



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

**TWENTIETH AMENDMENT
TO THE CONSTITUTION**

A

BILL

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

*Presented by Hon. Vijitha Herath, M.P. for Gampaha District
on 05th of September, 2018*

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Twentieth 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 Twentieth Amendment to the Constitution. Short title.

5 2. Article 4 of the Constitution of the Democratic Socialist Republic of Sri Lanka (hereinafter referred to as “the Constitution”) is hereby amended by— Amendment of Article 4 of the Constitution.

10 (i) the deletion of the words “elected by the People” in paragraph (b) of Article 4 and the substitution therefor of the words “and the Cabinet of Ministers as provided for in the Constitution”; and

(ii) the deletion of the words “the President of the Republic and of” in paragraph (e) of Article 4.

15 3. Article 30 of the Constitution is hereby amended by— Amendment of Article 30 of the Constitution.

(i) the deletion of the words “and of the Government” in paragraph (1) of Article 30, and the addition of the words “who shall act in accordance with the Constitution” at the end of paragraph (1) of Article 30;

20 (ii) the deletion of the word “People” in paragraph (2) of Article 30, and the substitution therefor of the words “Parliament, in the manner provided in paragraph (3) of this Article”;

25 (iii) the insertion of the word “ordinarily” immediately before the words “hold office” in paragraph (2) of Article 30;

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- (iv) the insertion immediately after paragraph (2) of Article 30, of the following provision:—

5 “Provided that, notwithstanding anything to the contrary in the Constitution, the person so elected as President shall, unless he ceases to hold office in accordance with the provisions of the Constitution, continue to hold office until a President is elected by the next Parliament:

10 Provided further that, such person shall cease to hold office upon the election of a President by the next Parliament, notwithstanding the fact that a period of five years has not lapsed from the date of his
15 appointment.”;

- (v) the insertion immediately after paragraph (2) of Article 30, of the following new paragraphs, which shall have effect as paragraphs (3), (4) and (5) of Article 30:—

20 “(3) A citizen qualified under Article 88 and not disqualified under Articles 89 or 92 shall be elected by a simple majority of Members of Parliament (including those not present), within
25 four weeks of its first sitting, by secret ballot, in accordance with such procedure as Parliament may by law provide.

30 (4) If the office of President shall become vacant by death, resignation, removal or otherwise, an election shall be held not later than four weeks from the occurrence of the vacancy, in terms of paragraph (3) of this Article, to fill
35 such vacancy. The person elected to fill such vacancy shall hold office for the remainder of the term of office:

5 Provided that, if the office of President shall become vacant after the dissolution of Parliament, the Parliament shall be summoned by the Speaker, within one week of the occurrence of such vacancy, for the sole purpose of electing a President as aforesaid.

10 (5) A person elected as President shall not, as long as he holds office as President, hold office in, or be a member of, any political party.”.

4. Article 31 of the Constitution is hereby repealed. Repeal of Article 31 of the Constitution.

5. Article 33 of the Constitution is amended as follows:— Amendment of Article 33 of the Constitution.

15 (i) By the deletion of sub-paragraph (a) of paragraph (2) thereof;

 (ii) By the deletion of the word, “prorogue” in sub-paragraph (c) of paragraph (2) thereof;

 (iii) By the addition of the words “as provided in the Constitution ” at the end of sub-paragraph (c) of paragraph (2) thereof;

20 (iv) By the addition of the following proviso at the end of paragraph (2) of that Article:—

25 “Provided that, in appointing and accrediting Ambassadors, High Commissioners, Plenipotentiaries and other diplomatic agents, the President shall act on the advice of the Cabinet of Ministers, as conveyed to him by the Prime Minister.”.

6. Article 34 of the Constitution is amended as follows:— Amendment of Article 34 of the Constitution.

30 (a) by the addition of the words “subject to the approval of his recommendation by the

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- 5 Cabinet of Ministers”, immediately after the words “the President may in the case of any offender convicted of any offence in any court within the Republic of Sri Lanka” in paragraph (1) thereof;
- (b) by the addition of the words “subject to the approval of his recommendation by the Cabinet of Ministers”, immediately after the words “Article 91 in paragraph (2) thereof”; and
- 10 (c) by the addition of the words “subject to the approval of his recommendation by the Cabinet of Ministers”, immediately after the words “the President may” in paragraph (3) thereof.
- 15 **7.** Article 35 of the Constitution is hereby amended by the deletion of the words “the election of the President or” in paragraph (3) of that Article. Amendment of Article 35 of the Constitution.
- 8.** Article 37 of the Constitution is hereby amended by— Amendment of Article 37 of the Constitution.
- 20 (a) the deletion in paragraph (1) of the words “appoint the Prime Minister” and substitution therefor of the words “appoint the speaker”;
- (b) the deletion in paragraph (1) of the words “and may also appoint one of the other Ministers of the Cabinet to act in the office of Prime Minister during such period”;
- 25 (c) the deletion of the proviso to paragraph (1);
- (d) the deletion in paragraph (2) of the words “in consultation with the speaker” and substitution therefor of the words “in consultation with the prime minister”;
- 30

- 5 (e) the deletion in paragraph (2) of the words “his opinion to the Speaker and thereupon the Prime Minister” and substitution therefor of the words “his opinion to the Prime Minister and thereupon the Speaker”;
- 10 (f) the deletion in paragraph (2) of the words “and shall also appoint one of the other Ministers of the Cabinet to act in the office of Prime Minister during such period, notwithstanding the absence of such appointment as is provided for in paragraph (1) of this Article”; and
- (g) the deletion of the proviso to paragraph (2).

9. Article 38 of the Constitution is hereby amended as follows:— Amendment of Article 38 of the Constitution.

- 15 (a) by the deletion of sub-paragraph (f) of paragraph (1) of that Article;
- (b) by the deletion of the words “two-thirds” in item (i) of sub-paragraph (b) of paragraph (2) of that Article and substitution therefor of the word “half” and the deletion of the word “or” in that item;
- 20 (c) by the deletion of item (ii), of sub-paragraph (b) of paragraph (2) of that Article; and
- (d) by the addition of the words “two-thirds” in sub-paragraph (e) of paragraph (2) of that Article and substitution therefor of the word “half”.
- 25

10. Article 39 of the Constitution is hereby repealed. Repeal of Article 39 of the Constitution.

11. Article 40 of the Constitution is hereby repealed. Repeal of Article 40 of the Constitution.

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12. Article 41 of the Constitution is hereby amended by the addition of the following paragraph which shall have effect as the proviso to paragraph (1) of Article 41:—

Amendment of Article 41 of the Constitution.

5 “Provided that, the Cabinet of Ministers shall determine the maximum number of secretaries, officers and staff which may be so appointed.”.

13. Article 41c of the Constitution is hereby amended as follows:—

Amendment of Article 41c of the Constitution.

10 (i) By the deletion of the words, “unless such appointment has been approved by the Council upon a recommendation made to the Council by the President”, and the substitution therefor of the words “except on a recommendation of the Council” in paragraph (1) thereof; and

15 (ii) By the addition of the words, “The President shall appoint such persons within fourteen days of receiving the recommendation of the Council for such appointments. In the event of the President failing to make the necessary appointments within such period of fourteen days, the persons so recommended shall be deemed to be appointed to such office” at the end of paragraph (1) thereof.

14. Article 42 of the Constitution is hereby amended as follows:—

Amendment of Article 42 of the Constitution.

25 (i) By the deletion of the words, “President”, in paragraph (3) thereof, and the substitution therefor of the words “Prime Minister”;

(ii) By the addition, immediately after sub-paragraph (4) thereof, of the following provisos:—

30 “Provided that, where a political party has obtained more than fifty percent of the total number of seats in Parliament, and where such party had nominated its Prime Ministerial

candidate at the time of tendering of nominations, and where such Prime Ministerial candidate is a Member of Parliament, the President shall appoint such person as Prime Minister”;

- 5 (iii) By the inclusion of the following new paragraphs, which shall take effect as paragraphs (5), (6), (7) and (8) of Article 42:—

10 “(5) A vote of confidence in the Member appointed as Prime Minister shall be moved in Parliament, at its first sitting, immediately after the election of the Speaker, in accordance with such procedure as Parliament may by law provide:

15 Provided that, if the vote of confidence shall not be passed by a majority of the Member of Parliament present and voting the Member already appointed as Prime Minister shall cease to hold office, and Parliament shall elect one of its Members to be Prime Minister, in accordance with such procedure as Parliament may by law provide:

20 Provided further that, if the Prime Minister has been appointed in the manner specified in the proviso to sub-paragraph (4) of this Article, a vote of confidence shall not be required.

25 (6) In the event of a Member being elected as Prime Minister in terms of the first proviso to paragraph (5) of this Article, such Member shall be sworn in by the President forthwith, and in the event of his not been sworn in within seven days of such election, shall be deemed to have been sworn in as Prime Minister, at the end of such period of seven days.

30 (7) Notwithstanding anything to the contrary in the Constitution, the Prime Minister appointed by the President or deemed to have been sworn

5 in as Prime Minister, shall, unless he ceases to hold office in accordance with the provisions of the Constitution, hold office until Prime Minister is appointed by the President after the conclusion of the next Parliamentary General Election.

(8) The President shall be entitled to receive notice of all Cabinet Papers and decisions, and to communicate his view thereon to the Cabinet of Ministers.”.

10 **15.** Article 43 of the Constitution is hereby amended as follows:— Amendment of Article 43 of the Constitution.

15 (1) in paragraph (1) thereof, by the deletion of the words “in consultation with the Prime Minister, where he considers such consultation to be necessary” and the substitution therefor of the words “on the advice of the Prime Minister”;

(2) in paragraph (3) thereof, by the addition of the words, “on the advice of the Prime Minister,” immediately after the words “The President may”; and

20 (3) in paragraph (3) thereof, by the deletion of the words “and the composition” and the substitution therefor of the words “of the Ministers”.

16. Article 44 of the Constitution is hereby amended as follows:— Amendment of Article 44 of the Constitution.

25 (1) in paragraph (2) thereof, by the deletion of the words “may, in consultation with the Prime Minister, where he considers such consultation to be necessary” and the substitution therefor of the words “shall, on the advice of the Prime Minister”; and

30 (2) in paragraph (3) thereof, by the addition of the words, “on the advise of the Prime Minister,” immediately after the words “The President may”.

17. Article 46 of the Constitution is hereby amended by the addition of the following new paragraph, immediately after paragraph (3), which will have effect as paragraph (3A):—

Amendment
of Article 46
of the
Constitution.

5 “(3A) If Parliament passed a vote of no-confidence against any Minister of the Cabinet of Minister, a Minister who is not a member of the Cabinet of Ministers, or a Deputy Minister, such Minister shall be deemed to have resigned upon the passing of such vote of no-confidence.”.

18. Article 48 of the Constitution is hereby amended as follows:—

Amendment
of Article 48
of the
Constitution.

15 (a) by the deletion of the words “On the Prime Minister ceasing to hold office by death, resignation or otherwise” in paragraph (1) thereof, and the substitution therefor of the words “On the Prime Minister ceasing to hold office by death, resignation or otherwise”;

20 (b) by the insertion of the words “the Prime Minister shall be deemed to have resigned and” immediately before the words “the Cabinet of Ministers shall stand dissolved” in paragraph (2) thereof; and

(c) by the insertion of the following paragraph which shall take effect as the proviso to paragraph (2):—

25 “Provided that, for the purpose of this Article, during the first two years from the first sitting of Parliament, the Appropriation Bill shall be deemed to be rejected only if it is defeated in Parliament on three occasions.”.

19. Article 50 of the Constitution is hereby amended as follows:—

Amendment
of Article 50
of the
Constitution.

30 (a) by the addition of the words “on the advice of the Cabinet of Ministers, as conveyed to him by the Prime

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Minister” immediately after the word “President” in paragraph (1) thereof; and

- 5 (b) by the deletion of the word “President” and substitution therefor of the words “Prime Minister” wherever it appears in paragraph (2) thereof.

20 **20.** Article 51 of the Constitution is hereby amended as follows by the addition of the words “on the advice of the Cabinet of Ministers, as conveyed to him by the Prime Minister” immediately after the word “President” in paragraph (1) thereof. Amendment of Article 51 of the Constitution.

15 **21.** Article 52 of the Constitution is hereby amended as follows by the addition of the words “on the advice of the Cabinet of Ministers, as conveyed to him by the Prime Minister” immediately after the word “President” in paragraph (1) thereof. Amendment of Article 52 of the Constitution.

22. Article 65 of the Constitution is hereby amended as follows:— Amendment of Article 65 of the Constitution.

- 20 (a) by the deletion of the words “who shall, subject to the approval of the Constitutional Council, be appointed by the President and shall hold office during good behaviour” in paragraph (1) thereof; and

- 25 (b) by the addition of the words “on the recommendation of the Constitution Council” immediately after the word “President” in item (d) of paragraph (5).

23. Article 70 of the Constitution is hereby amended as follows:— Amendment of Article 70 of the Constitution.

- 30 (a) by the deletion of the word “prorogue” in paragraph (1) thereof;

(b) by the deletion of the words “until the expiration of a period of not less than four years and six months from the date appointed for its first meeting,” in paragraph (1) thereof; and

5 (c) by the deletion of paragraph (3), (4) and (6) thereof.

24. Article 80 of the Constitution is hereby amended by the addition of the following words, immediately after paragraph (2) thereof:—

Amendment of Article 80 of the Constitution.

10 “Provided that, where the President fails to certify the Bill within fourteen days of the expiry of the period specified in sub-paragraph (a), or in the event a Petition is filed challenging the validity of the Referendum, within fourteen days of the Supreme Court determining the Referendum to be valid, the Bill shall be deemed to be certified upon the expiry of the aforesaid period of fourteen days.”

25. Article 85 of the Constitution is hereby amended by the addition of the following words, immediately after paragraph (1) thereof:—

Amendment of Article 85 of the Constitution.

20 “Provided that, where the President fails to submit to the People by Referendum, any such Bill or provision, within 28 days of the two-thirds of the whole number of Members of Parliament (including those not present) casting their votes in favour of such Bill, such Bill or provisions thereof, shall be deemed to have been submitted to the People by Referendum, and the Elections Commission shall act accordingly.”

26. Article 88 of the Constitution is hereby amended by the deletion of the words “of the President and”.

Amendment of Article 88 of the Constitution.

27. Article 89 of the Constitution is hereby amended as follows:— Amendment of Article 89 of the Constitution.

- (1) by the omission of the words “of the President”;
- 5 (2) in paragraph (e) of that Article, by the omission of the words “of the President or” wherever those words occur in that paragraph; and
- (3) in paragraph (g) of that Article, by the omission of the words “of the President or” wherever those words occur in that paragraph.

10 **28.** Article 92 of the Constitution is hereby amended by the addition of the words “and or by Parliament”, at the end of sub-paragraph (c) thereof. Amendment of Article 92 of the Constitution.

15 **29.** Article 93 of the Constitution is hereby amended by the omission of the words “of the President of the Republic and”. Amendment of Article 93 of the Constitution.

30. Article 94 of the Constitution is hereby repealed. Repeal of Article 94 of the Constitution.

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

20 “(14) Except as provided for in paragraph (13) of this Article, no court shall have jurisdiction to hear and determine any matter relating to disciplinary action taken or proposed to be taken by any recognized political party or independent group against a member thereof, who is a
25 Member of Parliament, and accordingly no court shall have the power to grant a writ, injunction, an enjoining order or any other relief, preventing, restraining or prohibiting any such action or proposed action.”.

- 32.** Article 111C of the Constitution is hereby amended, Amendment of Article 111C of the Constitution.
by the deletion of the words “or at any election of the President of the Republic” in paragraph 2 thereof.
- 33.** Paragraph (1) and (4) of Article 129 of the Amendment of Article 129 of the Constitution.
5 Constitution are hereby repealed.
- 34.** Article 130 of the Constitution is hereby amended Amendment of Article 130 of the Constitution.
as follows:—
- (1) by the deletion of the words “election of the President or” in paragraph (a) thereof; and
- 10 (2) by the deletion of the words “election of the President or the” in the proviso thereof.
- 35.** Article 153 of the Constitution is hereby amended Amendment of Article 153 of the Constitution.
as follows:—
- 15 (a) by the deletion of the words “and subject to the approval of the Constitutional Council, be appointed by the President and shall hold office during good behaviour” in paragraph (1) thereof; and
- 20 (b) by the addition of the words “on the recommendation of the Constitutional Council”, immediatly after the word “President” in item (d) of paragraph (3).
- 36.** Article 156 of the Constitution is hereby amended Amendment of Article 156 of the Constitution.
as follows:—
- 25 (a) by the deletion of paragraph (2) thereof; and
- (b) by the addition of the words “on the recommendation of the Constitutional Council”, immediatly after the word “President” in item (d) of paragraph (4).

37. For the avoidance of doubt it is hereby declared that— Transitional Provisions.

5 (a) the Eighth Parliament in existence on the day preceding the date on which this Act comes into operation, shall, unless dissolved earlier, continue to function until 8th day of February 2020 and shall thereafter stand dissolved;

10 (b) the person holding office as the President on the date on which this Act comes into operation shall continue to hold such office until 8th day of January 2020 subject to the provisions of the Constitution;

15 (c) the person holding office as the Prime Minister on the date on which this Act comes into operation shall continue to hold such office after such date until the conclusion of the Parliamentary General Election for the election of the Ninth Parliament subject to the provisions of the Constitution for the time being in force; and

20 (d) the provisions of this Act shall come into force on the 9th day of January 2020.

38. 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.

