

RESOLUTION

THIS HOUSE RESOLVES THAT:

1. There shall be a Committee of Parliament hereinafter referred to as the 'Constitutional Assembly' which shall consist of all Members of Parliament, for the purpose of deliberating on, and seeking the views and advice of the people, on a new constitution for Sri Lanka, and preparing a draft of a Constitution Bill for the consideration of Parliament in the exercise of its powers under Article 75 of the Constitution.
2. The Hon. Speaker of Parliament shall be the Chairman of the Constitutional Assembly. There shall be seven (7) Deputy Chairmen of the Constitutional Assembly, who shall be elected by the Constitutional Assembly.
In the absence of the Hon. Speaker, the Constitutional Assembly shall elect one of the Deputy Chairmen to chair the sittings of the Assembly.
3. The quorum for meetings of the Constitutional Assembly shall be twenty (20).
4. There shall be:
 - (a) Clerks to the Constitutional Assembly for the purpose of recording the proceedings of the Constitutional Assembly and the Committees referred to in clause 5
 - (b) Constitutional Advisors to the Constitutional Assembly
 - (c) A Legal Secretary to Constitutional Assembly and assistants to such Legal Secretary; and
 - (d) Media (including Social Media) Staff of the Constitutional Assembly.
The Media Staff shall set up and maintain a website and use other appropriate media, towards giving due publicity to the process for the adoption of a new Constitution for Sri Lanka.
The Media Staff shall ensure that the proceedings of the Constitutional Assembly and its committees, as well as public representations / submissions are documented and published on such website along with such other relevant expert or technical opinions.
5. There shall be the following Sub-Committees of the Constituent Assembly:
 - (a) A Steering Committee consisting of the Prime Minister (Chairman), Leader of the Opposition, Leader of the House, the Minister of Justice, and not more than eleven (11) other Members of the Constitutional Assembly to be appointed by the Constitutional Assembly.

The Steering Committee shall be responsible for the business of the Constitutional Assembly and for preparing a Draft of a new Constitution for Sri Lanka.

- (b) Such other Sub-Committees, consisting of Members of the Constitutional Assembly, which may be appointed by the Constitutional Assembly.
Provided that each such Sub-Committee shall comprise of not more than eleven (11) members.

6. The Constitutional Assembly shall at its first sitting:
 - (a) Elect the Deputy Chairmen
 - (b) Determine the Sub-Committees referred to in clause 5(b); and
 - (c) Elect Members to the Sub-Committees referred to in clause 5
7. The Prime Minister shall, at the first meeting of the Constitutional Assembly present a Resolution for adoption by the Constitutional Assembly, calling upon the Steering Committee to present a Resolution proposing a Draft Constitution Bill for the consideration of the Constitutional Assembly (prior to its submission to the Cabinet of Ministers and Parliament).
8. The Constitutional Assembly is hereby authorised to conduct its sittings in the chamber of the Parliament.
Provided that the Constitutional Assembly may resolve to sit at any other specified location outside the Western Province.
Provided further that the presentation of papers, moving of resolutions and voting on any matter shall only take place in the chamber of the Parliament.
9. The Steering Committee may seek the services of any institution which services are necessary for the carrying out of the objects of the Constitutional Assembly or any Committee thereof.
10. The Steering Committee may appoint other experts to aid and advise the Constitutional Assembly and / or its various Sub-Committees.
11. The proceedings of the Constitutional Assembly and its Sub-Committees shall be open to the public. The proceedings of the Constitutional Assembly and its Sub-Committees shall be documented and published forthwith. Where appropriate the Constitutional Assembly shall take steps to ensure the broadcast of the proceedings of the Constitutional Assembly and / or its Sub-Committees.
For the avoidance of doubt it is hereby specifically resolved that the special leave of Parliament is specifically granted in terms of section 17 of the Parliament (Powers and Privileges) Act for the publication of the aforesaid matters.
For the avoidance of doubt it is further resolved that the proceedings of the Constitutional Assembly and the Sub-Committees referred to in clause 5 shall be deemed to have been reported to Parliament simultaneously, and that the

publication of any such proceedings, which publication is hereby specifically authorized, shall not constitute an offence in terms of the Parliament (Powers and Privileges) Act.

- 12.** The Constitutional Assembly shall have the power to invite any person for consultation and / or to make submissions before the Constitutional Assembly.
- 13.** The Constitutional Assembly shall also have the power to invite any member of the Public Representation Commission for consultation and / or to make submissions and / or to report on the findings of the Public Representation Commission.
- 14.** In addition to the Sub-Committees specified in clause 5, the Steering Committee shall appoint a Public Representation Commission consisting of not more than fifteen (15) persons, who shall not be members of the Constitutional Assembly. Such persons shall be recommended by the Steering Committee and appointed upon the approval of such recommendations by the Constitutional Assembly. The Steering Committee may, at the request of the Public Representation Commission, appoint such staff as is necessary to assist the Public Representation Commission.
- 15.** Within one week of the appointment of the Members of the Public Representation Commission, the Public Representation Commission shall by notice published in Newspapers in all three languages, call for Public Representations to be made, in writing, within three (3) weeks of the publication of such notice.
- 16.** The Public Representation Commission shall, set up and maintain a website and use other appropriate media, towards giving due publicity to the process for the adoption of a new Constitution for Sri Lanka.
- 17.** The Public Representation Commission shall also take appropriate steps (including the use of Media and Social Media) towards creating public awareness with regard to the adoption of a new Constitution for Sri Lanka including its content and process.
- 18.** The Public Representation Commission shall require all public representations / submissions to be made in writing, and may, where it considers appropriate, afford opportunity for oral submissions and / or clarifications.
- 19.** The Public Representation Commission shall submit its final report to the Constitutional Assembly within three (3) months of its appointment, or within such extended period as may be granted by the Constitutional Assembly.
- 20.** Subject to the provisions hereof, the Constitutional Assembly is hereby authorized to determine the procedure and mechanisms to be adopted in the conduct of its business.
Provided that such determination shall be made pursuant to a Resolution moved by the Prime Minister with the concurrence of the Steering Committee.

Notwithstanding anything to the contrary in the Standing Orders of Parliament, the rules of procedure of the Constitutional Assembly and its Sub-Committees shall be as set out in this Resolution.

- 21.** Notice of the business of the Constitutional Assembly shall be given by the Prime Minister, or such other Minister of the Cabinet nominated from time to time for such purpose by the Prime Minister, upon approval thereof by the Steering Committee.
- 22.** The Sub-Committees referred to in clause 5(b) shall submit their reports to the Steering Committee within ten weeks of the appointment of each such Sub-Committee.
- 23.** Upon the consideration of the Reports of the Sub-Committees appointed under clause 5(b), and the Public Representation Commission, the Steering Committee shall submit a Report to the Constitutional Assembly. Such Report may be accompanied by a draft Constitution.
- 24.** The Constitutional Assembly shall thereafter debate the general merits and principles of the Report and the draft Constitution (if applicable), and may also debate proposed amendments. At the end of such debate the question that “the Steering Committee be required to submit a final report and a resolution on a draft Constitution” shall be put to the Constitutional Assembly by the Chair.
- 25.** The Steering Committee shall thereafter, considering the amendments, if any, proposed during the debate, submit a Final Report and a resolution containing a draft Constitution for the consideration of the Constitutional Assembly. The Prime Minister shall move that such Final Report and the resolution containing the draft Constitution be approved by the Constitutional Assembly.
- 26.** The following procedure shall be adopted during the debate referred to in clause 25:

The Chairman or in his absence one of the Deputy Chairmen shall read the number of each clause in succession.

- I. Any amendment may be made to a clause, or clauses may be deleted or new clauses may be added.
- II. The principle of the Bill shall not be discussed during this stage of the debate but only its details.
- III. No amendment can be proposed inconsistent with any decision come to upon any previous part of the Bill.
- IV. After a Bill has been read through, and prior to the conclusion of the debate on the Bill, any member may, with leave of the Chairman, move an amendment of any clause already passed.

- V. A clause may be postponed, unless upon an amendment thereto a question shall have been fully put from the Chair.
 - VI. Postponed clauses shall be considered after the remaining clauses of the Bill have been considered and before new clauses are brought up.
 - VII. New clauses may be offered before the Schedules to the Bill are considered and shall be deemed to have been read the first time. The questions which follow thereupon shall be "That the clause be read a second time" and "that the clause (or the clause as amended) be added to the Bill".
 - VIII. New Schedules may be offered after the Schedules to the Bill have been disposed of and shall be treated in the same manner as new clauses.
 - IX. When every clause and Schedule and proposed new clause or Schedule have been dealt with, the preamble, if there be one, shall be considered and a question put "That this be the preamble of the Bill".
 - X. If any amendment be necessary to the title of the Bill, it shall be made at the conclusion of the proceedings detailed above.
- 27.** The provisions of standing orders 42, 43 and 44 shall *mutatis mutandis* apply to the proceedings of the Constitutional Assembly.
- 28.** If two-thirds of the Constitutional Assembly does not approve the resolution on the draft Constitution, the Constitutional Assembly and the Committees referred to in this Resolution shall stand dissolved.
- 29.** If the Constitutional Assembly approves the resolution on the draft Constitution by a two-thirds majority, the Report and the draft Constitution shall be submitted by the Steering Committee to the Cabinet of Ministers, and thereupon the Constitutional Assembly and the Sub-Committees referred to in this Resolution shall stand dissolved.
- 30.** The Cabinet of Ministers shall certify the draft Bill contained in such Report as a *Bill to repeal and replace the Constitution as a whole* in terms of Article 75(b) and Article 120(b) and that such bill is *intended to be passed with the special majority required by Article 83 and submitted to the People by Referendum*.
- 31.** The Bill shall thereafter be published in the Gazette as required by Article 78(1) of the Constitution.
- 32.** The President shall thereafter refer the Bill to every Provincial Council, and seek their views, as required by Article 154G(2) of the Constitution.

- 33.** The Prime Minister shall thereafter present such Bill to Parliament and such Bill shall be placed on the Order Paper of Parliament.
- 34.** After the presentation of a Bill to Parliament as aforesaid the Prime Minister shall move the Constitution Bill be passed by the House by a special majority required under Article 83.
If not less than two-thirds of the whole number of the Members of Parliament vote in favor of the said Bill, the Speaker shall declare and certify as follows:
- “This Constitution Bill as drafted by the Constituent Assembly and presented to the House has been duly passed by Parliament by a special majority. This Bill shall not become law until approved at a Referendum by the People in whom the sovereignty of Sri Lanka vests.”*
- or such other appropriate certification in terms of Article 79 of the Constitution.
- 35.** Thereafter the Bill shall be submitted by the President in terms of Article 85(1) of the Constitution, to the People by Referendum for their approval.
- 36.** If the Bill is approved by the People at a Referendum the Constitution Bill shall become law upon the President certifying that in terms of Article 80(2) of the Constitution:
- “This Bill has been duly approved by the People at a Referendum”*
- 37.** The expenses of the Constitutional Assembly, the Sub-Committees referred to in clause 5, the Public Representations Commission, and the staff and advisors appointed in terms of this Resolution, shall be charged on the Consolidated Fund, and Parliament shall take appropriate steps in respect of same in terms of Article 150 of the Constitution.
- 38.** For the avoidance of doubt, it is hereby declared that the adoption or rejection or adoption subject to amendment of such a draft Constitution as proposed by the Constitutional Assembly, shall be the responsibility of Parliament.
- 39.** For the avoidance of doubt it is hereby further declared that a Constitution Bill shall only be enacted into law if it is passed in Parliament by a special majority of 2/3 of the whole number of the Members of Parliament, including those not present and subsequently approved by the people at a Referendum as required by Article 83 of the Constitution.