

# **Thirteenth Amendment to 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:-

## **Short title and date of operation**

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.

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

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

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

(b) by the substitution, for the words "of which such Court of First Instance", of the words " of which such High Court, Court of First Instance".

## **Insertion of Chapter XVIIIA in the Constitution**

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 the Constitution:-

### **Chapter XVIIIA**

#### **Establishment of Provincial Councils**

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 provisions 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 such 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.

#### **Governor**

154B.

(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 the 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 of 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 removal of the Governor on the grounds referred to in sub-paragraph (a) 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 offense 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 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 messages to the Council either with respect to a statute then pending with the Council or otherwise, and when a message is so sent the Council shall with all convenient despatch consider any matter required by the message to be taken into consideration.

(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 such matter on which a decision has been taken by a Minister but which has not been considered by the Board.

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

#### **Exercise of executive powers by the 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.

#### **Membership of Provincial council**

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.

(2) (a) A Provincial Council may at the commencement of the term of 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 member but shall be entitled to vote there at 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.

#### **Term of Office**

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.

#### **Board of Ministers**

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 a 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 member of the Provincial Council constituted for the Province, who, in his opinion, is best able to command the support of a majority of the members of that Council:

Provided that where more than one-half of the members elected to a 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 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.

#### **Statutes of Provincial Councils**

154G. (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 any 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

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

Provided that where such references, some but not all the Provincial Councils agree to 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 Councils 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 these 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 (hereafter 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 the Article,

the provisions of such law shall prevail and the provisions 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 (hereafter referred 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 a 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 be inoperative within that Province.

(9) Where there is a law with respect to any 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 the law shall, unless Parliament, by resolution, decides to the contrary, remain suspended and be inoperative within that Province, with effect from the date on which that statute receives 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 for 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 out 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.

#### **Assent**

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 marking 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 a 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 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 inconsistent with the provisions of the Constitution, the Governor shall withhold assent to the statute.

#### **Public Security**

154J. (1) Upon the making of a Proclamation under the Public Security Ordinance or the law for the time being 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 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 manner in which the executive power exercisable by the Governor is to be exercised. The direction 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 or war, 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 making thereof, or the existence of those grounds or any direction given under this Article.

#### **Failure to comply with directions**

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.

**Failure of administrative machinery**

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 a Proclamation revoking a previous Proclamation, cease to operate at the expiration of fourteen days unless before 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 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 Commissioner appointed under the Commission of Inquiry Act. Upon receipt of the report of such Judge, the President may revoke the Proclamation made under paragraph (1).

(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, or pronounce on, or in any manner call in question, such Proclamation or the grounds for making thereof.

#### **Parliament to confer powers of Provincial Council to President**

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 exercised by, or under the authority, of Parliament, it shall be competent-

(a) for Parliament to confer on the President the power 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 subparagraph (c) 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.

#### **Financial instability**

154N.(1) If the President is satisfied that a situation has arisen where the financial stability or credit of Sri Lanka 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 such 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 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 passed by Parliament.

(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, and to give such other directions as the President may deem necessary and adequate for the purpose.

(4) Notwithstanding 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.

### **High Court**

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 Sri Lanka in respect of offenses 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 persons 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-

(1) any law; or

(2) any statutes made by the Provincial Council established for that Province.

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 therefrom to the Court of Appeal in accordance with Article 138.

#### **Functions, powers, election &c. of Provincial Councils**

154Q. 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) any 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.

#### **Finance Commission**

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

(a) the Governor of the Central Bank of Sri Lanka;

(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.

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

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

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

(a) the principles on which such funds are granted annually by the Government for the use of Provinces, should be apportioned between 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 capita income of each Province and the highest per capita 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 the Parliament, and shall notify Parliament as to the 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.

**Special provision enabling Provincial Councils**

**not to exercise powers under this Chapter**

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 (i) 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 154G.

**Transitional measures**

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.

**Amendment of Article 155 of the Constitution**

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 the Provincial Council."

**Amendment of Article 170 of the Constitution**

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

**Addition of Eighth and Ninth Schedules in the Constitution**

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 exercise of police powers, to the extent set out in Appendix I, within the Province, but not including National defense, National Security and the use of any armed forces or any other forces under the control of the Government of Sri Lanka in aid of civil power, and not including the city of Colombo, Sri Jayewardenepura 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 Service - Education to the extent set out in Appendix III
4. Local Government
5. Provincial Housing and Construction
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
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

10. Rural Development

11. Health

12. Indigenous Medicine - Ayurveda, Siddha and Unani -

13.1 Resthouses maintained by local authorities; and

13.2 Circuit bungalows presently administered by Government departments whose functions are exclusively specified in this List.

14. Pawnbrokers

15. Markets fairs

16. Food supply and distribution within the Province

17. Co-operatives

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

20. Animal Husbandry

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 enterprises and other income-generating projects, within the Province without prejudice to the power of the Government and public corporations to have such enterprises and projects

22. Reformatories, Borstal Institutions and other institutions of a like nature and persons 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, cremations 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 national importance



26. The regulation of mines and mineral development
27. Incorporation, regulation and judicial winding up of corporations with subjects confined to the Province, excluding trading corporations, banking, insurance and financial corporations
28. Regulation of unincorporated trading, literary, scientific, religious and other societies and associations
- 29.1 Theaters and dramatic performances, music, cinemas, entertainment's and amusements, excluding the sanctioning of cinematograph films for exhibition and public performance
- 29.2 Encouragement and development of sports (other than national sports associations)
30. Betting and gambling, other than imposition of license 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 electric energy (other than hydro-electric power and power generated to feed the 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 price competitions and lotteries, other than National Lotteries and lotteries organized by the Government of Sri Lanka
- 36.3 License taxes, arrack, toddy rents, tapping license fees, and liquor license 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 license taxes on drugs and other chemicals
- 36.6 Stamp duties on transfer of properties, such as lands and motor cars
- 36.7 Toll collection

- 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

## 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 utilized 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 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 land will be determined by the Government of Sri Lanka having regard to settler selection criteria including the degree of landlessness, income level, size of family and agricultural background of the applicants. The actual application of these principles, selection of allottees and other incidental matters connected thereto will be within the powers of 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

#### LIST II (Reserved List)

*National Policy on all Subjects and Functions*

*Defence and National Security: Internal Security; Law and order and prevention and detection of crime except to the extent specified in item 1 of List I*

*Foreign affairs*

*Posts and Telecommunications; Broadcasting; Television*

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

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

*Foreign Trade; Inter-Province Trade and Commerce*

*Ports and Harbours*

*Aviation and Airports*

*National Transport*

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

*Minerals and Mines*

*Immigration and Emigration and Citizenship*

*Elections including Presidential, Parliamentary, Provincial Councils and Local Authorities*

*Census and Statistics*

*Professional Occupations and Training*

*National Archives; Archaeological Activities and sites and Antiquities declared by or under any law made by Parliament to be of National Importance*

All functions not specified in List I or List III

LIST III

(Concurrent List)

1. Planning -
- 2 and 3. Education and Education Services -
4. Higher Education -
5. National Housing and Construction-
6. Acquisition and requisitioning of Property
7. Social Services and Rehabilitation-
8. Agriculture and Agrarian Services-
9. Health-
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 -
17. Irrigation-
18. Social Forestry and protection of wild animals and birds
19. Fisheries-
20. Animal Husbandry-
21. Employment-
22. Tourism-
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 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