

CHAPTER VII

THE CENTRAL EXECUTIVE

The President of the Republic

55. (1) There shall be a President of the Republic of Sri Lanka, who is the Head of State and the Commander-in-Chief of the Armed Forces and who shall act on the advice of the Prime Minister as hereinafter provided.

President of the Republic.

(2) The President shall be responsible to Parliament for the due execution and performance of the powers and functions of the office of President under the Constitution and under any other law, including the law for the time being relating to public security.

56. (1) Any citizen who is qualified to be an elector under the Constitution shall be qualified for election by Parliament as the President.

Election of President.

(2) A citizen qualified under paragraph (1) of this Article shall be elected by Parliament as the President if not less than one-half of the whole number of Members of Parliament (including those not present) vote in favour of the citizen, in accordance with such procedure as may be provided for by law or Standing Orders, and, in the absence of such law or Standing Orders, in accordance with such procedure as may be determined by the Speaker.

(3) The person elected as President shall assume office, as the President upon making and subscribing the following affirmation or taking and subscribing the following oath before the Chief Justice or, in the absence of the Chief Justice, any other Judge of the Supreme Court:-

“I, do solemnly declare and affirm/swear that I will be faithful and bear true allegiance to the Republic of Sri Lanka, that I will uphold the Constitution of Sri Lanka and that I shall faithfully perform the duties and functions of the office of President of the Republic of Sri Lanka in accordance with the Constitution and with the law.”

(4) Upon the assumption of office, the President shall cease to hold any other office created or recognized by the Constitution and if the President is a Member of Parliament or a Regional Council, shall vacate the seat in Parliament or Regional Council, as the case may be, and shall not hold any other office or place of profit whatsoever.

57. (1) There shall be two Vice-Presidents of the Republic of Sri Lanka.

Vice-Presidents of the Republic.

(2) Every Vice-President shall be responsible to Parliament for the due execution and performance of the powers and functions of the office of Vice-President under the Constitution or other written law.

(3) The two Vice-Presidents shall be from different communities, each such community being different to the community of which the President is a member.

(4) Any citizen who is qualified to be an elector under the Constitution shall be qualified to be elected by Parliament as Vice-President.

(5) A citizen qualified under paragraph (4) of this Article shall be elected by Parliament as Vice-President if –

- (a) a majority of the Members of Parliament sitting and voting; and
- (b) a majority of the Members of Parliament of the community of which such citizen is a member, sitting and voting,

vote in favour of the citizen, in accordance with such procedure as may be provided for by law or Standing Orders, or in the absence of such law or Standing Orders, in accordance with such procedure as may be determined by the Speaker.

(6) The provisions of Articles 56 (3) , 56(4), 60, 62(1), 62(3) and 62(4) relating to the President shall, *mutatis mutandis*, apply to every Vice-President.

Powers of
President.

58. In addition to the powers and functions expressly conferred on or assigned to the President by the Constitution or by any written law, the President shall have the power-

- (a) to make the Statement of Government Policy in Parliament at the commencement of each session of Parliament;
- (b) to preside at ceremonial sittings of Parliament;
- (c) to summon, prorogue and dissolve Parliament;
- (d) to appoint the Prime Minister, the other Ministers of the Cabinet of Ministers, Deputy Ministers and Governors of Regions ;
- (e) to receive and recognize, appoint and accredit, Ambassadors, High Commissioners, Plenipotentiaries and other diplomatic agents;
- (f) to keep the Public Seal of the Republic, and to make and execute under the Public Seal, the acts of appointment of the Prime Minister and other Ministers of the Cabinet of Ministers, the Deputy Ministers, the Governors of Regions, the Chief Justice and the President of the Court of Appeal, the other Judges of the Supreme Court and the Court of Appeal and the Judges of the Regional High Courts, such grants and dispositions of lands and immovable property vested in the Republic as the President is by law required or empowered to do, and to use the Public Seal for sealing all things whatsoever that shall pass that Seal;

- (g) to declare war and peace ;
- (h) to appoint as President's Counsel, attorneys-at-law who have achieved eminence in the profession and have maintained high standards of conduct and professional rectitude;
- (i) to declare a state of emergency within a Region and to dissolve a Regional Council, in accordance with the provisions of the Constitution ; and
- (j) to do all such acts and things, not being inconsistent with the provisions of the Constitution or written law as by international law, custom or usage a Head of State is required or authorized to do.

59. (1) The President may, in the case of any offender convicted of any offence in any court within the Republic-

Grant of Pardon.

- (a) grant a pardon either free or subject to lawful conditions ;
- (b) grant any respite either indefinite or for such period as the President may think fit, of the execution of any sentence passed on such offender;
- (c) substitute, a less severe form of punishment, for any punishment imposed on any such offender ;
- (d) remit the whole or any part of any punishment imposed, or of any penalty or forfeiture otherwise due to the Republic, on account of such offence.

(2) The President shall exercise power under paragraph (1) of this Article in consultation with a committee consisting of the Chief Justice or a Judge of the Supreme Court nominated by the Chief Justice, the Minister of the Cabinet of Ministers in charge of the subject of Justice or an official nominated by the Minister and the Attorney-General or an officer of the Attorney-General's Department nominated by the Attorney-General.

(3) Where any offender shall have been condemned to suffer death by the sentence of any court, the President shall, before the exercise of the power conferred under paragraph (1) of this Article, cause a report to be made to the President by the Judge who tried the case.

(4) The President may in the case of any person who is or has become subject to any disqualification specified in any law relating to the election of Members of Parliament and Members of Regional Councils—

- (a) grant a pardon, either free or subject to lawful conditions; or
- (b) reduce the period of such disqualification.

Immunity of President from suit.

60. Any proceedings of whatever nature, shall not be instituted on any grounds whatsoever or continued against the President in any court, tribunal or institution in respect of anything done or omitted to be done by the President in the official capacity of the President.

Salary, Allowances and Pension of the President.

61. (1) (a) Parliament shall by resolution determine the salary, allowances and pension entitlements, respectively, of the holders of the offices of President and Vice-President.

(b) The pension entitlement determined under sub-paragraph (a) of this paragraph shall be in addition to any other pension to which such person is entitled by virtue of any prior service.

(2) The salary, allowances and pension of the President and the two Vice-Presidents shall be charged on the Consolidated Fund of Sri Lanka.

(3) Parliament may by resolution increase, but shall not reduce, the salary, allowances or pension entitlement respectively, of the holders of the offices of President and Vice-President.

Term of office and vacation of office by President.

62. (1) Subject to the provisions of paragraph (2) of this Article, the President shall hold office for a period of five years commencing with the date on which the President assumes office, but notwithstanding the expiration of this period, the President shall remain in office until the next President assumes office.

(2) Any person who has been twice elected to the office of President in accordance with the provisions of this Chapter shall not be qualified thereafter to be elected to such office by Parliament.

(3) The office of President of the Republic of Sri Lanka shall become vacant –

- (a) upon the death of the President ; or
- (b) on the President resigning from the office of President by writing addressed to the Speaker; or
- (c) on a unanimous decision by a committee consisting of the Speaker, Prime Minister and Leader of the Opposition that the President is permanently incapable of discharging the functions of the office of President by reason of mental or physical infirmity ; or
- (d) on Parliament passing, by at least two-thirds of the whole number of members of Parliament (including those not present) voting in its favour, a resolution of no-confidence against the President, introduced by any Member by a written notice addressed to the Speaker and signed by such Member and by at least half the total number of Members of Parliament.

(4) If the office of President becomes vacant prior to the expiration of the term of office of the President, Parliament shall elect a successor to the President vacating office, within one month of the occurrence of the vacancy, and the person so succeeding to the office of President shall hold office only for the unexpired period of the term of office of the President vacating office.

63. (1) The President shall always, except in the case of the appointment of the Prime Minister or as otherwise required by the Constitution, act on the advice of the Prime Minister, or of such other Minister of the Cabinet of Ministers to whom the Prime Minister may have given authority to advise the President on any particular function assigned to that Minister.

President to act on advice.

(2) Any court, tribunal or institution shall not have the power or jurisdiction to inquire into, pronounce upon or in any manner call in question any act or omission on the part of the President on the ground that the provisions of paragraph (1) of this Article have not been complied with.

64. (1) (a) Whenever the President is prevented by illness or any other cause from performing the duties of the office of President, or is absent from the Republic, or during any period in which the office of President is otherwise vacant, the two Vice-Presidents shall act in the office of President of the Republic of Sri Lanka, in rotation, the Vice-President belonging to the community which is numerically the greater acting in such office on the first occasion and so on.

Temporary vacation of office of President.

(b) Such person shall, before assuming office, make and subscribe the affirmation or take and subscribe the oath in the form and manner prescribed in Article 56.

(2) Any person acting in the office of the President of the Republic of Sri Lanka shall not continue to act after the President or some other person having prior right to act in such office has notified that the President or other person, as the case may be, has resumed or assumed or is about to resume or assume such office.

(3) The provisions of the Constitution relating to the President shall apply, in so far as they can be applied, to an acting President.