

THE CONSTITUTION
OF THE
DEMOCRATIC SOCIALIST REPUBLIC
OF SRI LANKA

CHAPTER X

THE LEGISLATURE

Parliament

56. ⁴¹[(1) There shall be a Parliament which shall consist of two hundred and twenty-five Members elected in accordance with the provisions of the Constitution].

Parliament

⁴²[(2) Unless Parliament is sooner dissolved, every Parliament shall continue for five years from the date appointed for its first meeting and no longer, and the expiry of the said period of five years shall operate as a dissolution of Parliament.]

57. Except for the purpose of electing the Speaker, no Member shall sit or vote in parliament until he has taken and subscribed the following oath, or made and subscribed the following affirmation, before Parliament :-

Official oath or affirmation

solemnly
declare and affirm
“I do _____ that I will uphold
swear

and defend the Constitution of the Democratic Socialist Republic of Sri Lanka.”

58. (1) Parliament shall, at its first meeting after a General Election, elect three Members to be respectively the Speaker, the Deputy Speaker and Chairman of Committees (hereinafter referred to as the “Deputy Speaker”) and the Deputy Chairman of Committees thereof.

Speaker, Deputy Speaker and Deputy Chairman of Committees

(2) A member holding office as the Speaker or the Deputy Speaker or the Deputy Chairman of Committees shall, unless he earlier resigns his office by a writing under his hand addressed to the President or ceases to be a Member, vacate his office on the dissolution of Parliament.

(3) Whenever the office of Speaker, Deputy Speaker or Deputy Chairman of Committees becomes vacant otherwise than as a result of a dissolution of Parliament, Parliament shall at its first meeting after the occurrence of the vacancy elect another Member to be the Speaker, the Deputy Speaker or the Deputy Chairman of Committees, as the case may be.

39 - Article 62(1) repealed and substituted by the Fourteenth Amendment to the Constitution Sec.3.

42 - Article 62(2) repealed and substituted by the Nineteenth Amendment to the Constitution Sec.15

(4) If Parliament, after having been dissolved, is summoned under paragraph (7) of Article 70, each of the Members mentioned in paragraph (2) of this Article shall, notwithstanding anything therein, resume and continue to hold his office while that Parliament is kept in session.

(5) The Speaker, or in his absence the Deputy Speaker, or in their absence the Deputy Chairman of Committees, shall preside at sittings of Parliament. If none of them is present, a Member elected by Parliament for the sitting shall preside at the sitting of Parliament.

**Secretary-General
of Parliament**

⁴³[65. (1) There shall be a Secretary-General of Parliament who shall, subject to the approval of the Constitutional Council, be appointed by the President and who shall hold office during good behaviour.]

(2) The salary of the Secretary-General shall be determined by Parliament, shall be charged on the Consolidated Fund and shall not be diminished during his term of office.

(3) The members of the staff of the Secretary-General shall be appointed by him with the approval of the Speaker.

(4) The salaries of the members of the staff of the Secretary-General shall be charged on the Consolidated Fund.

(5) The office of the Secretary-General shall become vacant -

- (a) upon his death ;
- (b) on his resignation in writing addressed to the President ;
- (c) on his attaining the age of sixty years, unless Parliament otherwise provides by law ;
- (d) on his removal by the President on account of ill health or physical or mental infirmity ; or
- (e) on his removal by the President upon an address of Parliament.

⁴⁴[(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.]

43 - Substituted by the Nineteenth Amendment to the Constitution Sec.16 (1)

44 - Substituted by the Nineteenth Amendment to the Constitution Sec.16 (2)

66. The seat of a Member shall become vacant –

vacation of seats

- (a) upon his death ;
- (b) If, by a writing under his hand addressed to the Secretary-General of Parliament, he resigns his seat ;
- (c) upon his assuming the office of President consequent to his election to such office, either by the People or by Parliament ;
- (d) if he becomes subject to any disqualification specified in Article 89 or 91 ;
- (e) if he becomes a member of the Public Service or an employee of a public corporation or, being a member of the Public Service or an employee of a public corporation, does not cease to be a member of such Service or an employee of such corporation, before he sits in Parliament ;
- (f) if, without the leave of Parliament first obtained, he absents himself from the sittings of Parliament during a continuous period of three months ;
- (g) if his election as a Member is declared void under the law in force for the time being ;
- (h) upon the dissolution of Parliament ; or
- (i) upon a resolution for his expulsion being passed in terms of Article 81.

67. The privileges, immunities and powers of Parliament and of its Members may be determined and regulated by Parliament by law and until so determined and regulated, the provisions of the Parliament (Powers and Privileges) Act, shall, *mutatis mutandis*, apply.

**Privileges,
immunities
and powers of
Parliament and
Members**

68. (1) Ministers, Deputy Ministers and Members, including the Speaker, the Deputy Speaker and the Deputy Chairman of committees, shall be paid such remuneration or allowance as may be provided by Parliament, by law or by resolution, and the receipt thereof shall not disqualify the recipient from sitting or voting in Parliament.

**Allowances of
Members**

(2) Until Parliament so provides, the remuneration payable to Ministers, Deputy Ministers and Members, including the Speaker, the Deputy Speaker and the Deputy Chairman of

Committees, shall be the same as the remuneration paid to Ministers, Deputy Ministers and Members including the Speaker, the Deputy Speaker and the Deputy Chairman of Committees of the National State Assembly immediately prior to the commencement of the Constitution.

**Powers of
Parliament to act
notwithstanding
vacancies**

69. Parliament shall have power to act notwithstanding any vacancy in its membership and its proceedings shall be valid notwithstanding that it is discovered subsequently that a person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

CHAPTER XI

THE LEGISLATURE

Procedure and Powers

70. ⁴⁵[(1) The President may by Proclamation, summon, prorogue and dissolve Parliament:

**Sessions of
Parliament**

Provided that the President shall not dissolve Parliament until the expiration of a period of not less than four years and six months from the date appointed for its first meeting, unless Parliament requests the President to do so by a resolution passed by not less than two-thirds of the whole number of Members (including those not present), voting in its favour .]

(2) Parliament shall be summoned to meet once at least in every year.

(3) A Proclamation proroguing Parliament shall fix a date for the next session, not being more than two months after the date of the Proclamation :

Provided that at any time while Parliament stands prorogued the President may by Proclamation –

- (i) summon Parliament for an earlier date, not being less than three days from the date of such Proclamation, or
- (ii) subject to the provisions of this Article, dissolve Parliament.

(4) All matters which, having been duly brought before Parliament, have not been disposed of at the time of the prorogation of Parliament, may be proceeded with during the next session.

(5) (a) A Proclamation dissolving Parliament shall fix a date or dates for the election of Members of Parliament, and shall summon the new Parliament to meet on a date not later than three months after the date of such Proclamation.

(b) Upon the dissolution of Parliament by virtue of the provisions of paragraph (2) of Article 62, the President shall forthwith by Proclamation fix a date or dates for the election of

Members of Parliament, and shall summon the new Parliament to meet on a date not later than three months after the date of such Proclamation.

(c) The date fixed for the first meeting of Parliament by a Proclamation under sub-paragraph (a) or sub-paragraph (b) may be varied by a subsequent Proclamation, provided that the date so fixed by the subsequent Proclamation shall be a date not later than three months after the date of the original Proclamation.

(6) Where the poll for the election of the President is to be taken on a date which falls between the date of dissolution of Parliament and the date before which Parliament is required by paragraph (5) of this Article to be summoned to meet, Parliament shall, notwithstanding anything in that paragraph, be summoned to meet on a date not later than four months after the date of dissolution of Parliament.

(7) If at any time after the dissolution of Parliament, the President is satisfied that an emergency has arisen of such a nature that an earlier meeting of Parliament is necessary, he may by Proclamation summon the Parliament which has been dissolved to meet on a date not less than three days from the date of such Proclamation and such Parliament shall stand dissolved upon the termination of the emergency or the conclusion of the General Election, whichever is earlier.

Adjournment

71. Parliament may adjourn from time to time as it may determine by resolution or Standing Order, until it is prorogued or dissolved.

Voting

72. (1) Save as otherwise provided in the Constitution any question proposed for decision by Parliament shall be decided by the majority of votes of the Members present and voting.

(2) The person presiding shall not vote in the first instance but shall have and exercise a casting vote in the event of an equality of votes.

Quorum

73. If at any time during a meeting of Parliament the attention of the person presiding is drawn to the fact that there are fewer than twenty Members present, the person presiding shall, subject to any Standing Order, adjourn the sitting without question put.

74. (1) Subject to the provisions of the Constitution, Parliament may by resolution or Standing Order provide for – **Standing Orders**

- (i) the election and retirement of the Speaker, the Deputy Speaker and the Deputy Chairman of Committees, and
- (ii) the regulation of its business, the preservation of order at its sittings and any other matter for which provision is required or authorized to be so made by the Constitution.

(2) Until Parliament otherwise provides by law or by resolution, the Standing Order of the National State Assembly, operative immediately prior to the commencement of the Constitution, shall, *mutatis mutandis*, be the Standing Orders of Parliament.

75. Parliament shall have power to make laws, including laws having retrospective effect and repealing or amending any provision of the Constitution, or adding any provision to the Constitution : **Legislative power**

Provided that Parliament shall not make any law –

- (a) suspending the operation of the Constitution or any part thereof, or
- (b) repealing the Constitution as a whole unless such law also enacts a new Constitution to replace it.

76. (1) Parliament shall not abdicate or in any manner alienate its legislative power and shall not set up any authority with any legislative power. **Delegation of legislative power**

(2) It shall not be a contravention of the provisions of paragraph (1) of this Article for Parliament to make, in any law relating to public security, provision empowering the President to make emergency regulations in accordance with such law.

(3) It shall not be a contravention of the provisions of paragraph (1) of this Article for Parliament to make any law containing any provision empowering any person or body to make subordinate legislation for prescribed purposes, including the power –

- (a) to appoint a date on which any law or any part thereof shall come into effect or cease to have effect ;

(b) to make by order any law or any part thereof applicable to any locality or to any class of persons ; and

(c) to create a legal person, by an order or an Act.

in sub-paragraphs (a) and (b) of this paragraph, “law” includes existing law.

(4) Any existing law containing any such provision as aforesaid shall be valid and operative.

Duties of Attorney-General in regard to published Bills

77. (1) It shall be the duty of the Attorney-General to examine every Bill for any contravention of the requirements of paragraphs (1) and (2) of Article 82 and for any provision which cannot be validly passed except by the special majority prescribed by the Constitution ; and the Attorney-General or any officer assisting the Attorney-General in the performance of his duties under this Article shall be afforded all facilities necessary for the performance of such duties.

(2) If the Attorney-General is of the opinion that a Bill contravenes any of the requirements of paragraphs (1) and (2) of Article 82 or that any provision in a Bill cannot be validly passed except by the special majority prescribed by the Constitution, he shall communicate such opinion to the President :

Provided that in the case of an amendment proposed to a Bill in Parliament, the Attorney-General shall communicate his opinion to the Speaker at the stage when the Bill is ready to be put to Parliament for its acceptance.

Publication of Bills and passing of Bills and resolutions

78. ⁴⁶[(1) Every Bill shall be published in the Gazette at least fourteen days before it is placed on the Order Paper of Parliament.]

(2) The passing of a Bill or a resolution by Parliament shall be in accordance with the Constitution and the Standing Orders of Parliament. Any one or more of the Standing Orders may be suspended by Parliament in the circumstance and in the manner prescribed by the Standing Orders.

Certificate of Speaker

79. The Speaker shall endorse on every Bill passed by Parliament a certificate in the following form :—

“This Bill (here state the short title of the Bill) has been duly passed by Parliament.”

Such certificate may also state the majority by which such Bill was passed :

Provided that where by virtue of the provisions of Article 82 or Article 83 or Article 84 or Article 123(2) a special majority is required for the passing of a Bill, the Speaker shall certify such Bill only if such Bill has been passed with such special majority:

Provided further that where by virtue of Article 83, the Bill or any provision thereof requires the approval of the People at a Referendum, such certificate shall further state that the Bill or such provision shall not become law until approved by the People at a Referendum.

80. (1) Subject to the provisions of paragraph (2) of this Article, a Bill passed by Parliament shall become law when the certificate of the Speaker is endorsed thereon.

When Bill becomes law

(2) Where the Cabinet of Ministers has certified that any Bill or any provision thereof is intended to be submitted for approval by the People at a Referendum or where the Supreme Court has determined that a Bill or any provision thereof required the approval of the People at a Referendum or where any Bill is submitted to the People by Referendum under paragraph (2) of Article 85, such Bill or such provision shall become law upon being approved by the People at a Referendum in accordance with paragraph (3) of Article 85 only when the President certifies that the Bill or provision thereof has been so approved. The President shall endorse on every Bill so approved a certificate in the following form:

“This Bill/provision has been ⁴⁷[duly approved by the People at a Referendum.”

No such certificate shall be endorsed by the President on a Bill –

- (a) in any case where no petition is filed challenging the validity of the Referendum at which such Bill was approved by the People, until after the expiration of the period within which a petition may be filed, under the law applicable in that behalf, challenging the validity of such referendum ;

⁴⁷ - Substituted by the Fourteenth Amendment to the Constitution Sec.4 for "duly approved by the People at a Referendum".

- (b) in any case where a petition is filed challenging the validity of the Referendum at which such Bill was approved by the People, until after the Supreme Court determines that such Referendum was valid.]

Every such certificate shall be final and conclusive and shall not be called in question in any court.

(3) Where a Bill becomes law upon the certificate of the President or the Speaker, as the case may be being endorsed thereon, no court or tribunal shall inquire into, pronounce upon or in any manner call in question, the validity of such Act on any ground whatsoever.

**Expulsion of
Members and
imposition of civic
disability**

81. (1) Where a Special Presidential Commission of Inquiry established under the Special Presidential Commissions of Inquiry Law, No. 07 of 1978 and consisting of a member each of whom is a Judge of the Supreme Court, Court of Appeal, High Court or the District Court recommends that any person should be made subject to civic disability by reason of any act done or omitted to be done by such person before or after the commencement of the Constitution, Parliament may by resolution pass by not less than two-thirds of the whole number of Members (including those not present) voting in its favour -

- (a) impose civic disability on such person for a period not exceeding seven years, and
- (b) expel such person from Parliament, if he is a Member of Parliament.

Where a Special Presidential Commission of Inquiry consists of more than one member, a recommendation made by the majority of such members, in case of any difference of opinion, shall be, and shall be deemed for all purposes to be, the recommendation of such Commission of Inquiry.

(2) No such resolution shall be entertained by the Speaker or placed on the Order Paper of Parliament unless introduced by the Prime Minister with the approval of the Cabinet of Ministers.

(3) The Speaker shall endorse on every resolution passed in accordance with the preceding provisions of this Article a certificate in the following form :—

“This resolution has been duly passed by Parliament in accordance with the provisions of Article 81 of the Constitution.”

Every such Certificate shall be conclusive for all purposes and shall not be questioned in any court, and no court or tribunal shall inquire into, or pronounce upon or in any manner call in question, the validity of such resolution on any ground whatsoever.

(4) In this Article, “District Court” means a District Court created and established by existing law and includes a Court that may be created by Parliament to exercise and perform powers and functions corresponding or substantially similar to the powers and functions exercised and performed by the District Court.

CHAPTER XII

THE LEGISLATURE

AMENDMENT OF THE CONSTITUTION

**Amendment or
repeal of the
Constitution must
be expressed**

82. (1) No Bill for the amendment of any provision of the Constitution shall be placed on the Order Paper of Parliament, unless the provision to be repealed, altered or added, and consequential amendments, if any, are expressly specified in the Bill and is described in the long title thereof as being an Act for the amendment of the Constitution.

(2) No Bill for the repeal of the Constitution shall be placed on the Order Paper of Parliament unless the Bill contains provisions replacing the Constitution and is described in the long title thereof as being an Act for the repeal and replacement of the Constitution.

(3) If in the opinion of the Speaker, a Bill does not comply with the requirements of paragraph (1) or paragraph (2) of this Article, he shall direct that such Bill be not proceeded with unless it is amended so as to comply with those requirements.

(4) Notwithstanding anything in the preceding provisions of this Article, it shall be lawful for a Bill which complies with the requirements of paragraph (1) or paragraph (2) of this Article to be amended by Parliament provided that the Bill as so amended shall comply with those requirements.

(5) A Bill for the amendment of any provision of the Constitution or for the repeal and replacement of the Constitution, shall become law if the number of votes cast in favour thereof amounts to not less than two-thirds of the whole number of Members (including those not present) and upon a certificate by the President or the Speaker, as the case may be, being endorsed thereon in accordance with the provisions of Article 80 or 79.

(6) No provision in any law shall, or shall be deemed to, amend, repeal or replace the Constitution or any provision thereof, or be so interpreted or construed, unless enacted in accordance with the requirements of the preceding provisions of this Article.

(7) In this Chapter, "amendment" includes repeal, alteration and addition.

83. Notwithstanding anything to the contrary in the provisions of Article 82 –

**Approval of
certain Bills at a
Referendum**

- (a) a Bill for the amendment or for the repeal and replacement of or which is inconsistent with any of the provisions of Articles 1, 2, 3, 6, 7, 8, 9, 10 and 11 or of this Article ; and
- (b) a Bill for the amendment or for the repeal and replacement of or which is inconsistent with the provisions of paragraph (2) of Article 30 or of, paragraph (2) of Article 62 which would extend the term of office of the President, or the duration of Parliament, as the case may be, to over six years,

shall become law if the number of votes cast in favour thereof amounts to not less than two-thirds of the whole number of Members (including those not present), is approved by the People at a Referendum and a certificate is endorsed thereon by the President in accordance with Article 80.

84. (1) A Bill which is not for the amendment of any provision of the Constitution or for the repeal and replacement of the Constitution, but which is inconsistent with any provision of the Constitution may be placed on the Order paper of Parliament without complying with the requirements of paragraph (1) or paragraph (2) of Article 82.

**Bills inconsistent
with the
Constitution**

(2) Where the Cabinet of Ministers has certified that a Bill is intended to be passed by the special majority required by this Article or where the Supreme Court has determined that a Bill requires to be passed by such special majority, such Bill shall become law only if the number of votes cast in favour thereof amounts to not less than two-thirds of the whole number of Members (including those not present) and a certificate by the President or the Speaker, as the case may be, is endorsed thereon in accordance with the provisions of Article 80 or 79.

(3) Such a Bill when enacted into law shall not, and shall not be deemed to, amend, repeal or replace the Constitution or any provision thereof, and shall not be so interpreted or construed, and may thereafter be repealed by a majority of the votes of the Members present and voting.

CHAPTER XIII

THE REFERENDUM

Submission of Bills to People by Referendum

Submission of matters with national importance to People by Referendum.

**Parliament
to provide for procedure.**

85. (1) The President shall submit to the People by Referendum every Bill or any provision in any Bill which the Cabinet of Ministers has certified as being intended to be submitted to the People by Referendum, or which the Supreme Court has determined as requiring the approval of the People at a Referendum if the number of votes cast in favour of such Bill amounts to not less than two-thirds of the whole number of Members (including those not present).

48 [(2) Repealed].

(3) Any Bill or any provision in any Bill submitted to the People by Referendum shall be deemed to be approved by the People if approved by an absolute majority of the valid votes cast at such Referendum :

Provided that when the total number of valid votes cast does not exceed two-thirds of the whole number of electors entered in the register of electors, such Bill shall be deemed to be approved only if approved by not less than one-third of the whole number of such electors.

86. The President may, subject to the provisions of Article 85, submit to the People by Referendum any matter which in the opinion of the President is of national importance.

87. (1) Every Referendum shall be conducted by the Commissioner of Elections who shall communicate the result thereof to the President.

(2) Parliament shall by law provide for all matters relating to the procedure for the submission of Bills and of matters of national importance to the People by Referenda, the register of electors to be used at a Referendum, the creation of offences relating thereto and the punishment therefor and, all other matters necessary or incidental thereto.