

CHAPTER VIII

THE CENTRAL EXECUTIVE

The President and the Cabinet of Ministers

65. (1) There shall be a Cabinet of Ministers charged with the direction and control of the matters for which they are responsible, including the exercise of —

The Cabinet of Ministers.

- (a) the executive power of the Republic ;
- (b) the executive power vested in the Central Government by the Constitution ;
- (c) the executive power in relation to the subjects and functions enumerated in List 1 of the Second Schedule,

and who shall be collectively responsible to Parliament therefor.

(2) (a) Of the Ministers, one who shall be the Head of the Government and of the Cabinet of Ministers, shall be the Prime Minister.

(b) The President shall appoint as Prime Minister, the Member of Parliament who is most likely to command the confidence of Parliament.

(c) The Prime Minister shall assume office upon making and subscribing the following affirmation or taking and subscribing the following oath :—

“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 Prime Minister in accordance with the Constitution and with the law.”

66. Upon the death or the resignation of the Prime Minister or where the Prime Minister is deemed to have resigned, the President shall appoint a Prime Minister in terms of Article 65, and the provisions of that Article shall apply to such appointment.

Appointment of a Prime Minister on the death or resignation of a Prime Minister.

67. (1) The Prime Minister shall determine the number of Ministers and Ministries and the assignment of subjects and functions to Ministers.

Ministers and their subjects and functions.

(2) The President shall, on the advice of the Prime Minister, appoint from among the Members of Parliament, Ministers to be in charge of the Ministries so determined, and the Prime Minister shall, in tendering such advice, have regard to the need to ensure the representation of all the major communities in the Cabinet of Ministers.

(3) The Prime Minister may, at any time, change the assignment of subjects and functions and recommend to the President changes in the

composition of the Cabinet of Ministers and such changes shall not affect the continuity of the Cabinet of Ministers, including the continuity of its responsibility to Parliament.

68. (1) The President shall, on the advice of the Prime Minister, appoint from among the Members of Parliament, Deputy Ministers to assist the Ministers in the performance of their duties pertaining to Parliament and to their departments and to exercise and perform such powers and duties of the Ministers under written law as may be delegated to such Deputy Ministers under paragraph (2) of this Article.

Deputy
Ministers.

(2) A Minister of the Cabinet of Ministers may, by Notification published in the *Gazette*, delegate to a Deputy Minister of the Minister, any of the powers or duties conferred or imposed on the Minister by any written law, and it shall be lawful for the Deputy Minister to exercise or perform any power or duty so delegated, notwithstanding anything to the contrary in the written law by which that power or duty is conferred or imposed on the Minister.

69. A Minister or a Deputy Minister shall continue to hold office throughout the period during which the Cabinet of Ministers continues to function under the provisions of the Constitution unless the Minister or Deputy Minister —

Tenure of office
of the Ministers
and Deputy
Ministers.

- (a) is removed by a writing under the hand of the President ; or
- (b) resigns from office by a writing addressed to the President ; or
- (c) save as in the circumstances set out in Article 70, ceases to be a Member of Parliament.

70. The Cabinet of Ministers functioning immediately prior to the dissolution of Parliament shall, notwithstanding such dissolution, continue to function during the period intervening between such dissolution and the conclusion of the General Election.

Cabinet of
Ministers after
dissolution of
Parliament.

71. (1) On the death or resignation of the Prime Minister or when the Prime Minister is deemed to have resigned, the Cabinet of Ministers shall stand dissolved and the other Ministers shall cease to hold office.

Dissolution of
the Cabinet of
Ministers.

(2) The provisions of paragraph (1) of this Article shall not operate, if the death or resignation of the Prime Minister occurs in the period referred to in Article 70 and in that event, the Cabinet of Ministers shall continue to function with the other Ministers as its members until the expiration of that period and the President shall appoint one from among such Ministers to be the Prime Minister.

(3) If on the death or resignation of the Prime Minister in the period referred to in Article 70 there is no other Minister, the President shall exercise and perform the powers and functions of the Cabinet of Ministers functioning under Article 70 until the conclusion of the General Election.

Resignation of the Prime Minister.

72. (1) The Prime Minister may resign from the office of Prime Minister by a writing addressed to the President.

(2) The Prime Minister shall be deemed to have resigned —

(a) at the conclusion of a General Election ; or

(b) if Parliament rejects the Appropriation Bill or the Statement of Government Policy or Parliament passes a vote of no-confidence in the Government.

Acting Ministers and Acting Deputy Ministers.

73. Whenever a Minister or a Deputy Minister is unable to perform the functions of the office of Minister or Deputy Minister, the President may appoint any Member of Parliament to act in place of such Minister or Deputy Minister.

Secretary to the Cabinet of Ministers.

74. (1) There shall be a Secretary to the Cabinet of Ministers who shall be appointed by the President.

(2) The Secretary shall, subject to the directions of the Prime Minister, have charge of the office of the Cabinet of Ministers, and shall discharge and perform such other duties and functions as may be assigned to the Secretary by the Prime Minister or the Cabinet of Ministers.

Secretaries to Ministries.

75. (1) There shall be for each Ministry, a Secretary who shall be appointed by the President.

(2) The Secretary to a Ministry shall, subject to the direction and control of the Minister, exercise supervision over the Departments of Government or other institutions in the charge of the Minister of the Cabinet of Ministers.

(3) The Secretary to a Ministry shall cease to hold office upon the dissolution of the Cabinet of Ministers under the provisions of the Constitution or upon a determination by the Prime Minister under Article 67 which results in such Ministry ceasing to exist.

(4) Where the Secretary to a Ministry ceases to hold office under paragraph (3) of this Article, the Cabinet of Ministers may, subject to paragraphs (5), (6) and (7) of this Article, appoint such Secretary to any other post in the Public Service.

(5) A person who immediately prior to appointment as Secretary to a Ministry was in the service of the State or in the service of any public

corporation shall be deemed to have been temporarily released from such service and shall be entitled to revert to such service without loss of seniority upon the person ceasing to hold office under paragraph (3) of this Article.

(6) Paragraph (5) of this Article shall, *mutatis mutandis*, apply to a Secretary to a Ministry upon —

- (a) the President terminating the services of the Secretary, otherwise than by dismissal or on disciplinary grounds ; or
- (b) the resignation of the Secretary from office, unless disciplinary proceedings are pending or contemplated against the Secretary on the date of the resignation.

(7) For the purposes of paragraphs (4), (5) and (6) of this Article any person who has continuously held the office of Secretary to the President, Secretary to the Prime Minister, Secretary to a Ministry or any other office in the President's or Prime Minister's staff or any one or more of such offices shall be deemed to have continuously held the office which such person last held prior to such appointment.

(8) For the purpose of this Article, the Office of the Secretary-General of Parliament, the Office of the Elections Commission, the Department of the Auditor-General, the Office of the Secretary to the Cabinet of Ministers, the Office of the Parliamentary Commissioner for Administration (Ombudsman) and the Office of the Commission to Investigate Allegations of Bribery or Corruption shall be deemed not to be departments of Government.

Official Oath.

76. Any person appointed to any office referred to in this Chapter shall not enter upon the duties of that office unless the person makes and subscribes the affirmation or takes and subscribes the oath set out in the Fifth Schedule.