

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

Part II of May 22, 2015

SUPPLEMENT

(Issued on 25. 05. 2015)



**TWENTY FIFTH AMENDMENT TO
THE CONSTITUTION**

(Private Member's Bill)

**A
BILL**

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

To be presented in Parliament by Hon. Rajiva Wijesinha M. P.

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Twenty Fifth Amendment to the Constitution

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

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

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

5 **2.** Delete clauses 10 to 17 of the Constitution and
replace with the followings:—

Freedom of thought,
conscience
and religion.
10 10. (1) Every person is entitled to freedom
of thought, conscience and religion, including
the freedom to have or to adopt a religion or
belief of his choice.

(2) No restrictions shall be placed on the
exercise of the fundamental right declared and
recognized by this Article.

Right to
human
dignity.
15 10A. (1) Every person has inherent dignity
and the right to have his or her dignity
respected and protected.

(2) No restrictions shall be placed on the
right declared and recognized by this Article.

Inherent
right to life.
20 10B. (1) Every person has inherent right to
life and no person shall be arbitrarily deprived
of life.

(2) No person shall be punished with death.

(3) Every person against whom a sentence of
death has been pronounced before the coming
into force of the Eighteenth Amendment to the
Constitution, shall have such sentence
25

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commuted to one of rigorous imprisonment for life.

(4) No restrictions shall be placed on the rights declared and recognized by this Article.

5 Right to recognition as a person before the law.

10c. (1) Every person shall have the right to recognition as a person before the law.

(2) No restrictions shall be placed on the right declared and recognized by this Article.

10 Freedom from torture.

11. (1) No person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment.

(2) No restrictions shall be placed on the exercise of the fundamental right declared and recognized by this Article.

15 Security of the Person.

11A. (1) Every person has right to—

(a) bodily and psychological integrity; and

(b) not to be subjected to medical or scientific experiment without such person's informed consent.

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(2) No restrictions shall be placed on the right declared and recognized by this Article.

25 Right to equality and freedom from discrimination.

12. (1) All persons are equal before the law and are entitled to the equal protection of the law.

(2)(a) No person shall be arbitrarily discriminated against on any ground including on the ground of such as race, gender, sexual orientation, maternity, marital status, ethnic or

social origin, colour, age, disability, religion, freedom of conscience or belief, political or other opinion, culture, language, place of birth, and place of residence.

5 (b) It shall be lawful to require a person to acquire within a reasonable time sufficient knowledge of any national language as a qualification for any employment or office in the service of the State or in the service of any public corporation, Provincial Public Service or local government service where such knowledge is reasonably necessary for the discharge of the duties of such employment or office.

15 (c) It shall be lawful to require a person to have sufficient knowledge of any language as a qualification for any such employment of office where no function of that employment of office can be discharged otherwise than with knowledge of that language.

20 (3) No person shall, on any of the grounds referred to in subparagraph (a) of paragraph (2)(a) of this Article, be arbitrarily subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, places of public entertainment and places of public worship of the person's own religion.

25 (4) Nothing in this Article shall prevent special measures being taken by law, subordinate legislation or executive action where necessary for the sole purpose of the protection or advancement of disadvantaged or underprivileged individuals or groups including those that are disadvantaged or underprivileged because of ethnicity, gender, marital status, age or mental or physical disability.

5 (5) No restriction shall be placed on the exercise of the rights declared and recognized by this Article other than such restrictions prescribed by law as are necessary in a democratic society for the protection of national security, public order or the protection of public health or for the purposes of securing due recognition and respect for the rights and freedoms of others.

10 Freedom from arbitrary arrest, detention and punishment and prohibition of retroaspective penal legislation, &c.. 13. (1) No person shall be arrested, imprisoned or otherwise physically restrained except in accordance with procedure by law.

15 (2) Every person arrested, held in custody, or otherwise deprived of his or her liberty shall be treated with respect for the inherent dignity of the human person.

20 (3) Save as otherwise provided by law, no person shall be arrested except under a warrant issued by a judicial officer causing such person to be apprehended and brought before a competent court in accordance with procedure prescribed by law.

25 (4) Every person arrested shall be informed, in a language which the person appears to understand, of the reason for the arrest and of the person's rights under paragraphs (5) and (6) of this Article.

30 (5) Every person arrested shall have the right to communicate with any relative or friend of the person's choice, and if the person shall be afforded means of communicating with such relative or friend.

(6) Every person arrested shall have the right to retain and consult an attorney-at-law.

The State shall afford all reasonable facilities to enable the effective representation of the arrested person.

5 (7) Every person arrested shall not be detained in custody or confined for a longer period than under all the circumstances of the case is reasonable, and shall, in any case, be brought before the judge of a competent court within twenty-four hours of the arrest, exclusive
10 of the time necessary for the journey from the place of arrest to such judge, and no person shall be detained in custody beyond such period except upon, and in terms of, the order of such judge made in accordance with
15 procedure established by law.

(8) Every person detained in custody or confined, has the right to be released on bail or upon the execution of bond unless otherwise provided by law. The amount of bail and the amount of every such bond shall be fixed with due regard to the circumstances of the case and shall not be excessive.
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(9) Every person suspected of committing an offence shall be charged or indicted or released without reasonable delay, having regard to the facts and circumstances of the case.
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(10) Every person charged with or indicted for an offence shall be entitled to be heard in person or by an attorney-at-law of the person's own choosing and shall be so informed by the judge.
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(11) (a) Every person charged with or indicated for an offence shall be entitled to be tried—
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(i) without undue delay;

- (ii) by a competent court;
- (iii) at a fair trial; and
- (iv) subject to sub-paragraph (b) of this paragraph, at a public hearing.

5 (b) A judge may, at the judge's discretion,
whenever the judge considers it necessary, in
proceedings relating to sexual matters or where
the interests of juveniles so require or for the
10 protection of national security or public order
necessary in a democratic society or in the
interests of order and security within the
precincts of such court, exclude there from,
persons who are not necessary for the purposes
of those proceedings.

15 (12) (a) Every person shall be presumed
innocent until the person is proved guilty.

(b) Nothing contained in any law shall be
held to be inconsistent with sub-paragraph (a)
of this paragraph to the extent that such law
20 imposes upon an accused the burden of proving
particular facts.

(13) No person shall not be compelled to
testify against himself or to confess guilt.

25 (14) (a) No person shall not be held guilty of,
or punished for, an offence on account of any
act or omission which did not, at the time of
such act or omission, constitute an offence,
except for any act or omission which, at the
time it was committed, was criminal according
30 to the principles of public international law.

(b) No penalty shall be imposed for an
offence more severe than the penalty in force
at the time when an offence was committed.

5 (15) Every person who has been convicted or acquitted of an offence in accordance with law by a competent court shall not be liable to be tried for the same offence save on the order of a court exercising appellate or revisionary jurisdiction.

10 (16) (a) No person shall be punished with imprisonment except by order of a competent court and in accordance with procedure established by law.

(b) The arrest, holding in custody, detention or other deprivation of personal liberty of a person—

15 (i) pending investigation or trial shall, if not unreasonable having regard to the circumstances, not constitute punishment;

20 (ii) by reason of a removal order or a deportation order made under the provisions of the Immigrants and Emigrants Act or other such law as may be enacted in substitution therefor, shall not be a contravention of this paragraph.

25 (17) (a) No restrictions shall be placed on the rights declared and recognized by paragraph (2), paragraph (10), items (ii) and (iii) of sub-paragraph (a) of paragraph (11), paragraph (14), paragraph (15) and paragraph 30 (16) of this Article.

(b) No restrictions shall be placed on the rights declared and recognized by paragraphs (1), (3), (4), (5), (6), (7), (8), (9), items (ii) and (iii) of sub-paragraph (a), of paragraph (11),

5 and paragraphs (12) and (13) of this Article other than such restrictions prescribed by law as are necessary in a democratic society for the protection of national security, public order, or for the purpose of securing due recognition and respect for the rights and freedoms of others.

Freedom to hold opinions. 14. (1) Every person shall have the right to hold opinions without interference.

10 (2) No restriction shall be placed on the rights declared and recognized by paragraph (1) of this Article.

Freedom of speech and expression including publication and freedom of information. 14A. (1) Every person is entitled to the freedom of speech and expression including publication and this right shall include the freedom to express opinions and to seek, receive and impart information and ideas, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium.

20 (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 for the protection of national security, public order, 25 the protection of public health or morality, racial and religious harmony or in relation to parliamentary privilege, contempt of court, defamation or incitement to an offence or for the purpose of securing due recognition and 30 respect for the rights and freedoms of others.

Right of Access to information. 14B. (1) Every person shall have the right of access to—

35 (a) any information held by the State, including Provincial authorities; and

(b) any information held by any other person and that is required for the exercise or protection of the person's rights.

5 (2) Every citizen shall be entitled to obtain,
on payment of an appropriate nominal fee
stipulated by regulation, any information
pertaining to state action or policy or
10 expenditure, or the actions, policy and
expenditure of provincial and local authorities.

(3) Parliament shall by law make provision to give effect to this right.

15 (4) No restrictions shall be placed on the
right declared and recongized by this Article
other than such restrictions prescribed by law
as are necessary in a democratic society in the
interests of national security, territorial
20 integrity or public safety, for the prevention of
disorder or crime, for the protection of health
or morals, for the protection 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.

25 Freedom of peaceful assembly. 14c. (1) Every person is entitled to the
freedom of peaceful assembly.

30 (2) No restrictions shall be placed on the
exercise of the right declared and recongized
by this Article other than such restrictions
prescribed by law as are necessary in a
democratic society for the protection of
national security, public order, racial or
religious harmony, the protection of public
health or for the purpose of securing due
35 recognition and respect for the rights and
freedoms of others.

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Freedom of association. 14D. (1) Every person is entitled to the freedom of association.

5 (2) No restrictions shall be placed on the exercise of the right declared and recongized by this Article other than such restrictions prescribed by law as are necessary in a democratic society for the protection of national security, public order, racial or religious harmony, national economy the protection of public health or morals or for the purpose of securing due recognition and respect for the rights and freedoms of others.

Trade Union Rights. 14E. (1) Every person is entitled to the freedom to form and join a trade union of the person's choice and for such trade union to function without undue hindrance.

20 (2) Every person is entitled to the right to particpate in trade union action, including strike, provided that the right is exercised in conformity with law.

25 (3) No restrictions shall be placed on the exercise of the right declared and recongized by this Article other than such restrictions prescribed by law as are necessary in a democratic society for the protection of national security, public order, racial or religious harmony or for the purpose of securing due recognition and respect for the rights and freedoms of others.

30 Freedom to manifest religion. 14F.(1) Every person is entitled to the freedom, either alone or in association with others, and either in public or in private, to manifest the person's religion or belief in worship, observance, practice, propagation and teaching.

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5 (2) In the exercise of the rights declared and recongized by paragraph (1) of this Article, no person shall have the right to impair or otherwise restrict any other person's freedom to have or to adopt a religion or belief of that other person's choice.

10 (3) No restriction shall be placed on the rights declared and recongized by paragraph (1) of this Article other than such restrictions prescribed by law as are necessary in a democratic society for the protection of national security, public order, or for the purpose of securing due recognition and respect for the rights and freedoms of others including the freedom declared by paragraph (2) of this Article.

20 Right to enjoy and promote culture and use of language.
14G. (1) Every person is entitled alone or in association with others to enjoy and promote such person's culture and to use the language of such person's choice.

25 (2) Persons belonging to a cultural or linguistic communtiy shall not be denied the right, with other members of that community, to enjoy their own culture or to use their own language.

30 (3) No restrictions shall be placed on the exercise of the rights declared and recongized by this Article other than such restrictions prescribed by law as are necessary in a democratic society for the protection of national security, public order, racial or religious harmony, the protection of public health or morality, the protection of the environment or for the purpose of securing due recognition and respect for the rights and freedoms of others.

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Freedom to
engage in
any lawful
trade,
occupation,
business or
enterprise.

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14h. (1) Every person is entitled to the freedom to engage alone or in association with others in any lawful occupation, profession, trade, business or enterprise.

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(2) No restrictions shall be placed on the exercise of the rights declared and recongized by this Article other than such restrictions prescribed by law as are necessary in a democratic society for the protection of national security, public order, protection of public health or morality, the protection of the environment or for the purpose of securing due recognition and respect for the rights and freedoms of others or inrelation to—

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(a) the professional, technical, academic, financial and other qualifications necessary for practisng any profession or carrying on any occupation, trade, business or enterprise, and the the licensing and disciplinary control of a person practsing a profession or carrying on an occupation, trade, business or enterprise in the exercise of such fundamental right; and

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Freedom of
movement.

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14i. (1) Every person lawfully resident within the Republic is entitled to the freedom of movement within the Republic and of choosing such person's residence within the Repulic.

(2) Every person shall be free to leave the Republic.

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(3) No restrictions shall be placed on the exercise of the rights declared and recongized by this Article other than such restrictions

5 prescribed by law as are necessary in a democratic society for the protection of national security or public order or national economy or the protection of public health or morality or for the purpose of security due recognition and respect for the rights and freedoms of others or for the extradition of persons from the Republic.

10 Freedom to return to Sri Lanka. 14J. (1) Every citizen shall be entitled return to the Republic.
(2) No restrictions shall be placed on the exercise of the right declared and recognized by this Article.

15 Right to privacy and family life. 14K. (1) Every person has the right to privacy, the right to be protected from arbitrary interference with family life, the inviolability of the home, correspondence and communications as shall nor be subjected to unlawful attacks on such person's honour and reputation.
20

25 (2) No restriction shall be placed on the exercise of the rights declared and recognized by this Article othe than such restrictions prescribed by law as are necessary in a democratic society for the protection of national security, public order or national economy or the protection of public health or morality or for the purpose of securing due recognition and respect for the rights and freedoms of others or for the enforcement of a judgment or order of a competent court.
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35 Right to ownership of property. 14L. (1) Every citizen is entitled to own property alone or in association with others subject to the preservation and protection of the environment and the rights of the community.

(2) No person shall be deprived of property except as permitted by law.

5 (3) No property shall be compulsorily acquired or requisitioned save for a clearly described public purpose or for reasons of public utility or public order and save by authority of law which provides for the payment of fair compensation having regard to the prevalent market value of the property at the time of such acquisition.

Family rights. 14M. (1) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

15 (2) Every man or woman of marriageable age shall be entitled to marry and to found a family and the rights of men and women within the family shall be equal.

20 (3) No marriage shall be entered into without the free and full consent of the intending spouses.

25 (4) The State shall take appropriate steps to ensure equality of rights and responsibilities of spouses as the marriage, during marriage and at its dissolution, in which instance provision shall be made for the necessary protection of any children.

Rights of the Child. 14N. (1) Every child shall have the right—

30 (a) to have his or her birth registered and to have a name from his or her date of birth;

(b) to acquire nationality;

- (c) to be protected from maltreatment, neglect, abuse or degradation;
- 5 (d) to family care or parental care or to appropriate alternative care when removed from the family environment;
- (e) to basic nutrition, shelter, basic health care services and social services;
- 10 (f) to have legal assistance provided by the State at State's expense in criminal proceedings affection the child, if substantial injustice would otherwise result;
- 15 (g) not to be detained except as a measure of last resort, in which instance, the child may be detained only for the shortest appropriate period of time, and has the right to be—
- 20
 - (i) kept separately from detained persons over the age of 18 years, and
 - 25 (ii) treated in a manner and kept in conditions, that take account of the child's age,
- (h) Not to used directly in armed conflict and to be protected in times of armed conflict.
- 30 (2) No child shall be discriminated against on the ground of the child's or his or her

5 parent's or legal guardian' race, colour, sex, sexual orientation, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status including the marital status of parents.

10 (3) Every child shall have the right to grow up in an environment protected from the negative consequences of the consumption of addictive substances harmful to the health of the child and to the extent possible, from the promotion of such substances.

15 (4) Every child shall have the right to free primary and secondary education provided by the State, and to free higher and vocational education subject to appropriate and transparent selection processes based on merit and social equity.

20 (5) A child shall not be employed in and hazardous activity, shall be protected from exploitative labour practices and shall not be required or permitted to perform work or provide services that—

(a) are inappropriate for a person of that child's age;

25 (b) places at risk, the child's wellbeing, education, physical or mental health or spiritual, moral or social development.

30 (6) The rights recognized by this Article shall be in addition to and not in derogation of any other right to which a child is entitled as citizen or person under this Chapter.

(7) For the purposes of this Article "child" means a person under the age of eighteen years.

5 (8) In all matters concerning children, whether undertaken by institutions of state or public or private social welfare institution, the best interest of the child shall be of paramount importance.

Right to education.
10 14o. (1) Every person has the right to education which shall be directed to full development of the human personality and the sense of its dignity, to improvement of the ability to think critically and with sensitivity to the needs of others and to the strengthening of respect for human rights and fundamental freedoms. Education will include extrea-curricular and leisure activities that contribute to the development of social skills and initiative and innovative capacity.

15 (2) Primary education shall be compulsory and available to all.

20 (3) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, including by free education provided by the State.

25 (4) Higher education shall be made available to all on the basis of capacity for those persons who have not received or completed the whole period of their primary education provided by State.

30 (5) Basic education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education.

5 (6) Nothing in this Article shall exclude the right of a lawful guardian of a child, acting on that child's behalf, or of any adult, to select an education provided by a private institution of education whether denominational or otherwise.

Freedom from Exploitation. 14P. (1) No person shall be subjected to trafficking, slavery or forced labour.

10 (2) "Forced labour" as used in paragraph (1) of this Article shall not include performance of labour pursuant to a sentence of a court of competent jurisdiction or any work or service which forms a part of normal civic obligations.

Labour rights. 15 14Q. Every citizen has the right to the enjoyment of just and favourable conditions of work which ensures, in particular—

20 (a) remuneration which provides fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

25 (b) safe and healthy working conditions;

30 (c) equal opportunity for everyone to be promoted in employment to an appropriate higher level, subject to no considerations other than those of competence and appropriate qualifications including seniority and experience where relevant; and

(d) rest, leisure and reasonable limitation of working hours and periodic holidays with pay.

Right to
5 health.

14R. (1) Every citizen has the right to enjoy the highest attainable standard of physical and mental health and to have access to preventive and curative health-care services including through free health services provided by the State to all who require such services.

10

(2) No person may be denied emergency medical treatment.

Social Right.

14s. (1) Every citizen has the right to have access to—

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(a) sufficient food and water;

3. 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.

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