

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

Part II of July 29, 2022

SUPPLEMENT

(Issued on 02.08.2022)



**TWENTY SECOND AMENDMENT
TO THE CONSTITUTION**

A

BILL

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

*Ordered to be published by the Minister of Justice, Prison Affairs and
Constitutional Reforms*

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 80.00

Postage : Rs. 35.00

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



Twenty Second Amendment to the Constitution

L.D.— O. 12/2022

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

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

1. This Act may be cited as the Twenty Second Short title
Amendment to the Constitution.

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“Constitution”) is hereby repealed and the following Chapter VIIA of the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

“CHAPTER VIIA

10 THE CONSTITUTIONAL COUNCIL

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

- 15 (a) the Prime Minister;
- (b) the Speaker;
- (c) the Leader of the Opposition in
Parliament;
- 20 (d) one Member of Parliament appointed
by the President;
- (e) five persons appointed by the President,
upon being nominated as follows:-
- (i) one Member of Parliament
nominated by agreement of the

2 *Twenty Second Amendment to the Constitution*

majority of the Members of
Parliament representing the
Government;

5 (ii) one Member of Parliament
nominated by agreement of the
majority of the Members of
Parliament of the political party
or independent group to which
10 the Leader of the Opposition
belongs; and

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

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

25 (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
30 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
Members of Parliament shall ensure that the

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

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

15 (6) The President shall, within fourteen days
of the receipt of a written communication
specifying the nominations made under sub-
paragraphs (e) and (f) of paragraph (1), make
the necessary appointments. In the event of
the President failing to make the necessary
20 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.

25 (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.

30 (b) Notwithstanding the dissolution of
Parliament, the Prime Minister, the Leader of
the Opposition and the Members of Parliament
who are members of the Council, shall continue
to hold office as Members of such Council,
35 until such time after a General Election

5 following such dissolution, a Member of Parliament is appointed as the Prime Minister or recognized as the Leader of the Opposition or such number of Members of Parliament are appointed as Members of the Council under sub-paragraphs (d), (e) and (f) of paragraph (1), as the case may be.

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

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

35 (9) In the event of there being a vacancy among the members appointed under sub-paragraph (d), (e) or (f) of paragraph (1), the President shall, within fourteen days of the

5 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 succeeds.

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

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

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

25 (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

30

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

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

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

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

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

30 (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.

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

5

SCHEDULE

(a) The Election Commission.

(b) The Public Service Commission.

(c) The National Police Commission.

(d) The Audit Service Commission.

10

(e) The Human Rights Commission of Sri Lanka.

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

(g) The Finance Commission.

15

(h) The Delimitation Commission.

(i) The National Procurement Commission.

Council to
approve
appointments

20

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.

25

(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:

8 *Twenty Second Amendment to the Constitution*

5 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.

10 (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.

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

SCHEDULE

PART I

- 20 (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

- 25 (a) The Attorney-General.
- (b) The Governor of the Central Bank of Sri Lanka.

(c) The Auditor-General.

(d) The Inspector-General of Police.

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

5 (f) The Secretary-General of Parliament.

10 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 three years. Upon the expiration of his 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 may be determined by the Council.

15 Meetings of the Council
20 41E. (1) The Council shall meet at least twice every month, and as often as may be necessary to discharge the functions assigned to the Council by the provisions of this Chapter or by any law, and such meetings shall be summoned by the Secretary-General to the Council on the direction of the Chairman of the Council.

25 (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.

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

10 *Twenty Second Amendment to the Constitution*

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

10 (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
15 vote.

(6) The procedure in regard to meetings of the Council and the transaction of business at such meetings shall be determined by the Council, including procedures to be followed
20 in regard to the recommendation or approval of persons suitable for any appointment under Article 41B or Article 41C.

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

30 (8) The Council shall have the power to act notwithstanding the fact that it has not been fully constituted or that there is a vacancy in its membership. No act, proceeding or decision

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

10 Continuation in office of the members of the Council 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.

15

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

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

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

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

12 *Twenty Second Amendment to the Constitution*

Finality of
decisions of
the Council

5

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

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

Replacement
of Chapter
VIII of the
Constitution

“CHAPTER VIII

THE EXECUTIVE

THE CABINET OF MINISTERS

15 Responsibility
of the
President

20

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

Prime
Minister and
the Cabinet
of Ministers

25

43. (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 President shall be a member of the Cabinet of Ministers and 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.

5 Ministers and their subjects and functions 44. (1) The President shall, in consultation with the Prime Minister, where he considers such consultation to be necessary, determine the number of Ministers of the Cabinet of Ministers and the Ministries and the assignment of subjects and functions to such Ministers.
10

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

(3) The President shall be the Minister in charge of the subject of Defence and may exercise, perform and discharge the powers, duties and functions of any Minister of the Cabinet of Ministers or any Minister who is not a member of the Cabinet of Ministers, subject to the provisions of the Constitution, for not exceeding fourteen days during a period within which any subject or function is not assigned to any such Minister under the provisions of paragraph (1) of this Article or under paragraph (1) of Article 45 and accordingly, any reference in the Constitution or any written law to the Minister to whom such subject or function is assigned, shall be read and construed as a reference to the President:
20
25
30

Provided however, preceding provisions of this paragraph shall not preclude the President from assigning any subject or function to
35

5 himself on the advice of the Prime Minister and accordingly, any reference in the Constitution or 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.

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

15 Ministers who are not members of the Cabinet of Ministers 45. (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.

20 (2) The President may, in consultation with the Prime Minister where he considers such consultation to be necessary, determine the assignment of subjects and functions to Ministers appointed under paragraph (1) of this Article and the Ministries, if any, which are to be in charge of, such Ministers.

25 (3) The President 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.

30 (5) Any Minister of the Cabinet of Ministers may, by Notification published in the *Gazette*, delegate to any Minister who is not a member of the Cabinet of Ministers, any power or duty pertaining to any subject or function assigned

5 to such Cabinet Minister, or any power or duty conferred or imposed on him by any written law, and it shall be lawful for such other Minister to exercise and perform any power or duty delegated notwithstanding anything to the contrary in the written law by which that power or duty is conferred or imposed on such Minister of the Cabinet of Ministers.

10 Deputy Ministers 46. (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.

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

20

25

30 Tenure of office of the Prime Minister, and the limitation of numbers and tenure of office of Ministers and Deputy Ministers 47. (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.

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

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

(b) ceases to be a Member of Parliament.

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

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

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

(c) ceases to be a Member of Parliament.

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

5 (5) For the purpose of paragraph (4), National Government means, a Government formed by the recognized political party or the independent group which obtains the highest number of seats in Parliament together with the other recognized political parties or the independent groups.

10 Cabinet of Ministers after dissolution of Parliament
15 48. (1) The Cabinet of Ministers functioning immediately prior to the dissolution of Parliament shall, notwithstanding such dissolution, continue to function and shall cease to function upon the conclusion of the General Election and accordingly, the Prime Minister and the Ministers of the Cabinet of Ministers, shall continue to function unless they cease to hold office as provided in sub-paragraph (a) of paragraph (2) or sub-paragraph (a) or (b) of paragraph (3) of Article 47 and shall comply with the criteria set out by the Commissioner-General of Elections and shall not cause any undue influence on the General Election.

25 (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.

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

5 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.

10 Dissolution of the Cabinet of Ministers
15
20 49. (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, Ministers who are not members of the Cabinet of Ministers and Deputy Ministers in terms of Articles 43, 44, 45 and 46:

25 Provided that if after the Prime Minister so ceases to hold office, Parliament is dissolved, the Cabinet of Ministers shall continue to function with the other Ministers of the Cabinet as its members, until the conclusion of the General Election. The President may appoint one such Minister to exercise, perform and discharge the powers, duties and functions of the Prime Minister, and the provisions of Article 48 shall, *mutatis mutandis*, apply.

35 (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, Ministers who are not members of the Cabinet of Ministers and Deputy Ministers in terms of Articles 43, 44, 45 and 46.

Acting Ministers and Deputy Ministers
50. Whenever a Minister of the Cabinet of Ministers, a Minister who is not a member of the Cabinet of Ministers or a Deputy Minister is unable to discharge the functions of his office, the President may, on the advice of the Prime Minister, appoint any Member of Parliament to act in the place of such Minister of the Cabinet of Ministers, Minister who is not a member of the Cabinet of Ministers or a Deputy Minister.

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

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

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

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

20 *Twenty Second Amendment to the Constitution*

Secretaries to
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.

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

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

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

(4) For the purposes of this Article, the office
of the Secretary to the President, the office of
the Secretary to the Cabinet of Ministers, the
office of the Auditor-General, the office of the
25 Parliamentary Commissioner for
Administration (Ombudsman), the office of the
Secretary-General of Parliament, the
Constitutional Council, and the Commissions
referred to in the Schedule to Article 41B shall
30 be deemed not to be departments of
Government.

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

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

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

Amendment
of Article 54
of the
Constitution

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

10 “(1) There shall be a Public Service Commission (in this Chapter referred to as the “Commission”) which shall consist of nine members appointed by the President on the recommendation of the Constitutional Council, of whom not less than three members shall be persons who have had over fifteen years experience as a public officer. The President on the recommendation of the Constitutional Council shall appoint one member as its Chairman.”;

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

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

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

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

10 **6.** Article 61F of the Constitution is hereby repealed and the following Article is substituted therefor:- Replacement of Article 61F of the Constitution

“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.”.

15
20

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

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

25

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

30

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

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

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

Amendment
of Article 91
of the
Constitution

(1) by the substitution, in item (iv) of that sub-paragraph, for the words and figures “referred to in Schedule I to Article 41A,” of the words and figures “referred to in the Schedule to Article 41B;”;

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

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

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

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

9. Article 95 of the Constitution is hereby amended in paragraph (2) of that Article, by the substitution for the words and figures “paragraph (1) of this Article and subject to the provisions of Article 41A, appoint”, of the words and figure “paragraph (1) and on the recommendation of the Constitutional Council, appoint”.

Amendment
of Article 95
of the
Constitution

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

Amendment
of Article
103 of the
Constitution

(1) by the substitution, in paragraph (1) of that Article, for the words and figures “subject to the provisions

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

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

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

15 “(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 any publisher of a newspaper, as the case may be, as the Commission may consider necessary to ensure a free and fair election.”.

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

25 **13.** Article 109 of the Constitution is hereby amended as follows:- Amendment of Article 109 of the Constitution

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

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

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

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

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

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

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

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

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

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

5 “Constitution of the Audit Service Commission
10 153A. (1) There shall be an Audit Service Commission (in this Chapter referred to as the “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:-

15 (a) two retired officers of the Auditor-General’s Department, who have held office as a Deputy Auditor-General or above;

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

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

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

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

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

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

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

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

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

20 (6) 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 (Chapter 19).

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

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

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

Powers and
functions of
the
Commission

5

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

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

10

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

15

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

20

(c) exercise, perform and discharge such other powers, duties and functions as may be provided for by law.

(3) The Commission shall cause the rules made under paragraph (2) to be published in the *Gazette*.

25

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

30

(5) Every such rule shall, within three months of such publication in the *Gazette* be brought before Parliament for approval. Any rule which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.

Influencing
or
attempting to
influence
decision of
5 the
Commission
or any
officer of the
Sri Lanka
State Audit
10 Service, to
be an
offence

153D. (1) A person who otherwise than in the course of his duty, directly or indirectly, by himself or through any other person, in any manner whatsoever, influences or attempts to influence any decision of the Commission, any member thereof or any officer of the Sri Lanka State Audit Service, commits 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.

15 (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

20

25

153E. Subject to the jurisdiction conferred on the Supreme Court under Article 126 and to the powers granted to the Administrative Appeals Tribunal under Article 153G, no court or tribunal shall have the power or jurisdiction to inquire into, pronounce upon or in any manner whatsoever call in question any order or decision made by the Commission, in pursuance of any function assigned to 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.

30 Appeals to
the
Administrative
Appeals
Tribunal

35

153G. Any officer of the Sri Lanka State Audit Service who is aggrieved by any order relating to the appointment, promotion or transfer of such officer or any order on a disciplinary matter or dismissal made by the Commission, in respect of such officer, may

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

Commission to be answerable to Parliament
10 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.”.

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

20 **20.** Article 154R of the Constitution is hereby amended in sub-paragraph (c) of paragraph (1) of that Article, by the substitution for the words and figures “subject to the provisions of Article 41A,” of the words “on the recommendation of the Constitutional Council,”. Amendment of Article 154R of the Constitution

25 **21.** Article 155A of the Constitution is hereby amended in paragraph (1) of that Article, by the substitution for the words and figures “subject to the provisions of Article 41A,” of the words “on the recommendation of the Constitutional Council,”. Amendment of Article 155A of the Constitution

30 **22.** Article 155B of the Constitution is hereby amended, by the insertion, immediately after paragraph (4) of that Article, of following paragraph:- Amendment of Article 155B of the Constitution

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

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

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

10 “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.
15 The Commission shall exercise its powers of
promotion, transfer, disciplinary control and
dismissal in consultation with the Inspector-
General of Police.

20 (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.

25 (2) The Commission shall establish
procedures to entertain and investigate public
complaints and complaints of any aggrieved
person made against a police officer or the
police service, and provide redress as provided
30 by law. 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-

- 5 (a) the formulation of schemes of recruitment, promotion and transfer, subject to any policy determined by the Cabinet of Ministers pertaining to the same;
- 10 (b) training and the improvement of the efficiency and independence of the police service;
- 15 (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.

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

25 Delegation of 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.

30

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

5 (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*.

10 Delegation of certain functions by the Commission 155j. (1) The Commission may, subject to such conditions and procedures as may be specified 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*.

20 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 the powers delegated to him.

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

30

5 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.

10 (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 the Commission shall deem fit.

15 (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.

20 (5) Upon any delegation of its powers to a Committee or the Inspector-General of Police or police officer under Articles 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.

30 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 terms of Article 155k, in respect of such officer, may appeal therefrom to the Administrative Appeals Tribunal established under Article 59, which shall have the power to alter, vary, rescind or confirm any order or decision made by the Commission.”.

25. Article 155M of the Constitution is hereby repealed and the following Article substituted therefor:-

Replacement of Article 155M of the Constitution

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

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

Amendment of Article 156 of the Constitution

- 15 (1) by the substitution, in paragraph (2) of that Article, for the words and figures “subject to the provisions of Article 41A,” of the words “subject to the approval of the Constitutional Council,”; and
- (2) by the substitution, in paragraph (5) of that Article, for the words and figures “subject to the provisions of Article 41A,” of the words “subject to the approval of the Constitutional Council,”.

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

Insertion of new Chapters XIXA and XIXB in the Constitution

“CHAPTER XIXA

COMMISSION TO INVESTIGATE ALLEGATIONS OF BRIBERY OR CORRUPTION

25 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;
- 5 (b) the powers of the Commission, including the power to direct the holding of a preliminary inquiry or the making of an investigation into an allegation of bribery or 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; and
- 10
- 15
- (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.
- 20

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

25

30

CHAPTER XIX_B

NATIONAL PROCUREMENT COMMISSION

National Procurement Commission
5
10
15
20
25
30
35

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.

15
20
25

(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 causes assigned with the approval of the Constitutional Council or is convicted by a court of law for an offence involving moral turpitude or is elected as a Member of Parliament or as a member of a Provincial Council or of a local authority or if a resolution for the imposition of a civic disability on him is passed in terms of Article 81.

30
35

(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

5 156c. (1) It shall be the function of the
Commission to formulate fair, equitable,
transparent, competitive and cost effective
procedures and guidelines, for the procurement
of goods and services, works, consultancy
services and information systems by
government institutions and cause such
guidelines to be published in the *Gazette* and
within three months of such publication, to be
10 placed before Parliament.

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

15 (a) monitor and report to the
appropriate authorities, on
whether all procurement of goods
and services, works, consultancy
services and information systems
20 by government institutions are
based on procurement plans
prepared in accordance with
previously approved action
plans;

25 (b) monitor and report to the
appropriate authorities on
whether all qualified bidders for
the provision of goods and
services, works, consultancy
30 services and information systems
by government institutions are
afforded an equal opportunity to
participate in the bidding process
for the provision of those goods
and services, works, consultancy
35 services and information systems;

- 5 (c) monitor and report to the appropriate authorities on whether the procedures for the selection of contractors, and the awarding of contracts for the provision of goods and services, works, consultancy services and information systems to government institutions, are fair and transparent;
- 10
- 15 (d) report on whether members of Procurement Committees and Technical Evaluation Committees relating to the procurements, appointed by government institutions are suitably qualified; and
- 20 (e) investigate reports of procurements made by government institutions outside established procedures and guidelines, and to report the officers responsible for such procurements to the relevant
- 25 authorities for necessary action.

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

- 30 (a) attend before the Commission, to be questioned by the Commission;
- 35 (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—

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

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

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

20 commits 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.

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

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

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

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

10 (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.

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

20 (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
25 appointment of a member.

Staff of the Commission
30 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.

5 (2) All members and officers of the Commission shall be deemed to be public servants within the meaning, and for the purposes of, Chapter IX of the Penal Code (Chapter 19).

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

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

15 Interpretation 156H. In this Chapter, "government institution" includes the office of the Secretary to the President, the office of the Secretary to the Prime Minister, the office of the Secretary to the Cabinet of Ministers, the offices of the Ministers appointed under Article 44 or 45, the Judicial Service Commission, the Constitutional Council, the Commissions referred to in the Schedule to Article 41B, the Parliamentary Commissioner for Administration, the Secretary-General of Parliament, Ministries, government departments, local authorities, public corporations, business or 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, a public

20

25

30

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

28. Article 170 of the Constitution is hereby amended by the repeal of the definition of the expression “public officer” and the substitution therefor of the following definition: -

Amendment
of
Article 170
of the
Constitution

“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;
- 10 (b) the Prime Minister;
- (c) the Speaker;
- (d) a Minister appointed under Article 44 or 45;
- (e) a Deputy Minister appointed under Article 46;
- 15 (f) a Member of Parliament;
- (g) a member of the Constitutional Council;
- (h) a member of the Judicial Service Commission;
- 20 (i) the Chairman or a member of any Commission referred to in Article 41B;
- (j) the Secretary-General of Parliament;
- (k) a member of the staff of the Secretary-General of Parliament;
- 25 (l) a member of the University Grants Commission;

(m) a member of the Official Languages Commission;

(n) the Auditor-General; and

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

29. (1) (a) The ninth Parliament in existence on the day preceding the date on which this Act comes into operation, shall, unless dissolved earlier continue to function until August 19, 2025 and shall thereafter stand dissolved. Transitional provisions

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

15 (2) Every person holding office on the day preceding the date on which this Act comes into operation, as—

(a) the Chief Justice;

(b) the Judges of the Supreme Court;

(c) the members of the Judicial Service Commission;

20 (d) the President of the Court of Appeal;

(e) the Judges of the Court of Appeal;

(f) the Attorney-General;

(g) the Governor of the Central Bank of Sri Lanka;

(h) the Auditor-General;

- (i) the Inspector-General of Police;
- (j) the Parliamentary Commissioner for Administration (Ombudsman);
- (k) the Secretary-General of Parliament;
- 5 (l) the Judges of the High Court; or
- (m) the judicial officers, scheduled public officers, public officers or police officers,

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

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

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

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

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

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

10 (5) All matters relating to—

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

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

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

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

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

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

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

10 (b) any Member of the ninth Parliament in existence on the day preceding the date on which this Act comes into operation, who is subject to the disqualification specified in item (xiii) of subparagraph (d) of paragraph (1) of Article 91 of the Constitution shall not be qualified to sit and vote in Parliament with effect from the date on which this Act comes into operation.

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

