

First Report of the Constitutional Council from July 2015 to November 2015

Establishment of the Council

The Constitutional Council was established as per the 19th Amendment to the Constitution. The 19th Amendment to the Constitution was certified by the Hon. Speaker on 15th May, 2015 and was published in the gazette on the same day.

Composition of the Council

As set out in Article 41 A (1) of the Constitution, the Constitutional Council shall consist of the following members;

- (a) the Prime Minister
- (b) the Speaker
- (c) the Leader of the Opposition in Parliament
- (d) one Member of Parliament appointed by the President
- (e) five persons appointed by the President, on the nomination of both the Prime Minister and the Leader of the Opposition of whom two persons shall be Members of Parliament: and
- (f) one Member of Parliament nominated by agreement of the majority of the Members of Parliament belonging to political parties or independent groups, other than the respective political parties or independent groups to which the Prime Minister and the Leader of the Opposition belong, and appointed by the President.

Chairman of the Council

As per Article 41A (2), the Speaker shall be the Chairman of the Council.

Appointments to the Council

In pursuance of 41A (1)(d), one member of the Council shall be appointed by the President. Under Article 41 A(1)(d), His Excellency the President, through his letter dated 07 September 2015 notified the Hon. Speaker that he had appointed Colombo District Member of Parliament, the Minister of Megapolis and Western Development, Hon. Patali Champika Ranawaka to the Constitutional Council.

Article 41(A) (4) states as follows. “ In nominating the five persons referred to in subparagraph (e) of paragraph (1), the Prime Minister and the Leader of the Opposition shall consult the leaders of political parties and independent groups represented in Parliament so as to ensure that the Constitutional Council reflects the pluralistic character of Sri Lankan society, including professional and social diversity. Prime Minister Hon. Ranil Wickremesinghe and the Leader of the Opposition, Hon. R. Sampanthan in a letter signed by them addressed to the Hon. Speaker notified him that the following two Members of Parliament have been nominated under Article 41(A) (1) (e) as members of the Constitutional Council and the Hon. Speaker conveyed same to His Excellency the President on 21 September 2015. Accordingly, His Excellency the President appointed the following two Members of Parliament to the Constitutional Council.

Hon. Dr. Wijeyadasa Rajapakshe, Minister of Justice and Buddha Sasana

Hon. Vijitha Herath

The Prime Minister, Hon. Ranil Wickremesinghe and the Leader of the Opposition, Hon. R. Sampanthan in a letter signed by them addressed to the Hon. Speaker notified him that the following three persons who are not Members of Parliament have been nominated under Article 41(A) (1) (e) of the Constitution as members of the Constitutional Council and the approval of the Parliament was obtained as per Article 41A(5) of the Constitution to appoint the said three persons to the Constitutional Council. The Hon. Speaker informed His Excellency the President on 22 September 2015 of the approval of Parliament. Accordingly, His Excellency the President appointed the following three persons who are not Members of Parliament to the Constitutional Council.

Dr. A.T.Ariyaratne

Mr. Shibly Aziz, P.C

Dr. (Ms.) Radhika Coomaraswamy

As per Article 41A (1) (f), one Member of Parliament nominated by agreement of the majority of the Members of Parliament belonging to political parties or independent groups other than the respective political parties or independent groups to which the Prime Minister and the Leader of the Opposition belong, shall be appointed to the Constitutional Council by the President. Accordingly, Hon. W.D.J. Senewiratne, Minister of Labour and Trade Unions Relations, was nominated for appointment to the said Council by a letter signed by the leaders of the recognized political parties in Parliament other than those to which the Prime Minister and the Leader of the Opposition belong and that nomination was conveyed to His Excellency the President by the Hon. Speaker on 22nd September 2015. Hon. John Senewiratne was appointed to the Constitutional Council by His Excellency the President accordingly.

Members of the Council

Hon. Karu Jayasuriya (The Speaker)- Chairman

Hon. Ranil Wickremesinghe, (The Prime Minister)

Hon. R.Sampanthan, (The Leader of the Opposition)

Hon. Patali Champika Ranawaka

Hon. (Dr.) Wijeyadasa Rajapakshe

Hon. Vijitha Herath

Hon. W.D.J. Senewiratne

Dr. A.T. Ariyaratna

Mr. Shibly Aziz, P.C

Dr.(Mrs). Radhika Coomaraswamy

Meetings of the Council

As per Article 41E (1) it has been stated that the Council shall meet at least twice every month and as often as may be necessary to discharge the functions assigned to it. Hence, this Council met on 03rd July 2015, 09th July 2015, 10th September 2015, 21st September 2015 and 23rd September 2015, 09th of October 2015, 14th of October 2015, 22nd of October 2015, 04th of November 2015, 06th of November 2015, 09th of November 2015, 19th of November 2015, 23rd of November 2015 and 24th of November 2015.

Decisions taken by the Council

- 1) The Council that met on 09th July 2015 decided to provide the opportunity for professionals in a wide range of fields such as engineers and architects to represent Commissions when appointments are made to the Commissions in addition to Attorneys –at- Law.
- 2) The Council that met on 10th of September 2015 emphasized the need to establish the Public Service Commission, Commission to Investigate Allegations of Bribery or Corruption and National Police Commission as soon as possible and accordingly, it was decided to provide the opportunity to the leaders of recognized political parties and professional and civil organizations to make nominations for those Commissions before 20th September 2015.

- 3) It was decided by the Council that met on 21st of September 2015 to provide the members of the Constitutional Council as well the opportunity to make nominations for the Commissions. At the same time, it was decided to extend the period for making nominations for the Commissions up to 30th September 2015.
- 4) The Council also decided to appoint Mr. Dhammika Dasanayake as the Acting Secretary General of the Constitutional Council.

Method of Calling for Nominations

Instructions were given to perfect the due form for nominations and send them to be received on or before 30th September 2015. Accordingly, the total number of nominations received from individuals and organisations were 482.

- (a) Members of the Constitutional Council-191
 - (b) Leaders of recognized political parties- 9
 - (c) Organization of Professional Associations-160
 - (d) Federation of University Teachers – 9
 - (e) Sri Lanka Federation of University Women -5
 - (f) Other organizations and individuals – 108
- 5) Members of the Constitutional Council who met on the 23rd of September 2015 decided to assign the task of preliminary evaluation for selection of Chairmen and members to be appointed to the Commissions, to a subcommittee comprising of the members of the Constitutional Council who represent the civil society.

Procedure adopted in selecting the Chairpersons and Members of the Commissions

In Selecting the Chairpersons and members it was decided to conduct both a quantitative and qualitative evaluation.

A Qualitative Analysis of the applications for posts of Commissioners under the Constitution and/or relevant legislation was also conducted by the sub committee and later by the Council as a whole.

The Criteria Used in the Qualitative Analysis

1. Selection was limited only to applications received by the Secretary General of Parliament as per procedure agreed upon by the Constitutional Council. The individuals had to be nominated by authorized groups or individuals.

2. Selection was based on the requirements for each Commission as spelled out in the Constitution or the appropriate legislation.
 3. The most important criteria were integrity, independence and non-partisanship.
 4. The second most important criterion was professional experience that was relevant for the work of the Commission. Though there were many eminent personalities who applied many of them did not have the qualifications or the experience necessary for the work of the particular Commission.
 5. The third criterion was to look for people who were above average in their field, who showed outstanding qualities and leadership in important institutions or positions.
 6. Maturity was also a factor as experience was essential but younger candidates were also included who could bring new ideas to the working of the Commission
 7. Diversity was another factor that was taken into consideration- diversity in terms of ethnicity and gender in particular so that a proper balance was constituted in the membership.
 8. The word “well respected” was used in certain cases – the three members of civil society shortlisting candidates belong to very different constituencies and disciplines. All individuals selected are those who were felt by the subcommittee would enjoy the confidence of these constituencies and the public in general.
 9. Since there was a great deal of public criticism of Commissions in the past, attempts were made to include new nominees who have not been on any particular Commission in recent years.
 10. A quantitative assessment has also been done by the secretariat but it was found that those who scored the highest marks were those with numerous academic qualifications and participation in a variety of professional organisations. Those who have extensive experience in the actual areas covered by the Commissions as well as younger applicants did not score very high marks. The Council decided how to proceed on this matter.
 11. All decisions were unanimous and based on consensus.
- 6). Dr (Mrs.) Radhika Coomaraswamy also proposed to ensure an adequate female representation in the Commissions.

- 7). The Council having examined the allowances paid to the members of Commissions emphasized the need of revising the aforesaid allowances and decided to recommend revisions to the aforesaid allowances after having discussed with the officials of the Ministry of Finance. Hence, subsequent to discussions with the secretary to the Ministry of Finance, the Council decided to recommend an allowance of Rs.150,000/= and an official vehicle for a full time Chairman of a Commission, a monthly allowance corresponding to the current market price of 225 litres of petrol or diesel in respect of the official vehicle allocated to a Chairperson of a Commission, an allowance of Rs.100,000/- to a member other than a Chairperson of a Commission, and a transport allowance of Rs. 25,000/- to a member of a Commission other than a Chairperson of a Commission and a Rs.5000/= telephone and internet allowance to the Chairpersons and the members of Commissions.
- 8). The Council also decided to adopt the same criteria adopted by the Constitutional Council established under the 17th Amendment to the Constitution in approving the appointments recommended by the President for offices in the schedule of the Article 41 (C) of the Constitution as per a suggestion made by Hon. Shibly Aziz, P.C and at the meeting of the Council on 09th of November 2015, it was decided to forward the decision of the Council to HE the President. Accordingly, the decision of the Council was informed to the Secretary to the President.

The criteria are as follows;

(a) Chief Justice

- i) A Judge of the Supreme Court(generally the most senior)
- ii) The Attorney- General
- iii) A practitioner at the unofficial Bar who
 - a) has at least 30 years standing at the Bar and
 - b) has a successful practice; and
 - c) is held in high regard by the Judges and the legal profession

A person in categories (ii) or (iii) shall not be above the age of 62 years.

(b) Judges of the Supreme Court

A person of outstanding ability who has at least twenty five years standing at the Bar as an Attorney-at- Law and is;

- i) A Judge of the Court of Appeal (normally in order of seniority)
- ii) A practitioner at the unofficial Bar who has a successful practice and is held in high regard by the Judges and the legal profession
- iii) A member of the Official Bar who has at least held the office of Solicitor-General
- iv) (a) the Secretary to the Ministry of Justice
(b) the Legal Draftsperson

- (c) a jurist or person of high academic attainments in the field of law that in the case of (a) (b) and (c) such person
 - (i) has made a significant contribution to the development and advancement of the law; and
 - (ii) is held in high regard by Judges and the legal profession

A person in categories ii),iii) and iv) should not be over 62 years of age.

(c). President of the Court of Appeal

- i). A Judge of Court of Appeal (normally the most senior Judge)
- ii). a. Possess a service experience of a minimum 25 years as an Attorney- at- Law
 - b. Have a successful professional career
 - c. A practitioner of the unofficial Bar who is held in high regard by Judges and in the profession of law.
- iii). a. Possess a minimum service experience of 25 years as an Attorney- at- Law
 - b. Have permanently held at least a position of Solicitor General
 - c. A member of the official Bar who is held in high regard by the Judges and in the profession of law.

Persons belonging to categories ii) and iii) should not have exceeded the age of 60.

(d). Judges of the Court of Appeal

A person of outstanding ability who has a minimum of 20 years experience as an Attorney- at –Law and;

1. A High Court Judge (normally in order of seniority)
2. A practitioner at the Unofficial Bar who is held in high regard by the Judges and in the profession of law and must have a successful professional career
3. A member of official Bar and have permanently held at least a position of Deputy Solicitor General
4. a).The secretary of the Ministry of Justice
 - b). The secretary of the Judicial Service Commission
 - c). The Legal Draftsperson
 - d). A jurist of high academic attainments in the field of law
 In case of a), b), c) and d) such a person,
 - i) has made a significant contribution to the development and advancement of the law and
 - ii) is held in high regard by the Judges and the legal profession.

A person in to categories 2, 3 and 4 should not have exceeded the age of 60.

(e). Members of the Judicial Service Commission

The two most senior Judges of the Supreme Court are approved to be appointed as the members of the Judicial Service Commission. However, in the event where both the Chairman and the most senior Justice are not career Judicial Officers, the most senior career Judge will be approved to be appointed as a member of the Judicial Service Commission when there is a possibility to obtain the service of a career Judge.

(f) Attorney General

- (i) A Judge of the Supreme Court
- (ii) The Solicitor General
- (iii) A person who has held the permanent post of Additional Solicitor General (normally in order of seniority)
- (iv) (a) a practitioner at the unofficial Bar with a minimum of 30 years experience
(b) having a successful career; and
(c) is held in high regard by the Judges and the profession of law

(g) Auditor General

- (i) A Deputy Auditor General who
 - (a) holds a degree from a recognized university (preferably in Economics, Law or Mathematics)
 - (b) is a member of the Institute of Chartered Accountants of Sri Lanka (ACA)
 - (c) has 5 years post qualification experience in an executive grade position in the public sector
- (ii) A Deputy Auditor General with a minimum service period of 25 years in the Auditor General's Department
- (iii) (a) A person who holds a degree from a recognized university (preferably in Economics, Law or Mathematics)
(b) is a member of the Institute of Chartered of Sri Lanka (ACA)
(c) has 15 years post qualification experience in an executive grade position in accounting, auditing, finance control or monitoring (at least 10 years of such experience should be in the public sector)

(h) Inspector General of Police

A senior Deputy Inspector General of Police (normally the most senior) who has had

- i) a continuous service in the Police Force
- ii) has completed 10 years of service in a gazetted post in operational area duties (It should include a minimum of two service periods of not less than one year serving as an officer in charge of a police division)

- (iii) has a service of 5 years in a gazetted post in one or more Special Duty Divisions (eg.: Criminal Investigation Division, Field Force Headquarters, Administration of Supplies and Services Headquarters)
- (iv) 5 years of continuous service as a Deputy Inspector General or Senior Deputy Inspector General including a service period of not less than 1 year as a Deputy Inspector General in charge of a Range.

Completing a service period in a gazetted post in the field of Intelligence would be an additional qualification

(i) Parliamentary Commissioner for Administration (Ombudsman)

- (i) A retired Judge of the Supreme Court or the Court of Appeal
- (ii) A person having
 - (a) a service of 20 years as an Attorney- at- Law; and
 - (b) a knowledge and experience in laws and practice related to the subjects of
 - 1. Fundamental rights; and
 - 2. Law of administration on natural justice
- (iii) A person who has
 - (a) held a reputed position in public life and
 - (b) a knowledge and experience related to acts of human rights violations and other injustices by government officers and officers of public corporations, Local Government Bodies and similar institutions

(j) Secretary General of Parliament

- (i) The Deputy Secretary General of Parliament
- (ii) Should be a person;
 - (a) with a degree from a recognized university (preferably in law); and
 - (b) with 25 years of experience as an Attorney- at- Law;
 - (c) has an intimate knowledge of
 - 1. Standing Orders of Parliament
 - 2. Constitutions of Sri Lanka since independence
 - 3. the composition of the Parliament Secretariat and its branches.
 - (d) with working knowledge in
 - 1. Election laws since independence
 - 2. Procedures of the Commonwealth and other legislative bodies
 - 3. Public administration, financial regulations and treasury circulars applicable to the administration of Government Departments and institutions;
 - (e) and particularly with the ability to

1. assist in legislative drafting including laws related to Private Bills and amendments at Committee stage
 2. function as the secretary to the Special Committees including the Committee on Public Accounts and the Committee on Public Enterprises and select committees.
9. It was also decided to inform the Secretary to the President to send the biographical details of all the nominees considered for recommendation to the offices specified under Article 41 (C) (1) of the Constitution when nominees are recommended by the President for the said offices, to be referred to the Council for its information. The decision of the Council was communicated to the Secretary to the President by the Acting Secretary General of the Constitutional Council.

Recommendations and approvals of Council during the period under review

(a) Commissions

The Council recommended the following appointments;

(i) The Commission to Investigate Allegations on Bribery or Corruption

Mr. Titus Bodhipala Weerasuriya (Chairman)
Mr. W. Lal Ranjith Silva
Mr. Chandranath Nevil Guruge

(ii) Human Rights Commission in Sri Lanka

Dr (Ms) Nelum Deepika Udagama (Chairperson)
Mr. Saliya Kithsiri Mark Peiris
Mr. Hameed Gazali Hussain
Ms. Ambika Sathkunathan
Mr. Upananda Vidanapathirana

(iii) National Police Commission

Prof. S.T. Hettige (Chairman)
Mr. P.H. Manathunga
Ms. Savithri Darshini Wijesekara
Mr. Anton Benedict Jeyanathan
Mr. Y.L.M. Zawahir
Mr. Don Thilak Padmanabha Collure
Mr. Trevor Percival Frank de Silva

(iv) Public Service Commission

Mr. Dharmasena Dissanayake (Chairman)
Mr. Abdul Salam Abdul Waid
Ms. Dharani Wijayathilake
Mr. Pratap Ramanujam
Ms. Vijeyalakshmi Jegarasasingham
Mr. Santi Nihal Seneviratne
Mr. Sugathadasa Ranugge
Mr. D.L. Mendis
Mr. S.A.C. Sarath Wijewardana Jayathilaka

(v) Election Commission

Mr. Waduge Warunasiri Mahinda Deshapriya (Chairman)
Mr. Nalin Jayantha Abeysekera
Mr. Samuel Ratnajeevan Hoole

(vi) Delimitation Commission

Mr. Thavalingam Kanagaratnam (Chairman)
(Dr.) (Ms.) Anila Dias Bandaranaike
(Prof.) Shahul Hameed Hasbullah

(vii) Finance Commission

Mr. Uditha Harilal Palihakkara (Chairman)
Mr. Velupillai Kanagasabapathy
Dr. Hareed Mohamed Zafrulla
Mr. Arjuna Mahendran- Governor of the Central Bank- Ex-officio member
(Dr.) R.H.S. Samarathunga, Secretary to the Treasury, Ex-officio member

viii) Audit Service Commission

Mr. H.M. Gamini Wijesinghe- Auditor General- Ex-officio Chairman
Mr. Nihal Sunil Rajapaksa
Mr. Illangakoonge Gamini Abeyratne
Mr. Vellupillai Kandasamy
Mr. Wewala Appuhamilage Somapala Perera

ix) National Procurement Commission

Mr. Boosa Baduge Nihal Indunath Fernando Abeysundara Wickramasuriya
(Chairman)

Mr. Anthony Nihal Fonseka

Ms. Dona Enfeeda Rangani ChithralathaWedikkara

Mr. Pulukkutti Arachchige Don Christy Raymond Perera

Mr. MeyanVamadevan

(b) Appointment of a Judge of the Court of Appeal

The Council approved the recommendation of the President to appoint Ms. Sriyani de Livera Tennakoon, Judge of the High Court as a Judge of the Court of Appeal as per Articles 107(1) and 41(C) (1) of the Constitution.

(c) Appointment of a Judge of the Supreme Court

The Council approved the recommendation of the President to appoint Mr. K.T. Chithrasiri, Judge of the Court of Appeal as a Judge of the Supreme Court as per Articles 107(1) and 41 (C)(1) of the Constitution.

(d) Appointment of the Auditor General

The Council approved the recommendation of the President to appoint Mr. H.M. Gamini Wijesinghe as the Auditor General as per Articles 153(1) and 41 (C) (1) of the Constitution.

**REPORT TO BE SUBMITTED TO THE PRESIDENT UNDER ARTICLE
41(G)(1) OF THE CONSTITUTION**

Second Report of the Constitutional Council from December 2015 to February 2016

Meetings of the Constitutional Council

The Council met on 04th of December 2015, 22nd of December 2015, 06th of January 2016, 09th of January 2016, 25th of January 2016, 08th of February 2016, 10th of February 2016, 19th of February 2016 and 26th of February 2016.

Granting of approval for recommendations of HE the President under Article 41C (1) of the Constitution during the period under review

1) Appointment of a Judge of the Court of Appeal

The Council that met on 06th of January 2016 approved the nomination of HE the President to appoint Mr. P.P. Surasena, Judge of the High Court as a Judge of the Court of Appeal.

2) Approving the acting appointment of Attorney- General

The Council unanimously approved the recommendation of the President to extend the period of acting appointment of Mr. Suhada Kalyana Gamalath, P.C. Solicitor General in the post of Attorney General in terms of Article 41 (C) (2) of the Constitution on 25th of January 2016

3) Appointment of the Attorney General

The Council decided to approve the nomination of HE the President to appoint Mr. Jayantha Chandrasiri Jayasuriya, P.C Senior Additional Solicitor General for the post of Attorney General on 10th February 2016.

4) Appointment of a Judge of the Supreme Court

The Council decided to approve the nomination of HE the President to appoint Hon, Justice H.N.J. Perera, Judge of the Court of Appeal as a Judge of the Supreme Court on 26th February 2016.

Other decisions taken by the Council

- 1) The Council resolved that the Chairpersons and members of Commissions should have periodical meetings with the Constitutional Council and shall report quarterly or as specified by Law if any to Parliament through the Constitutional Council in order to assess the functioning of the Commissions. Accordingly, the

Chairmen and the Members of the Audit Service Commission and the Election Commission had meetings with the Council on 04th December 2015 to discuss matters pertaining to their Commissions. On 09th of January 2015, the Council had discussions with the Chairmen of the Delimitation Commission, National Procurement Commission, Audit Service Commission and the Election Commission about the issues such as allocation of funds from the Treasury, staff requirements and requirements for office space.

- 2) On request by the Chairman of the National Procurement Commission, the Chairman of the Constitutional Council granted permission to conduct their meetings in the Committee Rooms of the Parliament.
- 3) The Council decided to send Cabinet Memoranda relating to the change of designation of the Commissioner General of Elections and the reduction of the age of retirement of the Commissioner General of Elections and the proposed emoluments and allowances of the Chairpersons and members of the Commissions to the Secretary to the Hon. Prime Minister in order to forward it to the approval of the Cabinet of Ministers. The Secretary to the Cabinet of Ministers by his letter dated 24.12.2015 had informed that the Cabinet of Ministers had approved the proposal relating to the Constitutional Amendments for the Election Commission on 16.12.2015.
- 4) The Council discussed the need to formulate a new set of criteria in respect of the appointments to the posts specified in the schedule to the Article 41C of the Constitution. The Council was of the view that views of the Party Leaders should be obtained in formulating the said rules. Accordingly, copies of the criteria adopted by the Constitutional Council established under the Seventeenth Amendment to the Constitution were sent to the members of the Parliamentary Business Committee to obtain their views.
- 5) The Council agreed to the proposal in establishing an Advisory Committee composed of the Chief Justice, senior most Judges of the Supreme Court, Attorney General and most senior members of the unofficial Bar which H.E the President could consult in recommending persons to be appointed as the Judges of the Supreme Court and the Court of Appeal and President's Counsels.
- 6) The Council decided to consider the request made by the Commission to Investigate Allegations of Bribery or Corruption to revise the Cabinet Decision pertaining to the allowances approved by the Cabinet of Ministers in keeping with some of the facilities and privileges already made available to the Commissioners.

**REPORT TO BE SUBMITTED TO THE PRESIDENT IN TERMS OF
ARTICLE 41G (1) OF THE CONSTITUTION**

Third Report of the Constitutional Council from March 2016 to May 2016

Meetings of the Constitutional Council

The Council met on 16 March 2016, 18 April 2016, 28 April 2016, 31 May 2016 and 10 June 2016.

Granting of approval for recommendations of H.E. the President in terms of Article 41C (1) of the Constitution during the period under review

1) Appointment of a Judge of the Court of Appeal

The Council which met on 16th March 2016 unanimously approved the nomination of H.E. the President to appoint Mr. L. U. Jayasuriya, Judge of the High Court as a Judge of the Court of Appeal in terms of Article 107(1) and Article 41C(1) of the Constitution.

2) Appointment of the Inspector General of Police

Having considered the three nominations of H.E. the President for the appointment as the Inspector General of Police, the Council at its meeting on 18 April 2016 approved the nomination of Mr. P. S. B. Jayasundara, Senior Deputy Inspector General of Police for the post of Inspector General of Police in terms of Article 61E (1) (b) and Article 41C (1) of the Constitution.

3) Appointment of a member to the Judicial Service Commission

The Council which met on 28th April 2016 unanimously approved the nomination of H.E. the President to appoint Hon. Sisira J. De Abrew, Judge of the Supreme Court as a member of the Judicial Service Commission in terms of Article 111D and Article 41C (1) of the Constitution.

4) Appointment of a Judge of the Supreme Court

The Council which met on 10th June 2016 unanimously approved the nomination of H.E. the President to appoint Mr. Prasanna Sujeewa Jayawardena, P.C. as a Judge of the Supreme Court in terms of Article 107(1) and Article 41C(1) of the Constitution.

Other duties carried out by the Council in terms of Article 41G (2)

1. The Council approved the criteria suggested by the Hon. Minister of Finance to be adopted in appointing Board Members of the Welfare Benefits Board as per the provisions of the Welfare Benefits Act No. 24 of 2002

Other decisions taken by the Council

1. The Council decided that the perks and facilities currently enjoyed by the members of the Independent Commissions should not be affected by virtue of the Cabinet Decisions with regard to the Payment of Emoluments and allowances to the Chairpersons and Members of the Independent Commissions.
2. Upon inquiry made by the Election Commission regarding the procedure of obtaining overseas leave for a member of the Commission, the Council resolved to authorize the Chairman of the Constitutional Council to approve overseas leave requests of the chairpersons and members of the Commissions on behalf of the Council. The decision was informed to Secretaries of nine Independent Commissions.
3. The Council intimated H.E. the President about the note prepared by Mr. Shibly Aziz, P.C. on the criteria and the procedure in appointment of the Chief Justice, the president of the Court of Appeal, other Judges of the Supreme Court and Court of Appeal and the Attorney General.
4. The Council issued a media statement to make public aware of the work carried out by the Council.

**REPORT TO BE SUBMITTED TO THE PRESIDENT IN TERMS OF
ARTICLE 41G (1) OF THE CONSTITUTION**

Fourth Report of the Constitutional Council from July 2016 to September 2016

Meetings of the Constitutional Council

The Council met on 07 July 2016, 12 August 2016, 25 August 2016 and 08 September 2016.

Granting of approval for recommendations of H.E. the President and Recommendations of the Council sent to H. E. the President during the period under review

1) Appointment of a Judge to the Court of Appeal

The Council which met on 8th September 2016 unanimously approved the nomination of H.E. the President to appoint Mr. S. Thurairaja, Additional Solicitor General as a Judge of the Court of Appeal in terms of Article 107(1) and Article 41C(1) of the Constitution.

2) Appointment to the vacant post in the National Procurement Commission

Having considered the remaining shortlisted candidates the Council decided that fresh nominations be called from the Institute of Supply & Materials Management and Chamber of Construction Industry Sri Lanka to be considered for the appointment to the vacant post in the National Procurement Commission.

The Council unanimously recommended the nomination of Mr Don Noel Lakshman Wickremasinghe to be appointed as a member of the National Procurement Commission in terms of Article 41B (3) of the Constitution.

Other duties carried out by the Council in terms of Article 41G (2)

1. The Council which met on 7th July 2016 unanimously approved the nomination of H.E. the President to appoint Mr. Anthony Nihal Fonseka to be appointed as a member of the Monetary Board of the Central Bank of Sri Lanka as per the provisions of the Monetary Law Chapter 323 as amended by Monetary Law (Amendment) Act No: 32 of 2002.
2. The Council which met on 7th July 2016 unanimously approved the following nominations of Hon. Minister of Finance for the appointment as Board Members of

Welfare Benefits Board in terms of the Section 2 read with Section 4 of the Welfare Benefits Act No. 24 of 2002;

- i. Mr. Sugathadasa Ranugge as the Chairman of the Board
- ii. Mr. Gamini Sarath Edirisinghe as a member of the Board
- iii. Mr. A. R. Desapriya as a member of the Board
- iv. Mr. Sunil Shantha Hettiarachchi as a member of the Board
- v. Mr. Tissa Nanayakkara as a member of the Board

3. Appointment to the Right to Information Commission

A paper advertisement was published calling for the nominations for the appointment of members to the Right to Information Commission from organizations and professional bodies and 40 applications were received.

15 applications were short listed by the Council which were initially evaluated by the three civil society members of the Council

The Council which met on 25th August 2016 unanimously nominated the following persons for the Right to Information Commission as per the provisions of Right to Information Act No. 12 of 2016

1. Justice Saleem Marsoof – (as the representation from the field of Law)
 2. Ms. Kishali Pinto Jayawardena - (as the representation from the field of Publishers, Editors and Media Persons)
 3. Mr. Naganathan Selvakumaran - (as the representation from the Civil Society Organizations)
 4. Mr. Don Mahinda Gammampila
 5. Mr. S. G. Punchihewa
- } as the other two nominees of the Council

Other decisions taken by the Council

- The Council sought the opinion of the Hon. Attorney General in respect of an FR Application against the Constitutional Council and it was informed that there is no mandatory requirement for the Council to formulate a new set of rules before it engages in its duties as mandated by the Constitution and the Council decided that it shall abide by a certain set of guidelines when appointing and/or recommending persons for any appointment under Article 41B or Article 41C rather than complying with a set of rules.
- The Council resolved to grant the authority to Hon. Speaker to approve the appointments of persons to act in any Office specified in the Schedule to Article 41C

of the Constitution on behalf of the Council and for the Constitutional Council to give covering approval thereafter.

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