

**THE GAZETTE OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of February 09, 2024

SUPPLEMENT

(Issued on 13.02.2024)



**TWENTY SECOND AMENDMENT TO THE
CONSTITUTION**

(Private Members' Bill)

A

BILL

**to amend the Constitution of the Democratic Socialist Republic of
Sri Lanka**

*To be presented in Parliament by Hon. Udaya Gammanpila, M. P. for
Colombo District*

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Twenty Second Amendment to the Constitution

AN ACT TO AMEND THE CONSTITUTION OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF SRI LANKA

WHEREAS the 13th Amendment to the Constitution Preamble
(hereafter referred to as the 13th Amendment) provides-

- 5 (a) for the enactment of laws relating to Law and Order including prevention, detection and investigation of offences and replacement of the existing laws of Parliament by Provincial Councils.(Vide Article 154G(8) read with the Item 12:1 of the Appendix I of List 1 of the 9th Schedule);
- 10 (b) that the Deputy Inspector General of Police who is the Head of the Provincial Division of the Police Force is responsible to and be under the control of the Chief Minister (Vide Item 11:1 of the Appendix 1 of List 1 of the 9th Schedule);
- 15 (c) two of the three members of the Provincial Police Commission to be appointed upon the nomination or with concurrence of the Chief Minister and thereby politicizing the Provincial Police Commission entrusted with recruitments, promotions, transfers and disciplinary control of
- 20 police officers of Provincial Police Force. (Vide Items 4, 6 and 9:1 of Appendix I of List 1 of the 9th Schedule read with Article 155G(1)(b));
- 25 (d) that members of the National Police Force serving in a province is required to function under the directions and control of the Deputy Inspector General of the Police of the Province who is in turn responsible to and under control of the Chief Minister. (Vide Item 11 of Appendix I of List 1 of the 9th Schedule);

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- 5 (e) members of the National Police Force serving in a Province are required ordinarily to be in plain clothes and are permitted to wear uniforms only when the Chief Minister seeks assistance or when state of emergency is declared or when the Criminal Investigation Department is investigating an offence at the request of the Chief Minister or when Inspector General of Police directs the Criminal Investigation Department to investigate an offence after consulting the Chief Minister and obtaining the approval of the Attorney-General (Vide Items 10:1 read with 12:2,12:3 and 12:4 of Appendix I of List 1 of the 9th Schedule);
- 10
- 15 (f) to entrust the responsibility of prevention, detection, investigation of all offences (except the offences specified in the Schedule therein) and institution of prosecutions (subject to the powers of the Attorney-General) to Provincial Councils (Vide Item 12:1 of Appendix I of the List 1 of the 9th Schedule);
- 20
- 25 (g) to empower any Provincial Council to prevent any Police Officers of any Province entering another Province (vide the limitations contained in sub paragraph (k) of the 2nd item of List II of the 9th Schedule):

WHEREAS the 13th Amendment, though based on the Constitutional structure of India, denies the Government of Sri Lanka to normally intervene in the event of a Province acting against the interests of the Republic (except under Article 154L), although the Central Government of India is empowered to intervene.(Vide Article 256 and 257 of the Constitution of India):

30

WHEREAS the implementation of the provincial powers relating to Law and Order is a serious threat to national security of the republic:

5 BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

1. This Act may be cited as the Twenty Second Short title
Amendment to the Constitution.

2. The Constitution of the Democratic Socialist Republic of Sri Lanka (hereinafter referred to as the "Constitution") is
10 hereby amended by- Amendment of Article 155G List I & II of Ninth Schedule of the Constitution

(a) amendment of Article 155G by the-

(i) repeal of subparagraph (b) of paragraph (1);

(ii) deletion of the words "and the provincial Divisions;" in subparagraph (c) of paragraph
15 (3);

(b) the repeal of Item 1 of List 1 (Provincial Council List) of Ninth Schedule;

(c) the repeal of Appendix I of List 1 (Provincial Council List) of Ninth Schedule;

20 (d) the repeal of subparagraph (k) of the 2nd item of List II of the Ninth Schedule.

3. For the avoidance of doubt-

(a) there shall be on "National Police Division" or
25 "Provincial Police Divisions" and accordingly any reference to National Police Division or Provincial Police Division in any written law, shall mean Sri Lanka Police Force; Avoidance of doubt regarding references to Provincial Police Division

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(b) any reference to a Provincial Police Commission in any written law shall mean the National Police Commission established under Article 155A.

5 **4.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. Sinhala text to prevail in case of inconsistency

