of the Commission.”.

Repeal of Article 122 of the Constitution.

33. Article 122 of the Constitution is hereby repealed.

Amendment of Article 123 of the Constitution.

34. Article 123 of the Constitution is hereby amended by the repeal of paragraph (3) of that Article.

Amendment of Article 124 of the Constitution.

35. Article 124 of the Constitution is hereby amended by the substitution for the words and figures “provided in Articles 120, 121 and 122,”, of the words and figures “provided in Articles 120 and 121”.

Amendment of Article 129 of the Constitution.

36. Article 129 of the Constitution is hereby amended as follows:-

(1) by the repeal of paragraph (2) of that Article; and

(2) in paragraph (3) of that Article, by the substitution for the words “opinion, determination and report”, of the words “opinion and report”.

Amendment of Article 134 of the Constitution.

37. Article 134 of the Constitution is hereby amended by the substitution for the figures “121, 122, 125,”, of the figures “121, 125,”.

Amendment of Article

38. Article 151 of the Constitution is hereby amended by the repeal of paragraph (2) of that Article, and the substitution of the following paragraph therefor:-

151 of
the
Constituti
on.

“(2) The Minister in charge of the subject of Finance, if satisfied:-

(a) that there is a need for such expenditure; and

(b) that no provision for such expenditure exists,

may, with the consent of the Prime Minister, authorize provision to be made therefor, by an advance from the Contingencies Fund.”.

Amendm
ent of
Article
153 of
the
Constituti
on.

39. Article 153 of the Constitution is hereby amended as follows:-

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

“(1) There shall be an Auditor General who shall, subject to the approval of the Constitutional Council, be appointed by the President and shall hold office during good behaviour.”; and

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

“(4) Whenever the Auditor General is unable to discharge functions of his or her office, the President may, subject to the approval of the Constitutional Council, appoint a person to act in the place of the Auditor General.”

Insertion
of new
Articles
153A,
153B,
153C,
153D,
153E,
153F,
153G and
153H in
the
Constituti
on.

40. The following new Articles are hereby inserted 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:-

(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

(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
or she:-

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

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

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

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

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

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

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

Meetings of
the

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

Commission. Commission.

(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.

Functions of the Commission.

153C. (1) The 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) In addition to the functions referred to in paragraph (1), the Commission shall also perform and discharge the following duties and functions:-

- (a) approve 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
- (c) perform and discharge such other duties and functions as may be provided for by law.

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 or her duty, directly or indirectly, by himself or herself 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 seven years or to both such fine and imprisonment.

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

and determine any matter referred to in paragraph (1).

Immunity from legal proceedings.

153E. Subject 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.

Costs and expenses.

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

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, 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 or rescind any order or decision made by the Commission.

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.”.

Amendment of Article 154 of the Constitution.

41. Article 154 of the Constitution is hereby amended as follows:-

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

“(1) The Auditor General shall audit the accounts of all departments of the Government, the Office of the Secretary to the President,

the Offices of the Cabinet of Ministers, the Judicial Services Commission, the Constitutional 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 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 forty *per centum* or more of the shares of that company.”;

- (2) in paragraph (2) of that Article, by the substitution for the words “such public corporation or business or other undertaking”, wherever those words appear in that paragraph, of the words “such public corporation, business or other undertaking or a company referred to in paragraph (1)”; and
- (3) in sub-paragraph (b) of paragraph (5) of that Article, by the substitution for the words “any public corporation, or business or other undertaking”, wherever those words appear in that paragraph, of the words “any public corporation, business or other undertaking or a company referred to in paragraph (1)”.

Amendment of Article 154R of the Constitution.

42. Article 154R of the Constitution is hereby amended in paragraph (1) of that Article, by the repeal of sub-paragraph (c) of that paragraph, and the substitution of the following paragraph therefor:-

“(c) three other members appointed by the President on the recommendation of the Constitutional Council, to represent the three major communities, each of whom shall be a person who has distinguished himself or herself, or held high office, in the field of finance, law, administration, business or learning”.

Amendment of Article 155A of the Constitution.

43. Article 155A of the Constitution is hereby amended as follows:-

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

“(1) There shall be a National Police Commission (in this Chapter referred to as the "Commission") consisting of seven members appointed by the President on the recommendation of the Constitutional Council, of whom at least one member shall be a retired police officer who has held office as a Deputy Inspector General of Police or above. The Constitutional Council may in making its recommendation, consult the Public Service Commission. The President shall on

the recommendation of the Constitutional Council appoint one member as the Chairman.”: and

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

“(4) Every member of the Commission shall hold office for a period of three years from the date of appointment, unless such member becomes subject to any disqualification under paragraph (2) or earlier resigns from office by writing addressed to the President or is removed from office by the President for reasons assigned and 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 such member has been passed in terms of Article 81 or is deemed to have vacated his or her office under paragraph (6) of this Article.”.

Amendm
ent of
Article
155B of
the
Constituti
on.

44. Article 155B of the Constitution is hereby amended by the addition at the end of that Article, of the following new paragraph:-

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

Amendm
ent of
Article
155C of
the
Constituti
on.

45. Article 155C of the Constitution of hereby amended in paragraph (1) of that Article, 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,”.

Amendm
ent of
Article
155F of
the
Constituti
on.

46. Article 155F of the Constitution is hereby amended in paragraph (1) of that Article by the substitution for the words “any decision of the Commission or a Committee, or to so influence any member of the Commission or Committee,”, of the words “any decision of the Commission or a Committee or any police officer to whom the Commission has delegated any power under this Chapter or to so influence any member of the Commission or a Committee or any police officer to whom any power has been delegated.

Repeal of
of Article
155FF of
the
Constituti
on.

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

Insertion
of new
Articles
155G,
155H,
155J,
155K and
155L of
the
Constituti
on.

48. 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:-

“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 in accordance with any law enacted by Parliament for such purpose. In the event of the Commission providing redress, the Commission shall forthwith inform the Inspector-General of Police.

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

- (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;
- (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.

(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.

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.

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

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

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.

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

Right of
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 or her delegated powers.

(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 police officer referred to in Article 155 H 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.

(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 seem 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) 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, may appeal therefrom to the Administrative Appeals Tribunal established under Article 59, which shall have the power to alter, vary or rescind any order or decision made by the Commission.”.

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

Article
155M of
the
Constitution.

“Saving of
existing rule
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 the Article, shall continue to be operative and in force.”.

Amendment of
Article
156 of
the
Constitution.

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

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

“(2) The Parliamentary Commissioner for Administration shall, subject to the approval of the Constitutional Council, be appointed by the President and shall hold office during good behavior.”; and

(2) by the repeal of paragraph (5) of that Article and the substitution of the following paragraph therefor:-

“(5) Whenever the Parliamentary Commissioner for the Administration is unable to perform or discharge the duties and functions of his or her office, the President shall, subject to the approval of the Constitutional Council, appoint a person to act in his or her place.”.

Insertion
of new
Chapter
XIXA
and
XIXB in
the
Constitution.

51. The following new Chapters are hereby inserted immediately after Chapter XIX and shall have effect as Chapters XIXA and XIXB respectively, of the Constitution:-

“CHAPTER XIXA

COMMISSION TO INVESTIGATE ALLEGATIONS OF BRIBERY OR 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:-

(a) the appointment of the members of the

Commission by the President on the recommendation of the Constitutional Council;

- (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 the power to institute prosecutions for offences under the law in force relating to bribery or corruption;
- (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.

(2) Until Parliament so provides, the Commission to investigate Allegations of Bribery or Corruption Act, No. 14 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 allegation of bribery or corruption, whether of its own motion or on a written complaint made to it.

CHAPTER XIXB

NATIONAL PROCUREMENT COMMISSION

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 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.

(2) Every member of the Commission shall hold office for a period of three years from the date of appointment, unless such member earlier resigns from office by a

writing addressed to the President or is removed from office by the President for caused 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 a resolution for the imposition of a civic disability on him or her is passed in terms of Article 81.

(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.

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 by all government institutions.

(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 by government institutions are based on procurement plans prepared in accordance with previously approved action plans;
- (b) monitor and report to the appropriate authorities on whether all qualified bidders for the provision of goods and services to government institutions are afforded an equal opportunity to participate in the bidding process for the provision of those goods and services;
- (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 to government

institutions, are fair and transparent;

- (d) report on whether members of procurement Committees and Technical Evaluation Committees relating to high value procurements by government institutions are suitably qualified; and
- (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.

Powers of the Commission.

156D. (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 or her 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 or her by the Commission; or
- (c) fails or refuses, without reasonable cause, to produce any document or thing which he or she was required to produce by a Notice sent to him or her 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).

Meetings of the Commission.

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

(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.

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

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

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

(6) The Commission shall have the power to act notwithstanding any vacancy in the membership of the Commission, and no act, proceeding or decision of the Commission shall 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.

(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.

(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 or her, in the performance of his or her duties or the discharge of his or her functions, under the Constitution.

Expenses of the Commission to be charged on the Consolidation Fund.

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

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 forty *per centum* of the shares.”.

Amendment of Article 170 of the Constitution.

52. 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:-

“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;
- (b) the Prime Minister;
- (c) the Speaker;
- (d) a Minister;
- (e) a Deputy Minister;
- (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;
- (k) a member of the National Police Commission;
- (l) a member of the Audit Service Commission;
- (m) a member of the Human Rights Commission of Sri Lanka;
- (n) a member of the Commission to Investigate

- 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;
 - (r) the Secretary-General of Parliament;
 - (s) a member of the President's staff;
 - (t) a member of the staff of the Secretary-General of Parliament; and
 - (u) the Auditor General.

Sinhala text to prevail in the event of an inconsistency.

53. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Transitional Provisions.

54. (1) For the avoidance of doubt it is hereby declared that:-

- (a) the Seventh Parliament in existence on the day preceding the date on which this Act becomes law, shall, unless dissolved earlier, continue to function until April 21, 2016 and shall thereafter stand dissolved;
- (b) the persons holding office respectively, as the President and Prime Minister on the day preceding April 22, 2015 shall continue to hold such office after such date, subject to the provisions of the Constitution as amended by this Act; and
- (c) every person holding office on the day preceding the date on which this Act becomes law, as:-
 - (i) the Chief Justice;
 - (ii) Judges of the Supreme Court;
 - (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;

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

(x) the Secretary General of Parliament,

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 becomes law, as the Chairman or a member of the:-

- (a) Parliamentary Council;
- (b) Public Service Commission;
- (c) National Police Commission;
- (d) Human Rights Commission;
- (e) Commission to Investigate Allegations of Bribery or Corruption; or
- (f) Finance Commission,

shall cease to hold such office with effect from the date on which this Act becomes law.

(3) (a) The person holding office as the Commissioner of Elections on the day preceding the date on which this Act becomes law, shall continue to exercise and discharge the powers and functions of the office of the Commissioner of Elections as were vested in him or her on such date and of the Election Commission, until an Election Commission is constituted in terms of Article 103, and shall from and after the date on which the Election Commission is so constituted, cease to hold office as the Commissioner of Elections.

(b) All suits, actions and other legal proceedings instituted by or against the Commissioner of Elections and pending on the day preceding the date on which the Election Commission is constituted under Article 103, shall be deemed to be suits, actions and other legal proceedings instituted by or against the Election Commission, and shall be continued and completed in the name of the Election Commission.

(c) Any decision or order made or any ruling given by the Commissioner of Elections under any written law prior to the date on which the Elections Commission is constituted under Article 103, shall be deemed to be a decision or order made or a ruling given, by the Election Commission, and may be enforcement accordingly.

(d) Upon the constitution of the Election Commission under Article 103, unless the context otherwise requires, there shall be substituted for the expressions “Commissioner of Elections” and “Department of the Commissioner Elections” wherever those expressions occur in the Constitution and in any written law or in any contract, agreement or other document, of the expression “Election Commission”.

(4) All matters relating to:-

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

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

pending before the Public Service Commission on the day preceding the date of on which this Act becomes a law shall, with effect from that date, stand transferred to the National Police Commission established by Articles 155A and shall be determined by the National Police Commission accordingly.

(5) 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 on which this Act becomes a law shall, with effect from that date, stand transferred to the Audit Service Commission established by Articles 153A and shall be determined by the Audit Service Commission accordingly.

Special provisions relating to the period commencing on the date on which certain Articles comes into force. President in office to be in charge of certain

55. (1) During the period commencing on the date on which provisions of sections 3, 4, 5, 6,7, 8,9,11 (other than paragraph (1) of Article 46 inserted by that section), 17, 19, 20, 21, 23, 33, 34, 35, 36, 37 and 38 of this Act comes into force and ending on the date on which the next General Election of the Members of Parliament is concluded,:-

(a) the President shall preside over all meetings of the Cabinet of Ministers; and

(b) the President may, with the concurrence of the Prime Minister, assign to himself any subject or function and may, with like concurrence, determine the Ministries to be in his charge.

56. Notwithstanding anything to the contrary in the Constitution, during the period commencing on the date on which this Act becomes law and so long as the person holding office as the President on the day preceding the date on which this act becomes law, holds the office of the President, the following provisions shall

subjects
and
functions

apply:-

- (a) the President may assign to himself the subjects and functions of Defence, Mahaweli Development and Environment and determine the Ministries to be in his charge for that purpose and accordingly, any reference in any written law to the Minister to whom such subject or function is assigned, shall be read and construed as a reference to the President; and
- (b) the President may summon meetings of the Cabinet of Ministers for the purpose of taking any decisions or for determining any policy with regard to any subject or function assigned to himself under paragraph (a) or to discuss any matter of national importance, and shall preside at such meeting of the Cabinet of Ministers.

16.03.2

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