

THIRTEENTH AMENDMENT OF THE CONSTITUTION

[Certified on 14th November, 1987]

AN ACT TO AMEND THE CONSTITUTION OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows: -

1. This Act may be cited as the Thirteenth Amendment to the Constitution and shall come into operation on such date as the President may, appoint, by order published in the *Gazette*.

2. Article 18 of the Constitution of the Democratic Socialist Republic of Srilanka (hereinafter referred to as the "Constitution") is hereby amended as follows: -

Short title and date of operation.

(a) by the renumbering of that Article as paragraph (1) of that Article;

Amendment of Article 18 of the Constitution of the Democratic Socialist Republic of Sri Lanka

(b) by the addition immediately after paragraph (1) of that Article of the following paragraphs: -

"(2) Tamil shall also be an official language.

(3) English shall be the link language.

(4) Parliament shall by law provide for the implementation of

the

provisions of this Chapter".

Amendment of Article 138 of the Constitution.

3. Article 138 of the Constitution is hereby amended in paragraph (1) of that Article as follows: -

(a) by the substitution, for the words "committed by any Court of First Instance", of the words "committed by the High Court, in the exercise of its appellate or original Jurisdiction or by any Court of First instance"; and

First

(b) by the substitution, for the words " of which such Court of

Insertion of Chapter XVIIIA in the Constitution

Instance", of the words " of which such High Court, Court of first instance".

4. The following Chapter and Articles are hereby inserted immediately after Article 154, and shall have effect as Chapter XVIIIA and Articles 154A to 154T, of

Establishment of Provincial Councils.

Governor.

the Constitution: -

CHAPTER XVIIA

154A (1) Subject to the provisions of the Constitution, a Provincial Council shall be established for every Province specified in the Eighth Schedule with effect from such date or dates as the President may appoint by Order published in the *Gazette*. Different dates may be appointed in respect of different Provinces.

(2) Every Provincial Council established under paragraph (1) shall be constituted upon the election of the members of such Council in accordance with the law relating to Provincial Council elections.

(3) Notwithstanding anything in the preceding visions of this Article, Parliament may by, or under, any law provide for two or three adjoining Provinces to form one administrative unit with one elected Provincial Council, one Governor, one Chief Minister and one Board of Ministers and for the manner of determining whether. Provinces should continue to be administered as one administrative unit or whether each such Province should constitute a separate administrative unit with its own Provincial Council, and a separate Governor, Chief Minister and Board of Ministers.

154 B (1) There shall be a Governor for each Province for which a Provincial Council has been established in accordance with Article 154A.

(2) The Governor shall be appointed by the President by warrant under his hand, and shall hold office, in accordance with Article 4 (b), during the pleasure of the President.

(3) The Governor may, by writing addressed to the President, resign his office.

(4) (a) The Provincial Council may, subject to sub paragraph (b), present an address to the President advising the removal of the Governor on the ground that Governor -

(i) has intentionally violated the provisions of the Constitution;

(ii) is guilty of misconduct or corruption involving the abuse of the powers of his office; or

(iii) is guilty of bribery or an offence involving moral turpitude,

If a resolution for the presentation of such address is passed by not less than two –thirds of the whole number of members of the Council (including those not

present).

(b) No resolution for the presentation of an address to the President advising the

(a) removal of the Governor on the grounds referred to in sub –paragraph shall be entertained by the Chairman of the Provincial Council or discussed at the Council, unless notice of such resolution is signed by not less than one-half of the whole number of members present.

(5) Subject to the preceding provisions of this Article, the Governor shall hold Office for a period of five years from the date he assumes office.

(6) Every person appointed as Governor shall assume office upon taking or subscribing, the oath or making or subscribing the affirmation, set out in the fourth Schedule before the President.

(7) Upon such assumption of office a Governor shall cease to hold any other office created or recognized by the Constitution, and if he is a Member of Parliament, shall vacate his seat in Parliament. The Governor shall not hold any other office or place of profit.

(8) (a) The Governor may, from time to time, summon the Provincial Council to meet at such time and place as he thinks fit, but two months shall not intervene between the last sitting in one session and the date appointed for the first sitting in the next session.

(b) The Governor may, from time to time, prorogue the Provincial Council.

(c) The Governor may dissolve the Provincial Council.

(d) The Governor shall exercise his powers under this paragraph in accordance with the advice of the Chief Minister, so long as the Board of Ministers commands, in the opinion of the Governor, the support of the majority of the Provincial Council.

(9) Without prejudice to the powers of the President under Article 34 and subject to his directions the Governor of a Province shall have the power to grant a pardon to every person convicted of an offence against a statute made by the Provincial Council of that Province or a law made by Parliament on a matter in respect of which the Provincial Council has power to make statutes and to grant a respite or remission of punishment imposed by Court on any such person:

Provided that where the Governor does not agree with the advice of the Board of Ministers in any case and he considers it necessary to do so in the public interest, he may refer that case to the President for orders.

(10) (a) The Governor may address the Provincial Council and may for

that purpose require the attendance of members.

(b) The Governor may also send message to the Council either with respect to a matter pending with the Council, or otherwise, and when a message is so sent the Council shall with all convenient dispatch consider any matter required by the message to be taken into consideration.

Exercise of executive powers by the Governor

(11) It shall be the duty of the Chief Minister of every Province -

(a) To communicate to the Governor of the Province all decisions of the Board of Ministers relating to the administration of the affairs of the Province and the proposals for legislation;

(b) To furnish such information relating to the administration of the affairs of the Province and proposals for legislation as the Governor may call for: and

(c) If the Governor so requires, to submit for consideration of the Board of Ministers any matter on which a decision has been taken by Minister but which has not considered. by the Board.

Membership of Provincial Council

(12) Parliament shall by law or resolution make provision for the salary, allowances, and age of retirement and pension entitlement of holders of the office of Governor.

154C. Executive power extending to the matters with respect to which a Provincial Council has power to make statutes shall be exercised by the Governor of the Province for which that Provincial Council is established, either directly or through Ministers of the Board of Ministers, or through officers subordinate to him, in accordance with Article 154F.

Term of office

154D (1) A Provincial Council shall consist of such number of members as may be determined by or under law, having regard to the area and population of the Province for which that Provincial Council is established.

Board of Ministers.

(2) (a) A Provincial Council may at the commencement of the term office of

its members, decide, by resolution, to grant Members of Parliament elected for electoral districts. The limits of which fall within the Province for which that Provincial Council is established, the right to participate in proceedings of that Council.

(b) So long as a resolution passed under sub- Paragraph (a) is in force a Member of Parliament elected for an electoral district, the limits of which fall within the Province for which that Provincial Council is established, shall have the right, during the term of office of that Council. To speak in, and otherwise take part in, the proceedings of that provincial Council and to speak in, and otherwise take part in, any committee of the Provincial Council of which he may be named a number but shall be entitled to vote thereat only if the resolution passed under sub-paragraph (a) so provides.

(c) The provisions of this paragraph shall cease to operate on the date of dissolution of the first parliament.

154E A Provincial Council shall, unless sooner dissolved, continue for a period of five years from the date appointed for its first meeting and the expiration of the said period of five years shall operate as a dissolution of the Council..

154F (1) There shall be a Board of Ministers with the Chief Minister at the head and not more than four other Ministers to aid and advise the Governor of the Province in the exercise of his functions. The Governor shall, in the exercise of his functions, act in accordance with such advice, except in so far as he is by or under the Constitution required to exercise his functions or any of them in his discretion.

(2) If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Constitution required to act in his discretion, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question in any Court on the ground that he ought or ought not have acted on his discretion. The exercise of the Governor's discretion shall be on the President's directions.

(3) The question whether any, and if so what, advice was tendered by the Ministers to the Governor shall not be inquired into in any Court.

(4) The Governor shall appoint as Chief Minister, the number of the Provincial Council constituted for that Province who in his opinion is best able to command the support of a majority of the members of that Council:

Statutes of Provincial Councils.

Provided that where more than one- half of the Members elected to Provincial

Council are members of one political party, the Governor shall appoint the leader

of that political party in the Council, as Chief Minister.

(5) The Governor shall, on the advice of the Chief Minister, appoint from among the members of the Provincial Council constituted for that Province, the other Ministers.

(6) The Board of Ministers shall be collectively responsible and answerable to the Provincial Council.

(7) A person appointed to the office of Chief Minister or member of the Board of Ministers shall not enter on the duties of his office until he takes and subscribes one oath, or makes and subscribes the affirmation, set out in the fourth Schedule.

154 G (1) Every Provincial Council may, Subject to the provisions of the Constitution, make statutes applicable to the Province for which it is established, with respect to an matter set out in list I of the Ninth Schedule (hereinafter referred to as “the Provincial Council list”)

(2) No Bill for the amendment or repeal of the provisions of this chapter or the Ninth Schedule shall become law unless such Bill has been referred by the President, after its publication in the *Gazette* and before it is placed on the order paper of Parliament, to every Provincial Council for the expression of its views thereon, within such period as may be specified in the reference, and –

(a) Where every such Council agrees to the amendment or repeal, such Bill is passed by a majority of the Members of Parliament present and voting:

or

(c) Where one or more Council do not agree to the amendment or repeal such Bill is passed by the special majority required by Article 82.

(3) No bill in respect of any matter set out in the Provincial Council List shall become law unless such Bill has been referred by the president, after its publication in the *Gazette* and before it is placed on the Order Paper of Parliament, to every Provincial Council for the expression of its views thereon, within such period as may be specified in the reference, and-

(a) Where every such Council agrees to the passing of the Bill, such Bill is passed by a majority of the Members of Parliament present and voting: or

(b) Where one or more Council do not agree to the passing of the Bill, such Bill is passed by the special majority required by Article 82:

Provided that where on such reference, some but not all the Provincial Councils agree to the passing of a Bill, such Bill shall become law applicable only to the Provinces for which the Provincial Councils agreeing to the Bill have been established, upon such Bill being passed by a majority of the Members of Parliament present and voting.

(4) Where one or more Provincial Council request Parliament, by resolution, to make law on any matter set out in the Provincial Council list, Parliament may make law on that matter, applicable only to the Provinces for which those Provincial Councils are established by a majority of Members of Parliament present and voting

(5) (a) Parliament may make laws with respect to any matter set out in List III of the Ninth Schedule (hereinafter referred to as “the Concurrent list”) after such consultation with all Provincial Councils as Parliament may consider appropriate in the circumstances of each case.

(b) Every Provincial Council may, subject to the provisions of the Constitution, make statutes applicable to the Province for which it is established, with respect to any matter on the Concurrent list, after such consultation with parliament as it may consider appropriate in the circumstances of each case.

(6) If any provision of any statute made by a Provincial Council is inconsistent with the provisions of any law made in accordance with the preceding provisions of this Article, the provisions of such law shall prevail and the provision of such statute shall to the extent of such inconsistency, be void.

(7) A Provincial Council shall have no power to make statutes on any matter set out in List II of the Ninth Schedule (hereinafter to as “the Reserved List”)

(8) Where there is a law with respect to any matter on the Provincial Council List in force on the date on which this Chapter comes into force, and a Provincial Council established for a Province Subsequently makes statute on the same matter and which is described in its long title as being inconsistent with that law, then, the provisions of the law shall, with effect from the date on which that statute receives assent and so long only as that statute is in force, remain suspended and suspended and be inoperative within that Province.

(9) Where there is a law with respect to a matter on the Concurrent List on the date on which this Chapter comes into force and a Provincial Council established for a Province subsequently makes a statute on the same matter inconsistent with that law, the provisions of that law shall, unless Parliament, by resolution, decides

Assent

Public Security

to the contrary remain suspended and be inoperative within that Province, with effect from the date on which that statute received assent and so long only as that statute is in force.

(10) Nothing in this Article shall be read or construed as derogating from the powers conferred on Parliament by the Constitution to make laws in accordance with the Provisions of the Constitution (inclusive of this Chapter), with respect to any matter, for the whole of Sri Lanka or any part thereof.

(11) Notwithstanding anything in paragraph (3) of this Article, Parliament may make laws, otherwise than in accordance with the procedure set in that paragraph, in respect of any matter set out in the Provincial Council list for implementing any treaty, agreement or convention with any other country or countries or any decisions made at an international conference, association, or other body.

154H (1) Every statute made by a Provincial Council shall come into force upon such statute receiving assent as hereinafter provided.

(2) Every statute made by a Provincial Council shall be presented to the Governor for his assent, forthwith upon the making thereof, and the Governor shall either assent to the statute or he may as soon as possible after the statute is presented to him for assent return it to the Provincial Council together with a message requesting the Council to reconsider the statute or any specified Provision thereof and in particular, requesting it to consider the desirability of introducing such amendments as may be recommended in the message.

(3) Where a statute is returned to Provincial Council by the Governor under paragraph, (2) the Provincial Council shall reconsider the statute having regard to the Governor's message and may pass such statute with or without amendment and present it to the Governor for his assent.

(4) Upon presentation of a statute to the Governor under paragraph (3), the Governor may assent to the statute or reserve it for reference by the President to the Supreme Court, within one month of the passing of the statute for the Second time, for a determination that it is not inconsistent with the provisions of the Constitution. Where upon such reference, the Supreme Court determines that the statute is consistent with the provisions of the Constitution, the Governor shall, on receipt by him of the Court's determination, assent to the statute. Where upon such reference, the Supreme Court determines that the statute is consistent with the provisions of the Constitution, the Governor shall, withhold assent to the statute.

154J (1) Upon the making of a Proclamation under the Public Security Ordinance or the law for the time being in force relating to public security, bringing the provisions of such Ordinance or law into operation on the ground that the maintenance of essential supplies and services is threatened or that the

Failure to comply with directions.

Failure of administrative machinery

security of Sri Lanka is threatened by war or external aggression or armed rebellion, the President may give directions to any Governor as to the Governor is to be exercised. The directions so given shall be in relation to the grounds specified in such Proclamation for the making thereof.

Explanation : A Proclamation under the Public Security Ordinance declaring that the maintenance of essential supplies and services is threatened or that the security of Sri Lanka or any part of the territory thereof is threatened by war, or by external aggression, or by armed rebellion may be made before the actual breakdown of supplies and services, or the actual occurrence of war, or of any such aggression or rebellion, if the President is satisfied that there is imminent danger thereof :

Provided that where such Proclamation is in operation only in any part of Sri Lanka, the power of the President to give directions under this Article, shall also extend to any Province other than the Province in which the Proclamation is in operation if , and in so far as it is expedient so to do for ensuring the maintenance of essential supplies and services or the security of Sri Lanka.

(2) A Proclamation under the Public Security Ordinance or the law for the time being relating to public security, shall be conclusive for all purposes and shall not be questioned in any Court, and no Court or Tribunal shall inquire into, or pronounce on, or in any manner call in question, such Proclamation, the grounds for the making thereof, or the existence of those grounds or any direction given under this Article.

154K Where the Governor or any Provincial Council has failed to comply with or give effect to, any directions given to such Governor, or such Council under this Chapter of the Constitution, it shall be lawful for the President to hold that a situation has arisen in which the administration of the Province cannot be carried on in accordance with the provisions of the Constitution.

154L (1) If the President on receipt of a report from the Governor of the Province or otherwise, is satisfied that a situation has arisen in which the administration of the Province cannot be carried on in accordance with the Provisions of the Constitution, the President may by Proclamation

- (a) Assume to himself all or any of the functions of the administration of the Province and all or any of the Powers vested in, or exercisable by, the Governor or any body or authority in the Province other than the Provincial Council.;
- (b) Declare that the Powers of the Provincial Council shall be exercisable by, or under the authority of, Parliament;
- (c) Make such incidental and consequential provisions as appear to the President to be necessary or desirable for giving effect to the objects of the Proclamation:

Provided that nothing in this paragraph shall authorize the President to

assume to himself any of the powers vested in, or exercisable, by any Court.

(2) Any such Proclamation may be revoked or varied by a subsequent Proclamation..

(3) Every Proclamation under this Article shall be laid before parliament and shall, except where it is Proclamation revoking a previous Proclamation, cease to operate at the expiration of fourteen days unless the expiration of that period it has been approved by a resolution of Parliament:

Provided that if any such Proclamation (not being a Proclamation revoking a previous Proclamation) is issued at a time when Parliament is dissolved or the dissolution of Parliament takes place during the period of fourteen days referred to this paragraph but no resolution with respect to such proclamation has been passed by Parliament before the expiration of that period, the Proclamation shall cease to operate at the expiration of fourteen days from the date on which Parliament first sits after its reconstitution, unless before the expiration of the said period of fourteen days a resolution approving the Proclamation has been passed by Parliament.

(4) A Proclamation so approved shall, unless earlier revoked, cease to operate on the expiration of a period of two months from the date of issue of the Proclamation:

Provided that if and so often as a resolution approving the continuance in force of such a Proclamation is passed by Parliament, the Proclamation shall, unless revoked, continue in force for a further period of two months from the date on which under this paragraph it would otherwise have ceased to operate, but no such proclamation shall in any case remain in force for more than one year:

Provided further that if the dissolution of Parliament takes place during any such period of two months but no resolution with respect to the continuance in force of such Proclamation has been passed by Parliament during the said period, the Proclamation shall cease to operate at the expiration of fourteen days from the date on which Parliament first sits after its reconstitution unless before the expiration of the said period of fourteen days a Proclamation approving the continuance in force of the Proclamation has been passed by Parliament.

(5) Notwithstanding anything in this Article, the President may within fourteen days of his making a Proclamation under paragraph (1) and for the purpose of satisfying himself with regard to any of the matters referred to in that paragraph, appoint a retired Judge of the Supreme Court to inquire into and report upon such matters within a period of sixty days. A Judge so appointed shall in relation to such inquiry have the powers of a Commission appointed under the Commissions of Inquiry Act. Upon receipt of the report of such Judge, the President may revoke the Proclamation made under paragraph (1)

Parliament to confer powers of Provincial Council to President.

Financial instability

(6) A Proclamation under this Article shall be conclusive for all purposes and shall not be questioned in any Court, and no Court or Tribunal shall inquire into, pronounce on, or in any manner call in question, such Proclamation or the grounds for making there of.

154M (1) Where by a Proclamation issued under paragraph (1) of Article 154L, it has been declared that the powers of the Provincial Council shall be exercisable by, or under the authority, of Parliament, it shall be competent:-

(a) For Parliament to confer on the President the powers of the Provincial Council to make statutes and to authorize the President to delegate, subject to such conditions as he may think fit to impose, the power so conferred, on any other authority specified by him in that behalf;

(b) For the President to authorize, when Parliament is not in session, expenditure from the Provincial Fund of the Province pending sanction of such expenditure by Parliament.

(2) A statute made by Parliament or the President or other authority referred to in sub-paragraph (a) of paragraph (1), during the continuance in force of a Proclamation issued under paragraph (1) of Article 154L, shall continue in force until amended or repealed by the Provincial Council.

154N (1) If the President is satisfied that a situation has arisen whereby the financial stability or credit of srilanka or of any part of the territory thereof is threatened, he may by Proclamation make a declaration to that effect.

(2) A Proclamation issued under paragraph (1) –

(a) May be revoked or varied by a subsequent proclamation;

(b) Shall be laid before Parliament:

(c) Shall cease to operate at the expiration of two months, unless before the expiration of that period it has been approved by a resolution of Parliament;

Provided that if any Proclamation is issued at a time when Parliament has been dissolved or the dissolution of Parliament takes place during the period of two months referred to in sub-Paragraph (c) , but no resolution with respect to such Proclamation has been passed by Parliament before the expiration of that period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which Parliament first sits after its reconstitution, unless before the expiration of the said period of thirty days a resolution approving the Proclamation has been assed by Parliament.

High Court.

Functions, Powers, election. & c. of Provincial Councils

(3) During the period any such Proclamation as is mentioned in paragraph (1) is in operation, the President may give directions to any Governor of a Province to observe such canons of financial propriety as may be specified in the directions as the President may deem necessary and adequate for the purpose.

- (4) Not with standing anything in the Constitution any such direction may include -
- (a) A provision requiring the reduction of salaries and allowances of all or any class of persons serving in connection with the affairs of the Province;
 - (b) A provision requiring all statutes providing for payments into or out of, a provincial fund to be reserved for the consideration of the President after they are passed by the Provincial council

Finance Commission

154P (1) There shall be a High Court for each Province with effect from the date on which this Chapter comes into force. Each such High Court shall be designated as the High Court of the relevant Province.

(2) The Chief Justice shall nominate, from among judges of the High Court of Sri Lanka, such number of Judges as may be necessary to each such High Court. Every such Judge shall be transferable by the Chief Justice.

(3) Every such High Court shall -

(a) Exercise according to law, the original criminal jurisdiction of the High Court of Srilanka in respect of offences committed within the Province:

(b) Notwithstanding anything in Article 138 and subject to any law, exercise appellate and revisionary jurisdiction in respect of convictions, sentences and orders entered or imposed by Magistrates Courts and Primary Courts within the Province;

(c) Exercise such other jurisdiction and powers as Parliament may, by law provide.

(4) Every such High Court shall have Jurisdiction to issue, according to law -

(a) Orders in the nature of habeas corpus, in respect of person illegally detained within the Province; and

(b) Order in the nature of writs of certiorari prohibition procedendo, mandamus and quo warranto against any person exercising , within the Province, any power under-

- i) Any law; or
- ii) Any statutes made by the Provincial Council established for that Province,

iii) In respect of any matter set out in the Provincial Council list

(5) The Judicial Service Commission may delegate to such High Court, the power to inspect and report on, the administration of any Court of first instance within the Province.

(6) Subject to the provisions of the Constitution and any law, any person aggrieved by a final order. Judgment or sentence of any such Court, in the exercise of its jurisdiction under paragraphs (3) (b) or (3) (c) or (4), may appeal there from to the Court of Appeal in accordance with Article 138.

154 Q Parliament shall by law provide for -

- (a) The election of members of Provincial Councils and the qualifications for membership of such Councils;
- (b) The procedure for transaction of business by every such council;
- (c) The salaries and allowances of members of Provincial Councils; and
- (d) And other matter necessary for the purpose of giving effect to the principles of provisions of this Chapter, and for any matters connected with or incidental to, the provisions of this Chapter.

Special Provision enabling Provincial Councils not to exercise powers under this Chapter.

Transitional measures

154R (1) There shall be a Finance Commission consisting of –

- (a) The Governor of the Central Bank of Srilanka;
- (b) The Secretary to the Treasury; and
- (c) Three other members .to represent the three major communities each of whom shall be a person who has distinguished himself, or held high office, in the field of finance, law, administration, business or learning.

Amendment of Article 155 of the Constitution

(2) Every members of the Commission shall, unless he earlier dies, Resigns or is removed from office, hold office for a period of three years.

Amendment of Article 170 of the Constitution.

(3) The Governor shall, on the recommendation of and in consultation with, the Commission, allocate from the Annual Budgets, such funds as are adequate for the purpose of meeting the needs of the Provinces.

Addition of Eight and Ninth Schedules in the Constitutions.

(4) It shall be the duty of the Commission to make recommendations to the President as to-

- (a) The principles on which such funds as are granted annually by the Government for the use of Provinces, should be apportioned between the

various Provinces; and

(b) Any other matter referred to the Commission by the President relating to Provincial finance.

(5) The Commission shall formulate such principles with the objective of achieving balanced regional development in the country, and shall accordingly take into account-

(a) The population of each Province;

(b) The *per capita* income of each Province;

(c) The need progressively, to reduce social and economic disparities; and

(d) The need, progressively to reduce the difference between the per capital income of each province and the highest per capital income among the Provinces.

(6) The Commission shall determine its own procedure and shall have such powers in the performance of its duties as Parliament may, by law, confer on it.

(7) The president shall cause every recommendation made by the Finance Commission under this Article to be laid before Parliament, and shall notify Parliament as to action taken thereon.

(8) No Court or Tribunal shall inquire into, or pronounce on, or in any manner entertain, determine or rule upon, any question relating to the adequacy of such funds or any recommendation made, or principle formulated by the Commission.

154S (1) A Provincial Council may, by resolution, decide not to exercise its powers under Article 154G with respect to any matter or part thereof set out in the Provincial Council List or the Concurrent List of the Ninth Schedule.

(2) Where a resolution has been passed by a Provincial Council under paragraph (1) and the terms of such resolution have been accepted by parliament, by resolution, the powers of such Provincial Council under Article 154G shall be deemed not to extend to the matter specified in such resolution and Parliament may make law, with respect to that matter, applicable to the Province for which that Provincial Council is established, otherwise than in accordance with the provisions of Article 154 G.

154T The President may by order published in the *Gazette*, take such action, or give such directions, not inconsistent with the provisions of the Constitution, as appears to him to be necessary or expedient, for the purpose of giving effect to the provisions of this Chapter, or for the administrative changes necessary therefore, or for the purpose of removing any difficulties.”

5. Article 155 of the Constitution is hereby amended by the insertion, immediately after paragraph (3) of that Article, of the following new paragraph: -

“(3A) Nothing in the preceding provisions of this Constitution shall be deemed to prohibit the making of emergency regulations, under the public Security Ordinance or the law for the time being in force relating to public security, with respect to any, matter set out in the Ninth Schedule or having the effect of overriding, amending or suspending the operation of a statute made by a Provincial Council.”

6. Article 170 of the Constitution is hereby amended by the substitution, in the definition of “written law”, for the words “and includes Orders”, of the words “and includes statutes made by a Provincial Council, Orders.”

7. The following Schedules are hereby added immediately after the Seventh Schedule, and shall have effect as the Eighth and Ninth Schedules respectively of the Constitution:-

EIGHTH SCHEDULE

PROVINCES

Western
North Western
Uva
Sabaragamuwa
Central
Eastern
Southern
North Central
Northern.

NINTH SCHEDULE

List I

(Provincial Council List)

1. Police and Public order – Public order and the exercise of police powers, to the extent set out in Appendix I, within the Province, but not including National Defence, National Security and the use of any armed forces or any other forces under the control of the Government of srilanka in aid of the civil power, and not including the city of Colombo, Sri Jeyawardenepura Kotte, and their environs the limits of which shall

be specified by the President by Order published in the *Gazette*.

2. Planning – Implementation of Provincial economic plans.
3. Education and Educational Services – Education to the extent set out in Appendix III.
4. Local Government –
 - 4.1 Local authorities for the purpose of Local Government and village administration, such as Municipal Councils, Urban Councils and Pradeshiya sabhas, except that the constitution, form and structure of Local authorities shall be determined by law:
 - 4.2 Supervision of the administration of Local authorities established by law, including the power of dissolution (subject to such quasi – judicial inquiries into the grounds for dissolution, and legal remedies in respect thereof, as may be provided by law, and subject to provisions relating to audit as may be provided by law):
 - 4.3 Local authorities will have powers vested in them under existing law. Municipal Councils and Urban Councils will have the powers vested in them under the municipal Councils Ordinance and the Urban Councils Ordinance. Pradeshiya Sabhas will have the powers vested in them under existing law. It will be open to a Provincial Council to confer additional powers on local authorities but not to take away their powers:
 - 4.4 Gramodaya Mandalayas will have the powers vested in Gramodaya Mandalayas under existing law. It will be open to Provincial Council to confer to additional powers on Gromodaya Mandalayas.
5. Provincial Council and Construction-
 - 5.1 Implementing, coordinating, supervising and monitoring Provincial housing development programmers and projects (other than National Housing Development Authority projects) including aided self-help hosing projects, housing loans and the provision of building materials;
 - 5.2 The implementation of the Protection of tenants, Act and the Rent within a Province;
 - 5.3 Construction activity in respect of subjects in this list.
6. Roads and bridges and ferries thereon within the Province, other than-
 - (a) National highways;

(b) Bridges and ferries on national highways.

7. Social Services and Rehabilitation-

7.1 Probation and child Cadre Services;

7.2 The Rehabilitation of destitute persons and families;

7.3 Rehabilitation welfare of physically, mentally and socially handicapped persons;

7.4 Relief of the disabled and unemployable.

8. Regulation of road passenger carriage services and the carriage of goods by motor vehicles within the Province and the provisions of inter- Provincial road transport services.

9. Agriculture and Agrarian Services-

9.1 Agriculture including agricultural extension, promotion and education for Provincial purpose and agricultural services (other than in inter- Provincial irrigation and land settlement schemes, State land and plantation agriculture);

9.2 Rehabilitation and maintenance of minor irrigation works;

9.3 Agricultural research save and except institution designated as national agricultural research institutions.

10. Rural Development

11. Health-

11.1 The establishment and maintenance of public hospitals, rural hospitals, maternity homes, dispensaries (other than teaching hospitals and hospitals established for special purposes);

11.2 Public health services health education, nutrition, family health, maternity and child care, food and food sanitation, environmental health;

11.3 Formulation and implementation of Health Development Plan and of the Annual Health plan for the Province;

11.4 The Provision of facilities for all institutions referred to in I above within the Province, excluding the procurement of drugs;

11.5 Awarding of Scholarships for Post-Graduate Education within Sri Lanka to personnel attached to the Institutions specified in I

above.

12. Indigenous Medicine- Ayurveda, Siddha and Unani-

12.1 Establishment of Ayurvedic dispensaries and hospitals, grants to such dispensaries and hospitals;

12.2 Establishment and maintenance of herbaria

13.1 Rest houses maintained by local authorities; and

13.2 Circuit bungalows presently administered by Government departments

whose functions are exclusively specified in this List.

14. Pawnbrokers- Pawnbrokers other than pawnbroker business carried on by Banks.

15. Markets fairs.

16. Food supply and distribution within the Province.

17. Co-operatives-

17.1 Co-operative undertakings and the organization, registration supervision and audit of cooperative societies within the Province;

17.2 Co-operative development within the Province including co-operative education and propaganda;

17.3 Provincial Co- operative Employees Commission;

17.4 Matters connected with employment promotion, retirement and other connected matters of employees of Co-operative societies within the Province.

18. Land – land, that is to say, rights in or over land, land tenure transfer and alienation of land, land use, land settlement and land improvement, to the extent set out in Appendix II

19. Irrigation – Planning, designing, implementation, supervision and maintenance of all irrigation works, other than irrigation schemes relating to rivers running through more than one Province or inter provincial irrigation and land development schemes

20. Animal Husbandry – Preservation, protection and improvement of stock and prevention of animal diseases within the Province.

21. Subject to the formulation and implementation of National Policy in regard to development and planning the power to promote, establish and engage in agricultural, industrial, commercial and trading enterprise and other income – generating projects within the Province without prejudice to the power of the Government and public corporations to have enterprises and projects.

(This would include the promotion of scientific and industrial research within the Province and the preparation, co-ordination and the implementation of industrial development plans for the Province.)

22. Reformatories, Borstal institutions and other institutions of a like nature and prisons detained therein, arrangements with other Provinces for the use of such institutions.

23. Possession, transport, purchase and sale of intoxicating liquors.

24. Burials and burial grounds, cremation and cremation grounds, other than those declared by or under law made by Parliament to be national memorial cemeteries.

25.1 Libraries, Museums and other similar institutions controlled or financed by a Provincial Council ;

25.2 Ancient and historical monuments and records other than those declared by or under law made by Parliament to be of national importance.

26. The regulation of mines and mineral development, to the extent permitted by or under any law made Parliament, within the Province.

27. Incorporation, regulation and judicial winding up of corporations with objects confined to the Province, excluding trading corporations, banking, insurance and financial corporations.

28. Regulation of unincorporated trading literacy, scientific religious and other societies and associations.

29.1 Theatres and dramatic performances, music, cinemas, entertainments and amusements, excluding the sanctioning of cinematograph films for exhibition and public performances.

29.2 Encouragement and development of sports (other than national sports associations).

30. Betting and gambling, other than imposition of licence fees and taxes.

31. Provincial debt.

32. Offences against statutes with respect to any of the matters specified in this List.

33. Fees in respect of any of the matters in this List, excluding fees taken in any court.

34. Development, conservation and management of sites and facilities in the Province for the generation and promotion of electrical energy (other than hydro – electric power and power generated to feed tee national grid).

35. The borrowing of money to the extent permitted by or under any law made by Parliament;

36.1 Turnover taxes on wholesale and retail sales within such limits and subject to such exemptions as may be prescribed by law made by Parliament ;

36.2 Betting taxes, and taxes on prize competitions and lotteries, other than National Lotteries and lotteries organized by the Government of Sri Lanka ;

36.3 Licence taxes, arrack, toddy rents, tapping licence fees, and liquor licence fees;

36.4 Motor vehicle license fees within such limits and subject to such exemptions as may be prescribed by law made by Parliament;

36.5 Dealership licence taxes on drugs and other chemicals;

36.6 Stamp duties on transfer of properties, such as lands and motor cars;

36.7 Toll collections:

36.8 Fines imposed by courts;

36.9 Fees charged under the Medical Ordinance;

36.10 Fees charged under the Motor Traffic Act;

36.11 Departmental fees in respect of any of the matters specified in this

List;

36.12 Fees under the Fauna and Flora Protection Ordinance;

36.13 Fees on lands alienated under the land Development Ordinance

and

Crown Lands Ordinance:

36.14 Court fees, including stamp fees on documents produced in court;

36.15 Regulatory charges under the Weights and Measures Ordinance:

36.16 Land revenue, including the assessment and collection of revenue, and survey and maintenance of land records for revenue purposes;

36.17 Taxes on lands and buildings, including the property of the State to the

extent permitted by law made by Parliament;

36.18 Taxes on mineral rights within such limits and subject to such exemptions as may be prescribed by law made by Parliament;

36.19 Licensing fees on the possession transport, purchase and sale of intoxicating liquors;

36.20 Other taxation within the Province in order to raise revenue for provincial purposes to the extent permitted by or under any law made by Parliament.

37. Protection of environment within the Province to the extent permitted by or under any law made by Parliament.

APPENDIX I

Law And Order

1. The subject devolved shall be described as follows:-

Public Order and the exercise of Police powers as set out in this Appendix within the Province, but not including –

(a) National defence:

(b) National security; and

(c) The use of any armed forces or any other forces under the control of the

Government of Sri Lanka in aid of the civil power.

2. The I.G.P. shall be the head of the Sri Lanka Police Force. The Sri Lanka Police Force shall be divided into-

- (a) The National Division (including Special Units); and
- (b) a Province Division for each Province

2.1 The National Divisions shall consist of the I.G.P., D.I.G.G, S.S.PP, A.S.PP and other ranks recruited at the national level.

2.2. A Provincial Division shall consist of the D.I.G., S.S.PP., S.PP and A.S.PP all seconded from the National Division and Provincial Assistant Superintendents of police Chief Inspectors, Inspectors, Sub-Inspectors, Sergeants and Constables recruited in the Province. Members of the Provincial Division shall be eligible for promotion to the National Division.

3. Recruitment to the National Division and promotions of Police Officers in the Provincial Divisions to the National Division shall be made by a National Police Commission composed of three members, namely-

(a) The I.G.P

(b) A person nominated by the public Service Commission in consultation with
the President; and

(c) A nominee of the Chief Justice.

3.1 The National Police Commission shall, before promoting any Police Officer serving in any Provincial Division to the National Division, call a Confidential Report on such officer from the relevant Provincial Police Commission and take the matters specified in such report into consideration in deciding whether to promote such officer or not.

3.2 The commission shall also be responsible for promotions, transfers, and disciplinary control of members of the National Division other than the I.G.P. subject to paragraph 4:1 below

3.3 It shall here and determine appeals from officers seconded to Provincial Divisions against whom disciplinary action has been taken by Provincial Police Commission.

3.4 It shall set standards for recruitment and promotion of Police Officers of all Divisions and such standards shall be uniform for all Provincial Divisions.

4. Recruitment to each Provincial Division shall be made by a Provincial Police commission composed of three members namely

(a) The D.I.G of the Province;

(b) A person nominated by the Public Service Commission in consultation with the President; and

(c) A nominee of the Chief Minister of the Province.

4.1 Provincial Police Commission shall be responsible for transfers, promotions and disciplinary control over officers in the Provincial Division; for promotion of Officers of the National Division Seconded to the Provincial Division up to the rank of S.S.P: and for transfer and disciplinary control over officers seconded to the Provincial Division except the D.I.G:

Provided that any officer of the National Division seconded to any Provincial Division against whom disciplinary action has been taken by a Provincial Police Commission, shall have the right to appeal to the National Police Commission, whose decision on such appeal shall be final.

5. The National Police Commission or a Provincial Police Commission shall be entitled to delegate such of its powers as may be prescribed to such other person or authority as be prescribed.

6. The I.G.P shall appoint a D.I.G for Province with the concurrence of the Chief Minister of the Province. However, where there is no agreement between the Inspector-General of Police and the Chief Minister ,the matter will be referred to the President, who, after due consultations with the Chief Minister, shall make the appointment.

7. The cadres of Police Officers of all ranks of the National Division shall be fixed by the Government of Sri Lanka. The cadre of Officers and other ranks of each Provincial Division shall be fixed by the Provincial Administration with the approval of the President, having regard to-

(a) The area of the Province;

(b) Population of the Province: and

(c) Such other criteria, as may be agreed to or prescribed.

These principles shall be uniformly applied to all Provincial Divisions.

7.1 The cadres of the Provincial Divisions shall be fixed on ascertained principles such as population, area number of Police Stations involved and other relevant considerations. These principles shall be applied to all Provincial Division without distinction.

7.2 The salary scales and perquisites of office enjoyed by the various ranks in the National and Provincial Divisions shall be determined by the Government of

Sri Lanka after consultation with the Chief Ministers of the Provinces. The salary scales and perquisites of office as enjoyed by members of the Provincial Divisions shall apply uniformly to all Provincial Divisions.

8. The nature, type and quantity of fire arms and ammunition and other equipment for the National Division shall be determined by the National Police Commission. The nature, type and quantity of fire-arms and ammunition and other equipment for all Provincial Divisions shall be determined By the National Police Commission after consultation with the Provincial Police Commission and uniform standards and principles shall be applied for all Provincial Divisions.

9. Recruitment to the National Division shall be made at the ranks of P.C, S.I and A.S.P, Recruitment to the Provincial Division Shall be made at the ranks of P.C. , S.I., and P.A.S.P (rank referred to in paragraph 2.2 above).

9.1 Recruitment to the National Division shall be made by the National Police Commission and recruitment to the Provincial Division shall be made by the Provincial Police Commission having regard to the standards of recruitment and other criteria prescribed in this behalf:

Provided also that a recruit may, on appointment, set out his preferences as to the Division in which he wishes to serve and that he shall , if possible, be posted to the Division of his choice, with the consent of the Division concerned.

9.2 The Government of Sri Lanka shall be responsible for the training of all recruits to and of members of all Divisions of the Sri Lanka Police Force.

The President may, where he considers it necessary, provide for alternative training for members of any Provincial Division.

10. Members of the National Division and the Provincial Division shall wear the same uniforms and insignia of rank, provided that uniforms of the members of each Division shall bear a distinctive shoulder flash, indicating the Division to which he belongs.

10.1 There shall be one uniformed police force in each Province, comprising of the members of the Provincial Division and the officers seconded thereto. Member of the National Division shall ordinarily be in plain clothes provided that they may wear uniforms when performing any duties in respect of the maintenance or restoration of public order as set out in paragraph 12.2, 12.3 and 12.4 Provided also that the I.G.P and such other Officers as may be specified shall ordinarily be attired in uniforms.

11. All Police Officers serving in units of the National Division and Provincial Divisions in any Province shall function under the direction and control of the D. I.G. of such Province.

11.1 The D.I.G. of the Province shall be responsible to and under the control of

the Chief Minister thereof in respect of the maintenance of public order in the Province and the exercise of police powers in the Province as set out in the Schedule.

11.2 The provisions of paragraph 11:1 above are subject to the qualifications that –

(a) Upon the declaration of an emergency in the Province, the President may assume such powers and responsibilities of the Chief Minister and the Provincial Administration in respect of public order within the Province as he may, by regulation, provide; and

(b) Where the President is of the opinion that the security of or public order in a Province is threatened by grave internal disturbance, he may, without the declaration of an emergency, but in consultation with the Chief Minister of such Province, and subject to the provisions of the Public Security Ordinance, by order, deploy in aid of the civil power, any unit of the National Division, in the Province for the purpose of restoring public order:

Provided that every such order shall cease to be in force as soon as the President is satisfied that public order has been restored or on the expiry of thirty days from the date of the order whichever is earlier.

12.1 The Provincial Division shall be responsible for the preservation of public order within the Province and the prevention. Detection and investigation of all offences (except the offences specified in the Schedule) and subject to the power of the Attorney- General in terms of the code of Criminal Procedure Act, the institution of prosecution in the relevant Courts in respect of such offences.

The National Division of the Sri Lanka Police Force shall be responsible for the prevention, detection and investigation of all offences specified in the Schedule and subject to the powers of the Attorney-General in terms of the Code of Criminal Procedure Act, for the institution of prosecutions in the relevant Courts in respect of such offences.

12.2 Where the Chief Minister seeks the assistance of the National Division to preserve public order within a Province, the I,G.P shall deploy such personnel of the National Division as are necessary for the purpose, and place them under the control of the D.I.G of the Province.

12.3 Where a State of Emergency is declared in the Province, the I.G. P may deploy such units of the National Division, as he deems necessary in any Province for the restoration and maintenance of public order within such Province.

12.4 Any offence which may ordinarily be investigate by a Provincial Division may be investigated by the C.I.D. or any other unit of the National Division -

(a) Where the Chief Minister requests, that such investigation be undertaken by the C.I.D. or any other unit of the National Division; and

(b) Where the I.G.P. is of opinion that an investigation of such offence by the C.I.D. or any other unit of the National Division is necessary, in the public interest, and directs, after consultation with the Chief Minister, and the approval of the Attorney-General, that such offence be investigated by the C.I.D. or any other unit of the National Division.

13. The National Division shall perform all the functions vested in a Provincial Division, in any Province, for a period of one year or until a Provincial Division is established in such Provision, whichever is earlier.

14. All gazetted officers of the National Division and Provincial Divisions shall be required to attain the prescribed standard in Sinhala and Tamil. All Officers of the rank of A.S.P. and above shall also be required to attain the prescribed standard of English.

Every recruit to the Sri Lanka Police Force shall have proficiency in his mother tongue. For the first promotion he shall acquire proficiency in a language other than his mother tongue. For the next promotion he shall acquire knowledge of the third language. The three languages recognized for this purpose are Sinhala, Tamil and English.

SCHEDULE

List of Offences to be investigated by the National Police

- 1.** Offences against the State.
- 2.** Offences relating to the Navy, Army and Air Force.
- 3.** Offences relating to the Elections.
- 4.** Offences relating Coins, Currency and Government Stamps.
- 5.** Any Offence committed against the President.
- 6.** Any Offence committed against a Public Officer, a Judicial Officer, or the Speaker, or the Prime Minister or a Minister, or a Member of the Judicial , Service Commission, or a Member of Public Service Commission or a Deputy Minister or a Member of Parliament or the Secretary General of Parliament or a Member of the President's Staff or a Member of the Staff of the Secretary General of Parliament.
- 7.** Any Offence relating to property belonging to the State or a State Corporation

or Company or Establishment, the whole or part of the capital whereof has been provided by the State.

8. Any Offence prejudicial to National Security or the maintenance of Essential Services.

9. Any Offence under any law relating to any matter in the Reserve List other than such offences as the President may, by order published in the Gazette, exclude.

10. Any Offence in respect of which Courts in more than one Province have jurisdiction

11. International Crimes

APPENDIX II

Land and Land Settlement

State land shall continue to vest in the Republic and may be disposed of in accordance with Article 33 (d) and written law governing the matter.

Subject as aforesaid, land shall be a Provincial Council Subject, subject to the following special provisions:-

1. State land -

1.1 State land required for the purposes of the Government in a Province, in respect of a reserved or concurrent subject may be utilised by the Government in accordance with the laws governing the matter. The Government shall consult the relevant Provincial Council with regard to the utilization of such land in respect of such subject.

1.2 Government shall make available to every Provincial Council State land within the province required by such Council for a Provincial Council subject. The Provincial Council shall administer, control and utilize such State land, in accordance with the laws and statutes governing the matter.

1.3 Alienation or disposition of the state land within a Province to any citizen or to any organization shall be by the President, on the advice of the relevant Provincial Council, in accordance with the laws governing the matter.

2. Inter-Provincial irrigation and Land Development Projects.

2.1 Such projects would comprise irrigation and land development schemes –

(a) Within the Province initiated by the State and which utilize water from rivers following through more than one Province; a Provincial

Council however, may also initiate irrigation and land development schemes within its province utilizing water from such rivers;

(b) Within the Province which utilize water through diversions from water systems from outside the province; and

(c) All schemes where the command area falls within two or more Provinces such as the Mahaweli Development Project

2.2 These projects will be the responsibility of the Government of Sri Lanka.

2.3 The principles and criteria regarding the size of holdings of agricultural and homestead lands arising out of these projects will be determined by the Government of Sri Lanka in consultation with the Provincial Councils.

2.4 The selection of allottees for such lands will be determined by the Government of Sri Lanka having regard to settler selection criteria including degree of landlessness, income level, size of family and agricultural background of the applications. The actual application of these principles, selection of allottees and other incidental matters connected thereto will be within the powers of the Provincial Councils.

2.5 The distribution of all allotments of such land in such projects will be on the basis of national ethnic ratio, In the distribution of allotments according to such ratios, priority will be given to persons who are displaced by the project, landless of the District in which the project is situated and thereafter the landless of the Province.

2.6 Where the members of any community do not, or are unable to take their entitlements of allotments from any such project, they would be entitled to receive an equivalent number of allotments in another inter-provincial irrigation or Land Development Scheme. This unused quota should be utilized within a given time – frame.

2.7 The distribution of allotments in such projects on the basis of the aforesaid principles would be done as far as possible so as not to disturb very significantly the demographic pattern of the Province and in accordance with the principle of ensuring community cohesiveness in human settlements.

2.8 The administration and management of such projects will be done by the Government of Sri Lanka.

3. National Land Commission.

3.1 The Government of Sri Lanka shall establish a National Land Commission which would be responsible for the formulation of national policy with regard to the use of state land. This Commission will include representatives of all Provincial Councils in the Island.

3.2 The National Land Commission will have a Technical Secretariat representing all the relevant disciplines required to evaluate the physical as well as the socioeconomic factors that are relevant to natural resources management.

3.3 National policy on land use will be based on technical aspects (not on political or communal aspects), and the Commission will lay down general norms in regard to the use of land, having regard to soil, climate, rainfall, soil erosion, forest cover, environmental factors, economic viability, &c.

3.4 In the exercise of the powers devolved on them, the powers shall be exercised by the Provincial Councils having due regard to the national policy formulated by the National Land Commission.

Appendix III

Education

1. Provision of facilities for all State Schools other than specified schools (Specified Schools Will be National Schools, Special Schools for Service personnel and schools for specified development schemes).

2. Supervision of the management of -

(a) all pre-schools; and

(b) all State schools other than specified schools indicated above.

(In order to ensure standards the Ministry of Education will retain the right to inspect and supervise the management of schools.)

3. The transfer and disciplinary control of all educational personal i.e. Teachers, Principals and Education Officers. Officers belonging to a National Service but serving the Provincial authority on secondment will have the right of appeal to the Public Service Commission. Officers belonging to the Provincial Public Service will have a right to appeal to the Public Service Commission against dismissal.

4. Recruitment into the Teaching Service of those with diplomas and degrees, from Colleges of Education and Universities, recognized as teaching qualifications.

5. Until adequate numbers of these categories are available recruitment into the Teaching Service will be on the results of recruitment examinations conducted by the Public Service Commission . On the results of these examinations, interviews and selection will be conducted together with Provincial Authorities.

6. Appointment of Principals of all schools other than those in 1A, B, C categories. (Criteria will be laid down by the Minister of Education.)

7. Appointment of Principles of 1A, B, C Schools will be by the Secretary to the Ministry of the Minister in charge of the subject of Education or the Public Service Commission.
8. Training of teachers and other educational personnel will come within the purview of the National institute of Education. Provincial Authorities will indicate their needs to the National institute of Education.
9. Appointment of Provincial Boards of Education, which will have the advisory functions, will be the responsibility of the Minister of Education – However, this, will be done with concurrence of the Chief Minister of the Provincial Authority.
10. Provincial Authorities will establish School Boards conforming to the specifications laid down by the Ministry of Education.
11. Provincial Authorities will supervise the Working of School Boards.
12. Preparation of plans (education development plan and annual implementation plan) will be responsibility of the Provincial Authority.
13. Implementation of the Annual Education Development plan.
14. Appraisal of the performance of Principals, Teachers and Education Officers.
15. Conducting of In-Service training programmers for which prior approval of the National institute of Education has been obtained.
16. Conducting of local examination approved by the Commissioner-General of Examinations.
17. Implementation of Non-formal education programmes.
18. Registration and supervision of pre-schools.
19. Obtaining the approval of the National Institute of Education for local variations in the primary curriculum and selected subjects in the secondary curriculum.
20. Construction and maintenance of educational buildings, libraries and playgrounds.
21. Procuring and distribution of teaching aids, visual aids and audio visual materials, furniture and other equipment.
22. Procuring and distribution of science equipment other than certain specified items indicated by the Ministry.
23. Production and distribution of school textbooks after approval by the Ministry.

24. Organization and development of school libraries in accordance with guidelines given by the National Library Services Board.

(Above based on the recommendations of Committee of the Political Parties Conference.)

List II
(Reserved list)

National Policy on all subjects and Functions

Defence and National Security: Internal Security: Law and order and prevention and direction of crime except to the extent specified in item I of list I.

This would include-

- (a) Defense of Srilanka and every part thereof including preparation for defence and all such acts as may be conducive in times of war to its prosecution and after its termination to effective demobilization;
- (b) Naval, military and air forces; any other armed forces of the Government of Srilanka;
- (c) Deployment of any armed force of the Government of Sri Lanka or any other force subject to the control of the Government of Sri Lanka or any contingent or unit thereof in any Province in aid of the civil power; powers, jurisdiction, privileges and liabilities of the members of such forces while on such deployment;
- (d) Delimitation of cantonment areas, local self- government in such areas, the constitution and powers within such areas of cantonment authorities and the regulation of house accommodation (including the control of rents) in such areas;
- (e) Naval, military and air force works;
- (f) Arms, firearms, ammunition and explosives;
- (g) Atomic energy and mineral resources necessary for its production.
- (h) Industries declared by Parliament by law to be necessary or the propose of deference or for the prosecution of war;
- (i) Criminal Investigation Department:
- (j) Preventive detention for reasons connected with Defense. Foreign Affairs, or the security of Sri Lanka, persons subjected to such detention: and
- (k) Extension of the powers and jurisdiction of members of a police force

belonging

to any Province to any area outside that Province. But not so as to enable the police of one Province to exercise powers and jurisdiction in any area outside that Province without the consent of the Provincial Council in which such area is situated: extension of the powers and Jurisdiction of members of police force belonging to any Province to railway areas outside that Province.

Foreign Affairs

This would include-

- (a) Foreign Affairs; all matters which bring the Government of Sri Lanka into relation with any foreign country;
- (b) Diplomatic, consular and trade representation;
- (c) United Nations Organization,
- (d) Participation in international conferences, associations and other bodies and implementing of decisions made thereat;
- (e) Entering into treaties and agreements with foreign countries and implementing treaties, agreements and conventions with foreign countries;
- (f) War and peace; and
- (g) Foreign Jurisdiction

Post and Telecommunications; Broadcasting; Television

This would include-

- (a) Post and telegraphs; telephones; wireless, broadcasting and other like forms of communications; and
- (b) Sanctioning of cinematograph films for exhibition.

Justice in so far as it relates to the judiciary and the courts structure.

This Would include-

- (a) Constitution, organization, jurisdiction and power of the Supreme Court (including contempt of such Court) and the fees taken therein; persons entitled to practice before the Supreme Court, Court of Appeal and other Courts:
- (b) Constitution, organization, Jurisdiction and powers of the Court of Appeal, and the fees taken therein ; and

(c) Jurisdiction and powers of all courts, except the Supreme Court and the Court of Appeal.

Finance in relation to national revenue, monetary policy and external resources; customs

This would include-

- (a) Public debt of the government of Sri Lanka;
- (b) Currency, coinage and legal tender; foreign exchange;
- (c) Foreign loans;
- (d) Central Bank;
- (e) National Saving Bank;
- (f) Lotteries organized by the Government of Sri Lanka or a Provincial Council;
- (g) Banking;
- (h) Bills of exchange, cheques, promissory notes and other like instruments;
- (i) Insurance;
- (j) Stock exchanges and futures markets;
- (k) Audit of the accounts of the Government of Sri Lanka and of the Provinces;
- (l) Taxes on income, capital and wealth of individuals, companies and corporations;
- (m) Customs duties, including import and export duties and excise duties;
- (n) Turnover taxes and stamp duties, except to the extent specified in list I;
- (o) any other tax or fee not specified in list I.

Foreign Trade; Inter-Province Trade and Commerce

This would include-

- (a) Trade and commerce with foreign countries; import and export across customs frontiers; definition of customs frontiers; and

(b) Inter–province trade and commerce.

Ports and Harbours

This would include-

- (a) Ports declared by or under law made by Parliament or existing law to be major ports including their delimitation, and the constitution and powers of port authorities therein; and
- (b) port quarantine including hospitals connected therewith seamen's and marine hospitals.

Aviation and Airports

This would include-

Airways; aircraft and air navigation; provision of aerodromes; regulation and organization of air traffic and of aerodromes; provision for aeronautical education and training and regulation of such education and provided by Province and other agencies.

National Transport

This would include-

- (a) Railways;
- (b) Highways declared by or under law made by Parliament to be national highways; and
- (c) Carriage of passengers and good by railway, land sea or air, or by national waterways in mechanically propelled vessels.

Rivers and Waterways; Shipping and Navigation; Maritime zones including Historical Waters, Territorial Waters, Exclusive Economic zone and Continental Shelf and Internal Waters; State Lands and Foreshore, Except to the Extent Specified in Item 18 of List 1.

This would include –

- (a) Piracies and crimes committed on the high seas or in the air, offences against the law of nations committed on land or, the high seas or in the air;
- (b) Shipping and navigation on inland waterways, declared by Parliament by law to be national waterways, as regards mechanically propelled vessels;

the rule of the road on such waterways;

(c) Maritime shipping and navigation, including shipping and navigation on tidal waters; provision of education and training for the mercantile marine and regulation of such education and training provided by Provinces and other agencies;

(d) Lighthouses, including lightships, beacons and other provision for the safety of shipping and aircraft;

(e) Regulation and development of inter province rivers; and river valleys to the extent to which such regulation and development under the control of the Governor of Sri Lanka is declared by Parliament by law to be expedient in the public interest;

(f) Fishing and fisheries beyond territorial waters; and

(g) Property of the Government of Sri Lanka and the revenue therefrom, but as regards property situated in a province, subject to statutes made by the Province save in so far as Parliament by law otherwise provides.

Minerals and mines

This would include-

(a) Regulation and Development of oilfields and mineral oil resources; petroleum and petroleum products; other liquids and substances declared by Parliament by law to be dangerously inflammable; and

(b) Regulation of mines and mineral development to the extent to which such regulation and development under the control of the Government of Sri Lanka is declared by Parliament by law to be expedient in the public interest.

Immigration and Emigration and Citizenship

this would include-

(a) Citizenship, naturalization and aliens;

(b) Extradition; and

(c) Admission into and emigration and expulsion from, Sri Lanka; passports and visas.

Elections including Presidential, Parliamentary, Provincial Councils and Local Authorities

This would include-

Election to Parliament, Provincial Councils, Local Authorities and to the Office of President; the Department of Elections.

Census and Statistics

This would include-

- (a) Census ; and
- (b) Inquiries, surveys and statistics for the purpose of any of the matters in this list.

Professional Occupations and Training

This would include-

- (a) Institutions, such as Universities, declared by Parliament by law to be institutions of national importance;
- (b) Institutions for scientific or technical education by the Government of Sri Lanka wholly or in part and declared by Parliament by law to be institutions of national importance;
- (c) Provincial agencies and institutions for –
 - (i) Professional, vocational or technical training, including the training of police officers; or
 - (ii) The promotion of special studies or research; or
 - (iii) Scientific or technical assistance in the investigation or detection of crime;
and
- (d) Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions.

National Archives; Archaeological Activities and Sites and Antiquities declared by or under any law made by Parliament to be of National importance.

This would include-

Ancient and historical monuments and records, and archaeological sites and remains declared by or under law made by Parliament to be of national importance.

All Subject and functions not Specified in List I or list III including-

- (a) Pilgrimages to places outside Sri Lanka;
- (b) Incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations but not including co-operative societies;
- (c) Incorporation, regulation and winding up of corporations, whether trading or not, with objects not confined to one Province, but not including universities;
- (d) Patents, inventions and designs; copyright, trade marks and merchandise marks;
- (e) Establishment of standards of weight and measure;
- (f) Establishment of Standards of quality for goods to be exported out of Sri Lanka or transported from one province to another;
- (g) Industries, the control of which by the Government of Sri Lanka is declared by Parliament by law to be expedient in the public interest;
- (h) Regulation of labour and safety in mines;
- (i) Manufacture, supply and distribution of salt by agencies of the Government of Sri Lanka; regulation and control of manufacture, supply and distribution of salt by other agencies;
- (j) Cultivation, manufacture, and sale for export of opium;
- (k) Industrial disputes concerning employees of the Government of Sri Lanka;
- (l) Institutions such as Museums and War Memorials financed by the Government of Sri Lanka wholly or in part and declared by Parliament by law to be institutions of national importance;
- (m) The Survey of Sri Lanka the Geological, Botanical, Zoological and Anthropological Surveys of Sri Lanka; Meteorological organizations;
- (n) National Public Services; National Public Service Commission;
- (o) Pensions, that is to say pensions payable by the Government of Sri Lanka or out of the Consolidated Fund;
- (p) Salaries and allowances of Members of Parliament and the Speaker and Deputy Speaker of Parliament;

- (q) Powers privileges and immunities of Parliament and of the members and the Committees of Parliament; enforcement of attendance of persons for giving evidence or producing documents before Committees of Parliament or Commissions appointed by Parliament;
- (r) Emoluments, allowances, privileges, and rights in respect of leave of absence, of the President and Governors; salaries and allowances of the Ministers of the Government of Sri Lanka; the salaries, allowances and rights in respect of leave of absence and other conditions of Service of the Auditor- General;
- (s) Inter- Province migration; inter Province quarantine;
- (t) Offences against laws with respect to any of the matters in this list; and
- (u) Fees in respect of any of the matters in this List, but not including fees taken in any Court.

List III
(Concurrent List)

1. Planning-

- 1.1 Formulation and appraisal of plan implementation strategies at the Provincial level;
- 1.2 Progress control;
- 1.3 Monitoring progress of public and private sector investment programmes;
- 1.4 The evaluation of the performance of institutions and enterprises engaged in economic activities;
- 1.5 The presentation of relevant data in the achievement of plan targets;
- 1.6 The dissemination of information concerning achievement of plan targets;
- 1.7 Publicity of implementation programmes;
- 1.8 Manpower planning and employment data Bank;
- 1.9 Nutritional planning and programmes.

2. and 3. Education and Educational Services- Education, except to the extent specified in items 3 and 4 of List 1

4. Higher Education –

4.1 The establishment and maintenance of new Universities

4.2 The establishment of degree awarding institutions under the Universities (Amendment) Act. No. 7 of 1985, and other institutions for tertiary, technical and post- school education training.

5. National Housing and Construction – The promotion of integrated planning and implementation of economic, social and physical development of urban development areas.

6. Acquisition and requisitioning of property.

7. Social Service and Rehabilitation-

7.1 Relief, rehabilitation and resettlement of displaced persons;

7.2 Relief of distress due to floods, droughts, epidemics or other exceptional cause and rehabilitation and resettlement of those affected;

7.3 Restoration, reconstruction and rehabilitation of towns, villages, public institutions and properties, industries, business places, places of worship and other properties destroyed or damaged, grant of compensation or relief to persons or institutions who have sustained loss or damage and the reorganization of civil life.

8. Agricultural and Agrarian Services-

8.1 Establishment and promotion of agro-linked industries, the establishment and maintenance of farms and supervision of private nurseries;

8.2 Soil conservation;

8.3 Plant pests.

9. Health-

9.1 Schools for training of Auxiliary Medical Personnel;

9.2 The supervision of private medical care, control of nursing homes and of diagnostic facilities within a province;

9.3 Population control and family planning;

9.4 Constitution of Provincial Medical Boards.

10. Registration of births, marriages and deaths.

11. Renaming of Towns and villages.

12. Private lotteries within the Province.

13. Festival and Exhibitions.

14. Rationing of food and maintenance of food stocks.

15. Co-operatives, Co-operative Banks.

16. Surveys- For the purpose of any of the matters enumerated in the Provincial or Concurrent List.

17. Irrigation

17.1 Water storage and management, drainage and embankments, flood protection,
planning of water recourses;

17.2 Services provided for inter-provincial land and irrigation schemes, such as these
relating to rural development, health, education, vocational training, co-operatives and other facilities.

18. Social Forestry and protection of wild animals and birds.

19. Fisheries – other than fishing beyond territorial waters.

20. Animal Husbandry-

20.1 Production, processing, distribution and sale of livestock and livestock products;

20.2 Veterinary training services and research, inclusive of the provision of science laboratories and science equipment;

20.3 Animal breeding, care and health.

20.4 The establishment of pastures.

21. Employment-

21.1 Employment planning at Provincial level;

21.2 Special Employment programmes relating to the Province;

21.3 Promotion of youth employment activities relating to the Province.

21.4 Technical Manpower Development Programmes in relation to the Province.

22. Tourism – Development and control of the Tourist Industry in the Province.

23. Trade and commerce in , and the production, supply and distribution of-

(a) The products of any industry where the control of such industry by the Government is declared by Parliament by law to be expedient in the public interest, and imported goods of the same kind as such products; and

(b) foodstuffs and cattle fodder;

24. Newspapers, books and periodicals and printing presses.

25. Offences against statutes with respect to any matters specified in this List.

26. Fees in respect of any of the matters in this List, excluding fees taken in any Court.

27. Charities and charitable institutions, charitable and religious endowments and religious institutions.

28. Price Control

29. Inquiries and statistics for the purpose of any of the matters in this list or in the Provincial Council List.

30. Adulteration of foodstuffs and other goods.

31. Drugs and Poisons.

32. Extension of electrification within the Province and the promotion and regulation of the use of electricity within the Province.

33. Protection of the environment.

34. Archaeological sites and remains, other than those declared by or under any law made by Parliament to be of national importance.

35. Prevention of the extension from one Province to another of infectious or contagious diseases or pests affecting human beings, animal or plants.

36. Pilgrimages.

[\[Back\]](#)