

Resolution for the appointment of the Constitutional Assembly

WHEREAS there is broad agreement among the People of Sri Lanka that it is necessary to enact a Constitution for Sri Lanka;

1. This Parliament Resolves that—

There shall be a Committee which shall have the powers of a Committee of the whole Parliament consisting of all Members of Parliament, for the purpose of deliberating, and seeking the views and advice of the People, on a 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. (a) The Constitutional Assembly may appoint or call for experts in any field, or profession where deemed necessary by the Constitutional Assembly.

(b) There shall be—

(i) An Additional Secretary to the Constitutional Assembly, appointed by the Constitutional Assembly;

(ii) Staff for the purpose of recording the proceedings of the Constitutional Assembly and the Committees referred to in Clause 5; and

(iii) 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 the 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 Constitutional Assembly:—

(a) A Steering Committee consisting of 21 members appointed by the Constitutional Assembly at its first meeting, one of whom shall be the Chairman.

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

The Chairman of each Sub-Committee shall be appointed by the Steering Committee.

6. The Constitutional Assembly shall at its first sitting—
 - (a) determine the Sub-Committees referred to in Clause 5(b); and
 - (b) elect Members to the Sub-Committees referred to in Clause 5.
7. The Chairman of the Steering Committee shall, at the next 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 Constitutional Proposal for the consideration of the Constitutional Assembly, prior to its submission to the Cabinet of Ministers and Parliament.
8. The Constitutional Assembly is hereby authorized to conduct its sittings in the Chamber of Parliament.
9. The Steering Committee may seek the services of any institution services of which 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 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 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 for the

publication of any such proceedings, which publication is hereby specifically authorized, shall not constitute an offence in terms of 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. 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 Chairman of the Steering Committee with the concurrence of the Steering Committee.

Unless suspended by Parliament, the Standing Orders of Parliament shall apply to the proceedings of the Constitutional Assembly subject to the provisions of this resolution.

14. Notice of the business of the Constitutional Assembly shall be given by the Chairman upon approval thereof by the Steering Committee.
15. 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, or such further time granted by the Steering Committee.
16. Upon the consideration of the Reports of the Sub-Committees appointed under Clause 5(b) and the views of the public, the Steering Committee shall submit a Report to the Constitutional Assembly. Such Report may be accompanied by a Draft Constitutional Proposal.
17. The Constitutional Assembly shall thereafter debate the general merits and principles of the Report and the Draft Constitutional Proposal (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 Constitutional Proposal" shall be put to the Constitutional Assembly by the Chair.
18. The Steering Committee shall thereafter, considering the amendments, if any, proposed during the debate, submit a Final Report and a Resolution containing a Draft Constitutional Proposal for the consideration of the Constitutional Assembly. The Chairman shall move that such Final Report and the Resolution containing the Draft Constitutional Proposal be approved by the Constitutional Assembly.

19. If a simple majority of the Constitutional Assembly does not approve the resolution on the Draft Constitutional Proposal, the Constitutional Assembly and the Committees referred to in this Resolution shall stand dissolved.
20. If only a simple majority of the Constitutional Assembly approves the resolution on the Draft Constitutional Proposal , the resolution shall be referred to the Parliament, and, if a special majority of Parliament approves the Report and the Draft Constitutional Proposal within one month, the Draft Constitutional Proposal shall be submitted to the Cabinet of Ministers, and the provisions of Clause 21 hereof shall thereafter apply, and the Constitutional Assembly and the Committees referred to in this Resolution shall stand dissolved.
21. If the Constitutional Assembly approves the Resolution on the Draft Constitutional Proposal by a two-thirds majority, the Report and the Draft Constitutional Proposal shall be submitted to the Cabinet of Ministers. The Report and the Draft Constitutional Proposal shall also be presented to Parliament. Thereupon the Constitutional Assembly and the Sub-Committees referred to in this Resolution shall stand dissolved. Thereafter the provisions of the Constitution relating to the enactment of such a Bill shall be followed.
22. The expenses of the Constitutional Assembly, the Sub-Committees referred to in Clause 5, 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.
23. 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 two-thirds 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."