

Nineteenth 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:

- Short title
- Amendment of Article 30 of the Constitution of the Democratic Socialist Republic of Sri Lanka
- Amendment of Article 31 of the Constitution
1. This Act may be cited as the Nineteenth Amendment to the Constitution-
 2. The Constitution of the Democratic Socialist Republic of Sri Lanka (hereinafter referred to as the Constitution) is hereby amended in Article 30 thereof by:-
 - (a) in paragraph (1) by deleting the words “and of the Government” and,
 - (b) The addition immediately after paragraph (2) the following new paragraphs.

“(3).The term of the office of the President shall be deemed to commence on the date the result of the election to the office of President is declared.

(4).Any person elected or succeeding to the office of President after this Amendment comes into force shall upon assumption of office cease to be a member of any political party and shall be disqualified from being nominated as a candidate at any subsequent election to the office of President”
 3. Article 31 of the Constitution is hereby amended by the repeal of paragraphs (3), (3A) and (4) of that Article and by the substitution of the following:-

“(3) The President shall, not less than three months prior to the expiration of the term of office, declare by Proclamation that there shall be an election to the office of President and shall, at the same time subject to paragraph (2) of Article 62 of the Constitution by Proclamation dissolve Parliament.

(4) The date of nomination of candidates and the date on which the poll shall be taken in respect of the election to the office of President and the period during which nominations are received and the date on which the poll shall be taken in respect of the election of Members of Parliament, shall be fixed in accordance with the Constitution and the law, in order that both elections are held simultaneously.”

Amendment of
Article 39 of the
Constitution

4. Article 39 of the Constitution is hereby amended in paragraph (3) thereof by deleting the words, “and notwithstanding the provisions of Article 31, (4)” and substituting there for the words “and Article 30 (3)”.

Repeal and
substitution of the
Heading of
Chapters vii A and
of Article 41 A

5. The Heading of Chapter V11 A and Article 41 A (1) to (11), enacted by the Eighteenth Amendment to the Constitution are hereby repealed and the following new Heading and Article are inserted immediately after Article 41 of the Constitution.

“The Constitutional Council”

The Constitutional
Council

“41 A (1) There shall be a Constitutional Council (in this chapter referred to as the “Council”) which shall consist of the following members:-

- (a) the Prime Minister;
- (b) the Speaker;
- (c) the Leader of the Opposition in Parliament;
- (d) one Person appointed by the President; and
- (e) six persons elected by Parliament;

(2) The Speaker shall be the chairman of the Council charged with convening the Council to ensure that its functions are performed without delay and interruption.

(3) For the purpose of electing the six members referred to in sub-paragraph (e) of paragraph (1) of this Article, the Speaker shall, call upon the apex bodies representing the professions of Law, Medicine, Engineering and Accountancy;

the body representing Vice Chancellors and Directors of Universities; the Chamber of Commerce, and any other bodies sufficiently representative at national level in professional academic and commercial pursuits, to nominate not more than two persons of eminence and integrity who have distinguished themselves in their respective fields and are not members of any political party. The curriculum vitae of each person shall be submitted with the nomination.

(4) the Speaker shall notify the Parliament of the nominations received and the curriculum vitae of the respective nominees and arrange for an election of six members of the Council by the Members of Parliament, by secret ballot, who shall hold office for a period of three years from the date of election and shall not be eligible for re-election. In the event of a vacancy in the Council consequent to the death or resignation of any such member, the person who received the next highest number of votes shall be declared elected by the Speaker, for the remaining period of office.

(5) The President shall notify the Speaker of the person appointed in terms of sub-paragraph (d) of paragraph (1) of this Article who unless earlier removed by the President shall hold office for a period of three years and may be re-appointed by the President.

(6) Upon dissolution of Parliament, the Prime Minister, Speaker and the Leader of the Opposition shall continue to function as members of the Council until a successor commences to function in such office.”

Re-enactment of Article 41B, 41C, 41D, 41E, 41F, 41G and 41H of the Constitution repealed by the Eighteenth Amendment to the Constitution

6. Articles 41B, 41C, 41D, 41E, 41F, 41G, and 41H of the Constitution which were repealed by the Eighteenth Amendment to the Constitution are hereby re-enacted as Articles bearing such numbers and shall be deemed to be in force.

Amendment to Article 43 of the Constitution

Repeal of Articles 44, 45, 46, 47, 48, 49 and 50 of the Constitution

Prime Minister, Ministers of the Cabinet and their subjects and functions

7. Article 43 of the Constitution is hereby amended by the repeal of paragraphs (2) and (3) of that Article.

8. Articles 44, 45, 46, 47, 48, 49 and 50 of the Constitution are hereby repealed and the following Articles are substituted. There for:-

“Article 44 (1) Upon the conclusion of a General Election of Members of the Parliament the President shall:-

(a) in consultation with the leaders of the political parties and independent groups represented in Parliament and Members of Parliament, as the President may consider necessary appoint, as Prime Minister the Member of Parliament who is most likely to command the confidence of Parliament and the Prime Minister shall be the Head of the Government and the Head of the Cabinet of Ministers;

(b) with the concurrence of the Prime Minister,

(i) determine the number of Ministers of the Cabinet of Ministers, not exceeding twenty five and the assignment of subjects and functions to the Prime Minister and the other Ministers, and

(ii) Appoint the Prime Minister and the others from among Members of Parliament, as Ministers, to be in charge of the respective Ministries so determined and assign subjects and functions to each such Ministry.

(2) The President shall be the Minister of Defence with functions that relate to the Armed Forces and be charged with the promotion of national reconciliation and integration and the preservation religious and ethnic harmony and empowered to give directions to any Minister for the taken within Such time as may be stipulated

the President is entitled to participate in the meetings of the Cabinet of Ministers.

Deputy Ministers

(3) The President shall with the concurrence of the Prime Minister;

(a) appoint from among Members of Parliament not exceeding thirty five Deputy Ministers to be attached to each Ministry considering the nature of its subjects and every Deputy Minister shall perform the functions assigned by the respective Ministers, and

(b) Remove any Deputy Minister and appoint any other Member of Parliament to such place; and

(c) where a Minister is unable to discharge the functions of his office appoint any Deputy Minister to act in place of such Minister;

An Executive Council to assist each Minister

Article 45 (1) There shall be an Executive Committee for every Ministry, chaired by the Minister comprising of fourteen members appointed by the President, five of whom shall be Members of Parliament nominated by the Speaker in consultation with Parliament and one from each Provincial Council nominated by the Chief Minister in consultation with the Provincial Council.

(2) An Executive Committee shall assist the Minister:-

(a) in the formulation of programmes of work of the Ministry to encompass all areas on a needs based evaluation,

(b) in the implementation of the programmes of work in the respective areas

- (c) in the co-ordination of action of the Ministry and of Provincial Ministries to ensure optimum use of public resources for the benefit of the people; and
- (d) in responding to the complaints and concerns of the people in regard to any act or omission in the functions of the Ministry.

Minister to submit a planned programme of work

Article 46(1) Every Minister shall within three months of being appointed submit to the President a planned programme of work of the Ministry with clearly identified aims and objectives and a time frame of performance.

(2) The President is empowered to request from time to time information from any Minister to ascertain:-

- (a) the progress achieved in the completion of the respective stages in the programme of work,
- (b) the degree of transparency and propriety of procurement processes; and
- (c) the response to public complaints and concerns expressed by the media and civil society groups.

(3) The President after due evaluation of the response of any Minister may with the concurrence of the Prime Minister, remove such Ministers from office and appoint a Deputy Minister or another Member of Parliament to such office.

Cabinet of Ministers to hold office till next General Election of Members of Parliament unless dissolved and reconstituted

Article 47(1) The Cabinet of Ministers shall continue in office until the result of the next General Election of Members of Parliament is declared:

Provided that if Parliament rejects the statement of Government Policy or the Appropriation Bill or passes a vote of no confidence in the Government, the Cabinet of Ministers shall stand dissolved and the President shall reconstitute a Cabinet of Ministers and in terms of Article 44, appoint a Prime Minister, Ministers and Deputy Ministers.

Article 47(2) where the office of Prime Minister, a Minister or a Deputy Minister becomes vacant consequent to such person ceasing to be a Member of Parliament or resigning his office by a writing addressed to the President, the vacancy shall be filled in terms of paragraphs (1) or (3) of Article 44.”

Disclosure of information by the executive

Article 48 (1) The President and every Minister shall ensure that there be public disclosure of all information in respect of:-

- (a) appointments made to the staff of the President and of each Ministry, outside the regular scheme of appointments of the Public Service Commission and to boards of management (including directors) of public corporations, companies of which the majority shares are owned by the Government or by a public corporation, that come within a subject assigned to the Minister;
- (b) the exercise of any power or authority vested in the President or the Minister by the Constitution or written law; and
- (c) transactions entered into by the Ministry and every department under the Ministry and by a public corporation or companies as specified in sub paragraph (a) above, for the procurement of goods and services or the disposal of or, creation of any encumbrance on, an asset of such institution.

Right of access to information

(2) Every citizen shall have a right of access to any information required to be disclosed in terms of paragraph (1) of this Article and any denial of such access shall be deemed to be an infringement of a fundamental right of such person in respect of which an application may be made to the Supreme Court to seek redress in terms of Article 126 of the Constitution.

Secretaries Ministries

9. Article 52 of the Constitution is hereby amended; by the repeal of paragraph (1) of the Article and substitution therefor of the following paragraph:-

“(1) The President shall with the concurrence of the Prime Minister and the respective Minister, appointed a public officer with the appropriate experience and an unblemished record in the public service, as the Secretary to each Ministry”.

Amendment
Article 52 of
Constitution

10. Article 52 of the Constitution is further amended in paragraph (7) by the substitution of the words “the office of the Parliamentary Commissioner for Administration (Ombudsman), the Public Service Commission” the words, “the office of the Parliamentary Commissioner for Administration (Ombudsman), the Constitutional Council, the Public Service Commission”.

Amendment
of Article 54,
55, 56 and 57
of the
Constitution

11. Articles 54, 55, 56 and 57 of the Constitution are hereby amended, by the repeal of the amendments made to these Articles by the Eighteenth Amendment to the Constitution and the said Articles 54, 55, 56 and 57 as enacted by the Seventeenth Amendment to the Constitution shall revive and be deemed to be in force.

Amendment of
Article 61E of
the
Constitution

12. Article 61E of the Constitution is hereby amended by the repeal of item (b) and the substitution therefor of the followings :- “(b) subject to the provisions of Article 41C, Attorney General and the Inspector General of Police”.

Amendment
of Articles
61F and 65
of the
Constitution

13. Articles 61 F and 65 of the Constitution are hereby amended by the repeal of the amendments made to these Articles by the Eighteenth Amendment to the Constitution and the said Articles as amended by the Seventeenth Amendment to the Constitution shall revive and be deemed to be in force.

Amendment
of Article 70
of the
Constitution

14. Article 70 of the Constitution is hereby amended by the repeal of paragraph (1) including the proviso to that paragraph and the substitution therefor of the following paragraph and proviso:-

“(1) The President shall have the power to dissolve prorogue and summon Parliament by Proclamation:

Provided that:-

(a) subject to paragraph (2) of Article 62 of the Constitution, Parliament shall be dissolved only in terms paragraph (3) of Article 30 of the Constitution, and

(b) Parliament may be prorogued only upon a resolution of Parliament requesting such prorogation”.

15. Article 70 of the Constitution is further amended by the repeal of, paragraph (2); sub-paragraph (c) of paragraph (5) and of paragraph (6) of that Article.

16. Article 91 of the Constitution is hereby amended in subparagraph (d) in paragraph (1) thereof by the insertion immediately after (va) of the following:-

“(vb) a Member of the Constitutional Council”.

17. Articles 95, 96, 97, 98, 99 and 99A of the Constitution are hereby repealed and the following Articles substituted therefor:-

“95 Parliament of two hundred and twenty five members shall be constituted as follows:

(a) a total of one hundred and sixty members elected from all Electorates on the basis of the highest number of votes received by a candidate of a recognized political party or independent group in each Electorate;

(b) a total of fifty members elected from all Electoral Districts on the basis of the proportion of votes received by the candidates of a recognized political party or independent group in all Electorates within an Electoral District, calculated as hereinafter stated;

Replacement of
Articles 95, 96, 97,
98, 99 and 99A of the
Constitution

Constitution
of Parliament

- (c) a total of fifteen members elected on the basis of the aggregate of votes received by the candidates of each recognized political party or independent group in all Electorates in the country, allocated as hereinafter stated, upon a nomination made by such recognized political party or independent group, from a national list submitted as provided for.

Electoral Districts

96 (1) The twenty two Electoral Districts specified in the Proclamation made in terms of Article 97 of the Constitution are deemed to be the Electoral Districts from which fifty members of Parliament shall be elected, notwithstanding the repeal of the said Article.

2. The Election Commission shall by Order published in the Gazette, certify the number of members each Electoral District is entitled to return from the total of fifty members, calculated on the basis of the proportion which the total number of electors in an Electoral District bears to the total number of electors in all the Electoral Districts, according to the register of electors on which the election is being held, provided that an Electoral District shall be entitled to return a minimum of one member.

Delimitation Commission Demarcation of Electorates

97 (1) A Delimitation Commission may be appointed by the President in terms of Article 41 B of the Constitution consisting of three persons one of whom to be designated as Chairman, to divide each Electoral District into Electorates so that the number of Members of Parliament to be elected from all the Electorates in the country shall be one hundred and sixty.

(2) The Delimitation Commission shall demarcate the boundaries of the Electorates within each Electoral District taking into consideration:-

- (a) the ratio of the ethnic composition of the area and the need to ensure representation on the basis of ethnic ratio;
- (b) the geographical area and its physical features;

(c) the population and the density of such population; and

(d) the level of economic development of the area.

(3) Every Electorate demarcated by the Delimitation Commission shall be designated by a name and each Electorate shall return one Member of Parliament unless the Commission decides that a particular Electorate shall return two or more Members of Parliament, without exceeding the total of one hundred and sixty Members of Parliament.

(4) The Delimitation Commission shall submit a report of its decisions to the President who shall by Proclamation publish the names and boundaries of the Electorates within each Electoral District and the number of Members of Parliament each Electorate shall be entitled to return. Electorates specified in such Proclamation shall be the Electorates for the purposes of the Constitution and the law for the time being in force in relation to the election of Members of Parliament.

Interim provision
for election of
Members of
Parliament to
Electorates

(5) Any General Election of Members of Parliament held prior to the making of the Proclamation referred to in paragraph (4) of this Article, shall be conducted on the basis of the one hundred and sixty electoral districts in existence prior to the commencement of the Constitution, with the names assigned thereto which shall be deemed to be the Electorates for the purposes of the Constitution and the law for the time being in force in relation to such General Election of Members of Parliament notwithstanding anything in the said paragraph (4). The election of the Members of Parliament as stated in paragraph (a) of Article 95 shall be from the respective Electorates and the candidate nominated by a recognized political party or independent group, who secures the highest number of votes in each Electorate, shall be declared elected as Member of the Parliament for the Electorate bearing such name.

Election of
Members of
Parliament to
Electoral Districts

98 (1) Upon the Members of Parliament of all Electorates constituting an Electoral District being elected, the number of Members of Parliament allocated to each Electoral District in terms of paragraph (2) of Article 96 shall be declared elected in the manner hereafter provided in this Article.

(2) The number of votes received by all the candidates of each recognized political party and independent group in all the Electorates within the Electoral District, excluding the votes polled by:

(a) those candidates who were declared elected as Members of Parliament for the respective Electorates within such Electoral District, and

(b) those candidates of each recognized political party and independent group, who received less than one twentieth of the total number of valid votes polled in the respective Electorates within such Electoral District,

shall be aggregated and the candidates whose votes are aggregated shall be referred to as the "balance candidates".

(3) The aggregate of the valid votes polled by all the balance candidates shall be divided by the number of Members of Parliament allocated to the Electoral District. The number resulting from such division (any fraction not being taken into account) shall hereinafter be referred to as the "qualifying number"

(4) The aggregate of the votes received by the balance candidates of each recognized political party or independent group, shall then be divided by the qualifying number, in order to ascertain the number of seats to be allocated to a recognized political party or independent group in an Electoral District Where the number ascertained by this method is an integer and a fraction, the integer shall be deemed to be the number for the purpose of this paragraph.

(5) Where at the conclusion of allocating seats in an Electoral District on the method specified in paragraph (4) of this Article, there remains a further number to be allocated in such Electoral District to reach the number certified in respect of such Electoral District in terms of paragraph (2) of Article 96, such remaining number shall be allocated on the basis of the highest fraction received by the respective recognized political parties or independent groups, as ascertained in the calculation done in terms of paragraph (4) of this Article.

(6) The balance candidates of each recognized political party or independent group, whose votes were aggregated to ascertain the allocation of seats, shall be ranked on the basis of the total number of valid votes polled by each candidate and the respective candidates shall be entitled to be declared elected to the number of seats allocated to such recognized political party or independent group, according to the order in such ranking.

Election of
Members from
National Lists

99 (1) After the Members of Parliament have been declared elected on the basis of the Electorates and Electoral Districts, the Election Commission forthwith apportion the fifteen seats referred to in paragraph (c) of Article 95 in the following manner:

- (a) five seats shall be allocated to the recognized political party or independent group which polled the highest number of valid votes in all the Electorates in the country;
- (b) three seats shall be allocated to the recognized political parties or independent groups that secured a minimum of one twentieth of the valid votes polled in any one or more Electoral Districts but failed to secure the election of any Member of Parliament. Recognized political parties or independent groups within this category shall be ranked on the basis of the aggregate of the valid votes polled in all the Electorates in the country and shall be entitled to one seat each according to the order

in such ranking. The balance seats, if any remaining after the allocation is made shall be transferred to be allocated in terms of paragraph (c);

(c) the remaining seats shall be allocated to the respective recognized political parties or independent groups in the same proportion as the proportion which the number of valid votes polled by each such party or group in all the Electorates in the country bears to the total number of votes polled at such General Election and for the purposes of such apportionment, the provisions of paragraph (3), (4) and (5) of Article 98 shall mutatis mutandis apply.

(2) Every recognized political party and independent group contesting a General Election shall submit to the Election Commission within the nomination period specified for such election, a list of twelve persons qualified to be elected as Members of Parliament which shall be the national list of such recognized political party or independent group, from which it may nominate persons to fill the seats, if any, which such party or group shall be entitled to in terms of paragraph (1) of this Article. Each such list shall consist of persons of national standing in professional, academic, commercial and cultural spheres and a minimum of one third of the persons included shall be females.

(3) The Election Commission shall cause every national list submitted in terms of paragraph (2) of this Article to be published forthwith in the Gazette and in one Sinhala, Tamil and English newspaper, upon the expiry of the nomination period.

(4) Where a recognized political party or independent group is entitled to one or more seats under the apportionment referred in paragraph (1) of this Article, the Election Commission shall by notice require the Secretary of such recognized political party

or group leader of such independent group to nominate any person from the national list or a candidate nominated to an Electorate who did not secure election, to fill any seat allocated to such recognized political party or independent group and shall declare elected as Members of Parliament the persons so nominated.

Filling of
Vacancies

99A. (1) Where a Member of Parliament elected upon being nominated by a recognized political party or independent group, ceases to be a member of such political party or independent group by resignation or expulsion, the seat of such Member of Parliament shall become vacant upon the expiration of a period of one month from the date of ceasing to be a member of the political party or independent group:

Provided that in the case of an expulsion the seat of the Member of Parliament shall not become vacant if prior to the expiration of the said period of one month the Member applies to the Supreme Court by petition in writing, and the Supreme Court upon such application determines that such expulsion was invalid. Such petition shall be inquired into by three Judges of the Supreme Court who shall make their determination within two months of the filing of such petition. Where the Supreme Court determines that the expulsion was valid the vacancy shall occur from the date of such determination.

(2) The seat of a Member of Parliament that has become vacant in terms of Article 66 (other than paragraph (h) of that Article) or in terms of paragraph (1) of this Article, such vacancy shall be filled;

(a) where the Member of Parliament whose seat became vacant had been elected by virtue of the highest votes polled in an Electorate, by an election conducted in that Electorate only and the Commissioner of Elections shall hold such election in that Electorate only on the basis of the operative register of electors and the law for the time

being in force relating to the election of Members of Parliament shall mutatis mutandis apply to such election;

(b) where the Member of Parliament whose seat became vacant had been elected on the basis of an apportionment of votes in an Electoral District by the candidate who secured the next highest numbers of votes from such recognized political party or independent group, according to the order in the ranking done in terms of paragraph (6) of Article 98, being declared elected as a Member of Parliament;

(c) where the Member of Parliament whose seat became vacant had been declared elected on the basis of a nomination made in terms of paragraph (4) of Article 99, the Election Commission shall by notice require the Secretary of the recognized political party or independent group who made the nomination in terms of the said paragraph (4) to make a fresh nomination from the national list to fill such vacancy and the person so nominated shall be declared elected as a Member of Parliament;

The Law that will apply to the election of the President and of Members of Parliament.

99B. Parliament shall by law, make provision for the election of Members of Parliament and for the election of the President and of Members of Parliament to be held simultaneously, as required by Article 31(4) of the Constitution. Until Parliament by law makes provision for such matters, the Parliamentary Election Act No. 1 of 1981 and the Presidential Elections Act No, 15 of 1981 shall Mutatis Mutandis apply, subject to the provisions of the Constitution and of the following:-

(a) the poll shall be taken in such elections in the respective Electorates recognized in the Constitution by paragraph (5) of Article 97 and the references made in the said Acts of Parliament to an Electoral District shall where the context so requires be deemed to include a reference to an Electorate;

- (b) the respective polling divisions under the Registration of Electors Act No 44 of 1980 shall correspond to the Electorates and the operative register of electors as corresponding to each Electorate with the name assigned to it shall be used for such elections;
- (c) any recognized political party or independent group may for the purpose of securing the election of a Member of Parliament to any Electorate shall submit one nomination paper setting out the name of the candidate and substantially in the form prescribed in the rules made by the Election Commission;
- (d) the Returning Officer of an Electoral District may grant recognition to a group of persons who intend to contest Electorates within such Electoral District as an independent group with an identified group leader, upon an application being made by such persons within the time and in accordance with the requirement and procedure laid down in the rules made by the Election Commission;
- (e) the poll in both elections shall be taken together in the polling stations in each Electorate and the respective ballot papers shall be substantially in the forms prescribed in the rules made by the Election Commission and shall be printed in distinct colours;
- (f) the Election Commission shall issue directives to the Presiding Officer of each polling stations on the arrangements to be made to place the ballot boxes of the elections, which shall bear the colours that correspond to the colour of the respective ballot papers, in suitable locations to enable each voter to deposit the marked ballot paper in the appropriate ballot box;

- (g) the counting of the votes, in each polling station shall take place at the polling station itself which shall deemed to be a counting centre in respect of both elections, after completing the procedure prescribed by law upon the closure of the poll;
- (h) the Senior Presiding Officer of each polling station shall function as the Counting Officer and the Staff at the polling station shall function as the counting staff and;
- (i) rules made by the Election Commission as hereinbefore provided shall be published in the Gazette and in one newspaper.”

Amendment of Article 103 Of the Constitution

18. Article 103 of the Constitution is hereby amended in paragraphs (1) and (7) by the repeal of the amendments effected to the said paragraphs by the Eighteenth Amendment to the Constitution and the said subparagraphs (1) and (7) of Article 103 as enacted by the Seventeenth Amendment to the Constitution shall revive and be deemed to be in force.

Amendment Article 104B the Constitution

19. Article 104 B of the Constitution is hereby amended as follows:-
- (1) by the repeal of paragraph (4a) of the Article inserted by the Eighteenth Amendment to the Constitution; and
 - (2) In paragraph (5) of the Article by the re-enactment of sub-paragraph (c) and (d) repealed by the Eighteenth Amendments to the Constitution and the said paragraph (c) and (d) shall revive and be deemed to be in force.

Amendment of Article 104E of the Constitution

20. Article 104 E of the Constitution is hereby amended in paragraph (1) thereof by the repeal of the amendments effected to that paragraph by the Eighteenth Amendment to the Constitution and the said paragraph (1) of Article 104 E as enacted by the Seventeenth Amendments to the Constitution shall revive and be deemed to be in force.

Appointment
of Returning
Officers to
Electoral
Districts and
Electorates

21. Article 104F of the Constitution is amended by the repeal of paragraph (1) and the substitution of the following:

“The Election Commission from time to time by notice published in the Gazette appoint by name or by office persons to be Returning Officers to each, Electoral District and Electorate and may appoint by name or by office one or more persons to assist each such Returning Officer in the performance of his duties.

Amendment of
Articles 107,
109, 111D,
111E, 153 154F
and 155 of the
Constitution

22. Articles 107, 109, 111 D, 111 E, 153, 154R and 155A of the Constitution are amended by the repeal of the amendments made to the said Article by the Eighteenth Amendment to the Constitution and the said Article 107, 109, 111D, 111E, 153, 154R and 155A as amended by Seventeenth Amendment to the Constitution shall revive and be deemed to be in force.

Further
amendment
of Article
107 of the
Constitution

23. Article 107 of the Constitution is further amended by the repeal of paragraph (3) thereof and the substitution of the following:-

“ (3) Parliament shall by law provide for:-

- (a) an inquiry, to be held by an independent panel of persons with judicial experience, into the misbehavior or incapacity as alleged in such resolution,
- (b) the procedure at such inquiry including the right of the Judge against whom the allegations are made to appear and to be heard in person or by representative;
- (c) the submission of a report to Parliament by the inquiry panel setting out its findings and the reasons therefor;
- (d) the procedure for passing of such resolution if the inquiry panel has found such judge guilty of any of the alleged grounds of misbehavior or incapacity and for the rejection of the resolution where the judge has been found not guilty of such grounds”.

24. Article 155 FF and 155 FFF of the Constitution are hereby repealed.

25. Articles 155G, 155H, 155J, 155K, 155L, and 155M of the Constitution that were repealed by Eighteenth Amendment to the Constitution are hereby re-enacted and the said Article 155G, 155H, 155J, 155L and 155 M shall revive and be deemed to be in force.

26. Article 156 of the Constitution is hereby amended by the repeal of the amendment made to the Article by the Eighteenth Amendments to the Constitution and the said Article as amended by the Seventeenth Amendment to the Constitution shall revive and be deemed to be in force.

Amendment
of Article
170 of the
Constitution

27. Article 170 of the Constitution is hereby amended in the definition of the expression “public officer” by the insertion immediately after paragraph.

“ (c) the following new paragraph “(c a) a member of the Constitutional Council” ..