

My No. 543E.395. D.

Establishments Division,  
Ministry of Public Administration  
and Home Affairs,

Independence Square,

Colombo-7. 1st September, 1978.

To: All Secretaries of Ministries  
and Heads of DepartmentsPROMULGATION OF THE NEW CONSTITUTION -  
AFFIRMATION/OATH

The new Constitution of the Democratic Socialist Republic of Sri Lanka will come into force on 7.9.78 by a proclamation to be issued by His Excellency the President.

2. I reproduce Article 165 of the Constitution on the affirmation to be made/oath to be taken by public officers and others:-

165(1) Every public officer, judicial officer and every other person as is required by the Constitution to take an oath or make an affirmation on entering upon the duties of his office, every holder of an office required under the existing law to take an official oath, and every person in the service of every local authority and of every public corporation shall take and subscribe the oath or make and subscribe the affirmation set out in the Fourth Schedule. Any such public officer, judicial officer, person or holder of an office failing to take and subscribe such oath or make and subscribe such affirmation after the commencement of the Constitution, or before such date as may be prescribed by the Prime Minister by Order published in the Gazette shall cease to be in service or hold office.

(2) The Minister in charge of the subject of Public Administration may, in his sole discretion, permit any public officer, judicial officer, person or holder of an office referred to in paragraph (1) of this Article, to take the oath or make the affirmation referred to in that paragraph after the prescribed date if he is satisfied that the failure to take the oath or make the affirmation within the time prescribed was occasioned by illness or some other unavoidable cause. On his taking such oath or making such affirmation, he shall continue in service or hold office as if he had taken such oath or made such affirmation within the time prescribed under paragraph (1) of this Article.

(3) The President may by Proclamation -

- (a) exclude the application of the provision of paragraph (1) of this Article to any category of public officers,
- (b) prescribe the persons or categories of persons who may administer such oath or affirmation in addition to the persons who are empowered under the existing law to administer oaths or affirmations."

3. (a) The prescribed affirmation/oath which is set out in the Fourth Schedule of the Constitution is given in the annex and every person required to make the affirmation/take the oath, should do so within a period that will be prescribed by the Hon. Prime Minister and published in the Gazette.

(b) In the blank space after the words "office of" -

- (i) a judicial officer or a public officer who belongs to a particular service such as the Sri Lanka Administrative Service, the General Clerical Service, the Local Government Clerical Service etc., should enter "a member of the ....." giving the name of the service to which he belongs,
- (ii) any other judicial officer or public officer who does not belong to a service should enter the appointment he holds and the name of the Department.
- (iii) a person in the service of a local authority should enter the appointment he holds and the name of the local authority.
- (iv) a person in the service of a public corporation should enter the appointment he holds and the name of the corporation.

4. Please inform the Government Printer of your requirements of Forms and obtain them as soon as possible to enable the affirmation to be made/oath to be taken by all required persons under your charge within the prescribed period. One hundred Forms are sent herewith for use on 7th September, 1978 itself. A further ten thousand Forms have been sent to each Government Agent from whom you could obtain any more Forms necessary for use on the 7th itself.

5. The affirmation/oath may be administered by the following persons or categories of persons to be prescribed by His Excellency the President in addition to the persons who are empowered under the existing law to administer affirmations/oaths.