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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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No. 2364/40 - SUNDAY, DECEMBER 31, 2023

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PART I : SECTION (I) — GENERAL

Government Notifications

L. D. - B 10/2023

THE CONSTITUTION OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Rules made under Article 41G (3)

RULES made by the Constitutional Council under paragraph (3) of Article 41G of the Constitution of the Democratic Socialist Republic of Sri Lanka read with Articles 41B, 41C, 41D and 41E of the Constitution.

Chairman,
Constitutional Council.

Colombo,
31st December, 2023.

RULES

1. These Rules may be cited as the Constitutional Council Rules No. 1 of 2023.



PART I

Appointment of the Secretary - General and Officers

02. (1) The Constitutional Council (hereinafter referred to as the “Council”) shall appoint to the Council-
- (a) a Secretary - General (hereinafter referred to as the “Secretary - General”); and
 - (b) such officers as the Council may consider necessary,

Under paragraphs (1) and (2) of Article 41D of the Constitution to discharge its functions in term of the Constitution.

- (2) The Secretary - General shall possess a degree, preferably in law from a recognized University and Twenty years of experience as an Attorney-at-Law.

PART 2

Functions of the Secretary - General

03. The Secretary - General shall -
- (a) exercise disciplinary control, over the officers of the council appointed by the Council as specified in paragraph (1) of rule 2;
 - (b) in the discharge of his functions, take into consideration, the terms and conditions of service of the officers of the Council as determined by the Council;
 - (c) on the direction of the Chairman of the Council, summon the meetings of the council and facilitate conducting of such meetings;
 - (d) maintain minutes and records of such meetings;
 - (e) communicate the decisions of the Council to the relevant authorities; and
 - (f) perform any other function as may be assigned to him by the Council.

PART 3

Functions of the Council

04. The Council shall,-
- (a) recommend to the President, taking into consideration the requirements specified in Article 41B (3) of the Constitution, fit and proper persons to be appointed as the Chairman and members of each such Commission specified in the schedule to Article 41B of the Constitution:

Provided that, in the case of a Chairman of any such Commission, the Council shall recommend three persons ;

- (b) consider the recommendations made by the president in respect of persons to be appointed to any office specified in the schedule to Article 41C of the Constitution, and approve or disapprove such recommendation; and

- (c) perform and discharge any other duties and functions as may be imposed or assigned to the Council by the constitution or by any other written law, from time to time.

PART 4

Meetings of the Council

05. (1) The Council may conduct its meetings in person, by any electronic means or on a virtual platform or in hybrid mode, as may be determined by the Council:

Provided that, the Council may, whenever necessary, require any member of the Council to attend any meeting in person.

- (2) The Council shall consider all relevant facts and circumstances in respect of any matter before the council prior to reaching at a decision on such matter and record the reasons for any such decision.
06. (1) The Council shall, in determining whether a person is a fit and proper person to be recommended to be appointed to any Commission specified in the schedule to Article 41B of the Constitution, take into consideration-
- (a) the integrity and reputation of such persons;
 - (b) the ethical conduct of such persons;
 - (c) the experience, qualifications and competency of such persons pertaining to the nature of work carried out by the Commissions specified in the schedule to Article 41B of the Constitution; and
 - (d) the conflicting interests of such persons which may affect the discharge by such persons of any duty or function as the Chairman or any member of such Commission.
- (2) The Council may, in evaluating the criteria specified in sub - paragraphs (a) to (d) of paragraph (1), consult any relevant person, professional body or other authority to obtain information as may be required by the Council in respect of persons to be recommended to any such Commission.
- (3) In respect of any duty or function imposed or assigned to the Council under any other written law as specified in paragraph (2) of Article 41G of the Constitution, the Council shall perform or discharge such duty or function in accordance with the procedure and the manner as specified in such written law.
7. (1) (a) The Council shall, by notice published in the *Gazette* and at least in three daily Newspapers in Sinhala, Tamil and English languages widely circulating in Sri Lanka, call expression of interest from fit and proper persons to be recommended as the Chairman and members of any Commission specified in the Schedule to Article 41B of the Constitution.
- (b) The Council may, require such applicants to submit to the Council within a period as specified in such notice, any information or documents as may be required by the Council.
- (2) Upon receipt of any application, information and documents required by the Council under paragraph (1), the Council shall evaluate the suitability of any such person to ascertain whether such person is a fit and proper person to be recommended in terms of Article 41B of the Constitution.
- (3) The Council shall, after evaluating the suitability of the persons to be recommended as specified in this rule, prepare a shortlist of the persons whose suitability have been so evaluated, and interview them to ascertain their suitability.
- (4) The Council shall publish at least in three daily Newspapers in Sinhala, Tamil and English languages widely circulating in Sri Lanka, the names of persons recommended by the Council in terms of Article 41B of the Constitution:

8. Where the Council does not approve any recommendation made by the President under Article 41C of the Constitution, the Council shall inform its decision to the president along with the reasons for such decision.
9. The rules made by the Council may, from time to time, be amended, varied or revoked in the same manner by and in which they were made.

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