Announcements by the Speaker - 10.08.2023

Date : 10-08-2023

Deputy Speaker, Hon. Ajith Rajapaksa, announced today (Aug. 10) that Hon. Speaker has received the Determination of the Supreme Court in respect of the Bill titled “AYURVEDA (AMENDMENT)” which was challenged in the Supreme Court in terms of Article 121(1) of the Constitution.

The determination of the Supreme Court as to the constitutionality of the Bill titled “AYURVEDA (AMENDMENT)” is as follows:—

(1) Clauses 2, 3, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40 and 41 of the Bill are inconsistent with Article 9 of the Constitution and can only be passed with the special majority required under paragraph (2) of Article 84 and approved by the People at a Referendum by virtue of Article 83.

The inconsistency will cease if Clauses 2, 3, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40 and 41 of the Bill are amended by deleting the words Ayurveda Bhaisajjaka (□□□□□□□□ □□□□□□□) and Bhaisajjaka (□□□□□□□);

(2) Clause 46(4) of the Bill is inconsistent with Article 12(1) of the Constitution and can only be passed with the special majority required under paragraph (2) of Article 84.

The inconsistency will cease if the amendments as set out in page 53 of the Determination are made to the Bill;

(3) Clause 11(3) of the Bill is inconsistent with Article 12(1) of the Constitution and can only be passed with the special majority required under paragraph (2) of Article 84.

The inconsistency will cease if the amendments as set out in page 54 of the Determination are made to the Bill;

(4) Clause 13 of the Bill which seeks to amend the Main Act by, inter alia, repealing subsections (e) and (f) of Section 13 (1) of the Main Act is inconsistent with Article 12(1) of the Constitution and can only be passed with the special majority required under paragraph (2) of Article 84.

The inconsistency will cease if subsections (e) and (f) of Section 13(1) of the Main Act are retained;

(5) Clauses 24(1)(a), 25 and 46(2) of the Bill are inconsistent with Article 12(1) of the Constitution and can only be passed with the special majority required under paragraph (2) of Article 84.

The inconsistency will cease if those Clauses are removed; and

(6) Clause 46(1) of the Bill is inconsistent with Article 12(1) of the Constitution and can only be passed with the special majority required under paragraph (2) of Article 84.

The inconsistency will cease if the amendments as set out in page 55 of the Determination are made to the Bill.

The Deputy Speaker also directed that the Determination of the Supreme Court be printed in the Official Report of today’s proceedings of the House.