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## Background note

### How does the prorogation of the Parliament happen? Let's find out!

The second session of the Ninth Parliament has been prorogued by the extraordinary gazette notification issued by the President Hon. Ranil Wickremesinghe on the 28<sup>th</sup> of July 2022. According to the gazette notification, the third session of the Ninth Parliament will commence on August 3<sup>rd</sup>.

In the history of the Parliament, there have been occasions when the current Parliament ends its session and a new one begins. Thus, it is very important to look into the legal provisions as well as the historical and practical background of the process of prorogating a Parliamentary session.

#### Who has the authority to Prorogue?

In terms of Article 70. (1) of the Constitution, the Executive President has full powers to summon, prorogue and dissolve Parliament.

#### How to decide the date for the commencement of the next session?

In terms of Article 70. (3) of the Constitution, the date of commencement of the new session must be set by the publication (Gazette Notice) that ends the session of the Parliament. That date must be a date not exceeding two months from the date of the announcement of ending the session of Parliament.

But in the event that a Parliament has ended its session and a summoning date has been announced, the President has the power to summon the Parliament before that date in terms of article 70. (3)(i) of the Constitution. Accordingly, the date on which the Parliament is expected to be summoned is announced through a publication (Gazette announcement) and the power to convene the Parliament on a day where three days have exceeded from the date of publication, is vested with the President.

#### Does the prorogation of a Parliament cease all its functions?

Many are of the opinion that when the Parliament is prorogued, all its functions will cease. However, that is not true.

During the prorogation, the Speaker continues to perform his duties. At the same time, even if the Members of Parliament do not participate in the Parliamentary meetings, they remain in their positions. But at the end of a session all the activities that were going on in the Parliament at that time will be suspended and the entire processes that was on going in the chamber at that time will be temporarily cease, unless it's an impeachment.

Though a Bill, motion or question related to the same issue cannot be presented for the second time during the same session, after prorogation, there is the possibility of moving it to the next session.

" All matters which, having been duly brought before Parliament, have not been disposed of at the time of the prorogation of Parliament, may be proceeded with during the next session." As it is mentioned in Article 70. (4) of the Constitution.

In the said provision of the constitution, due to the end of session of parliament, the functions to be taken in the future will not be suspended. Following the new session of the Parliament the functions to be carried out can be resumed. All matters which, having been duly brought before Parliament, have not been disposed of at the time of the prorogation of Parliament, may be proceeded forth during the next session. The government business to be taken forward are decided by the leader of the house and if it is a private member's Bill or motion, it has to be presented afresh.

At the time of commencement of a new session of the Parliament, if it is necessary to continue the business on the order paper of the House, it is required to be listed again.

### **Do all Parliamentary committees cease to function when Parliament is prorogued?**

Many question what happens to the committees that were there when the parliament ends a session. According to Standing Orders No. 109, 111(2), 124(5), 125 (1) of the Parliament, all committees except the Committee on High Posts, Liaisons Committee, Sectoral Oversight Committees and Select Committees should be re-constituted at the time of resumption of the new session of the Parliament. In the case of Standing Orders 125 (1), members are appointed to the Liaisons Committee by the position (according to the Speaker, Deputy Speaker) and thus no change is made.

According to Standing Order No. 114 of the Parliament, the Committee of Selection is appointed anew at every new session. All the following committees for special purposes will be abolished at the end of the session of the Parliament.

- ☐ The Committee on Parliamentary Business
- ☐ The Committee on Standing Orders
- ☐ The House Committee
- ☐ The Committee on Ethics and Privileges
- ☐ The Legislative Standing Committee
- ☐ The Ministerial Consultative Committees
- ☐ The Committee on Public Accounts (COPA)
- ☐ The Committee on Public Enterprises (COPE)
- ☐ The Committee on Public Finance
- ☐ The Committee on Public Petitions
- ☐ The Backbencher Committee

### **How does a new Parliamentary session begin?**

At the end of the session of the Parliament, the ceremonial opening of the new session is not an essential factor. But if the new session is inaugurated in a ceremonial way, it will definitely be held under the patronage of the President.

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In terms of Article 33(2)(a) of the Constitution, the President presents the government's policy statement at the beginning of each session of the Parliament in terms of Article 33(2)(a) of the Constitution.

### **What is the government's policy statement?**

The President has the power to present the policy statement to each new session of the Parliament. Here, the President presents the government's vision to the Parliament and the public.

In the past it was known as the 'Throne Speech' and was presented by the

### **Number of new sessions started in each Parliament**

According to the Parliamentary records, it is revealed that there have been 50 sessions since 1947. Since 1978, more than 25 sessions have been held.

- 08 sessions were held in the First Parliament from 1947 to 1954
- 05 sessions were held in the Second Parliament from 1954 to 1960
- 03 sessions were held in the Third Parliament from 1960 to 1966
- 03 sessions were held in the fourth parliament from 1966 to 1972
- 02 sessions were held in the Fifth Parliament from 1972 to 1978
- 04 sessions were held in the Sixth Parliament from 1978 to 1984 [The Parliament was resummoned on 09/03/2000 after the Proclamation of State of Emergency]
- Seventh Parliament held a session from 22/04/2000 to 11/05/2000
- 04 sessions were held in the Eighth Parliament from 2000 to 2004
- 02 sessions were held in the Ninth Parliament from 2004 to 2009



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