



PARLIAMENT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF  
SRI LANKA

---

SECOND AMENDMENT TO THE  
CONSTITUTION

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[Certified on 26th February, 1979]

*Printed on the Orders of Government.*

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Second Amendment to the Constitution

[Certified on 26th February, 1979]

L.D.—O. 14/79

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 :—

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

Short title.

2. Article 161 of the Constitution of the Democratic  
Socialist Republic of Sri Lanka is hereby amended by the  
repeal of sub-paragraph (ii) of paragraph (d) of that  
Article and the substitution therefor, of the following new  
sub-paragraph :—

Amendment  
of Article  
161 of the  
Constitution.

“(ii) Where during the duration of the First Parliament,  
a Member ceases, by resignation, expulsion or other-  
wise, to be a member of the recognized political  
party to which he belonged upon or after the  
commencement of the Constitution, the Secretary  
of such party shall, within two weeks of the date  
on which such Member so ceased to be a member of  
such party, communicate, in writing to the Secre-  
tary-General of Parliament, the fact and date  
thereof. The Secretary-General shall, upon receipt  
of such communication, submit it to the Speaker.

Where a Member ceases to be a member of the  
recognized political party to which he belonged by  
reason of being expelled from such party, he shall  
be entitled to apply, within one month of the date  
of such expulsion by petition in writing, to the  
Supreme Court for a determination that such  
expulsion was invalid. In the event of any such  
application being made, the Registrar of the  
Supreme Court shall forthwith inform the Secre-  
tary-General of Parliament in writing, of such  
application. Every such application shall be  
heard and determined by not less than three Judges  
of the Supreme Court who shall, within two months  
of the making of such application, determine  
whether such expulsion was valid or not.

The Speaker shall, on receiving in the aforesaid  
manner, a communication alleging that a  
Member has ceased to be a member of the

recognized political party to which such Member belonged, appoint a Select Committee consisting of not less than five Members of Parliament (one of whom shall be nominated as Chairman thereof) to inquire into, and report to Parliament on, the circumstances in which such Member is alleged to have resigned from, or to have been expelled from, or to have otherwise ceased to be a member of, such party, and the reasons therefor :

Provided, however, that where such communication alleges that a Member has ceased to be a member of the recognized political party to which he belonged by reason of his being expelled therefrom, no Select Committee shall be appointed as aforesaid until after the expiration of a period of one month from the date of such alleged expulsion, and in any case where such Member has applied to the Supreme Court for a determination that such expulsion was invalid, unless and until the Supreme Court has determined that such expulsion was valid.

The provisions of the Parliament (Powers and Privileges) Act shall, *mutatis mutandis*, apply in relation to proceedings before, and to the privileges, immunities and powers of, a Select Committee appointed as aforesaid, and every such Select Committee shall be deemed, for the purposes of that Act, to be duly authorized by an order of Parliament to send for persons, papers and records.

After consideration of the report made by a Select Committee appointed as aforesaid, Parliament may, by resolution passed by not less than eighty-five Members voting in its favour, resolve that the Member to whom such report relates, shall cease to be a Member of Parliament. The Speaker shall endorse on every resolution so passed, a certificate in the following form :—

"This resolution has been passed by the majority required by Article 161 (d) (ii) of the Constitution".

The seat of such Member shall, with effect from the date of such certificate, become vacant.

Every such certificate shall be conclusive for all purposes and shall not be questioned in any court,

and no court or tribunal shall inquire into, pronounce upon or in any manner call in question, the validity of the resolution on which such certificate is endorsed, on any ground whatsoever.”

3. The provisions of section 2 of this Act shall be deemed for all purposes, to have come into force upon the commencement of the Constitution, and accordingly,—

Retrospective effect of section 2, and savings & c.

(a) the seat of a Member of Parliament shall be deemed never to have become vacant by reason of the operation of the provisions of the Constitution which are repealed by the provisions of section 2 of this Act :

(b) where at the hearing in any court or tribunal, of any application, suit or other proceeding, whether instituted before or after the commencement of this Act, any question arises as to whether the seat of a Member of Parliament has become vacant by reason of such Member having ceased, by resignation, expulsion or otherwise, to be a member of the recognized political party to which he belonged upon the commencement of the Constitution, such question and any other question relating to the application of Article 161 (d) (ii) shall be determined in accordance with Article 161 (d) (ii) of the Constitution as amended by section 2 of this Act ;

(c) where a Member of Parliament has ceased, prior to the date of commencement of this Act, to be a member of the recognized political party to which he belonged upon the commencement of the Constitution, a communication relating thereto made, within two weeks of the date of commencement of this Act, to the Secretary-General of Parliament by the Secretary of such party, shall be deemed to be a communication made in compliance with Article 161 (d) (ii) of the Constitution as amended by section 2 of this Act ; and

(d) where a Member of Parliament has been expelled, prior to the date of commencement of this Act,

from the recognized political party to which he belonged upon the commencement of the Constitution, an application made by such Member, within one month of the date of commencement of this Act, to the Supreme Court for a determination that such expulsion was invalid, shall be deemed to be an application made in compliance with Article 161 (d) (ii) of the Constitution as amended by section 2 of this Act.