



## **Human Rights Commission of Sri Lanka**

Secretary to the President

Secretary to the Prime Minister

Secretaries of all Ministries

Chief Secretaries of Provincial Councils

Heads of Statutory Boards

### **Presidential Election 2024**

#### **TERMS OF OPERATION OF OFFICERS IN THE PUBLIC SERVICE, PROVINCIAL PUBLIC SERVICE AND STATUTORY BOARD**

The Constitution of Sri Lanka in Article 170 defines a “Public Officer” as “a person who holds any paid office under the Republic”. This definition is further explained in section 19 of the Penal Code. According to Article 4 of the Constitution of Sri Lanka, all public officials are obliged to respect and protect the fundamental rights enshrined in the Constitution. Similarly, as per the 6<sup>th</sup> Amendment of the Constitution, all public officials have taken an oath to act in accordance with the Constitution. Article 12 of the Constitution states that all persons are equal before the law and are entitled to the equal protection of the law.

The right to vote has been upheld by the Supreme Court as a fundamental right. Therefore, when an election is conducted, public officials are bound to ensure that the election is carried out in accordance with the Constitution and other existing laws. Public officials who bear these responsibilities must perform their duties fairly and impartially.

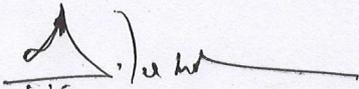
According to the Constitution, a public official failing to fulfil legally mandated duties, acting beyond legal limits, failing to perform required tasks, defaulting without a reasonable reason, or causing unnecessary delays constitute a violation of fundamental rights. The Human Rights Commission of Sri Lanka (HRCSL) Act No. 21 of 1996 empowers the HRCSL to conduct inquiries and investigations into such violations by public officials and to take appropriate action.

Accordingly, during this election period, the HRCSL will closely monitor whether public officials are fulfilling their responsibilities properly to ensure a free and fair election. Where necessary, inquiries and investigations will be carried out, and measures will be taken against officers if they are found to have violated any fundamental right.

Therefore, you are hereby directed to inform and raise awareness among the staff under your supervision to act as follows:

- All duties must be performed in accordance with the law. Any act or omission that would promote or prejudice any political party or candidate is a violation of Article 12 of the Constitution.
- Non-compliance with the law, abuse of power in favour of one party (e.g., allowing some political parties/groups to use public property and resources in violation of election laws) is a violation of the fundamental rights of the people. In addition to holding the state responsible for such violations, public officials should also be held personally accountable.

This notice is made in terms of the HRCSL Act No. 21 of 1996.



L.T.B. Dehideniya  
Former Justice of the Supreme Court  
Chairman  
Human Rights Commission of Sri Lanka

Justice L.T.B. Dehideniya  
Judge of the Supreme Court (Retired)  
Chairman  
Human Rights Commission of Sri Lanka

31 July 2024