134

I

# The Constitution of the Democratic Socialist Republic of Sri Lanka

#### CONTENTS

#### CHAPTER I

#### THE PROPLE, THE STATE AND SOVEREIGNTY

		THE P	COPLE,	, THE ST	ATE AND	Sovered	ONTY				
Arti	cle	Ay.								Pag	ae
1		The State								3	
2	••	Unitary State	• •		••				••	3	
3		Sovereignty of the Pe	ople							3	
4		Exercise of Sovereign		4						3	
. 5		Territory of the Repu		-				• •	• • •	4	
6		The National Flag				*				4	
7		The National Anthem					٠٠.		107	·	
8	••	The National Day	••		•••		••			4	
				CHAPT	ER II	# 50					
		•		Ворр	нізм						
9		Buddhism								5	5
			8.5				7.7	2	20.50	-	
								•			
			C	HAPTE	в. ПТ						
		*									
				NDAMENT	•	13					
` 10	• •	Freedom of thought, co	nscien	ce and re	ligion		• •		• •	6	
11	••	Freedom from torture	••		• •		••		'	6	
12	• •	Right to equality	• •	1	• •		• •		••	6	
13 '	• •	Freedom from arbitrary	arres	t, detenti	on and pu	ınishment	, and p	rohibiti	on.	-	
14		of retroactive penal l Freedom of speech, ass	egisiai embly	uon . associat	ion, occu	pation. n	 loveme	nt. &c.	•••	6 8	
15		Restrictions on fundam	_			.parise_, _			5.5	8	
16		Existing written law ar		155	w to con	tinue in f	DECO		1919	10	
17		Remedy for the infring						ve antic	m	10	
K 9	TUE	HUNG TO THE TOTAL	OMOM	or runde	ALLON VOICE A	igno by	2004		_	20	
	2	127						•			
		2									
		· · · · · · · · · · · · · · · · · · ·	~	~ . ~~~~		(	_(				
		COL	Ci	HAPTER	. 1V	THEY	COS	1.1.15	1,5		
CEN		* STL		LANGUA	an L	31021	С.	11" (1.5	7,		١.
	=	، سانت		LANGUA	GE		-	Loncan ,			
18	(	Official Language							• •	11	
19 .		National Languages								11	
20 .		Use of National Langua	ges in	Parliame	nt and l	ocal auth	orities			11	,
21 .	. 1	Medium of instruction								11	
22 .		Language of administrat								11	
23 .	. 1	anguage of legislation				9.00				12	
24 .	. 1	anguage of the courts			2.2	•				13	
25 .		Provision for adequate f		es for use	of lano	ora segan	vided :	for in #3	nia	10	
			•		··	··		01	••	14	

#### CHAPTER V

#### CITIZENSHIP

			<del></del>				
•	ticle						Page
-	26		Citizenship of Sri Lanka				15
•		••	Owner of the Date	-	p p		
			*				
			CHAPTE	ER VI		*	•
						19	
			DIRECTIVE PRINCIPLES OF STATE PO	DLIGY AND FUN	DAMENTAL DU	TIES	
2	27	••	Directive Principles of State Policy	••	<b>-</b> · ·	••	16
2	28	••	Fundamental duties	<b>-</b>	-	••	18
2	29	••	Principles of State Policy and fundamental	nental duties no	t justiciable	••	18
			*				
			CHĄPTE	er vii			
			THE EXE	CUTIVE .			
			THE PRESIDENT O	F THE REPUBLI	œ		
			• 2500 000 0000 000 000				
	<b>3</b> 0	• •	The President to the Republic	-			19
	31	••	The election and the term of office of	the President	•	-	19
	32,	••	Assumption of office		-	•.•	20
	33	••	Powers and functions of the Presiden	.t	-	••	21
	34	••	Grant of pardon	••	••	••	21
	35	••	Immunity of President from suit	••	••	••	22
	36 37	• •	Salary and pension		 		28
	31	••	Exercise, performance and discharge of President by the Prime Minister	or powers, dune	s and runotion	e or the	23
	38		Vacation of office by President			••	24
	39	• •	Determination by the Supreme Cou	rt that the Pr	esident was no	ot duly	26
	40		Vacation of office by President and ele		ling President	10.0	27
	41		President's staff	•••	••		28
		. 10	· *				
			CHAPT	er viii			
è				ECUTIVE			
			THE CABINET	OF MINISTERS			
	42		Responsibility of the President	••	<b></b>		30
	43			-	-	••	30
	44		and an anamas arms inch public	cts and function	18	••	30
	40	•	Ministers who are not members of the and functions				31
	46		Deputy Ministers	••	•••	••	31
	47		Tenure of office of the Prime Minist	er. Ministers en	od Danner Min	Sators	32
	48		Cabinet of Ministers after dissolution	of Parliament	or Debara war		82
		16					

Ŧ	7	Т	
1	1		
_		4	

Artic	lo	•				Pa
49	••	Dissolution of Cabinet of Minister	g ·	••	••	33
50	••	Acting Minister and Acting Deput	y Minister	••	••	33
51	••	Secretary to Cabinet of Ministers	• •	••	• •	33
<b>52</b>	• •	Secretaries to Ministries		••	••	34
<b>53</b>	<b>.</b> .	Official oath or affirmation	• •	•.•	••	35
	•	*		•		
				*		
		OLLA	שו מאשמ		:.	
		CHA	PTER IX			
		T <sub>HE</sub>	EXECUTIVE		•	
			<b>D</b> 1	•		
		· THE PU	BLIO SERVICE			
			• > 1		9	
54	• •	Appointments by the President	•••	• •	••	36
55	• •	The Public Service	•••	••	• •	36
56	• •	Public Service Commission	• •	••	••	37
57	••	Committees of Public Service Com	mission	• •		38
58	••	Delegation by Public Service Com	mission or an	y Committee there	of	39
59	-	Power of Cabinet of Ministers to a	lter, vary or	rescind appointmen	ts, &c.	39
60	• •	Interference with Public Service C	commission, &	c., an offence	• •	39
61	• •	Official oath or affirmation	• •	••	• •	40
			12.7	w w	×	
		• • •	•			
		CHA	PTER X	•		
		THE L	EGISLATURE			
		PAR	LIAMENT			
62	••	Parliament	••	•••	••	41
63	• •	Official oath or affirmation			• 4	41
64	• •	Speaker, Deputy Speaker and Dep	uty Chairman	of Committees	••	41
65	••	Secretary-General of Parliament	• •	• •	••	. 42
.66	• •	Vacation of seats	••	, ••	• •	43
67	• •	Privileges, immunities and powers	of Parliament	and Members	••	43
68	••	Allowances of Members	••		••	43
69	••	Power of Parliament to act notwit	hetanding vac	ancies	. • •	44
		*				:
			V.		2	
		*				
		CHAI	PTER XI			
						· :· ·
		THE LE	GISLATURE			٠.,
						• • •
	*	PROCEDUR	AND POWER	us .		
•		4				
70		Sessions of Parliament	••	••		45
71	••	Adjournment	••	••	. ••	47
72	••	Voting	••	•• ** • **		47
73	• •	Quorum		••		47

rtick	,				Page
74	• •	Standing Orders		•• ,	47
75		Legislative power			48
76		Delegation of legislative power		••	48
77		Duties of Attorney-General in regard to published Bills			49
78		Publication of Bills and passing of Bills and resolutions		• •	49
79		Certificate of Speaker		••	49
80		When Bill becomes law			50
81		Expulsion of Members and imposition of civic disability			50.
-					**
		CHAPTER XII			,
		THE LEGISLATURE			*
		AMENDMENT OF THE CONSTITUTION			
82		Amendment or repeal of the Constitution must be expres	<b>a</b>		52
83		Approval of certain Bills at a Referendum	•	••	53
84		Bills inconsistent with the Constitution .		••	53 53
84	• • •	Duis miconsistent with the Constitution .	• 100		UO
		CHAPTER XIII			
		THE REFERENDUM			
8	5.	Submission of Bills to People by Referendum			55
8		Submission of matters of national importance to People	ber Dolomand		55
8		Parliament to provide for procedure	by reserence	ш	
۰		I armament to provide for procedure	•	• •	55
3					
		1			
		V		eo i	
		CHAPTER XIV	y (1)		
		m 7			
		THE FRANCHISE AND ELECTIONS			- 1
5	38 .	. Right to be an elector		•	56
		. Disqualification to be an elector	• •	••	56
102		Qualification for election as Member of Parliament	• •	• •	95355
- 22			••	• •	59
	00	. Disqualification for election as a Member of Parliament		* *	59
	00	Disqualification for election as President	••	• •	61
	94	Election to be free, equal and secret	• •	• •	61
		Election of the President	**	• •	61
	95	Delimitation Commission	••	• •	62
	96	Electoral districts	••	••	63
	97	Proclamation of names, &c ,of electoral districts	1		63
	98	<ul> <li>Number of members to be returned by the several electric their apportionment among such electoral districts</li> </ul>	toral districte	and	64
	99	Proportional representation			65
1	100	Penalty for sitting and voting in Parliament when dis-	holified		68

#### V

Artic	le			Page
101		. Parliament may make provisions in respect of elections		69
102		Public officer or an officer of a public corporation not to function d	uring	•
		period of election		70
103		· Commissioner of Elections		70
104		Powers, duties and functions of Commissioner of Elections		70
	• •		••	
		<u> </u>		
		CHAPTER XV		
		OILLI IMV AV		
		THE JUDICIARY		
•				
105		Establishment of courts, &c	• •	71
106		Public sittings	• •	72
		The state of the s		
		INDEPENDENCE OF THE JUDICIARY		
		INDEPENDENCE OF THE JUDICIARY		
107		Appointment and removal of Judges of the Supreme Court and Co	ourt of	
		Appeal	••	72
108	• •	. Salaries of Judges of the Supreme Court and Court of Appeal	••	73
109		Acting appointments	• •	73
110		Performance or discharge of other duties or other functions by Judge	∍s	74
111		Appointment, removal and disciplinary control of Judges of the High	Court	74
112		The Judicial Service Commission	• •	74
113	••	Secretary to the Commission		75
114		Appointment to other judicial offices	v •• 1	75
115		Interference with Judicial Service Commission an offence	•	76
116		Interference with judiciary an offence	• •	77
117		Immunity of members of the Commission	• • •	77
		CHAPTER XVI		
				186
		THE SUPERIOR COURTS	,	
		THE SUPREME COURT		
118		Goneral jurisdiction of Supreme Court	• •	78
119			* *	78
120			* *	78
121			• • •	79
122		Special exercise of constitutional jurisdiction in respect of urgent Bil	ls	80
123		Determination of Supreme Court in respect of Bills	• •	80
124		Validity of Bills and legislative process not to be questioned		81
125		Constitutional jurisdiction in the interpretation of the Constitution		82
126		Fundamental rights jurisdiction and its eversion		82
127		Appellate invisdiction	• •	83
128		Dist of appeal	• •	83
129		Granulating insighistion	1	84
130		Appellate jurisdiction in election petitions		84
131		Jurisdiction in respect of the breaches of Parliamentary privileges		85
1000 ES	1550000	200 July 200		

•				
Article	•			Page
132 .	. Sittings of the Supreme Court			85
	. Appointment of ad hoc Judges	3 <b>-</b> 3		85
134 .	. Right to be heard by the Supreme Court	••		86
135 .	. Registry of the Supreme Court and office of Registrar	• •		86
136	. Rules of the Supreme Court		• •	86
				•
	THE COURT OF APPEAL			
305	m - Court of Across			00
	. The Court of Appeal	••	• •	-88
	Jurisdiction of the Court of Appeal	••	• •	88
	Power to issue writs, other than writs of habeas corpus	••	• •	88 88
			• •	89
	Power to issue writs of habeas corpus Power to bring up and remove prisoners	• •	• •	89
	Domes to ment interesting	• •	• •	90
144		• •	• •	90
	. Inspection of records		• •	90
146	Sittings of the Court of Appeal	R T	• •	90
	Registry of the Court of Appeal and office of Registrar	•	••	91
-	or modification	· • •	••	••
	CHAPTER XVII			•
	FINANCE			
148	Control of Parliament over public finance			92
149	Consolidated Fund	••	••	92
150	Withdrawal of sums from Consolidated Fund	••	••	92
151	Contingencies Fund	••	• •	93
152	Special provisions as to Bills affecting public revenue	••	• •	93
153	Auditor-General	••		93
154	Duties and functions of Auditor-General		••	94
	•			
	CHAPTER XVIII			
	Public Security	¥		
155	Public security			96
	NAME OF THE PROPERTY OF THE PR			
	CHAPTER XIX			
	THE PARLIAMENTARY COMMISSIONER FOR ADM	INISTRATION		
156	Parliamentary Commissioner for Administration	2.€	• //	100
	J Commission of Manifest Building	••	• •	100
	• •			
	CHAPTER XX			
200	GENERAL			
157	*			
158	International Treaties and Agreements Deligation	••	• •	101
159		••	• •	101
-05	Deputy Speaker to act for Speaker	••	••	101

VII

Article				Page		
	w	CHAPT	ER XXI			
×		TRANSITION	L Provisions	į		
160	First President					102
161	First Parliament	• •		••		102
162	Application of certain	provisions	••		**	104
163	Judges of Supreme C		Court to cease	to hold office	••	104 📡
164	Continuation in office				••	104
165	Oath or affirmation to					105
166	Powers, privileges, im				• •	106
167	Rights, duties and ob			• ••	••	106
168	Past operation of law			d pending action	s, &c	106
169	Provisions relating to		• •		••	107
		CHAPT	ER XXII			
		TNTERP	RETATION			
		21122112				
170	Interpretation	• •	• •	••	• •	113
	\ <u>-</u>		•	1		
	¥					
		CHAPTI	ER XXIII			
		Rer	PEAL	*		
	•					
171	Repeal	• •	• •	• •	• •	116
	`					
	•			*		
*		CHAPTI	ER XXIV			
	Pro	MULGATION OF	THE CONSTIT	UTION		
170	Decemberation of the f	Tonatitution				117
172	Promulgation of the	Mistitution	••	• •	••	117
					•	
		Sch	DULES	•		
Α.						
First Sche	edule	••	••	••	• •	119
Second Sc	hedule		••	••	• •	121
Third Sch	edule	••	••	• •	• •	123
Fourth Sc	hedule	••	••	• •	• •	125
Fifth Sch		••	• • .	••		127
Sixth Sch	edule	• •	• •	••	••	129
	200					