

(9) The Commission shall have the power to act notwithstanding any vacancy in its membership, and no act, proceeding or decision of the Commission shall be or be deemed to be invalid by reason only of such vacancy or any defect in the appointment of a member.

(10) There shall be a Secretary to the Commission who shall be appointed by the Commission.

(11) The members of the Commission shall be deemed to be public servants, within the meaning and for the purposes of Chapter IX of the Penal Code.

Powers and functions of Cabinet of Ministers and of the Commission.

55. (1) The appointment, promotion, transfer, disciplinary control and dismissal of public officers shall be vested in the Commission.

(2) The Commission shall not derogate from the functions and powers of the Provincial Public Service Commissions established by law.

(3) Notwithstanding the provisions of paragraph (1) of this Article, the appointment, promotion, transfer, disciplinary control and dismissal of all Heads of Departments shall vest in the Cabinet of Ministers, who shall exercise such powers after ascertaining the views of the Commission.

(4) Subject to the provisions of the Constitution, the Cabinet of Ministers shall provide for and determine all matters of policy relating to public officers.

(5) The Commission shall be responsible and answerable to Parliament in accordance with the provisions of the Standing Orders of Parliament for the exercise and discharge of its powers and functions, and shall forward to Parliament in each calendar year, a report of its activities for such year.

Committees of the Commission.

56. (1) The Commission may delegate to a Committee consisting of three persons (not being members of the Commission) appointed by the Commission, the powers of appointment, promotion, transfer, disciplinary control and dismissal of such categories of public officers as are specified by the Commission.

(2) The Commission shall cause the appointment of any such Committee to be published in the Gazette.

(3) The procedure and quorum for meetings of any such Committee shall be as determined by the Commission by rules made in that behalf. The Commission shall cause such rules to be published in the Gazette.

(4) There shall be a Secretary to each Committee, who shall be appointed by the Commission.

**Delegation
of powers to
a public
officer.**

57. (1) The Commission may delegate to a public officer, subject to such conditions and procedure as may be determined by the Commission, its powers of appointment, promotion, transfer, disciplinary control and dismissal of such category of public officers as are specified by the Commission.

(2) The Commission shall cause any such delegation to be published in the Gazette, including the conditions and procedure determined by the Commission for such purpose.

**Right of
appeal.**

58. (1) Any public officer aggrieved by an order relating to a promotion, transfer, dismissal or an order on a disciplinary matter made by a Committee or any public officer under Article 56 or Article 57, in respect of the officer so aggrieved, may appeal to the Commission against such order in accordance with such rules made by the Commission from time to time, relating to the procedure to be followed in the making, hearing and determination of an appeal made to the Commission and the period fixed within which an appeal should be heard and concluded.

(2) The Commission shall have the power upon such appeal to alter, vary, rescind or confirm an order against which an appeal is made, or to give directions in relation thereto, or to order such further or other inquiry as to the Commission shall seem fit.

(3) The Commission shall cause to be published in the Gazette the rules made by it under paragraph (1) of this Article.

**Administrative
Appeals
Tribunal.**

59. (1) There shall be an Administrative Appeals Tribunal appointed by the Judicial Service Commission.

(2) The Administrative Appeals Tribunal shall have the power to alter, vary or rescind any order or decision made by the Commission .

(3) The constitution, powers and procedure of such Tribunal, including the time limits for the preferring of appeals, shall be provided for by law.

Commission not to exercise power where there is delegation

60. Upon delegation of any of its powers to a Committee or a public officer appointed under Article 56 or Article 57 as the case may be, the Commission shall not, while such delegation is in force, exercise or perform its functions or duties in regard to the categories of public officers in respect of which such delegation is made, subject to the provisions contained in paragraphs (1) and (2) of Article 58.

Procedure at meetings.

61. (1) The quorum for a meeting of the Commission shall be five members.

(2) All decisions of the Commission shall be made by a majority of votes of the members present at the meeting. In the event of an equality of votes, the member presiding at the meeting shall have a casting vote.

(3) The Chairman of the Commission shall preside at all meetings of the Commission, and in his absence, a member elected by the members present from amongst themselves, shall preside at such meeting.

Immunity from legal proceedings.

61A. Subject to the provisions of paragraphs (1), (2), (3), (4) and (5) of Article 126, no court or tribunal shall have power or jurisdiction to inquire into, or pronounce upon or in any manner call in question any order or decision made by the Commission, a Committee, or any public officer, in pursuance of any power or duty conferred or imposed on such Commission, or delegated to a Committee or public officer, under this Chapter or under any other law.

Savings of rules and regulations in force.

61B. Until the Commission otherwise provides, all rules, regulations and procedures relating to the public service as are in force on the date of the coming into operation of this Chapter, shall, *mutatis mutandis*, be deemed to continue in force as rules, regulations and procedures relating to the public service, as if they had been made or provided for under this Chapter.

Interference with the Commission.

61C. (1) Every person who, otherwise than in the course of such person's lawful duty, directly or indirectly by himself or by or with any other person, in any manner whatsoever influences or attempts to influence or interferes with any

decision of the Commission, or a Committee or a public officer to whom the Commission has delegated any power under this Chapter, or to so influence any member of the Commission or a Committee, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding seven years, or to both such fine and imprisonment.

(2) Every High Court established under Article 154P of the Constitution shall have jurisdiction to hear and determine any matter referred to in paragraph (1) of this Article.

Oath or affirmation of office.

61D. A person appointed to any office referred to in this Chapter shall not enter upon the duties of his office until he takes and subscribes the oath or makes and subscribes the affirmation set out in the Fourth Schedule to the Constitution.

Appointments by the President.

61E. The President shall appoint –

- (a) the Heads of the Army, the Navy and the Air Force; and
- (b) subject to the provisions of Article 41C, the Attorney-General and the Inspector-General of Police.

Interpretation.

61F. For the purposes of this Chapter, “public officer” does not include a member of the Army, Navy, or Air Force, an officer of the Election Commission appointed by such Commission, a police officer appointed by the National Police Commission or a scheduled public officer appointed by the Judicial Service Commission.’

Amendment of Article 65 of the Constitution.

5. Article 65 of the Constitution is hereby amended as follows :—

- (1) in paragraph (1) of that Article, by the substitution for the words “shall be appointed by the President”, of the words “shall, subject to the provisions of Article 41C, be appointed by the President ” ; and
- (2) in paragraph (6) of that Article, by the substitution for the words “President may appoint a person”, of the words “President may, subject to the provisions of Article 41C, appoint a person”.

Amendment of Article 89 of the Constitution.

6. Article 89 of the Constitution is hereby amended in paragraph (j) of that Article, by the substitution for the words and figures “Article 116”. of the words and figures “Article 116 or Article 111C, as the case may be”.