

CHAPTER XIV

THE CONSTITUTIONAL COUNCIL

122. (1) There shall be a Constitutional Council, which shall consist of the following members-

Constitutional Council.

- (a) the two Vice-Presidents;
- (b) the Prime Minister;
- (c) the Leader of the Opposition in Parliament;
- (d) the Leader of the House in Parliament ;
- (e) the Minister of the Cabinet of Ministers in charge of the subject of Constitutional Affairs ;
- (f) the Chairman of the Chief Ministers' Conference ;
- (g) two retired Judges of the Supreme Court or of the Court of Appeal established by this Constitution, the 1978 Constitution or any other law, appointed by the President after ascertaining the views of the Chief Justice, and who shall serve for a period of three years.

(2) The Chair of the Constitutional Council shall be held, in rotation, by the two Vice-Presidents, so however, that each Vice-President shall hold office as Chairperson for a period of six months at a time.

123. (1) Save as provided in paragraph (2) of this Article, a person shall not be appointed as a member of any of the Commissions specified in the Schedule to this Article, except on the recommendation of the Constitutional Council.

Appointment of members of certain Commissions to be on the recommendation of the Constitutional Council.

- (2) The provisions of paragraph (1) of this Article shall not apply to the appointment for a period not exceeding three months of a person to act as a member of a Commission referred to in the Schedule to this Article.
- (3) It shall be the duty of the Constitutional Council to recommend to the President, persons for appointment as members of the Commissions referred to in the Schedule to this Article, whenever the occasion for such appointment arises, and such recommendations shall reflect, as far as practicable, the different ethnic and interest groups.

SCHEDULE

- (a) The National Public Service Commission.
- (b) The Permanent Commission to Investigate Allegations of Bribery or Corruption.
- (c) The Official Languages Commission.

- (d) The University Grants Commission.
- (e) The Election Commission.
- (f) The Finance Commission.
- (g) The National Police Commission.
- (h) The Human Rights Commission of Sri Lanka.

Appointment to certain offices to be with the approval of the Constitutional Council.

**124.** (1) Save as provided in paragraph (2) of this Article, a person shall not be appointed to any of the offices specified in the Schedule to this Article, except with the approval of the Constitutional Council.

(2) The provisions of paragraph (1) of this Article shall not apply to the appointment for a period not exceeding three months of a person to act in any office referred to in the Schedule to this Article.

(3) It shall be the duty of the President to submit for approval to the Constitutional Council, names of persons for appointment to any of the offices referred to in the Schedule to this Article, whenever the occasion for such appointment arises.

#### SCHEDULE

- (a) The Attorney-General.
- (b) The Secretary General of Parliament.
- (c) The Parliamentary Commissioner for Administration (Ombudsman).
- (d) The Auditor-General.

Secretary to the Constitutional Council and procedure at meetings of the Council.

**125.** (1) There shall be a Secretary to the Constitutional Council appointed by the Council.

(2) The Constitutional Council shall meet as often as may be necessary to perform the duties imposed on such Council by the provisions of this Chapter and such meetings shall be summoned by the Secretary to the Constitutional Council.

(3) The Chairperson for the time being of the Council shall preside at all meetings of the Constitutional Council and in the absence of the Chairperson from any meeting of the Constitutional Council, the other Vice-President shall preside at such meeting and in the absence of both the Vice-Presidents from any meeting of the Constitutional Council, the Prime Minister shall preside at such meeting.

(4) The quorum for any meeting of the Constitutional Council shall be five.

(5) The Constitutional Council shall endeavour to make every recommendation or approval it is required to make, by unanimous decision and in the absence of a unanimous decision, the decision of the majority shall prevail.

(6) In the event of an equality of votes on any question for decision at any meeting of the Constitutional Council, the member presiding at such meeting shall have a casting vote.

(7) The procedure in regard to the meetings of the Constitutional Council and the transaction of business at such meetings shall be as provided by law.

**126.** The Constitutional Council shall also perform and discharge such other duties and functions as are prescribed by Constitution.

Other duties and functions of the Constitutional Council.