



THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

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PART II.—LEGAL.

(Separate paging is given to each Part in order that it may be filed separately.)

DRAFT ORDINANCES.

MINUTE.

The following Draft of a proposed Ordinance is published for general information —

The Ceylon (Constitution) Ordinance, 1944.

An Ordinance to provide a new Constitution for Ceylon.

PART I.—PRELIMINARY.

1. This Ordinance may be cited as “The Ceylon (Constitution) Ordinance, 1945”.

The date notified for such purpose in the *Gazette* shall be “the date of operation”.

2. Nothing in this Ordinance shall apply to the Maldivé Islands.

3. Subject to Article 52 of this Ordinance, as from the appointed day the Ceylon (State Council) Order in Council, 1931, shall be revoked, but without prejudice to the validity of any act done before the appointed day, and without prejudice to the continuance of any legal proceeding that may have been begun before the appointed day.

4. (1) In this Ordinance, unless the context otherwise requires—

“Adjourn” means suspend the sitting ;

“Appointed day” means the day appointed by Proclamation for the purpose of Article 3 ;

“Dissolution” means the act of bringing the life of a Parliament to an end ; and “dissolve” has a corresponding meaning ;

“Elector” means an elector within the meaning the Ceylon (Elections) Ordinance, 1944 ;

“Judicial Office” means any paid judicial office ;

“Proclamation” means a Proclamation issued by the Governor-General and published in the *Gazette* ;

“Prorogue” means bring the session to an end ;

“Public Office” means any office the holder of which is a public officer ;

“Public Officer” means any person who holds a paid office, other than a judicial office, under the Crown in respect of the Government of Ceylon :

Provided that—

(a) A member of the Council of State shall not be deemed to be a public officer merely because he receives an allowance as such member ; and

(b) “Public officer” shall not include the Governor-General or any member of his staff paid out of his Civil List, the Speaker or other officer of the Council of State, the Clerk of Parliament or any member of his staff appointed under Article 32, any Minister or Deputy Minister, the Auditor-General, any member of the Ceylon Defence Force or of the Ceylon Royal Naval Volunteer Reserve who is not in full-time employment in that Force or Reserve, any Crown Advocate other than a Crown Counsel, or any Crown Proctor.

“Session” means the period between the summoning of a Parliament, whether on the first or a subsequent occasion, and the termination of the proceedings consequent upon that summons ;

“Sitting” means the period during which the Council of State is sitting continuously without adjournment, and includes any period during which the Council of State is in Committee;

“United Kingdom” means the United Kingdom of Great Britain and Northern Ireland.

(2) Any reference in this Ordinance to an Order in Council shall be construed as a reference to that Order in Council as amended by any subsequent Order in Council made before the appointed day.

(3) Any reference to the holder of a particular judicial or public office shall be deemed to include a reference to a person who is temporarily acting in that office.

(4) In the interpretation of this Ordinance the provisions of the Interpretation Ordinance shall apply subject to the express provisions of this Ordinance, and notwithstanding any provision to the contrary in such Ordinance.

PART II.—THE PARLIAMENT OF CEYLON.

5. (1) There shall be a Parliament of Ceylon which shall consist of the King and the Council of State; but if Parliament provides by law for the establishment of a Senate Parliament shall consist, so long as such law is in operation, of the King, the Senate and the Council of State.

(2) In this Ordinance, unless the context otherwise requires, “Parliament” means the Parliament of Ceylon and “the Council” means the Council of State.

6. (1) Parliament may make laws for the establishment of a Senate, its composition, powers, procedure or privileges, or the emoluments of its members.

(2) Notwithstanding anything in Article 10, any Act of Parliament under this Article may amend this Ordinance in so far as such amendment may be necessary to give effect to this Article or to enable Ministers or Deputy Ministers to sit or vote in the Senate.

7. Parliament may make laws for the peace, order and good government of Ceylon.

8. In the exercise of its power under Article 7 Parliament shall not make any law—

- (a) to prohibit or restrict the free exercise of any religion; or
- (b) to make persons of any community or religion liable to disabilities or restrictions to which persons of other communities or religions are not made liable; or
- (c) to confer on persons of any community or religion any privileges or advantages which are not conferred on persons of other communities or religions; or
- (d) to alter the constitution of any religious body except with the approval of the governing authority of that religious body.

9. An Act of Parliament shall be expressed to be enacted by the King and the Council of State of Ceylon.

10. (1) Parliament may repeal or amend any provision of any Order in Council in force in the Island immediately before the date of operation.

(2) Parliament may repeal or amend this Ordinance:

Provided that except where this Ordinance otherwise provides, or where a provision is made “until Parliament otherwise provides”—

- (a) This Ordinance shall not be deemed to be amended except by express words to that effect; and
- (b) No Bill for the amendment of this Ordinance shall be presented for the Royal Assent unless it has been assented to in the Council by not less than two-thirds of the whole number of the members thereof, excluding the Speaker or other presiding officer.

11. Parliament may make laws having extra-territorial operation, but unless the contrary intention appears an Act of Parliament shall be deemed to extend only to the Island and its territorial waters.

PART III.—THE COUNCIL OF STATE.

12. As soon as may be after the date of operation the Governor-General shall appoint a Delimitation Commission consisting of the Chief Justice or a Judge of the Supreme Court, who shall be Chairman, and two other persons who shall not be members of the State Council.

13. (1) The Delimitation Commission appointed under Article 12 shall divide each Province of the Island into a number of electoral districts ascertained as provided in clause (2) of this Article.

(2) The total number of persons who according to the census of 1931 were resident in the Province shall be ascertained to the nearest 75,000. In respect of each 75,000 of this number the Delimitation Commission shall allot one electoral

district to the Province and shall add a further number of electoral districts (based on the number of square miles in the Province at the rate of one additional electoral district for each 1,000 square miles of area calculated to the nearest 1,000) as follows :—

Western Province	..	..	1
Central Province	..	..	2
Southern Province	..	..	2
Northern Province	..	..	4
Eastern Province	..	..	4
North-Western Province	..	..	3
North-Central Province	..	..	4
Province of Uva	..	..	3
Province of Sabaragamuwa	..	..	2

(3) In dividing a Province into electoral districts the Delimitation Commission shall provide that each electoral district in the Province shall have as nearly as may be an equal number of persons, but shall also take into account the transport facilities of the Province, its physical features, and the community or diversity of interest of its inhabitants.

(4) The decisions of the Delimitation Commission shall be embodied in Regulations to be issued by the Governor-General and to take effect as if incorporated in this Ordinance.

14. (1) Within one year after the completion of every census the Governor-General shall appoint a Delimitation Commission consisting of the Chief Justice or a Judge of the Supreme Court, who shall be Chairman, and two other persons who shall not be members of the Council.

(2) In making appointments under this Article the Governor-General shall act in his discretion.

15. Article 13 of this Ordinance shall apply to a Delimitation Commission appointed under Article 14, subject to the modification that for the purposes of clause (2) thereof the total number of persons shall be ascertained not according to the census of 1931 but according to the last preceding census for the time being.

16. (1) Subject to Article 17, the Council shall consist of members elected by the electors of the several electoral districts constituted in accordance with this Ordinance.

(2) There shall be one member for each electoral district who shall be elected in accordance with the provisions of this Ordinance and of the Ceylon (Elections) Ordinance, 1944.

17. (1) Where after any general election it appears to the Governor-General that any important interest in the Island is inadequately represented he may appoint to the Council such number of members, not exceeding six, as he may think fit.

(2) When the seat of any member appointed under this Article falls vacant, the Governor-General may appoint a person to fill the casual vacancy.

(3) In the exercise of his functions under this Article the Governor-General shall act in his discretion.

18. Any person who is qualified to be an elector shall, unless he is disqualified under Article 19, be qualified to be elected or appointed to the Council.

19. No person shall be capable of being elected or appointed a member of the Council or of sitting or voting in the Council who—

(a) is a public officer or a judicial officer or Auditor-General ;

(b) directly or indirectly, by himself or by any person on his behalf or for his use or benefit, holds or enjoys any right or benefit under a contract made by or on behalf of the Crown in respect of the Government of Ceylon for the furnishing or providing of money to be remitted abroad or of goods or services to be used or employed in the service of the Crown in the Island, or receives or is a member of any incorporated or unincorporated body of less than 25 persons which receives, any grant from the public funds of the Island of such a nature that the award or amount of the grant is within the discretion of the Crown or of a public officer : Provided that this disqualification shall not be applied in respect of—

(i.) any contract for subscription to a loan issued to the public on advertised terms ; or

(ii.) any pension, gratuity or other benefit payable under the general law ; or

(iii.) any grant to a municipal council, urban council, or other public authority established by written law ; or

(iv.) any grant to a body whose purposes are mainly religious, charitable or educational ;

(c) is an uncertificated or undischarged bankrupt ; or

- (d) has been convicted by any Court in Ceylon of any offence made punishable by the Penal Code (other than an offence under Chapter VI thereof or the offence of abetting or conspiring to commit any such offence) and has been sentenced to a term of imprisonment of three months or longer in respect of that offence: Provided that, if seven years or more have elapsed since the termination of the imprisonment or the grant of a free pardon the person convicted shall not be incapable by reason only of such conviction of being elected or appointed a member of the Council or of sitting or voting in the Council;
- (e) is restrained of his liberty of movement or deprived of the management of his property by reason of mental disease; or
- (f) is incapable of being registered as an elector or of being elected as a member by reason of his conviction of a corrupt or illegal practice or by reason of the report of an election judge in accordance with the law for the time being in force relating to the election of members of the Council; or
- (g) would by reason of his conviction for a corrupt or illegal practice have been incapable of being elected as a member of the Legislative Council or of the State Council if the laws relating to election to those bodies had remained in operation; or
- (h) would by reason of the adjudication by a competent Court or by a Commission appointed with the approval of the State Council or of the Council of State or by a Select Committee of the State Council or of the Council of State to have accepted a bribe or gratification offered with a view to influencing his judgment as a member of the State Council or of the Council of State be incapable of being elected a member of the State Council (if the law relating to elections to that body remained in operation) or of the Council of State.

20. Except for the purpose of electing the Speaker of the Council, no member of the Council shall sit or vote therein until he shall have taken and subscribed before the Council the oath of allegiance in the form given in the Schedule, or shall have made and subscribed before the Council an affirmation in the corresponding form.

21. (1) A person shall be liable to a penalty of five hundred rupees for every day on which he shall sit or vote in the Council knowing or having reasonable grounds for knowing that he is disqualified by this Ordinance from so sitting or voting or that his seat has become vacant.

(2) The penalty imposed by this Article shall be recoverable by action in the District Court of Colombo instituted by any person who shall sue for it:

Provided that—

- (a) no such action may be instituted unless the leave of the District Judge of the Court shall first have been obtained;
- (b) if no steps in pursuit of the action have been taken by the person instituting the action for any period of three months after the action has been instituted, the action shall be dismissed with costs.

22. The seat of a member of the Council shall become vacant—

- (a) upon his death; or
- (b) if by writing under his hand addressed to the Speaker he shall resign his seat; or
- (c) if he shall become incapable of sitting or voting as a member by reason of any provision of this Ordinance; or
- (d) if he shall become the citizen or subject of any foreign State or Power or shall make any declaration or acknowledgment of allegiance to any foreign State or Power; or
- (e) if his election shall be vacated or made void by reason of the commission of any corrupt or illegal practice or by reason of the declaration, certificate or report of an election judge; or
- (f) if without the leave of the Council first obtained, he shall be absent from the sittings of the Council for a continuous period of three months; or
- (g) upon the dissolution of Parliament.

23. Members of the Council may be paid such allowances as may be authorised by law, and the receipt of any such allowances shall not disqualify a member from sitting or voting in the Council.

24. (1) As soon as may be after the making of Regulations under clause (4) of Article 13, the Governor-General shall by Proclamation dissolve the State Council and summon a Parliament in accordance with this Ordinance.

(2) After the dissolution of the State Council under this Article, and until the appointed day, Article 71 of the Ceylon (State Council) Order-in-Council, 1931, shall apply as if the dissolution were a dissolution under that Article and the appointed day were the next succeeding election of Executive Committees and appointment of Ministers.

25. (1) A Parliament shall remain in session until it is prorogued or dissolved by the Governor-General by Proclamation, and there shall be at least one session in every year.

(2) A Proclamation proroguing Parliament shall fix a date for the next session, not being more than four months after the date of the Proclamation :

Provided that at any time while Parliament stands prorogued the Governor-General may by Proclamation fix an earlier date for the next session or dissolve Parliament.

26. (1) A Proclamation dissolving Parliament shall summon a new Parliament to meet at a date not later than four months from the date of the Proclamation, and shall fix a date or dates for the election of members of the Council :

Provided that, if in the opinion of the Governor-General there arises after the dissolution of a Parliament an emergency of such a nature that an earlier meeting of Parliament is necessary, the Governor-General may by Proclamation summon the Parliament which has been dissolved and such Parliament may be kept in session until the meeting of the new Parliament.

(2) If a Parliament is not sooner dissolved by Proclamation, it shall be deemed to be dissolved at the expiry of five years from the date of the last dissolution of Parliament, and the Governor-General shall forthwith issue a Proclamation summoning a new Parliament.

27. The Council may adjourn from time to time, as it may determine by resolution or Standing Order, until Parliament is prorogued or dissolved :

Provided that during any adjournment for a period exceeding one month, the Speaker may convene a meeting of the Council for the transaction of any urgent business of public importance, in such circumstances as may be prescribed by Standing Orders.

28. The Council may transact business notwithstanding that there is any vacancy among the members or that any member is absent, but if the attention of the Speaker or presiding officer be drawn to the fact that there are fewer than twenty members present he shall, subject to any Standing Order of the Council, adjourn the sitting without question put.

29. (1) Subject to the provisions of this Ordinance, the Council may by resolution or Standing Order provide for the regulation of its business, the preservation of order at its sittings, the terms on which any remuneration or allowance authorised by law may be paid to members, and any other matter for which provision is made by this Ordinance.

(2) Until the Council otherwise provides, the practice and procedure of the Council shall be the same as the practice and procedure of the State Council, sitting in legislative session, in accordance with the Standing Orders in operation at the date of operation.

(3) So long as Government business is under discussion, no motion for the suspension of Standing Orders may be moved except with the consent of the Prime Minister or other representative of the Cabinet.

30. (1) The privileges, immunities and powers of the Council and of its members may be determined and regulated by Act of Parliament but no such privileges, immunities or powers shall exceed those for the time being held or enjoyed by the Commons House of the Parliament of the United Kingdom or of its members.

(2) Until Parliament otherwise provides, the privileges of the Council shall be the same as those of the State Council at the date of operation.

31. (1) The first business of the Council after a general election shall be the election of members to be respectively Speaker, Deputy Speaker and Chairman of Committees (hereinafter called the Deputy Speaker), and Deputy Chairman of Committees. Each member so elected shall hold office until the next dissolution of Parliament unless in the meantime he resigns his office or ceases to be a member of the Council. Whenever a vacancy occurs in the office of Speaker, Deputy Speaker or Deputy Chairman of Committees,

the first business at the first sitting of the Council after the occurrence of the vacancy shall be the election of a member to fill the vacancy.

(2) The Speaker or in his absence the Deputy Speaker, or in the absence of both of them the Deputy Chairman of Committees, shall preside at sittings of the Council. If none of them is present the Council shall elect a member to preside.

(3) There may be paid to the Speaker, the Deputy Speaker and the Deputy Chairman of Committees such emoluments as Parliament may decide, and the receipt of such emoluments shall not disqualify them from sitting or voting in the Council.

32. (1) The Clerk of Parliament shall be appointed by the Governor-General on the recommendation of the Speaker for the time being, and the members of his staff shall be appointed by the Speaker for the time being.

(2) The Clerk of Parliament and the members of his staff shall be incapable of being elected or appointed to or of sitting or voting in the Council.

(3) The Clerk of the State Council shall be the first Clerk of Parliament, and the members of the staff of the State Council shall be transferred to the service of Parliament.

(4) The first Clerk of Parliament and the members of his staff transferred under clause (3) shall, until Parliament otherwise provides, hold their appointments on as nearly as may be the same terms as those on which they were employed under the State Council.

PART IV.—THE GOVERNOR-GENERAL.

33. A Governor-General appointed by the King shall be His Majesty's representative in the Island, and shall have and may exercise in the Island during the King's pleasure, but subject to this Ordinance such powers and functions of the King as His Majesty may be pleased to assign to him :

Provided, however, that until His Majesty shall appoint a Governor-General the functions of the Governor-General under this Ordinance shall be exercised by the Governor.

34. The provisions of this Ordinance relating to the Governor-General shall extend and apply to the Governor-General for the time being or such person as His Majesty may appoint to administer the government of the Island. His Majesty may authorise the Governor-General to appoint any person to be his deputy within the Island for any period during which the Governor-General may be unable to exercise any of the functions of his office, and in that capacity to exercise for and on behalf of the Governor-General all such powers and authorities vested in the Governor-General as the Governor-General may assign to him.

35. There shall be charged upon the Consolidated Fund, as salary for the Governor-General, an annual sum of £8,000 sterling.

36. (1) Except as provided in this Ordinance the Governor-General shall after the appointed day exercise every function under this order in accordance with the constitutional conventions applicable to the exercise of a similar function in the United Kingdom by His Majesty.

(2) Where by or under this Ordinance the Governor-General is directed to exercise a function on the recommendation of a person, he shall not exercise that function except on such a recommendation, but may accept the recommendation or refer it back to that person for further consideration.

(3) Where by or under this Ordinance the Governor-General is directed to act in his discretion he shall refer the matter to the Prime Minister for advice but shall not be bound to accept such advice and may decide the matter in his discretion.

37. The Governor-General may assent in the King's name, or refuse such assent, to Bills passed in accordance with this Ordinance, and no Bill shall become law until it has received the Royal Assent.

38. An act of the Governor-General shall not be called in question in any Court on the ground only that he did or did not exercise it in accordance with clause (1) of Article 36, or on the recommendation of any person, or in his discretion.

PART V.—THE EXECUTIVE GOVERNMENT.

39. The executive power of Ceylon is vested in His Majesty, and is exercisable by the Governor-General acting in accordance with this Ordinance.

40. Until Parliament otherwise provides, there shall be ten Ministers, of whom one shall be Prime Minister, appointed by the Governor-General and responsible to the Council. The Ministers other than the Prime Minister shall be appointed on the recommendation of the Prime Minister.

41. The functions to be assigned to each Minister, shall be determined from time to time by the Prime Minister and published in the *Gazette*.

42. (1) The Governor-General on the recommendation of the Prime Minister may appoint Deputy Ministers to assist the Ministers in the exercise of their departmental and parliamentary duties.

(2) The number of Deputy Ministers shall not at any time exceed the number of Ministers appointed under Article 43.

43. A Minister or a Deputy Minister shall hold office during pleasure but may resign by notice to the Governor-General in writing under his hand.

44. Whenever a Minister or a Deputy Minister is from any cause whatever unable to perform any of the functions of his office, the Governor-General may appoint a person, whether or not he has already been appointed a Minister or a Deputy Minister, to act in the said Minister's stead, either generally or in the performance of any particular function. For the purpose of this Ordinance the person so appointed shall be deemed to be a Minister or a Deputy Minister, as the case may be.

45. A Minister or Deputy Minister may not hold office for a longer period than three months unless he is or becomes a member of the Council.

46. Ministers and Deputy Ministers shall be paid such salaries as may be determined by Parliament. The acceptance of such salary shall not disqualify any Minister or Deputy Minister from being a member of or sitting or voting in the Council.

47. A person appointed to be a Minister or a Deputy Minister shall, before entering on the duties of his office, take and subscribe before the Governor-General an oath in the following form, or shall make and subscribe before the Governor-General an affirmation in the corresponding form :

Form of Oath.

I, _____, do swear that I will well and truly serve His Majesty _____ in the office of Prime Minister/Minister (Deputy Minister) of _____.

48. The Ministers appointed under Article 40 shall constitute the Cabinet, and the Cabinet shall be charged with the general direction and control of the Government of Ceylon and shall be collectively responsible to the Council.

49. There shall be a Cabinet Office in charge of the Secretary to the Cabinet, who shall be appointed by the Governor-General on the recommendation of the Prime Minister. The Secretary to the Cabinet shall be responsible in accordance with instructions from the Prime Minister for summoning meetings of the Cabinet, arranging the business for such meetings, keeping the minutes, and conveying the decisions of the Cabinet to the appropriate persons or authorities.

50. (1) On the appointed day the general direction and control of any Department of Government which was, immediately before the appointed day, under the general direction and control of an Officer of State or of an Executive Committee shall be exercised by a Minister designated by the Prime Minister.

(2) As soon as may be after the appointed day, the Governor-General on the recommendation of the Prime Minister shall designate an officer to act temporarily as Permanent Secretary to each of the Ministers. The Permanent Secretary shall, subject to the general direction and control of his Minister, exercise supervision over the Departments of Government in the charge of his Minister.

(3) As soon as may be after the appointed day, the Governor-General shall by Regulation reorganise the Departments of Government in such manner that in respect of each Ministry there shall be a Permanent Secretary.

(4) For the purpose of this Article, the Department of the Auditor-General, the Office of the Clerk of Parliament and the Cabinet Office, shall be deemed not to be Departments of Government.

51. (1) Any reference in any law to the Chief Secretary, the Legal Secretary or the Financial Secretary shall after the appointed day be construed as a reference to the Minister to whom the function has been assigned under Article 41 : Provided that the Governor-General on the recommendation of the Prime Minister may direct that any function which is by such

law to be exercised by the Chief Secretary, the Legal Secretary or the Financial Secretary shall be exercised by a Permanent Secretary or other public officer.

(2) Any reference in any law to an Executive Committee shall after the appointed day be construed as a reference to the appropriate Minister.

(3) Any reference in any law to a Minister appointed under the Ceylon (State Council) Order-in-Council, 1931, shall be construed as a reference to the appropriate Minister under this Ordinance.

PART VI.—FINANCIAL PROVISIONS.

52. (1) Notwithstanding the revocation on the appointed day of the Ceylon (State Council) Order-in-Council, 1931, Articles 56 to 67 and Article 70 and 71 of that Order shall remain in force until the 30th September next after the appointed day, but subject to the following amendments :

(a) The functions of the State Council shall be exercised by the Council of State.

(b) The functions of the Governor shall be exercised by the Governor-General in accordance with Article 36 of this Ordinance.

(c) The functions of the Board of Ministers shall be exercised by the Cabinet.

(d) The functions of the Financial Secretary shall be exercised by the Minister of Finance.

(e) Any function of an Officer of State or of an Executive Committee shall be exercised by the Minister to whom the function has been assigned under Article 41.

(2) This Part of this Ordinance shall come into operation on the 1st October next after the appointed day, but without prejudice to the power of the Governor-General, the Public Services Commission or a Minister to take such action as may be necessary to bring this Part of this Ordinance into operation.

(3) Any Appropriation Ordinance passed by the State Council for the financial year next after the appointed day shall be deemed to be an Appropriation Act within the meaning of this Part of this Ordinance.

53. (1) There shall be an Auditor-General who shall be appointed by the Governor-General and shall hold office during good behaviour.

(2) The salary of the Auditor-General shall be fixed by law, shall not be altered during his term of office, and shall be charged on the Consolidated Fund.

(3) The office of Auditor-General shall become vacant—

(a) by his death ; or

(b) by his attaining the age of fifty-five years or such higher age as the Governor-General on the recommendation of the Public Services Commission may determine ; or

(c) by his resignation in writing addressed to the Governor-General ; or

(d) by his removal by the Governor-General on account of ill-health or physical or mental infirmity in the like circumstances and subject to the same conditions as a public officer in receipt of similar pensionable emoluments ; or

(e) by his removal by the Governor-General upon an address praying for his removal presented by the Council.

54. The funds of the Island not allocated by law to specific purposes shall form a single Consolidated Fund into which shall be paid the produce of taxes, imposts, rates and duties and all other revenues of the Island : Provided that where under any existing or future law a fund is created for specific purposes the income from that fund may be credited to that fund.

55. (1) The interest on the public debt and the costs, charges and expenses incidental to the collection, management and receipt of the Consolidated Fund shall be charged on the Consolidated Fund.

(2) No sum shall be withdrawn from the Consolidated Fund or any other Fund except by warrant from the Governor-General addressed to the Minister of Finance and countersigned by the Auditor-General.

(3) No warrant shall be countersigned by the Auditor-General unless he has satisfied himself, in the case of a sum to be withdrawn from the Consolidated Fund, that the sum has been charged upon the Consolidated Fund or has been appropriated by the Appropriation Act or a Supplementary Appropriation Act for the financial year during which the withdrawal is to take place, or, in the case of a sum to be withdrawn from any other Fund, that the withdrawal is authorised in accordance with the law applying to that Fund.

56. (1) No Bill, motion, resolution or vote for the disposal of, or for the imposition of charges upon, any part of the public revenue or other funds of the Island, or for the authorisation of any prior disposal of any part of such revenue or funds, or for the imposition or augmentation of any tax or for the repeal or reduction of any tax for the time being in force, shall be introduced in the Council except by a Minister, nor unless such Bill, motion, resolution or vote shall have received the prior approval of the Cabinet.

(2) In this Article "tax" does not include any tax raised by any local authority or body for a local purpose.

57. Where the Governor-General dissolves Parliament before the Appropriation Bill for the financial year has received the royal assent he may authorise the issue from the Consolidated Fund and the expenditure of such sums as he may deem necessary for the public services until the expiry of three months after the meeting of the new Parliament.

58. (1) The accounts of the office of the Clerk of Parliament, of the Public Services Commission and of every Department of Government shall be audited by the Auditor-General as soon as may be after the end of every financial year.

(2) The Auditor-General shall annually report to the Council on the exercise of his functions under this Ordinance.

PART VII.—THE PUBLIC SERVICES.

59. (1) There shall be a Public Services Commission consisting of three Commissioners (of whom one shall be designated Chairman) appointed by the Governor-General acting in his discretion.

(2) No person shall be or be appointed a Commissioner under this Article if he is a member of the Council, or is a candidate for election to the Council or is a public officer, and not more than one of the Commissioners may be a person holding a pension under the Minutes on Pensions or under any law relating to the pensions of public officers.

(3) The term of office of a Commissioner shall be five years but any Commissioner may be re-appointed: Provided that where a person is appointed to fill a casual vacancy in the Commission he shall hold office for the remainder of the period of five years, but may be re-appointed.

(4) A Commissioner may resign his office by notice in writing addressed to the Governor-General and may be removed by the Governor-General, acting in his discretion, for cause assigned.

(5) A Commissioner may be paid such remuneration as may be determined by Parliament but such remuneration shall not be diminished during his term of office and shall be charged on the Consolidated Fund.

60. There shall be a Secretary to the Public Services Commission appointed by the Governor-General on the recommendation of the Commission and such other staff to be appointed by the Commission as may be authorised by Parliament.

61. (1) Every new appointment to a public office not otherwise provided for in this Ordinance and carrying an initial salary of not less than Rs. 3,600 a year shall be made by the Governor-General on the recommendation of the Public Services Commission.

(2) The Public Services Commission may direct that any new appointment to a public office to which clause (1) of this Article does not apply or any class of such appointments, shall be made by the Governor-General on the recommendation of the Public Services Commission and the appointment or class of appointment shall thereafter be so made until the Public Services Commission otherwise directs.

(3) Any new appointment to a public office to which clause (1) or clause (2) of this Article does not apply shall be made by the Head of the Department in which the public office is held but shall be reported to the Public Services Commission and may be revoked by the Governor-General on the recommendation of the Commission.

62. (1) Any person who conspires or attempts to influence, or who influences any decision of the Public Services Commission or of any member thereof by means of any gift, promise or other inducement, or by any threat, shall be guilty of an offence punishable with a fine not exceeding one thousand rupees or one year's rigorous imprisonment or both.

(2) For the purposes of Chapter IX of the Penal Code a member of the Public Services Commission shall be deemed to be a public servant.

63. (1) Subject to this Ordinance any person holding office under the Crown in respect of the Government of Ceylon shall hold office at the pleasure of the Governor-General and

the promotion, transfer, dismissal and disciplinary control of persons in the public services shall be vested in the Governor-General.

(2) Subject to this Ordinance the Governor-General may delegate to any Minister or public officer, but subject to such conditions as he may prescribe, any power relating to the promotion, transfer, dismissal and disciplinary control of any class of persons in the public services.

64. (1) The Governor-General may, before the appointed day, make special regulations for the grant of pension or gratuity to any person in the public services, or any class of such persons, who hold office on the appointed day and who resigns within one year after the appointed day.

(2) All pensions and gratuities which have been granted to persons who have retired from the public services before the appointed day, or to the dependants of persons who have died before the appointed day, shall be governed by the law and regulations under which they were granted.

(3) All pensions and gratuities granted or regulated under this Article shall be charged on the Consolidated Fund.

PART VIII.—THE JUDICIAL AUTHORITIES.

65. (1) There shall be a Judicial Commission consisting of the Chief Justice as Chairman, the Attorney-General and one other person to be appointed by the Governor-General acting in his discretion, but subject to this Article.

(2) No person shall be appointed under clause (1) of this Article if he is a member of the Council or a candidate for election to the Council, or a public officer: Provided that for the purposes of this clause "public officer" shall not include the the Solicitor-General.

(3) The term of office of the person appointed under clause (1) of this Article shall be five years, but he may be re-appointed, may resign by notice under his hand to the Governor-General, and may be dismissed by the Governor-General, acting in his discretion, for cause assigned.

66. (1) The Chief Justice and the puisne Judges of the Supreme Court shall be appointed by the Governor-General acting in his discretion.

(2) The Chief Justice and the puisne Judges of the Supreme Court shall hold office during good behaviour and shall not be removed except by the Governor-General on an address from the Council: Provided that Parliament may provide by law an age of compulsory retirement.

(3) An appointment to a judicial office not otherwise provided for by this Article shall be made by the Governor-General on the recommendation of the Judicial Commission.

(4) For the purposes of this Article "appointment" includes an acting or a temporary appointment or a transfer from one judicial office to another and "appointed" has a corresponding meaning.

67. Any judicial officer may resign by notice in writing addressed to the Governor-General.

68. The salaries of the Chief Justice and the puisne Judges of the Supreme Court shall be determined by law and charged on the Consolidated Fund, and the salary of any such Chief Justice or Judge shall not be diminished during his term of office.

Schedule.

Form of Oath. (Article 20).

I, ----- do swear that I will be faithful and bear true allegiance to His Majesty -----, His Heirs and Successors according to law.

Object and Reasons.

This Ordinance seeks to provide a new Constitution for Ceylon, and is introduced in pursuance of the resolution of the State Council passed on November 24, 1944, directing the Ministers to prepare a Constitution of the recognized Dominion type for a Free Lanka.

S. W. R. D. BANDARANAIKE,
Minister for Local Administration.

November 27, 1944.