

Amendments to the Constitution

proposed by

Pivithuru Hetak National Council

This amendment to the constitution is proposed to the current parliament to abolish the prevailing Executive Presidency and to establish a Constitutional alliance of the President and the Prime Minister, as the Sri Lankan society has well recognized the issues associated with the Executive Presidency practiced in Sri Lanka during last 36 years.

- 1. Nature** - a Constitutional alliance of the President and the Prime Minister. The President is the Head of the state and the Prime Minister is the Head of the Government.
- 2. The President** - The President shall be the Head of the State, and the Commander-in-Chief of the Armed Forces and elected by the People for a term of six years. Upon assumption of office the President will cease to be a member of any political party and be disqualified for contesting again. The President will be the Minister of Defense with subjects restricted to the Armed Forces. The President is charged with the protection of the country when there is a threat to its unitary status and sovereignty and the promotion of national reconciliation and integration and of religious harmony.
- 3. The Prime Minister and the Cabinet of Ministers**- The Member of Parliament who is most likely to command the confidence of Parliament shall be appointed Prime Minister. The number of Ministers to be appointed will be between twenty and twenty five with not more than 35 of Deputy Ministers. After the Prime Minister and Ministers are appointed, the President cannot remove any of them at will. A dissolution of the Cabinet by passing a vote of no confidence or rejecting the Appropriation Bill or the statement of Government Policy, the President is then required to reconstitute the Cabinet of Ministers following a consultative process.
- 4. The term of office** - The term of office of the President and the period of Parliament would be of the same duration and both elections will be held together. The President and Parliament will have parallel terms of six years. Although the President has a discretion of having both elections at any time prior to the expiration of his term of office, there is no space to abuse this discretion since the decision will bring about an end of his own period of office without a right to re-contest.
- 5. Executive Committee and the Secretaries**- An Executive Committee is introduced to assist each Minister. An Executive Committee will have 14 members. 5 members of Parliament and 9 others. The President is to appoint Secretaries with the concurrence of the Prime Minister and the Minister concerned. Only a public sector professional with appropriate experience and an unblemished record of service will be appointed as a Secretary.
- 6. Reform of the Election Process** - Parliament will continue to have 225 Members. Elections will be held in the 160 Electorates which existed prior to the present system of elections to 22 Electoral Districts. Elections will be on the first past the post system with candidates securing the highest votes in an Electorate being declared elected. Nominations have to be by a recognized political party or an independent group. 15 members will be elected from the National List. Balance Members will be elected proportional basis based on votes obtained by the losers from the 22 Electoral Districts with each District returning at least one member. Filling of vacancies resulting from death or, expulsion from the party: there will be a by-election in regard to a member elected from an Electorate; in regard to a member elected from a District on the proportionate basis, the candidate who got the next highest percentage of

votes will be declared and in regard to a member from the National List, the Secretary will nominate another from the list.

7. **Constitutional Council**- Independent Commissions will be introduced with a change in the process of appointing the members to the Constitutional Council. Constitutional Council consists of the Prime Minister; the Speaker (chairman of the Council); the Leader of the Opposition in Parliament; one Person appointed by the President (shall hold office for a period of three years and may be re-appointed by the President) and five persons elected by Parliament by secret vote. The election will be from a pool of persons of eminence and stature nominated by the apex bodies representing the professors of law, Medicine, Engineering and Accountancy, the body representing Vice Chancellors and Directors of Universities, and the Chamber of Commerce. There will be two nominees for each body. The Speaker is empowered to call for nominators of other similar bodies as well.
8. **Acts to investigate and prosecute bribery and corruption** - For the fulfillment of the commitments and obligations under the UN Convention Against Corruption, the act formulated by the government of Sri Lanka will be passed and enacted. The Bribery and Corruption Investigation Commission will not limit its functions to responding to the complains but will function as a multi-disciplinary Anti-corruption & Economic Crimes Investigating and Prosecuting Agency to investigate and prosecute all types of large scale corruption and economic crimes, applicable, with equal force to both public and private sectors.