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| Country/entity | Sri Lanka |
| Region | Asia and Pacific |
| Agreement name | Sri Lanka Constitution Bill, an Act to Repeal and Replace the Constitution of the Democratic Socialist Republic of Sri Lanka |
| Date | 3 Aug 2000 |
| Agreement status | Status unclear |
| Interim arrangement | Yes |
| Agreement/conflict level | Intrastate/intrastate conflict |

Sri Lankan Civil War (1983 - 2009)

The roots of the Sri Lanka conflict lay in British colonial policy which controlled the island from 1802 until 1948. During the early 1800s, the British brought Tamils from mainland India to work on the various plantations for tea, coffee and rubber, changing Sri Lanka's the demographic make-up. Upon independence, Sinhalese nationalism dominated the political sphere and introduced discriminatory policies against the Tamil minority straining relations and sparking protests. Armed Tamil resistance first came in the form of assassinations of moderate Tamils and opposition politicians in the mid-1970s. However, it was the Liberation Tigers of Tamil Eelam's (LTTE) attack on checkpoint Four Four Bravo, which marked the turning point, sparking pogroms against Tamils in Sinhalese majority areas. This incident, known as Black July, is widely considered to the beginning of the civil war.

The first round of peace talks were backed by India, which had deployed the Indian Peace Keeping Force (IPKF) in 1987, and led to the 1987 Indo-Sri Lanka Accord. The Accord was successful in persuading the majority of insurgency groups to lay down arms. However, the strongest Tamil insurgency group, the LTTE, was not party to the talks and refused to disarm, sparking direct conflict between the IPKF and the LTTE until IPKF withdrawal 1990. Following the withdrawal, the LTTE consolidated their power in the North and East sparking another intense and bloody war with the central government that lasted until 2002 when another peace process was launched under the auspices of Norwegian negotiators. The second round of peace talks, however, only continued until April 2003 and in March 2004, a large faction of LTTE cadres split from the main organization damaging LTTE unity. The LTTE were defeated militarily by a large-scale government assault in 2009, however, the conditions for peace remain uncertain.

Close

Sri Lankan Civil War (1983 - 2009)

| | |
|------------------------|--|
| Stage | Framework/substantive - comprehensive |
| Conflict nature | Government/territory |
| Peace process | Sri Lanka Kumaratunga/Devolution Processes |

Parties Members of the Government of Sri Lanka;
The Minister of Justice, Constitutional Affairs, Ethnic Affairs and National Integration and the Deputy Minister of Finance.

Third parties -

Description A Constitutional Amendment Proposal which incorporated much of the the 1996 Kumaratunga proposals (1995) and the 1997 and 1996 draft constitutions. Only this document has been coded as the last and most agreed (between Singhalese and Tamil Parties, but not LTTE) document. Although the government accepted and promulgated it, it failed to receive the requisite weighted majority to be passed as a constitutional amendment. This bill forms the culmination of earlier proposals and drafts. While only agreed with representatives of Tamils and not LTTE directly, is classified as a 'peace agreement' because it involved protagonists of both sides, and the TNA was to be later formed of these parties together with LTTE. The constitution was agreed between these parties, although ultimately failed because of the failure to receive the weighted majority approval it required under the existing constitution, to be passed as a constitutional amendment. Hence also classified 'status unclear' as its status as an 'agreed document' remains that it was a form of peace agreement, but failed to directly include the LTTE, and failed to become law. However, it also had a subsequent significance in the current constitutional reform processes that followed.

Agreement document [LK_000803_The Constitution of Rep of Sri Lanka, a Bill to repeal and replace the constitution of the DSRS�.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups

Children/youth

Groups→Children/youth→Substantive

Page 5, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

10. ... (10) ... (b) A judge may, in the judge's discretion, whenever the judge considers it necessary, in proceedings relating to sexual matters or where the interests of juveniles so require or in the interests of national security or public order necessary in a democratic society or in the interests of order and security within the precincts of such court, exclude therefrom, persons who are not necessary for the purposes of those proceedings.

Page 10, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

22. (1) Every child has the right -

(a) to a name from birth;

(b) to be protected from maltreatment, neglect, abuse or degradation; and

(c) to have an attorney-at-law assigned to the child by the State, and at State expense, in criminal proceedings affecting the child, if substantial injustice would otherwise result.

(2) Every child has the right -

(a) to family care or parental care or to appropriate alternative care when removed from the family environment; and

(b) to basic nutrition, shelter, basic health care services and social services.

(3) The State shall take reasonable legislative and other measures within its available resources with a view to achieving the progressive realization of the rights guaranteed by paragraph (2).

(4) In all matters concerning children, whether undertaken by public or private social welfare institutions, courts, administrative authorities or legislative bodies, the best interest of the child shall be of paramount importance.

(5) Every child shall have the right to grow up in an environment protected from the negative consequences of the consumption of addictive substances harmful to the health of the child and, to the extent possible, from the promotion of such substances.

(6) Every child between the ages of five and fourteen years shall have access to free education provided by the State.

(7) A child shall not be employed in any hazardous activity.

(8) The rights recognized by this Article shall be in addition to any other right to which a child is entitled as a citizen or person under this Chapter.

(9) For the purposes of this Article "child" means a person under the age of eighteen years.

Page 104, Article 183, ... (5) Where provision is made by law for the exercise, by any court, of jurisdiction in respect of the custody and control of minor children, then the Court of Appeal, if satisfied that any dispute regarding the custody of any such minor child may more properly be dealt with by such court, direct the parties to an application for an order under paragraph (3) of this Article to make application in that court in respect of the custody of such minor child.

Page 165, Second Schedule, List 1, Reserved List

... 41. Policy and law relating to adoption of children.

Page 166, Second Schedule, List 1, Reserved List

... 70. National policy on youth.

Page 171, Second Schedule, List II, Regional List

... 56. Implementation of programmes for the advancement of youth.

Disabled persons

Groups→Disabled persons→Anti-discrimination

Page 9, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS, Right to equality

11. ... (4) Anything in this Article shall not prevent special measures being taken by law, subordinate legislation or executive action where necessary for the sole purpose of the protection or advancement of disadvantaged or underprivileged individuals or groups including those that are disadvantaged or underprivileged because of ethnicity, gender, sex, age or mental or physical disability.

Groups→Disabled persons→Substantive

Page 46, CHAPTER XIII, THE FRANCHISE AND ELECTIONS, Disqualification to be an elector

107. (1) A person shall not be qualified to be an elector at an election of Members of Parliament or Members of a Regional Council or to vote at any Referendum if the person is subject to any of the following disqualifications, namely-

... (c) if the person is under any law in force in Sri Lanka found or declared to be of unsound mind;

Elderly/age

Groups→Elderly/age→Anti-discrimination

Page 9, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS, Right to equality

11. ... (4) Anything in this Article shall not prevent special measures being taken by law, subordinate legislation or executive action where necessary for the sole purpose of the protection or advancement of disadvantaged or underprivileged individuals or groups including those that are disadvantaged or underprivileged because of ethnicity, gender, sex, age or mental or physical disability.

Groups→Elderly/age→Substantive

Page 46, CHAPTER XIII, THE FRANCHISE AND ELECTIONS, Disqualification to be an elector

107. (1) A person shall not be qualified to be an elector at an election of Members of Parliament or Members of a Regional Council or to vote at an y Referendum if the person is subject to any of the following disqualifications, namely-

... (b) if the person has not attained the age of eighteen years on the qualifying date specified by law under the provisions of Article 120;

Page 90, CHAPTER XVIII, THE JUDICIARY, THE INDEPENDENCE OF THE JUDICIARY

151. ... (7) Subject to paragraph (8) of this Article, a Judge of the Supreme Court shall be entitled to hold office until the Judge reaches the age of sixty five years and a Judge of the Court of Appeal shall be entitled to hold office until the Judge reaches the age of sixty three years.

...

155.... (3) Subject to paragraph (4) of this Article, a Judge of a Regional High Court shall be entitled to hold office until the Judge reaches the age of sixty one years.

Page 110, CHAPTER XX, THE PUBLIC SERVICE,

194. ... (3) ... (b) Every person referred to in sub-paragraph (a) of this paragraph shall, until the person ceases to be a member of the National Public Service Commission, or while continuing to be such a member, attains the age at which the person would be required to retire from such service, be deemed to be a public officer in the service of the State or a judicial officer, as the case may be. and to hold a pensionable office in the service of the State, for the purposes of any provision relating to the grant of pensions, gratuities or other allowances in respect of such service.

Page 123, CHAPTER XXI FINANCE, Article 213, ... (3) The office of the Auditor-General shall become vacant-

... (c) on attaining the age of sixty years ;

Page 138, CHAPTER XXIV, THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION

225. ... (4) The office of the Parliamentary Commissioner for Administration shall become vacant-

... (c) on attaining the age fixed by law ;

Page 139-140, Chapter XXV: Local Government,

Article 226. ... (4) Every Statute made by a Regional Council of a Region relating to election to local authorities in that Region, under paragraph (3) of this Article, shall as far as practical, provide for the adequate representation of women, persons under thirty five years of age and the major communities ordinarily resident in the local authority area for which a local authority is established.

Migrant workers No specific mention.

**Racial/ethnic/
national group**

Groups→Racial/ethnic/national group→Rhetorical

Page 1, CHAPTER I, THE PEOPLE, THE STATE AND SOVEREIGNTY,

... (2) The State shall safeguard the independence, sovereignty, unity and the territorial integrity of the Republic and shall preserve and advance a Sri Lankan identity, recognizing the multi-ethnic, multi-lingual and multi religious character of Sri Lankan society.

Groups→Racial/ethnic/national group→Anti-discrimination

Page 6, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

11. ... (2) (a) Subject to sub-paragraphs (b) and (c) of this paragraph, a citizen shall not be discriminated against on the grounds of ethnicity, religion, language, caste, gender, sex, political or other opinion, national or social origin, place of birth, mode of acquisition of citizenship, marital status, maternity, parental status or any one of such grounds.

Page 9, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS, Right to equality

11. ... (4) Anything in this Article shall not prevent special measures being taken by law, subordinate legislation or executive action where necessary for the sole purpose of the protection or advancement of disadvantaged or underprivileged individuals or groups including those that are disadvantaged or underprivileged because of ethnicity, gender, sex, age or mental or physical disability.

Page 11-12, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

27. (1) Where a Proclamation has been duly made pursuant to the provisions of Chapter XXIII, and subject to paragraph (2) of this Article, measures may be prescribed by law derogating from the exercise, and operation of the fundamental rights declared and recognized in this Chapter to the extent strictly required by the exigencies of the situation and necessary in a democratic society, provided that such measures do not involve discrimination solely on the grounds of ethnicity, class, religion, gender, sex, language, caste, national or social origin and for the purpose of this Article "law" includes regulations made under the law for the time being in force relating to public security.

Groups→Racial/ethnic/national group→Substantive

Page 8, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

16. ... (2) Any restrictions shall not be placed on the right declared and recognized by this Article other than such restrictions prescribed by law as are necessary in a democratic society in the interests of national security, public order, the protection of public health or morality, racial and religious harmony or in relation to parliamentary privilege, contempt of court, defamation or incitement of an offence or for the purpose of securing due recognition and respect for the rights and freedoms of others.

Page 9, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

19. (1) Every citizen is entitled alone or in association with others to enjoy and promote such citizen's own culture and to use such citizen's own language.

(2) Any restrictions shall not be placed on the exercise of the right declared and recognized by this Article other than such restrictions prescribed by law as are necessary in a democratic society in the interests of national security, public order, racial or religious harmony or the protection of public health or morality or for the purpose of securing due recognition and respect for the rights and freedoms of others.

[Summary] Page 111, Article 200 (1) Each Region shall have a Regional Public Service Commission consisting of 3-5 persons appointed by the Governor of the Region, in consultation with the Board of Minister of the Region, and having regard to the ethnic composition of the Region. (2) A person cannot be on the Commission if they hold position in local or national government. (3a) The period of office is 5 years. (3b) A member cannot be reappointed. (4) Cause describes salary conditions. (5) Vacancy in the Commission is not reason for invalidating its procedures.

Religious groups

Groups→Religious groups→Rhetorical

Page 1, CHAPTER I, THE PEOPLE, THE STATE AND SOVEREIGNTY,

... (2) The State shall safeguard the independence, sovereignty, unity and the territorial integrity of the Republic and shall preserve and advance a Sri Lankan identity, recognizing the multi-ethnic, multi-lingual and multi religious character of Sri Lankan society.

Groups→Religious groups→Anti-discrimination

Page 6, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

11. ... (2) (a) Subject to sub-paragraphs (b) and (c) of this paragraph, a citizen shall not be discriminated against on the grounds of ethnicity, religion, language, caste, gender, sex, political or other opinion, national or social origin, place of birth, mode of acquisition of citizenship, marital status, maternity, parental status or any one of such grounds.

Page 7, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

11. ... (3) A person shall not, on the grounds of ethnicity, religion, language, caste, gender, sex, political or other opinion, national or social origin, place of birth, or any one of such grounds, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, places of public entertainment and places of public worship of such person's own religion.

Page 11-12, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

27. (1) Where a Proclamation has been duly made pursuant to the provisions of Chapter XXIII, and subject to paragraph (2) of this Article, measures may be prescribed by law derogating from the exercise, and operation of the fundamental rights declared and recognized in this Chapter to the extent strictly required by the exigencies of the situation and necessary in a democratic society, provided that such measures do not involve discrimination solely on the grounds of ethnicity, class, religion, gender, sex, language, caste, national or social origin and for the purpose of this Article "law" includes regulations made under the law for the time being in force relating to public security.

Page 151, CHAPTER XXVIII, INTERIM COUNCIL FOR THE NORTHERN AND EASTERN REGIONS,

245. ... (2) The Governor, Interim Council and the Board of Ministers shall exercise their respective powers with rigorous impartiality on behalf of all the people in the two Regions, recognizing the diversity of their identities and traditions, and such exercise shall be founded on the principles of full respect for the equality of the civil, political, social, religious and cultural rights of those people and of the freedom from discrimination for all citizens, and on parity of esteem and equal treatment for the identity, ethos and aspirations of all communities in the two Regions.

Groups→Religious groups→Substantive

Page 3, CHAPTER II BUDDHISM

7. (1) The Republic of Sri Lanka shall give to Buddhism the foremost place and, accordingly, it shall be the duty of the State to protect and foster the Buddha Sasana while giving adequate protection to all religions and guaranteeing to every person the rights and freedoms granted by paragraphs (1) and (3) of Article 15.

(2) The State shall, where necessary, consult the Supreme Council, recognized by the Minister of the Cabinet of Ministers in charge of the subject of Buddha Sasana, on measures taken for the protection and fostering of the Buddha Sasana.

Page 8, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

16. ... (2) Any restrictions shall not be placed on the right declared and recognized by this Article other than such restrictions prescribed by law as are necessary in a democratic society in the interests of national security, public order, the protection of public health or morality, racial and religious harmony or in relation to parliamentary privileges

Indigenous people No specific mention.

Other groups Groups→Other groups→Anti-discrimination
Page 6, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS
11. ... (2) (a) Subject to sub-paragraphs (b) and (c) of this paragraph, a citizen shall not be discriminated against on the grounds of ethnicity, religion, language, caste, gender, sex, political or other opinion, national or social origin, place of birth, mode of acquisition of citizenship, marital status, maternity, parental status or any one of such grounds.

Page 7, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS
11. ... (3) A person shall not, on the grounds of ethnicity, religion, language, caste, gender, sex, political or other opinion, national or social origin, place of birth, or any one of such grounds, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, places of public entertainment and places of public worship of such person's own religion.

Refugees/displaced persons Groups→Refugees/displaced persons→Substantive
Page 154, CHAPTER XXVIII, INTERIM COUNCIL FOR THE NORTHERN AND EASTERN REGIONS,
250. The Interim Council and the Board of Ministers shall take such measures as may be necessary -
(a) to rehabilitate and resettle, persons who have been displaced in the Northern and Eastern Regions, after January 1, 1983;

Social class Groups→Social class→Anti-discrimination
Page 6, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS
11. ... (2) (a) Subject to sub-paragraphs (b) and (c) of this paragraph, a citizen shall not be discriminated against on the grounds of ethnicity, religion, language, caste, gender, sex, political or other opinion, national or social origin, place of birth, mode of acquisition of citizenship, marital status, maternity, parental status or any one of such grounds.

Page 7, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS
11. ... (3) A person shall not, on the grounds of ethnicity, religion, language, caste, gender, sex, political or other opinion, national or social origin, place of birth, or any one of such grounds, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, places of public entertainment and places of public worship of such person's own religion.

Page 11-12, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS
27. (1) Where a Proclamation has been duly made pursuant to the provisions of Chapter XXIII, and subject to paragraph (2) of this Article, measures may be prescribed by law derogating from the exercise, and operation of the fundamental rights declared and recognized in this Chapter to the extent strictly required by the exigencies of the situation and necessary in a democratic society, provided that such measures do not involve discrimination solely on the grounds of ethnicity, class, religion, gender, sex, language, caste, national or social origin and for the purpose of this Article "law" includes regulations made under the law for the time being in force relating to public security.

Gender

Women, girls and gender

Page 5, Article 10, ... 10(b) A judge may, in the judge's discretion, whenever the judge considers it necessary, in proceedings relating to sexual matters or where the interests of juveniles so require or in the interests of national security or public order necessary in a democratic society or in the interests of order and security within the precincts of such court, exclude therefrom, persons who are not necessary for the purposes of those proceedings.

Page 6, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

Article 11, (2) (a) Subject to sub-paragraphs (b) and (c) of this paragraph, a citizen shall not be discriminated against on the grounds of ethnicity, religion, language, caste, gender, sex, political or other opinion, national or social origin, place of birth, mode of acquisition of citizenship, marital status, maternity, parental status or any one of such grounds.

Page 7, Article 11, (3) A person shall not, on the grounds of ethnicity, religion, language, caste, gender, sex, political or other opinion, national or social origin, place of birth, or any one of such grounds, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, places of public entertainment and places of public worship of such person 's own religion.

... (4) Anything in this Article shall not prevent special measures being taken by law, subordinate legislation or executive action where necessary for the sole purpose of the protection or advancement of disadvantaged or underprivileged individuals or groups including those that are disadvantaged or underprivileged because of ethnicity, gender, sex, age or mental or physical disability.

Page 11-12, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

Article 27. (l) Where a Proclamation has been duly made pursuant to the provisions of Chapter XXIII, and subject to paragraph (2) of this Article, measures may be prescribed by law derogating from the exercise and operation of the fundamental rights declared and recognized in this Chapter to the extent strictly required by the exigencies of the situation and necessary in a democratic society, provided that such measures do not involve discrimination solely on the grounds of ethnicity, class, religion, gender, sex, language, caste, national or social origin and for the purpose of this Article "law" includes regulations made under the law for the time being in force relating to public security.

Page 137-138, Chapter XXV: Local Government,

Article 226. ... (4) Every Statute made by a Regional Council of a Region relating to election to local authorities in that Region, under paragraph (3) of this Article, shall as far as practical, provide for the adequate representation of women, persons under thirty five years of age and the major communities ordinarily resident in the local authority area for which a local authority is established.

Page 167, Second Schedule, List 1, Reserved List,
71. National policy on women's affairs.

Page 171, Second Schedule, List II, Regional List

... 57. Implementation of programmes for the advancement of women.

Men and boys No specific mention.

LGBTI No specific mention.

Family Page 10, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS
22. ... (2) Every child has the right -
(a) to family care or parental care or to appropriate alternative care when removed from
the family environment; and

State definition

Nature of state (general)

Page 1, CHAPTER I, THE PEOPLE, THE STATE AND SOVEREIGNTY,

1. (1) The Republic of Sri Lanka is one, free, sovereign and independent State consisting of the institutions of the Centre and of the Regions which shall exercise power as laid down in the Constitution.

Page 1, CHAPTER I, THE PEOPLE, THE STATE AND SOVEREIGNTY,

... (2) The State shall safeguard the independence, sovereignty, unity and the territorial integrity of the Republic and shall preserve and advance a Sri Lankan identity, recognizing the multi-ethnic, multi-lingual and multi religious character of Sri Lankan society.

Page 1, CHAPTER I, THE PEOPLE, THE STATE AND SOVEREIGNTY,

2. (1) In the Republic, Sovereignty is in the People and is inalienable.

Page 20, CHAPTER VI, PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

52. The following principles shall guide the State in making laws and in the governance of Sri Lanka -

(1) The State shall recognize the pluralistic character of Sri Lankan society and strengthen national unity by ensuring that the composition of the institutions of State reflects such character and shall promote co operation and mutual trust, confidence and understanding among all sections of the People of Sri Lanka.

Page 21, CHAPTER VI, PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

53. It shall be the duty of every citizen to -

- (1) uphold and protect the independence, sovereignty, unity and territorial integrity of Sri Lanka;
- (2) uphold and defend the Constitution and its ideals and institutions;
- (3) foster national unity and promote harmony amongst all the People of Sri Lanka;

State configuration

Page 1, CHAPTER I, THE PEOPLE, THE STATE AND SOVEREIGNTY,

1. (1) The Republic of Sri Lanka is one, free, sovereign and independent State consisting of the institutions of the Centre and of the Regions which shall exercise power as laid down in the Constitution.

Page 1, CHAPTER I, THE PEOPLE, THE STATE AND SOVEREIGNTY,

2. ... (2) Sovereignty includes powers of government, fundamental rights and the franchise and shall be exercised in the following manner :-

(a) the legislative power of the People shall be exercised, by the People at a Referendum, by Parliament and by Regional Councils to the respective extents and in the manner hereinafter provided;

Page 2, CHAPTER I, THE PEOPLE, THE STATE AND SOVEREIGNTY,

3.(1) The territory of the Republic shall consist of the Regions as set out in the First Schedule, its territorial waters and airspace and the Republic shall have all rights recognized by law, custom and usage, pertaining to such territory.

Self determination

No specific mention.

Referendum

Page 1, CHAPTER I, THE PEOPLE, THE STATE AND SOVEREIGNTY,

2. ... (2) Sovereignty includes powers of government, fundamental rights and the franchise and shall be exercised in the following manner :-

(a) the legislative power of the People shall be exercised, by the People at a Referendum, by Parliament and by Regional Councils to the respective extents and in the manner hereinafter provided;

... (e) the franchise shall be exercisable at the election of Members of Parliament and of Members of Regional Councils and local authorities and at every Referendum by every citizen who has attained the age of eighteen years, and who, being qualified to be an elector as hereinafter provided, has the citizen's name entered in the register of electors.

Page 43, CHAPTER XI, THE CENTRAL LEGISLATURE

Amendment of the Constitution

103. (1) The President shall submit to the People by Referendum every Bill or any provision in any Bill referred to in Article 101 or which the Cabinet of Ministers has certified as being intended to be submitted to the People at a Referendum, or which the Supreme Court has determined as requiring the approval of the People at a Referendum, if the number of votes cast in favour of such Bill amounts to not less than two-thirds of the whole number of Members (including those not present).

(2) Subject to paragraph (3) of this Article, any Bill or any provision in any Bill submitted to the People at a Referendum shall be deemed to be approved by the People if approved by a majority of the valid votes cast at such Referendum.

(3) Where the total number of valid votes cast at a Referendum conducted under this Article does not exceed two-thirds of the whole number of electors entered in the register of electors, such Bill shall be deemed to be approved by the People only if approved by not less than one third of the whole number of such electors.

104. The President may, subject to the provisions of paragraph (3) of Article 103, submit to the People at a Referendum any matter, which in the opinion of the President is of national importance.

105. (1) Every Referendum shall be conducted by the Elections Commission and the Commissioner-General of Elections shall communicate the result thereof to the President.

(2) Parliament shall by law provide for all matters relating to the procedure for the submission of Bills and of matters of national importance to the People by Referenda, the register of electors to be used at a Referendum, the creation of offences relating thereto and the punishment therefor, and all other matters necessary or incidental thereto, and until Parliament so provides, the provisions of the Referendum Act, No. 7 of 1981 shall, mutatis mutandis, apply.

Page 45, CHAPTER XIII, THE FRANCHISE AND ELECTIONS

107. ... (e) ... (iii) the last of the dates, if any, being a date after the commencement of the Constitution, of a report made by a Judge finding the person guilty of any corrupt practice under the Parliamentary Elections Act, No. 1 of 1981, or under any law for the time being relating to Referenda, or the election of, Members of Parliament or of Members of Provincial Councils or Regional Councils; or

(iv) the last of the dates, if any, of the person being convicted or being found guilty of bribery under the provisions of the Bribery Act or of any future Act, as would correspond to the Bribery Act;

(f) if a period of five years has not elapsed since-

(i) the last of the dates, if any, of the person being convicted of an offence under the provisions of sections 77 to 82 (both inclusive) of the Local Authorities Elections Ordinance or for such offence under any future law, as would correspond to any offence under the said sections; or Page 15 of 72

(ii) the last of the dates, if any, of the person being convicted of an offence under the provisions of sections 2 and 3 of the Public Bodies (Prevention of Corruption) Ordinance

State symbols

Page 2, CHAPTER I, THE PEOPLE, THE STATE AND SOVEREIGNTY,

3. ... (2) Any Regional Council or Regional Administration shall not, by direct or indirect means, promote or otherwise advocate or attempt to promote or otherwise advocate an initiative towards -

... (c) the alteration of the name of a Region;

Page 2, CHAPTER I, THE PEOPLE, THE STATE AND SOVEREIGNTY,

4. The National Flag of the Republic shall be the Lion Flag depicted in the Third Schedule.

5. (1) The National Anthem of the Republic shall be "SriLanka Matha",

the words and music of which are set out in Part I of the Fourth Schedule.

(2) The Tamil language translation of the National Anthem shall be as set out in Part II of the Fourth Schedule

6. The National Day of the Republic shall be the fourth day of February.

Page 14, CHAPTER IV, LANGUAGE,

32. The official languages of the Republic shall be Sinhala and Tamil.

Page 15, 35. (1) Sinhala and Tamil shall be the languages of administration throughout the Republic.

(2) Sinhala shall be the language used for the maintenance of public records by national and regional public institutions and local authorities in the Capital Territory and all the Regions other than the Regions specified in Parts B and C of the First Schedule, wherein Tamil shall be used.

(3) Sinhala and Tamil shall be used as the languages for the maintenance of public records by national and regional public institutions or local authorities in any area comprising a division of a Divisional Secretary where the Sinhala or Tamil linguistic minority, as the case may be, in such area exceeds one eighth of the total population of that area.

36. (1) In any area where Sinhala is used as a language for the maintenance of public records, a person shall be entitled -

(a) to receive communication from and to communicate and transact business with, any official in his or her official capacity, in either Tamil or English and to receive a response to such communication from such official in the language in which the person communicated;

(b) if the law recognizes the person's right to inspect or to obtain copies of or extracts from any official register, record, publication or other document, to obtain a copy of, or an extract from, such register, record, publication or other document, or a translation thereof, as the case may be, in either Tamil or English;

(c) where a document is executed by an official for the purpose of being issued to the person, to obtain such document or a translation thereof, in either Tamil or English;

(d) to give information as regards any birth, death or marriage in either Tamil or English and to receive the original certificate of such birth, death or marriage in such language;

Page 61-62, CHAPTER XIV, The Constitutional Council
SCHEDULE

... (c) The Official Languages Commission.

Page 172, THIRD SCHEDULE - Contains an image of the National Flag.

Page 173, FOURTH SCHEDULE - Contains the words and music for the National Anthem.

**Independence/
secession**

Page 2, CHAPTER I, THE PEOPLE, THE STATE AND SOVEREIGNTY,
3. ... (2) Any Regional Council or Regional Administration shall not, by direct or indirect means, promote or otherwise advocate or attempt to promote or otherwise advocate an initiative towards -
(a) the separation or secession of any Region or part thereof, from the Republic;
... (d) the formation of a new Region by separation of territory from any Region or by uniting two or more Regions or parts of Regions or by uniting any territory with a part of any Region.

**Accession/
unification**

Page 2, CHAPTER I, THE PEOPLE, THE STATE AND SOVEREIGNTY,
3. ... (2) Any Regional Council or Regional Administration shall not, by direct or indirect means, promote or otherwise advocate or attempt to promote or otherwise advocate an initiative towards -
... (d) the formation of a new Region by separation of territory from any Region or by uniting two or more Regions or parts of Regions or by uniting any territory with a part of any Region.

Border delimitation Page 2, CHAPTER I, THE PEOPLE, THE STATE AND SOVEREIGNTY,

3. ... (2) Any Regional Council or Regional Administration shall not, by direct or indirect means, promote or otherwise advocate or attempt to promote or otherwise advocate an initiative towards -

... (b) the alteration of the area or boundaries of a Region;

... (3) Anything in paragraph (2) of this Article shall not be read and construed as prohibiting a Regional Council or Regional Administration from making representations to the Central Government regarding the matters referred to in sub-paragraph (b), (c) or (d) of that paragraph.

Page 52, CHAPTER XIII THE FRANCHISE AND ELECTIONS

114. (1) The Delimitation Commission shall divide Sri Lanka into not less than twenty and not more than twenty-five electoral districts and -shall assign names thereto.

(2) Each Region of Sri Lanka may itself constitute an electoral district or may be divided into two or more electoral districts.

Page 64, CHAPTER XV, THE DEVOLUTION OF POWER TO REGIONS

127. (1) ... (b) The Capital Territory shall form part of the Western Region.

(c) Parliament may, from time to time, by resolution, determine the limits of the Capital Territory, so however, that the limits so determined do not result in the alteration of the boundaries of the Western Province.

Page 64, CHAPTER XV, THE DEVOLUTION OF POWER TO REGIONS

127. [Summary] Article outlines areas for the purpose of territorial power-sharing to be determined by referendum.

Page 64, CHAPTER XV, THE DEVOLUTION OF POWER TO REGIONS

127. ... (3) (a) For the purposes of Article 3 and this Article, the Administrative Districts specified therein and in the First Schedule and the areas and boundaries of such districts shall be those specified by or under any written law and in force at the commencement of the Constitution.

(b) It shall be lawful for Parliament, by resolution under the applicable law, to abolish any Administrative District referred to in the First Schedule, establish a new Administrative District, or to alter the limits of any such Administrative District, so however that such abolition, establishment or alteration does not result in the alteration of the area or boundaries of any Region.

Cross-border provision

No specific mention.

Governance

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→New political institutions (indefinite)

Page 1, CHAPTER I, THE PEOPLE, THE STATE AND SOVEREIGNTY,

2. ... (2) Sovereignty includes powers of government, fundamental rights and the franchise and shall be exercised in the following manner :-

... (b) the executive power of the People shall be exercised by the President of the Republic acting on the advice of the Prime Minister and the Cabinet of Ministers, and by the Governors acting on the advice of the respective Chief Ministers and Regional Boards of Ministers to the extent hereinafter provided;

Page 23-27, CHAPTER VII, THE CENTRAL EXECUTIVE

The President of the Republic

[Summary] Articles 55-57, outlines the responsibilities of the President, as well as protocols regarding the Presidential office.

Page 28-31, CHAPTER VIII, THE CENTRAL EXECUTIVE

The President and the Cabinet of Ministers

[Summary] Articles 65-75 give provisions for the responsibilities and the protocols surrounding the Cabinet of Ministers.

Page 32-34, CHAPTER IX, THE CENTRAL LEGISLATURE

Parliament

[Summary] Articles 77-85 give provisions defining the responsibilities and protocols in regards to the Parliament of Sri Lanka.

Page 46-48, CHAPTER XIII THE FRANCHISE AND ELECTIONS

108. [summary] Outlines provisions that disclude certain persons from election in parliament.

Page 61, CHAPTER XIV, The Constitutional Council

122. (1) There shall be a Constitutional Council, which shall consist of the following members-

(a) the two Vice-Presidents;

(b) the Prime Minister;

(c) the Leader of the Opposition in Parliament;

(d) the Leader of the House in Parliament ;

(e) the Minister of the Cabinet of Ministers in charge of the subject of Constitutional Affairs ;

(j) the Chairman of the Chief Ministers' Conference ;

(g) two retired Judges of the Supreme Court or of the Court of Appeal established by this Constitution, the 1978 Constitution or any other law, appointed by the President after ascertaining the views of the Chief Justice, and who shall serve for a period of three years.

(2) The Chair of the Constitutional Council shall be held, in rotation, by the two Vice-Presidents, so however, that each Vice-President shall hold office as Chairperson for a period of six months at a time.

123. [Summary] Provisions cover exceptions to who may be a member of the constitutional council.

Page 62, CHAPTER XIV, The Constitutional Council

124. (l) Save as provided in paragraph (2) of this Article, a person shall not be appointed to any of the offices specified in the Schedule to this Article, except with the approval of the Constitutional Council.

(2) The provisions of paragraph (l) of this Article shall not apply to the appointment for a

Elections

Page 1, CHAPTER I, THE PEOPLE, THE STATE AND SOVEREIGNTY,

2. ... (2) Sovereignty includes powers of government, fundamental rights and the franchise and shall be exercised in the following manner :-

... (e) the franchise shall be exercisable at the election of Members of Parliament and of Members of Regional Councils and local authorities and at every Referendum by every citizen who has attained the age of eighteen years, and who, being qualified to be an elector as hereinafter provided, has the citizen's name entered in the register of electors.

Page 44-46, CHAPTER XIII, THE FRANCHISE AND ELECTIONS

106. Every person shall, unless disqualified as hereinafter provided, be qualified to be an elector at the election of Members of Parliament and of Members of a Regional Council, and to vote at any Referendum but shall not be entitled to vote at such election or Referendum unless the name of the person is entered in the appropriate register of electors.

107. [Summary] Article denies certain groups the right to vote including those of unsound mind, those convicted of bribery, those that have been convicted of crimes and sentenced to more than 6 months in prison, among others. Period usually ends after 7 years. Sections coded as appropriate in groups categories above and in corruption.

Page 46-48, CHAPTER XIII THE FRANCHISE AND ELECTIONS

108. [summary] Outlines provisions that disqualify certain persons from election in parliament.

Page 48, CHAPTER XIII THE FRANCHISE AND ELECTIONS

109. The voting for the election of the Members of Parliament and of Members of Regional Councils and at any Referendum shall be free, fair and by secret ballot.

Page 48, CHAPTER XIII THE FRANCHISE AND ELECTIONS

110. (1)(a) Subject to sub-paragraph (b) of this paragraph, there shall be an Election Commission consisting of five persons appointed by the President, on the recommendation of the Constitutional Council, from amongst persons who have distinguished themselves in the professions or in the fields of administration or higher education.

(b) Until the Constitutional Council is constituted, the members of the Election Commission shall be appointed by the President, and two of the members so appointed shall be nominees of the Leader of the Opposition in Parliament.

(c) The President shall nominate one of the members of the Election Commission to be the Chairperson of the Commission.

(2) A person shall not be appointed or continue as a member of the Election Commission if he or she is a Member of Parliament or of a Regional Council or of a local authority.

Page 49, CHAPTER XIII THE FRANCHISE AND ELECTIONS

110. ... (3) The provision of this Constitution and other law relating to the removal of Judges of the Supreme Court and the Court of Appeal from office shall apply to the removal of members of the Election Commission from office, subject to the modification that the committees referred to in sub-paragraphs (i) and (ii) of paragraph (4) of Article 151 shall, in their application to both the Chairperson and a member of the Commission, consist of three persons who hold or have held office as a Judge of the Supreme Court or the Court of Appeal created and established by this Constitution, the 1978 Constitution or other law.

(4) A member of the Election Commission who without leave of the President first obtained is absent from three consecutive meetings of the Commission shall be deemed to have vacated office with effect from the date of the third of such meetings.

(5) Every member of the Election Commission shall hold office for a period of five years from the date of appointment, unless the member resigns from office by writing

**Electoral
commission**

Page 48, CHAPTER XIII THE FRANCHISE AND ELECTIONS

110. (1)(a) Subject to sub-paragraph (b) of this paragraph, there shall be an Election Commission consisting of five persons appointed by the President, on the recommendation of the Constitutional Council, from amongst persons who have distinguished themselves in the professions or in the fields of administration or higher education.

(b) Until the Constitutional Council is constituted, the members of the Election Commission shall be appointed by the President, and two of the members so appointed shall be nominees of the Leader of the Opposition in Parliament.

(c) The President shall nominate one of the members of the Election Commission to be the Chairperson of the Commission.

(2) A person shall not be appointed or continue as a member of the Election Commission if he or she is a Member of Parliament or of a Regional Council or of a local authority.

Page 49, CHAPTER XIII THE FRANCHISE AND ELECTIONS

110. ... (3) The provision of this Constitution and other law relating to the removal of Judges of the Supreme Court and the Court of Appeal from office shall apply to the removal of members of the Election Commission from office, subject to the modification that the committees referred to in sub-paragraphs (i) and (ii) of paragraph (4) of Article 151 shall, in their application to both the Chairperson and a member of the Commission, consist of three persons who hold or have held office as a Judge of the Supreme Court or the Court of Appeal created and established by this Constitution, the 1978 Constitution or other law.

(4) A member of the Election Commission who without leave of the President first obtained is absent from three consecutive meetings of the Commission shall be deemed to have vacated office with effect from the date of the third of such meetings.

(5) Every member of the Election Commission shall hold office for a period of five years from the date of appointment, unless the member resigns from office by writing addressed to the President or is removed from office under paragraph (3) of this Article or is deemed to have vacated office under paragraph (4) of this Article, but shall be eligible for reappointment.

(6)(a) The President may grant leave from his duties to a member of the Election Commission and may appoint a person qualified to be a member of the Commission to be a temporary member for the period of such leave.

Page 50, CHAPTER XIII THE FRANCHISE AND ELECTIONS

110. ... (7) A member of the Election Commission shall be paid such salary as may be determined by Parliament. The salary payable to a member of the Commission shall be charged on the Consolidated Fund of Sri Lanka and shall not be diminished during the term of office of the member.

(8) The quorum for any meeting of the Election Commission shall ordinarily be three members but the quorum for any meeting at which a decision relating to the appointment or removal of the Commissioner General of Elections is taken shall be four members, and in the event of an equality of votes, the Chairperson shall have a casting vote.

(9) (a) The Chairperson of the Election Commission shall preside at meetings of the Commission and, in the absence of the Chairperson from any meeting of the Commission, a member elected from among the members present shall preside at such meeting.

(b) Decisions of the Election Commission shall be by a majority of the members present and voting at the meeting at which the decision is taken.

(10) The Election Commission shall have power to act notwithstanding any vacancy in the membership of the Commission and any act or proceedings of the Commission shall not be, or shall not be deemed to be, invalid by reason only of such vacancy or any defect in the appointment of a member

Political parties reform No specific mention.

Civil society Page 170, Second Schedule, List II, Regional List
... 52. Regulation of unincorporated associations and societies within the Region, charities and charitable institutions.

Traditional/religious leaders No specific mention.

**Public
administration**

Page 6, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

11. ... (2) ... (b) It shall be lawful to require a person to acquire within a reasonable time sufficient knowledge of any national language as a qualification for employment or office in the service of the State or in the service of any public corporation, where such knowledge is reasonably necessary for the discharge of such employment or office.
(c) It shall be lawful to require a person to have a sufficient knowledge of any language as a qualification for any such employment or office where no function of that employment or office can be discharged otherwise than with a knowledge of that language.

Page 14, CHAPTER IV, LANGUAGE,

35. (1) Sinhala and Tamil shall be the languages of administration throughout the Republic.

(2) Sinhala shall be the language used for the maintenance of public records by national and regional public institutions and local authorities in the Capital Territory and all the Regions other than the Regions specified in Parts B and C of the First Schedule, wherein Tamil shall be used.

(3) Sinhala and Tamil shall be used as the languages for the maintenance of public records by national and regional public institutions or local authorities in any area comprising a division of a Divisional Secretary where the Sinhala or Tamil linguistic minority, as the case may be, in such area exceeds one eighth of the total population of that area.

36. (1) In any area where Sinhala is used as a language for the maintenance of public records, a person shall be entitled -

(a) to receive communication from and to communicate and transact business with, any official in his or her official capacity, in either Tamil or English and to receive a response to such communication from such official in the language in which the person communicated;

(b) if the law recognizes the person's right to inspect or to obtain copies of or extracts from any official register, record, publication or other document, to obtain a copy of, or an extract from, such register, record, publication or other document, or a translation thereof, as the case may be, in either Tamil or English;

(c) where a document is executed by an official for the purpose of being issued to the person, to obtain such document or a translation thereof, in either Tamil or English;

(d) to give information as regards any birth, death or marriage in either Tamil or English and to receive the original certificate of such birth, death or marriage in such language ;

Page 15, CHAPTER IV, LANGUAGE,

36. ... (2) In any area where Tamil is used as a language for the maintenance of public records, a person shall be entitled to exercise the rights and to obtain the services referred to in sub-paragraphs (a), (b), (c), (d) and (e) of paragraph (1) of this Article in Sinhala or English.

37. (1) Subject to paragraph (2) of this Article, a Regional Administration or local authority which maintains its public records in Sinhala, shall be entitled to receive communications from and to communicate and transact business with, any official, in his or her official capacity, in Sinhala and a Regional Administration or a local authority which maintains its public records in Tamil shall be entitled to receive communications from and to communicate and transact business with, any official in his or her official capacity, in Tamil.

(2) A Regional Administration, local authority or public institution or any official functioning in an area in which one of the national languages is used for the maintenance of public records shall be entitled to receive communications from and to communicate and transact business in English with, any other Regional Administration, local authority or public institution or any official functioning in an area in which a different national language is used for the maintenance of public records.

38. (1) A person shall be entitled to be examined through the medium of either Sinhala or

Constitution

Governance→Constitution→Constitutional reform/making

Summary: The document in its entirety is a constitution.

Page 1, CHAPTER I, THE PEOPLE, THE STATE AND SOVEREIGNTY,

2. ... (2) Sovereignty includes powers of government, fundamental rights and the franchise and shall be exercised in the following manner :-

... (c) the judicial power of the People shall be exercised through courts, tribunals and institutions created and established, or recognised by the Constitution, or created, ordained and established by law, except in regard to matters relating to the privileges, immunities and powers of Parliament and of its Members, wherein the judicial power of the People may also be exercised directly by Parliament to the extent provided by law ;

Page 40, CHAPTER XI, THE CENTRAL LEGISLATURE

Amendment of the Constitution

99. (1) Notwithstanding anything in this Constitution but subject to paragraph (2) of this Article, Parliament shall have exclusive power to make law repealing or amending any provision of the Constitution , or adding any provision to the Constitution .

(2) Parliament shall not make any law-

(a) suspending the operation of the Constitution or any part thereof; or

(b) repealing the Constitution as a whole unless such law also enacts a new Constitution to replace it.

100. (1) Any Bill for the amendment of any provision of the Constitution shall not be placed on the Order Paper of Parliament unless the provision to be repealed , altered or added, and consequential amendments, if any, are expressly specified in the Bill and is described in the long title thereto as being an Act for the amendment of the Constitution.

(2) Any Bill for the repeal of the Constitution shall not be placed on the Order Paper of Parliament unless the Bill contains provisions replacing the Constitution and is described in the long title thereof as being an Act for the, repeal and replacement of the Constitution.

(3) If in the opinion of the Speaker, a Bill does not comply with the requirements of paragraph (1) or paragraph (2) of this Article, the Speaker shall direct that such Bill be not proceeded with, unless it is amended so as to comply with those requirements.

(4) Notwithstanding anything in the preceding provisions of this Article, it shall be lawful for a Bill which complies with the requirements of paragraph (1) or paragraph (2) of this Article to be amended by Parliament provided that the Bill as so amended shall comply with those requirements.

(5) A Bill for the amendment of any provision of the Constitution or for the repeal and replacement of the Constitution shall become law if the number of votes cast in favour thereof amounts to not less than two thirds of the whole number of Members (including those not present) and upon a certificate by the President or Speaker, as the case may be, being endorsed thereon in accordance with the provisions of Article 95 or 96.

Page 41, (6) Any provision in any law shall not, or shall not be deemed to, amend, repeal or replace the Constitution or any provision thereof, or be interpreted or construed, unless enacted in accordance with the requirement of the preceding provisions of this Article.

(7) In this Chapter, "amendment" includes repeal, alteration and addition.

101. (1) Notwithstanding anything to the contrary in the provisions of Article 100, a Bill -

(a) for the amendment or for the repeal and replacement of or which is inconsistent with any of the provisions of Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 15 and 127 or this Article; and

(b) for the amendment or for the repeal and replacement of or which is inconsistent with the provisions of paragraph (2) of Article 77 which would extend the duration of Parliament to over six years, shall become law if the number of votes cast in favour thereof, amount to not less than two-thirds of the whole number of Members (including those not present) is approved by the People at a Referendum and a certificate



Power sharing

Political power sharing

Power sharing→Political power sharing→Executive coalition
State level

Page 23-24, CHAPTER VII, THE CENTRAL EXECUTIVE

The President of the Republic

57. (1) There shall be two Vice-Presidents of the Republic of Sri Lanka.

(2) Every Vice-President shall be responsible to Parliament for the due execution and performance of the powers and functions of the office of Vice-President under the Constitution or other written law.

(3) The two Vice-Presidents shall be from different communities, each such community being different to the community of which the President is a member.

Power sharing→Political power sharing→Proportionality in legislature
State level

Page 57-58, CHAPTER XIII THE FRANCHISE AND ELECTIONS

118. (1) After the one hundred and ninety six members referred to in Article 116 have been declared elected at a General Election of Members of Parliament, the Commissioner-General of Elections shall forthwith apportion the balance twenty nine seats among the recognised political parties and independent groups contesting such General Election in the same proportion as the proportion which the number of votes polled by each such party or group at such General Election bears to the total number of votes polled at such General Election and for the purposes of such apportionment, the provisions of paragraphs (4), (5), (6) and (7) of Article 116 shall, mutatis mutandis, apply.

(2) Every recognised political party or independent group contesting a General Election shall submit to the Commissioner-General of Elections within the nomination period specified for such election, a list of persons qualified to be elected as Members of Parliament, from which it may nominate persons to fill the seats, if any, which such party or group will be entitled to, on such apportionment. The Commissioner-General of Elections shall cause every list submitted to the Commissioner-General under this Article to be published forthwith in the Gazette and in one Sinhala, Tamil and English newspaper upon the expiry of the nomination period.

(3) Where a recognised political party or independent group is entitled to a seat under the apportionment referred to in paragraph (2), the Commissioner-General of Elections shall by a notice, require the secretary of such recognised political party or group leader of such independent group to nominate within one week of such notice, persons qualified to be elected as Members of Parliament (being persons whose names are included in the list submitted to the Commissioner-General of Elections under this Article or in any nomination paper submitted in respect of any electoral district by such party or group at that election) to fill such seats and shall declare elected as Members of Parliament, the persons so nominated.

(4) The Commissioner-General of Elections shall before issuing the aforesaid notice, determine whether the number of members belonging to any community, ethnic or otherwise, elected to Parliament under Article 117 is commensurate with the national population ratio and request the secretary of such recognised political party or group leader of such independent group in so nominating persons to be elected as Members of Parliament to ensure as far as practicable, that the representation of all communities is commensurate with their national population ratios.

(5) Where the seat of a Member of Parliament elected under this Article becomes vacant, as provided for in Article 82 or sub-paragraph (a) of paragraph (13) of Article 117, the provisions of paragraphs (3) and (4) of this Article shall, mutatis mutandis, apply to the filling of such vacancy

Territorial power sharing

Power sharing→Territorial power sharing→Federal or similar sub-divided government
Page 64, CHAPTER XV, THE DEVOLUTION OF POWER TO REGIONS

127. ... (2) ... (a) The President shall, by Order published in the Gazette, require a Referendum to be held in the Administrative Districts of Trincomalee, Batticaloa and Amparai, and fix a date or dates therefor, being a date or dates not earlier than the expiration of a period of nine years from the commencement of the Constitution and not later than three months prior to the expiration of a period of ten years from the commencement of the Constitution to enable the electors of such Districts to decide on the question whether or not such Districts and the Administrative Districts of Jaffna, Kilinochchi, Vavuniya, Mannar and Mullaitivu should form one Region to be designated the North-Eastern Region.

(b) Where at such Referendum the question-

(i) is answered in the affirmative by a majority of the valid votes cast, a Regional Council shall be established for the North Eastern Region specified in Part B of the First Schedule with effect from such date as the President shall appoint by Order published in the Gazette;

(ii) is not answered in the affirmative, two separate Regional Councils shall be established for the Northern Region and the Eastern Region as specified respectively in Part C of the First Schedule with effect from such date as the President shall appoint by Order published in the Gazette.

Page 68, CHAPTER XV, THE DEVOLUTION OF POWER TO REGIONS

131. (1) Where any power or function including the power to make any Order, Proclamation, Notification, regulation or rule, is conferred, on, or assigned to a Minister of the Cabinet of Ministers or to a public officer, as the case may be, by any written law made prior to the commencement of the Constitution on any matter enumerated in List II of the Second Schedule (hereinafter referred to as the "Regional List"), such power or function may -

(a) if such power or function is conferred on, or assigned to, any such Minister, be exercised or discharged, in relation to a Region and unless the context otherwise requires, by the Minister of the Board of Ministers of that Region to whom the subject has been assigned; and accordingly, references in every such written law to a Minister of the Cabinet of Ministers shall be deemed to include references to the Minister of the Board of Ministers of such Region to whom the function has been assigned; and

(b) if such power or function is conferred on, or assigned to, a public officer, be exercised or discharged, in relation to a Region and unless the context otherwise requires, by the officer of the Regional Public Service holding an office corresponding to the office held by such public officer; and accordingly, references in every such written law to a public officer shall be deemed to include a reference to the officer of the Regional Public Service who holds an office corresponding to the office held by such public officer.

Page 68, CHAPTER XV, THE DEVOLUTION OF POWER TO REGIONS

131. ... (2) Where any such written law referred to in paragraph (1) of this Article makes provision-

(a) for any Order, Proclamation, Notification, regulation or rule made under that written law to be laid before Parliament; or

(b) for the annulment or approval of any such Order, Proclamation, Notification, regulation or rule, by Parliament, such provision shall have effect in relation to a Region as if reference in it to Parliament were a reference to the Regional Council established for that Region.

Page 69, CHAPTER XV, THE DEVOLUTION OF POWER TO REGIONS

131. ... (3) The provisions of paragraphs (1) and (2) of this Article shall apply, mutatis mutandis, to Statutes of the corresponding Provincial Councils established by the 1978 Constitution and in force immediately prior to the commencement of the Constitution

Economic power sharing

Power sharing→Economic power sharing→Sharing of resources

Page 120, CHAPTER XXI FINANCE, Article 211. (1) (a) There shall be a Finance

Commission consisting of five members who have distinguished themselves or held high office, in the fields of finance, law, administration, business or learning, and who shall be appointed by the President on the recommendation of the Constitutional Council.

(b) In making a recommendation under sub-paragraph (a) of this paragraph, the Constitutional Council shall ensure that the three major communities are represented on the Commission.

(c) The President shall appoint one of the members as the Chairperson of the Finance Commission,

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

(3) The Central 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 Regions.

(4) Subject to paragraph (5) of this Article, 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 Central Government for the use of Regions, shall be apportioned between the various Regions;

(b) the principles on which the sharing and assignment or the assignment of revenue between the Central Government and the Regions should take place with a view to ensuring the assured measure of finances necessary for effective devolution ; and

(c) any other matter referred to the Commission by the President relating to regional finance.

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(5) In making the recommendations under sub-paragraphs (a) and (b) of paragraph (4) of this Article, 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 Region ;

(b) the per capita income of each Region;

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

(d) the need, progressively, to reduce the difference between the per capita income of each Region and the highest per capita income among the Regions ;

(e) the need to have effective utilization of the monies made available to the respective Regions;

(j) any exceptional expenditure incurred by a Regional Administration to meet exigencies such as natural disasters;

(g) the returns submitted to the Commission by every Regional Administration including

Military power sharing

No specific mention.

Human rights and equality

**Human rights/RoL
general**

Page 1, CHAPTER I, THE PEOPLE, THE STATE AND SOVEREIGNTY,

2. ... (2) Sovereignty includes powers of government, fundamental rights and the franchise and shall be exercised in the following manner :-

... (d) the fundamental rights which are by the Constitution declared and recognized shall be exercised and enjoyed by the People individually and collectively, and shall be respected, secured and advanced by all institutions of the State and shall not be abridged, restricted or denied, save in the manner and to the extent hereinafter provided; and

Page 7, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

11. ... (5) Any restrictions shall not be placed on the exercise of the rights declared and recognized by this Article other than such restrictions prescribed by law as are necessary in a democratic society in the interests of national security, public order or the protection of public health or for the purpose of securing due recognition and respect for the rights and freedoms of others.

Page 11-12, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

27. (1) Where a Proclamation has been duly made pursuant to the provisions of Chapter XXIII, and subject to paragraph (2) of this Article, measures may be prescribed by law derogating from the exercise, and operation of the fundamental rights declared and recognized in this Chapter to the extent strictly required by the exigencies of the situation and necessary in a democratic society, provided that such measures do not involve discrimination solely on the grounds of ethnicity, class, religion, gender, sex, language, caste, national or social origin and for the purpose of this Article "law" includes regulations made under the law for the time being in force relating to public security.

(2) In prescribing measures under paragraph (1) of this Article, there shall be no derogation -

(a) from any of the rights declared and recognized by Articles 8, 9, 10(1), 10(2), 10(9), 10(10)(a)(ii), 10(10)(a)(iii), 10(13), 10(15), 13 and 15;

(b) from the right declared and recognized by Article 10(6) unless at the same time legal provision is made requiring -

(i) the Magistrate of the area in which such arrest was made to be notified of the arrest ; and

(ii) the person arrested to be produced before any Magistrate, within such time as is reasonable in all the circumstances of the case.

Page 20, CHAPTER VI, PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

52. The following principles shall guide the State in making laws and in the governance of Sri Lanka -

... (4) The State shall establish a just, equitable and moral social order, the objectives of which include -

(a) the full realization of the fundamental rights and freedoms of all persons ;

(b) securing and protecting effectively a social order in which social, economic and political justice shall inform all institutions of national life;

(c) the elimination of economic and social privilege, disparity and exploitation ;

(d) the equitable distribution of the material resources of the community and the social product;

(e) the realization of an adequate standard of living for all citizens and their families including adequate food, clothing, housing and medical care;

(f) ensuring social security and welfare;

(g) raising the moral, cultural and educational standards of the People and facilitating the full development of the human personality;

(h) the creation of the necessary environment to enable adherents of all religions to make a living reality of their religious principles

Bill of rights/similar Page 4, Chapter III, Fundamental Rights and Freedoms...

**Treaty
incorporation**

Page 21, CHAPTER VI, PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

52. The following principles shall guide the State in making laws and in the governance of Sri Lanka -

... (8) The State shall promote international peace, security and co operation, and the establishment of a just and equitable international economic and social order, and shall respect, and foster respect for, international law and treaty obligations in dealings with and among nations.

(9) The State shall strengthen, respect and foster respect for, international instruments relating to human rights and humanitarian law to which Sri Lanka is a signatory.

Page 145, CHAPTER XXVII, TRANSITIONAL PROVISIONS

241. Every Treaty or Agreement between the Government of Sri Lanka and the Government of any foreign State approved by Parliament under Article 157 of the 1978 Constitution and subsisting immediately prior to the commencement of the Constitution, shall be deemed to be a Treaty or Agreement approved by Parliament under Article 226 of this Constitution and shall have effect accordingly.

Page 163, Second Schedule, List 1, Reserved List

... 6. Entering into treaties, conventions and agreements with other States and international organizations and implementing such treaties, conventions and agreements.

Civil and political rights

Human rights and equality→Civil and political rights→Life

Page 4, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

8. (1) Every person has an inherent right to life and a person shall not be arbitrarily deprived of life.

(2) Any restriction shall not be placed on the rights declared and recognized by this Article.

Human rights and equality→Civil and political rights→Torture

Page 4, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

9. (1) A person shall not be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

(2) Any restriction shall not be placed on the rights declared and recognized by this Article.

Human rights and equality→Civil and political rights→Equality

Page 6, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

11. (1) All persons are equal before the law and are entitled to the equal protection of the law.

(2) (a) Subject to sub-paragraphs (b) and (c) of this paragraph, a citizen shall not be discriminated against on the grounds of ethnicity, religion, language, caste, gender, sex, political or other opinion, national or social origin, place of birth, mode of acquisition of citizenship, marital status, maternity, parental status or any one of such grounds.

Page 7, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

11. ... (3) A person shall not, on the grounds of ethnicity, religion, language, caste, gender, sex, political or other opinion, national or social origin, place of birth, or any one of such grounds, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, places of public entertainment and places of public worship of such person's own religion.

Page 21, CHAPTER VI, PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

52. The following principles shall guide the State in making laws and in the governance of Sri Lanka -

... (10) The State shall secure the operation of a legal system that promotes justice on the basis of equal and unrestrained access to all who seek redress of the law and provide, within its available resources, free legal aid to ensure that no person is deprived of such access due to lack of resources or disability.

Page 151, CHAPTER XXVIII, INTERIM COUNCIL FOR THE NORTHERN AND EASTERN REGIONS,

245. ... (2) The Governor, Interim Council and the Board of Ministers shall exercise their respective powers with rigorous impartiality on behalf of all the people in the two Regions, recognizing the diversity of their identities and traditions, and such exercise shall be founded on the principles of full respect for the equality of the civil, political, social, religious and cultural rights of those people and of the freedom from discrimination for all citizens, and on parity of esteem and equal treatment for the identity, ethos and aspirations of all communities in the two Regions.

Page 155, CHAPTER XXVIII, INTERIM COUNCIL FOR THE NORTHERN AND EASTERN REGIONS,

252. (1) There shall be an Equality Commission consisting of three members appointed by the President from the three major communities in the Northern and Eastern Regions.

(2) It shall be the function of the Equality Commission to monitor measures taken by the Interim Council and the Board of Ministers of the Regions-

(a) to promote equality of opportunity for all communities in the two Regions in matters such as employment and access to public services; and

(b) to promote parity of esteem amongst all communities in such Regions, and may, for

Socio-economic rights

Human rights and equality→Socio-economic rights→Property
Page 9, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

21. (1) Every citizen is entitled to own property alone or in association with others subject to the preservation and protection of the environment and the rights of the community.

(2) Any person shall not be deprived of the person's property except as permitted by law.

(3) Any property shall not be compulsorily acquired or requisitioned save for a clearly described public purpose or for reasons of public utility or public order and save by authority of law which provides for the payment of fair compensation.

Human rights and equality→Socio-economic rights→Work

Page 9, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

20. (1) Every citizen is entitled to the freedom to engage alone or in association with others in any lawful occupation, profession, trade, business or enterprise.

(2) Any restrictions shall not be placed on the exercise of the rights declared and recognized by this Article other than such restrictions prescribed by law as are necessary in a democratic society in the interests of the national economy, national security, public order, protection of public health or morality, the environment or for the purpose of securing due recognition and respect for the rights and freedoms of others or in relation to -

(a) the professional, technical, academic, financial and other qualifications necessary for practising any profession or carrying on any occupation, trade, business or enterprise, and the licensing and disciplinary control of the person entitled to such fundamental right ; and

(b) the carrying on by the State, a State agency or a public corporation of any trade, business, industry, service or enterprise, whether to the exclusion, complete or partial, of citizens or otherwise.

Page 11, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

24. (1) Every person has the right to safe conditions of work.

(2) The State shall take reasonable legislative, and other measures within its available resources with a view to achieving the progressive realization of the rights guaranteed by paragraph (1).

Human rights and equality→Socio-economic rights→Health

Page 10, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

22. ... (2) Every child has the right -

... (b) to basic nutrition, shelter, basic health care services and social services.

Human rights and equality→Socio-economic rights→Adequate standard of living

Page 11, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

25. (1) Every citizen has the right to have access to -

(a) health-care services including emergency medical treatment;

(b) sufficient food and water; and

(c) appropriate social assistance.

(2) The State shall take reasonable legislative and other measures within its available resources with a view to achieving the progressive realization of the rights guaranteed by paragraph (1).

(3) A person shall not be evicted from the person's home or have the home demolished, except as pennitted by law.

Human rights and equality→Socio-economic rights→Shelter/housing

Page 10, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

22. ... (2) Every child has the right -

... (b) to basic nutrition, shelter, basic health care services and social services.

Human rights and equality→Socio-economic rights→Social security

Page 10, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

22. ... (2) Every child has the right -

(b) to basic nutrition, shelter, basic health care services and social services



Rights related issues

Citizenship

Rights related issues→Citizenship→Citizen, general

Page 21, CHAPTER VI, PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

53. It shall be the duty of every citizen to -

- (1) uphold and protect the independence, sovereignty, unity and territorial integrity of Sri Lanka;
- (2) uphold and defend the Constitution and its ideals and institutions;
- (3) foster national unity and promote harmony amongst all the People of Sri Lanka;
- (4) respect the rights and freedoms of others;
- (5) value and preserve the rich heritage of our composite culture;
- (6) protect and improve the environment, conserve its riches, and value all forms of life;
- (7) safeguard and preserve artistic or historical objects and places of national importance;
- (8) safeguard and protect public property and combat its waste or misuse;
- (9) refrain from directly or indirectly participating in bribery or corruption;
- (10) uphold the rule of law and renounce all forms of violence ;

Page 97, CHAPTER XIX, THE JUDICIARY, THE JURISDICTION OF THE SUPREME COURT,

THE COURT OF APPEAL AND THE REGIONAL HIGH COURTS, The Supreme Court,

Article 169, (1) The Supreme Court shall have sole and exclusive jurisdiction to

determine any question as to whether -

- (2) (a) The jurisdiction of the Supreme Court to ordinarily determine any such question as is referred to in sub-paragraph (a) of paragraph (1) of this Article may be invoked by -
... (iii) any citizen,

by a petition in writing, addressed to the Supreme Court, within three weeks of the draft Statute being published in the Gazette.

Rights related issues→Citizenship→Citizens, specific rights

Page 1, CHAPTER I, THE PEOPLE, THE STATE AND SOVEREIGNTY,

2. ... (2) Sovereignty includes powers of government, fundamental rights and the franchise and shall be exercised in the following manner :-

... (e) the franchise shall be exercisable at the election of Members of Parliament and of Members of Regional Councils and local authorities and at every Referendum by every citizen who has attained the age of eighteen years, and who, being qualified to be an elector as hereinafter provided, has the citizen's name entered in the register of electors.

Page 6, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

11. ... (2) (a) Subject to sub-paragraphs (b) and (c) of this paragraph, a citizen shall not be discriminated against on the grounds of ethnicity, religion, language, caste, gender, sex, political or other opinion, national or social origin, place of birth, mode of acquisition of citizenship, marital status, maternity, parental status or any one of such grounds.

Page 7, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

13. Every citizen shall be entitled to return to the Republic .

Page 8-9, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

18, ... (2) Every citizen is entitled to the freedom to form and join a trade union.

Page 9, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

19. (1) Every citizen is entitled alone or in association with others to enjoy and promote such citizen's own culture and to use such citizen's own language.

... 20. (1) Every citizen is entitled to the freedom to engage alone or in association with others in any lawful occupation, profession, trade, business or enterprise.

... (b) the carrying on by the State, a State agency or a public corporation of any trade, business, industry, service or enterprise, whether to the exclusion, complete or partial, of citizens or otherwise.

21. (1) Every citizen is entitled to own property alone or in association with others

Democracy

[Summary] Each right in the Rights section (pages 7-13) has a sub-clause stating that restrictions can only be placed - in a democratic society - in the interests of national security, public order, or for securing the respect for the rights and freedoms of others.

Page 20, CHAPTER VI, PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

52. The following principles shall guide the State in making laws and in the governance of Sri Lanka -

... (3) The State shall safeguard and strengthen the democratic structure of government and the democratic rights of the People.

**Detention
procedures**

Page 4, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

10. (1) A person shall not be arrested, imprisoned or otherwise physically restrained except in accordance with procedure prescribed by law.

(2) Save as otherwise provided by law, a person shall not be arrested except under a warrant issued by a judicial officer causing such person to be apprehended and brought before a competent court in accordance with procedure prescribed by law.

(3) Any person arrested shall be informed, in a language which the person appears to understand, of the reason for the arrest and of the person's rights under paragraphs (4) and (5) of this Article.

(4) Any person arrested shall have the right to communicate with any relative or friend of the person's choice, and, if the person so requests, such person shall be afforded means of communicating with such relative or friend.

(5) Any person arrested shall have the right to consult and retain an attorney-at-law and such attorney-at-law shall be afforded all reasonable facilities by the State.

(6) Any person arrested shall not be detained in custody or confined for a longer period than under all the circumstances of the case is reasonable and shall, in any case, be brought before the judge of a competent court within twenty-four hours of the arrest, exclusive of the time necessary for the journey from the place of arrest to such judge, and a person shall not be detained in custody beyond such period except upon, and in terms of, the order of such judge made in accordance with procedure established by law.

(7) Any person detained in custody or confined who is entitled, under the provisions of any Jaw, to be released on bail or on the person executing a bond, shall be so released.

Page 8, Page 4, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

10... (8) Any person suspected of committing an offence shall be charged or indicted or released without unreasonable delay having regard to the facts and circumstances of the case.

(9) Any person charged with or indicted for an offence shall be entitled to be heard in person or by an attorney-at-Jaw of the person's own choosing and shall be so informed by the judge.

Page 6, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

10. ... (15) ... (b) The arrest, holding in custody, detention or other deprivation of personal liberty of a person -

(i) pending investigation or trial shall, if not reasonable having regard to the circumstance, not constitute punishment;

(ii) by reason of a removal order or a deportation order made under the provisions of the Immigrants and Emigrants Act or other such law as may be enacted in substitution therefore, shall not be a contravention of this paragraph.

Page 6, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

10. ... (16)(a) Any restrictions shall not be placed (9) declared and recognised by paragraph (9) times (ii) and (iii) of sub-paragraph (a) of paragraph (10), paragraph (13) and paragraph (15) of this Article

(b) Any restrictions shall not be placed on the rights declared and recognized by paragraphs (1), (2), (3), (4), (5), (6), (7), (8), items (i) and (iv) of sub-paragraph (a) of paragraph (10) and paragraphs (11), (12) .and (14) of this Article other than such restrictions prescribed by law as are necessary in a democratic society in the interests of national security, public order or for the purpose of securing due recognition and respect for the rights and freedoms of others.

Page 104, Article 183 ... (3) Subject to paragraphs (4) and (5), the Court of Appeal may grant and issue orders in the nature of writs of habeas corpus to bring up before such Court -

(b) the body of any person illegally or improperly detained in public or private custody

Media and communication

Rights related issues→Media and communication→Media roles

Page 7, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

14. (1) Every person has the right to respect for such person's private and family life, home, correspondence and communications and shall not be subjected to unlawful attacks on such person's honour and reputation.

(2) Any restrictions shall not be placed on the exercise of the rights declared and recognized by this Article other than such restrictions prescribed by law as are necessary in a democratic society in the interests of national security, public order or national economy or the protection of public health or morality or for the purpose of securing due recognition and respect for the rights and freedoms of others or for the enforcement of a judgment or order of a competent court.

Page 8, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

16. ... (2) Any restrictions shall not be placed on the right declared and recognized by this Article other than such restrictions prescribed by law as are necessary in a democratic society in the interests of national security, public order, the protection of public health or morality, racial and religious harmony or in relation to parliamentary privilege, contempt of court, defamation or incitement of an offence or for the purpose of securing due recognition and respect for the rights and freedoms of others.

Page 164, Second Schedule, List 1, Reserved List

... 34. Posts and telecommunications.

35. Mass media including Central Government broadcasting and television institutions in conformity with national standards; licensing of broadcasting and media; establishment of regulatory authorities for the determination of national standards relating to communication and media.

Mobility/access

No specific mention.

Protection measures

No specific mention.

Other

No specific mention.

Rights institutions

NHRI

Rights institutions→NHRI→Mentions of NHRI
Page 61-62, CHAPTER XIV, The Constitutional Council
SCHEDULE

... (h) The Human Rights Commission of Sri Lanka.

Page 99, CHAPTER XIX, THE JUDICIARY, THE JURISDICTION OF THE SUPREME COURT, THE COURT OF APPEAL AND THE REGIONAL HIGH COURTS, The Supreme Court, Article 171 ... (6) The Supreme Court may at any stage of the proceedings relating to a petition or reference referred to in paragraph (2) or (4) of this Article or paragraph (8) of Article 182 refer such matter to the Human Rights Commission of Sri Lanka or other appropriate body or person for inquiry and report.

(7) The Supreme Court shall hear and finally dispose of any petition or reference under this Article not later than three months of the filing of the petition or the making of the reference, as the case may be, and in computing the period of three months, any period taken for inquiry and report by the Human Rights Commission of Sri Lanka or any other body or person referred to in paragraph (6) shall be excluded.

Page 103, CHAPTER XIX, THE JUDICIARY, THE JURISDICTION OF THE SUPREME COURT, THE COURT OF APPEAL AND THE REGIONAL HIGH COURTS, The Court of Appeal, 182. ... (5) The Court of Appeal may at any stage of the proceedings relating to a petition referred to in paragraph (2) of this Article refer such matter to the Human Rights Commission of Sri Lanka or other appropriate body or person for inquiry and report.

(6) The Court of Appeal shall hear and finally dispose of any petition under this Article not later than three months of the filing of the petition and in computing the period of three months, any period taken for inquiry and report by the Human Rights Commission of Sri Lanka or any other body or person referred to in paragraph (6) shall be excluded.

Rights institutions→NHRI→New or fundamentally revised NHRI

Page 155, CHAPTER XXVIII, INTERIM COUNCIL FOR THE NORTHERN AND EASTERN REGIONS,

252. (1) There shall be an Equality Commission consisting of three members appointed by the President from the three major communities in the Northern and Eastern Regions.

(2) It shall be the function of the Equality Commission to monitor measures taken by the Interim Council and the Board of Ministers of the Regions-

(a) to promote equality of opportunity for all communities in the two Regions in matters such as employment and access to public services; and

(b) to promote parity of esteem amongst all communities in such Regions, and may, for the purpose of discharging of such function, inquire into complaints relating to such matters made against public bodies functioning in such Regions.

(3) The Equality Commission shall report to the President as often as may be necessary.

Regional or international human rights institutions

No specific mention.

Justice sector reform

Criminal justice and emergency law

Justice sector reform→Criminal justice and emergency law→Reform to specific laws

Page 5, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

10. ... (11) ... (b) Anything contained in any law shall not be held to be inconsistent with sub-paragraph (a) of this paragraph to the extent that such law imposes upon an accused the burden of proving particular facts.

Page 5, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

10... (13) (a) [Summary] a person may not be punished by law retrogressively, unless the omission transgressed public international law.

(b) [Summary] A penalty for a crime cannot exceed the limits set by law.

(14) [Summary] A person convicted or acquitted within the law by a competent court, cannot be tried for the same crime unless by a court “exercising appellate or revisionary jurisdiction”

Page 6, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

10. ... (15)(a) A person shall not be punished with [illegible] except by order of a competent court made in accordance with procedure established by law.

Page 10, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

22. ... (3) The State shall take reasonable legislative and other measures within its available resources with a view to achieving the progressive realization of the rights guaranteed by paragraph (2).

Page 12, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

28. (1) All existing written law and unwritten law shall be valid and operative notwithstanding any inconsistency with the provisions of this Chapter.

Page 12, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

28. ... (3) The subjection of any person on the order of a court to any form of punishment recognized by any existing written law shall not be a contravention of the provisions of this Chapter.

Page 110, Article 199 [Summary] Any individual attempting to influence the decision of the National Public Service Commission or any of its committees shall be guilty of an offence.

Page 112, Article 202 ... (4a) Every person who otherwise than in the course of duty directly or indirectly, along or by any other person, in any manner whatsoever, influences or attempts to influence any order or decision of a Regional Public Service Commission or any member thereof or a regional public officer exercising any powers delegated by such Commission, shall be guilty of an offence and shall on conviction by a Regional High Court be liable to a fine not exceeding then thousand rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Justice sector reform→Criminal justice and emergency law→Criminal Justice System reform

Page 12, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

28. ... (2) (a) Within three months of the commencement of the Constitution, the President shall establish a Commission consisting of not more than five persons, appointed under the hand of the President, who have distinguished themselves in the fields of law or human rights, of whom one shall be appointed Chairperson, to examine all existing written or unwritten law and report to the President as to whether any such law is inconsistent with the provisions of this Chapter.

(b) In appointing the members of such Commission, the President shall have due regard to the necessity of ensuring the representation of the three major communities on the Commission

State of emergency provisions Page 25, CHAPTER VII, THE CENTRAL EXECUTIVE
President of the Republic

58. In addition to the power and functions expressly conferred on or assigned to the President by the Constitution or by any written law, the President shall have the power- ... (i) to declare a state of emergency within a Region and to dissolve a Regional Council, in accordance with the provisions of the Constitution ; and

Page 130-135, [Summary] Paragraphs from Articles 220-224, outline how and when the President may issue a proclamation of a State of Emergency.

Judiciary and courts

Page 1, CHAPTER I, THE PEOPLE, THE STATE AND SOVEREIGNTY,
2. ... (2) Sovereignty includes powers of government, fundamental rights and the franchise and shall be exercised in the following manner :-
... (c) the judicial power of the People shall be exercised through courts, tribunals and institutions created and established, or recognised by the Constitution ...

Page 5, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS
10. ... (10) ... (b) [Summary] if deemed necessary, a judge may exclude the public from proceedings in proceeding relating to sexual matters, interests of juveniles, national security, public order, or for the security of the court.

Page 12, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS
30. (1) [Summary] A person has the right to apply to the Supreme Court or the Court of Appeal if a State action infringes, or will infringe, on a fundamental right of that individual. (2) If a person is unable to submit an application to the abovementioned courts, then an application may be submitted by a friend or family member, provided no objection is made by that person. (3) An application can be made in respect to any group or class of persons affected.

Page 16, CHAPTER IV, LANGUAGE,
41. Sinhala and Tamil shall be the languages of the courts throughout the Republic.

Page 21, CHAPTER VI, PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES
52. ... (10) The State shall secure the operation of a legal system that promotes justice on the basis of equal and unrestrained access to all who seek redress of the law and provide, within its available resources , free legal aid to ensure that no person is deprived of such access due to lack of resources or disability.

Page 25, CHAPTER VI, PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES
59. ... (2) [Summary] The Chief Justice or a Judge from the Supreme Court or the Minister or Cabinet in charge of justice or an official nominated by the Minister and the Attorney General or an official from the office of the Attorney General will be on a consultation committee for the President.

Page 27, CHAPTER VII, THE CENTRAL EXECUTIVE
The President of the Republic
62 ... (2) [Summary] A Court, Tribunal or institution does not have the power to inquire into, or call into question any act or omission by the President.

Page 47, CHAPTER XIII THE FRANCHISE AND ELECTIONS
108. ... (2) ... (e) ... (i) [Summary] A judicial officer cannot be elected as an MP while in office.

Page 50, CHAPTER XIII THE FRANCHISE AND ELECTIONS
110... (6) ... (b) [Summary] The constitutional council shall make recommendations on all appointments, and in the case of a vacancy, by the President. If the vacancy was formerly occupied by an Opposition, the President will appointment in concurrence with the Opposition Leader.

Page 73-74, [Summary] Article 138 states that each Statute must be presented to the Governor 14 days, and published in the Gazette 7 days, before submission to the Regional Council. The Advocate-General must examine each draft Statute before it is published in the Gazette to ensure it does not contradict the Constitution. If it contradicts the Constitution, the Advocate-General will inform the Governor, Chief Minister and Board of Ministers, and after publication in the Gazette (even if it passes in

Prisons and detention Page 165, Second Schedule, List 1, Reserved List
... 40. Prisons.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction

Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development

Page 10, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

22.... (6) Every child between the ages of five and fourteen years shall have access to free education provided by the State.

Page 21, CHAPTER VI, PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

53. It shall be the duty of every citizen to -

... (8) safeguard and protect public property and combat its waste or misuse;

Page 120, CHAPTER XXI FINANCE, Article 211 ... (5) In making the recommendations under sub-paragraph (a) and (b) of paragraph (4) of this Article, the Commission shall formulate such principles with the objective of achieving balance regional development in the country, and shall accordingly take into account -

... (f) any exceptional expenditure incurred by a Regional Administration to meet exigencies such as natural disasters;

Page 154, CHAPTER XXVIII, INTERIM COUNCIL FOR THE NORTHERN AND EASTERN REGIONS,

249. ... (2) The guidelines issued under paragraph (1) of this Article shall include, inter alia, guidelines for the expenditure of funds in local authority areas with a view to eliminating or reducing disparities in development prevailing in such local authority areas.

Page 164, Second Schedule, List 1, Reserved List

.. 22. Pensions payable by the Government of Sri Lanka or out of the Consolidated Fund of Sri Lanka.

Page 164, Second Schedule, List 1, Reserved List

... 23. Atomic energy.

24. National grid for the supply of electricity, maintenance and management of the national grid.

Page 164, Second Schedule, List 1, Reserved List

... 28. Inter-regional transport.

29. Railways.

30. Civil aviation.

31. Inter-regional highways linking the Capital Territory with regional capitals, regional capitals with each other and district capitals with each other in so far as the highway linking district capitals traverse regional boundaries; toll roads and expressways constructed by or under authority of the Central Government.

32. Roads within the Capital Territory other than roads maintained by local authorities.

Page 165, Second Schedule, List 1, Reserved List

... 45. National policy on education; national institutes in the field of education, such as the National Institute of Education; administration and supervision of national schools existing immediately prior to the commencement of the Constitution, provided that the administration of any national school may be handed over to the relevant Regional Administration; determination of minimum standards for national public certification examinations and the conduct of such examinations; determination of syllabi and curricula; determination of minimum qualifications for teachers; teacher training institutions; higher technical institutions; educational publications provided by the Central Government; Private education; powers under the Education Ordinance and the

Assisted Schools and Training Colleges (Special Provisions) Act in relation to private

National economic plan

Page 20, CHAPTER VI, PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

52. The following principles shall guide the State in making laws and in the governance of Sri Lanka -

(5) The State shall develop the whole country by means of appropriate public and private economic activity.

Page 115-116, CHAPTER XXI FINANCE, Article 207, [Summary] (1) Article provides for the creation and specifications of the Consolidation Fund of Sri Lanka, which contains net proceeds of taxes and public monies. (2) Parliament may create a 'Contingencies Fund' for urgent use. (3) Excise duties are prescribed by Parliament on the recommendation of the Finance Commission. ... (6) the Sums charged to the Consolidation Fund of Sri Lanka shall be affirmed by law by Parliament.

Page 117-118, CHAPTER XXI FINANCE, Article 208, [Summary] The Minister of Finance must provide for the release of money from the Consolidated Fund of Sri Lanka, except for the reasons provided in paragraphs (3) and (4). ... (5) money cannot be withdrawn from a Regional Fund except by the Chief Minister of the Region.

Page 120, CHAPTER XXI FINANCE, Article 211, ... (3) The Central 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 Regions.

Page 120, CHAPTER XXI FINANCE, Article 211 ... (5) In making the recommendations under sub-paragraph (a) and (b) of paragraph (4) of this Article, the Commission shall formulate such principles with the objective of achieving balance regional development in the country, and shall accordingly take into account –
... (c) the need, progressively, to reduce social and economic disparities;
(d) the need, progressively, to reduce the difference between the per capita income of each Region and the highest per capita income among the Regions;

Page 163, Second Schedule, List 1, Reserved List

... 10. Currency and foreign exchange, international economic relations, formulation of monetary policy and external resources.

Page 168, Second Schedule, List II, Regional List

... 2. Public debt of a Region, excluding debts owing to the Central Government.

... 6. Regional financial and credit institutions including regional institutions providing insurance services.

Natural resources

Page 77, CHAPTER XVI STATELAND, WATERS AND MINERALS

142. (1) The foreshore, all lands, mines, minerals and other things of value underlying the ocean within the territorial waters, rights pertaining to the continental shelf and rights pertaining to the exclusive economic zone of Sri Lanka, shall continue to vest in the Republic and shall be held by the Central Government.

... (3) The regulation of the development and exploitation of mines and minerals including oil fields, petroleum and petroleum products and the collection of royalties thereon shall be a subject and function of the Central Government.

Page 164, Second Schedule, List 1, Reserved List

... 25. Regulation of the development and exploitation of mines and minerals including oil fields, petroleum and petroleum products and the collection of royalties thereon.

Page 165, Second Schedule, List 1, Reserved List

... 43. Fishing beyond Sri Lankan waters; registration of vessels engaged in fishing beyond Sri Lankan waters; rights relating to traditional migratory fishing within Sri Lankan waters; reference of inter-regional fishing disputes and disputes relating to traditional migratory fishing for settlement in accordance with Article 141.

44. Protection, development and exploitation of marine and aquatic resources in keeping with international obligations and measures to enforce such obligations.

Page 166, Second Schedule, List 1, Reserved List

... 50. Tea, rubber, coconut, oil palm and teak plantations owned by the Republic immediately prior to the commencement of the Constitution; the regulation of the manufacture of tea, rubber and coconut; tea small holdings; rubber small holdings; coconut small holdings.

51. Foreign trade; general policy on inter-regional trade.

Page 166, Second Schedule, List 1, Reserved List

... 63. National plans on forestry, environment and conservation including conservation of flora and fauna in keeping with international obligations

Page 168, Second Schedule, List II, Regional List

... 14. Taxes on mineral rights.

Page 169, Second Schedule, List II, Regional List

25. Fisheries, marine resources and aquatic resources within Sri Lankan waters, excluding rights relating to traditional migratory fishing in Sri Lankan waters as provided in the Reserved List.

International funds Page 118-119, CHAPTER XXI FINANCE, Article 210, (1) (a) The executive power of the Region extends to domestic and international borrowing upon the security of the Consolidated Fund of the Region.

(b) International borrowings by a Regional Administration shall be subject to such criteria and limitations as may be specified by Parliament and shall require the concurrence of the Minister of the Cabinet of Ministers in charge of the subject of Finance.

(2)(a) The limits as regards domestic borrowing and the limitations and criteria as regards international borrowing by each Regional Administration for each financial year shall, subject to the provisions of sub-paragraph (b) of this paragraph, be laid down by the Minister of the Cabinet of Minister in charge of the subject of Finance before the thirtieth day of September of the preceding financial year.

(b) In laying down these limits and criteria, the Minister shall take into consideration the requirements of fiscal policy and the demand of monetary stability as well as the repayment capacity of each Regional Administration.

(3) Any Agreements negotiated and entered into by Regional Administrations regarding international grants and foreign development assistance shall be in accordance with the national policies on international aid as laid down, from time to time, by the Cabinet of Ministers and approved by Parliament.

Business

Page 9, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

20. (1) Every citizen is entitled to the freedom to engage alone or in association with others in any lawful occupation, profession, trade, business or enterprise.

Page 15, 36. (1) In any area where Sinhala is used as a language for the maintenance of public records, a person shall be entitled -

(a) to receive communication from and to communicate and transact business with, any official in his or her official capacity, in either Tamil or English and to receive a response to such communication from such official in the language in which the person communicated;

Page 61-62, CHAPTER XIV, The Constitutional Council

SCHEDULE

... (f) The Finance Commission.

Page 115-116, CHAPTER XXI FINANCE, Article 207, [Summary] (1) Article provides for the creation and specifications of the Consolidation Fund of Sri Lanka, which contains net proceeds of taxes and public monies. (2) Parliament may create a 'Contingencies Fund' for urgent use. (3) Excise duties are prescribed by Parliament on the recommendation of the Finance Commission. ... (6) the Sums charged to the Consolidation Fund of Sri Lanka shall be affirmed by law by Parliament.

Page 116, CHAPTER XXI FINANCE, Article 207, ... (4) ... (c) The Finance Commission shall also formulate principles for determining where a sale or purchase or consignment of goods takes place in the course of inter-regional trade or commerce for the purpose of sub-paragraph (b) of this paragraph.

Page 121, CHAPTER XXI FINANCE, 214. (1) The Auditor-General shall audit the accounts of all departments of the Central Government and of the Regional Administrations, the offices of the Cabinet of Ministers, the Judicial Service Commission, the National Public Service Commission, the Finance Commission, the National Police Commission, Regional Public Service Commissions, Regional Police Commissions, the Parliamentary Commissioner for Administration, the Secretary-General of Parliament, the Election Commission, the Commission for the Investigation of Bribery or Corruption, local authorities, public corporations and business or other undertakings vested in the Central Government under any written law.

Page 122, CHAPTER XXI FINANCE, Article 214, ... (2) Notwithstanding the provisions of paragraph (l) of this Article, the Minister of the Cabinet of Ministers in charge of any such public corporation or business or other undertaking may, with the concurrence of the Minister of the Cabinet of Ministers in charge of the subject of Finance, and in consultation with the Auditor-General, appoint a qualified auditor or auditors to audit the accounts of such public corporation or business or other undertaking, and where such appointment has been made by the Minister, the Auditor-General may, in writing, inform such auditor or auditors that the Auditor-General proposes to utilize the services of such auditor or auditors for the performance and discharge of the Auditor-General's duties and functions in relation to such public corporation, business or undertaking and thereupon such auditor or auditors shall act under the direction and control of the Auditor-General.

Page 139, CHAPTER XXVI, GENERAL

227. Where Parliament by resolution passed by not less than two-thirds of the whole number of Members of Parliament approves as being essential for the development of the national economy, any treaty or agreement between the Government of the Republic of Sri Lanka and the Government of any foreign State for the promotion and protection

Taxation

Socio-economic reconstruction→Taxation→Reform of taxation

Page 115, CHAPTER XXI FINANCE, Article 206, A tax shall not be levied or collected except by or under law or Stature.

Page 115-116, CHAPTER XXI FINANCE, Article 207, [Summary] (1) Article provides for the creation and specifications of the Consolidation Fund of Sri Lanka, which contains net proceeds of taxes and public monies. (2) Parliament may create a 'Contingencies Fund' for urgent use. (3) Excise duties are prescribed by Parliament on the recommendation of the Finance Commission. ... (6) the Sums charged to the Consolidation Fund of Sri Lanka shall be affirmed by law by Parliament.

Page 116, CHAPTER XXI FINANCE, Article 207, ... (4)(a) Taxes on wholesale and retail sales (other than sales by manufacturers) shall be levied and collected by the Central Government but shall be apportioned to the Regions in the manner provided in sub-paragraph (b) of this paragraph.

(b) The net proceeds in any financial year of any such tax shall not form part of the Consolidated Fund of Sri Lanka but shall be assigned to the Region within which such tax is leviable in that year in accordance with such principles of apportionment as may be prescribed by Parliament on the recommendation of the Finance Commission.

Page 117, CHAPTER XXI FINANCE, Article 207, ... (5)(a) Taxes on sales or income not otherwise provided for shall be levied and collected by the Central Government and shall be distributed in the manner provided in sub-paragraph (b) of this paragraph.

(b) A percentage as may be prescribed by Parliament of the net proceeds in any financial year of any such tax shall be assigned to the Region within which such tax is leviable in that year and shall be disbursed to the respective Regions in such manner, and from such time, as may be prescribed by the Finance Commission.

Page 118, CHAPTER XXI FINANCE, Article 209, [Summary] A Bill or motion, authorizing the disposal of any monies of, or the imposition of charges upon, the Consolidated Fund of Sri Lanka or other funds of the Central Government, or the imposition of any tax or the repeal, augmentation or reduction of any tax for the time being in force shall not be introduced in Parliament except by a Minister of the Cabinet of Ministers, and unless such Bill or motion has been approved either by the Cabinet of Ministers or in such manner as the Cabinet of Ministers may authorize.

Page 121, CHAPTER XXI FINANCE, Article 212, (1) The property and income of the Central Government shall, save in so far as Parliament may by law otherwise provide, be exempt from all taxes imposed by a Regional Administration.

(2) The property and income of a Regional Administration shall be exempt from taxation by the Central Government, save and except customs duties.

Page 163, Second Schedule, List 1, Reserved List

... 16. Audit of the Government of Sri Lanka, State institutions and public corporations.
17. Taxes on income, capital and wealth of individuals, companies and corporations as provided in Chapter XXL

Page 164, Second Schedule, List 1, Reserved List

18. Customs duties, including import and export duties, and excise duties (excluding such excise duties as may be specified by law) as provided in Chapter XXL

19. Turnover taxes and stamp duties, goods and services taxes as provided in Chapter XXI.

20. Any other taxes, duties or levies not mentioned in the Regional List.

Page 168, Second Schedule, List II, Regional List

Banks

Socio-economic reconstruction→Banks→Personal or commercial banking
Page 61-62, CHAPTER XIV, The Constitutional Council
SCHEDULE
... (f) The Finance Commission.

Page 163, Second Schedule, List 1, Reserved List
... 13. Regulation of banking, banking institutions and other national financial institutions.
14. National policy on insurance and national institutions providing insurance services.
15. Regulation of securities, stock exchanges and future markets.

Page 169, Second Schedule, List II, Regional List
... 32. Co-operatives and Co-operative Banks.
Socio-economic reconstruction→Banks→International finance
Page 118-119, CHAPTER XXI FINANCE, Article 210, (1) (a) The executive power of the Region extends to domestic and international borrowing upon the security of the Consolidated Fund of the Region.
(b) International borrowings by a Regional Administration shall be subject to such criteria and limitations as may be specified by Parliament and shall require the concurrence of the Minister of the Cabinet of Ministers in charge of the subject of Finance.
(2)(a) The limits as regards domestic borrowing and the limitations and criteria as regards international borrowing by each Regional Administration for each financial year shall, subject to the provisions of sub-paragraph (b) of this paragraph, be laid down by the Minister of the Cabinet of Minister in charge of the subject of Finance before the thirtieth day of September of the preceding financial year.
(b) In laying down these limits and criteria, the Minister shall take into consideration the requirements of fiscal policy and the demand of monetary stability as well as the repayment capacity of each Regional Administration.
(3) Any Agreements negotiated and entered into by Regional Administrations regarding international grants and foreign development assistance shall be in accordance with the national policies on international aid as laid down, from time to time, by the Cabinet of Ministers and approved by Parliament.

Page 163, Second Schedule, List 1, Reserved List
... 10. Currency and foreign exchange, international economic relations, formulation of monetary policy and external resources.
11. Public debt of the Government of Sri Lanka.
12. Foreign loans of the Government of Sri Lanka.

Page 168, Second Schedule, List II, Regional List
... 3. Domestic and international borrowing to the extent specified in Chapter XXL
4. The management and promotion of foreign direct investment, international grants and developmental assistance to the Region to the extent specified in Chapter XXI.

Land, property and environment

Land reform/rights Land, property and environment→Land reform/rights→Land reform and management
Page 24, CHAPTER VII, THE CENTRAL EXECUTIVE

The President of the Republic

58. In addition to the powers and functions expressly conferred on or assigned to the President by the Constitution or by any written law, the President shall have the power- ... (f) to keep the Public Seal of the Republic, and to make and execute under the Public Seal, the acts of appointment of the Prime Minister and other Ministers of the Cabinet of Ministers, the Deputy Ministers, the Governors of Regions, the Chief Justice and the President of the Court of Appeal, the other Judges of the Supreme Court and the Court of Appeal and the Judges of the Regional High Courts, such grants and dispositions of lands and immovable property vested in the Republic as the President is by law required or empowered to do, and to use the Public Seal for sealing all things whatsoever that shall pass that Seal;

Page 77, CHAPTER XVI STATELAND, WATERS AND MINERALS

143. ... (2) The Centre and the Regions shall succeed to such State land at the commencement of the Constitution in the manner hereinafter provided and shall hold such State land in the name of the Republic.

Page 77, CHAPTER XVI STATELAND, WATERS AND MINERALS

143. ... (3) (a) The Centre shall succeed to State land controlled or used, in relation to subjects and functions enumerated in the Reserved List, by the Central Government, its institutions or any public corporation at the commencement of the Constitution.
(b) A Regional Administration may negotiate with the Central Government for the release of any State land referred to in sub-paragraph (a) of this paragraph to be used for the purposes of any subject or function in the Regional List.
(4) The Centre shall succeed to State land, situated within the Capital Territory, alienated before the commencement of the Constitution and the title to which continues to be with the Republic at the commencement of the Constitution.
(5) Every Region shall succeed to all other State land within the Region and such State land shall, subject to -
(a) the rights enjoyed, immediately prior to the commencement of the Constitution, by any person in lawful possession or occupation, immediately prior to the commencement of the Constitution, of any such land; and

Page 78, Article 143. ... (5) ... (b) the provisions of this Chapter, be at the disposal of the Regional Administration of that Region for the purposes set out in the Regional list, and the Regional Administration shall be entitled to exercise rights in or over such land, including land tenure, transfer and alienation of land, land use, land settlement and land improvement, in accordance with applicable written law.

(6) (a) Where the Central Government is satisfied that State land in a Region is required for the purpose of a subject in the Reserve List, the Central Government may, after consultation with the relevant Regional Administration, require the Regional Administration to make available to the Central Government or to such public authority as the Central Government may specify, such land as may reasonably be required for such purpose and the Regional Administration shall comply with such requirement.
(b) Where a Regional Administration does not comply with a requirement made under sub-paragraph (a) of this paragraph, the President shall refer the matter for arbitration to a tribunal consisting of one member appointed by the Prime Minister, one member appointed by the Chief Minister of the relevant Region and a Chairman nominated by the members so appointed and, where there is no agreement on the nomination of a Chairman, the Chairman shall be nominated by the Constitutional Council.

(c) A decision of a tribunal referred to in sub-paragraph (b) of this paragraph shall be binding on the Central Government and the relevant Regional Administration, and a court or tribunal shall not have the power or jurisdiction to inquire into, pronounce

**Pastoralist/
nomadism rights**

No specific mention.

Cultural heritage

Land, property and environment→Cultural heritage→Tangible

Page 21, CHAPTER VI, PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

52. The following principles shall guide the State in making laws and in the governance of Sri Lanka -

... (7) The State shall protect and preserve every monument or place or object of artistic or historic interest declared by or under any law to be of national importance.

Page 21, CHAPTER VI, PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

53. It shall be the duty of every citizen to -

... (7) safeguard and preserve artistic or historical objects and places of national importance;

Page 166, Second Schedule, List 1, Reserved List

56. National Archives and Museums.

57. National Libraries and the National Library Services Board.

58. Archaeology - Policy formulation, excavation and conservation including access for such purpose; maintenance and administration of ancient and historical monuments, archaeological sites, archaeological remains and records declared by or under law before the commencement of the Constitution to be of national importance, and those declared, after consulting the relevant Regional Administration, by or under Law to be of national importance.

59. Preservation and promotion of the national heritage.

60. National Standards relating to public performances.

Page 166, Second Schedule, List 1, Reserved List

... 55. Buddha Sasana [the teachings of Buddha].

Page 166, Second Schedule, List 1, Reserved List

... 72. National policy on sports; administration of national sports bodies.

Page 170, Second Schedule, List II, Regional List

... 44. Regional libraries and museums.

45. Promotion of cultural activity within the Region including the preservation of cultural diversity.

46. Maintenance and administration of ancient and historical monuments, archaeological sites and records other than those specified in the Reserved List.

47. Public performances.

Page 171, Second Schedule, List II, Regional List

... 58. Sports.

Land, property and environment→Cultural heritage→Intangible

Page 9, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

19. (1) Every citizen is entitled alone or in association with others to enjoy and promote such citizen's own culture and to use such citizen's own language.

(2) Any restrictions shall not be placed on the exercise of the right declared and recognized by this Article other than such restrictions prescribed by law as are necessary in a democratic society in the interests of national security, public order, racial or religious harmony or the protection of public health or morality or for the purpose of securing due recognition and respect for the rights and freedoms of others.

Page 14, CHAPTER IV, LANGUAGE,

33. The national languages of the Republic shall be Sinhala, Tamil and English.

Page 14, CHAPTER IV, LANGUAGE,

34. A Member of Parliament or a Member of a Regional Council or a member of a local

Environment

Page 21, CHAPTER VI, PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

52. The following principles shall guide the State in making laws and in the governance of Sri Lanka -

(6) The State shall protect and preserve and improve the environment and safeguard the reefs, shores, forests, lakes, watercourses and wildlife of Sri Lanka.

Page 21, CHAPTER VI, PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

53. It shall be the duty of every citizen to -

... (6) protect and improve the environment, conserve its riches, and value all forms of life;

Page 77, CHAPTER XVI STATELAND, WATERS AND MINERALS

142. (1) The foreshore, all lands, mines, minerals and other things of value underlying the ocean within the territorial waters, rights pertaining to the continental shelf and rights pertaining to the exclusive economic zone of Sri Lanka, shall continue to vest in the Republic and shall be held by the Central Government.

Page 79, 145. (2) The Council shall be charged with -

(a) the formulation of national land use policy, taking into account international standards relating to the appropriate amount of forest cover, exploitation of natural resources, the quality of the environment and other relevant matters ;

Page 79, 145. (2) The Council shall be charged with -

... (b) the making of recommendations to the Central Government and the Regional Administrations with regard to the protection of watersheds, the appropriate amount of forest cover in each Region, conservation of fauna and flora and the protection of the environment ; and

Page 166, Second Schedule, List 1, Reserved List

... 63. National plans on forestry, environment and conservation including conservation of flora and fauna in keeping with international obligations

Page 166, Second Schedule, List 1, Reserved List

... 64. National parks, Strict Natural Reserves, Nature Reserves, Sanctuaries and National Heritage Wilderness Areas declared by or under law and existing immediately prior to the commencement of the Constitution.

Page 166, Second Schedule, List 1, Reserved List

... 65. Reserved Forests and Conservation Forests declared by or under any law and existing immediately prior to the commencement of the Constitution, which shall be used in conformity with national plans on forestry and in accordance with national land use policy as determined by the National Land Use Council.

66. Foreshore; national plans on coast conservation; declaration and demarcation of coast reservations for the implementation of national programmes relating to coast conservation.

Page 166, Second Schedule, List 1, Reserved List

... 73. Intervention in instances of 'national (natural and environmental) disasters and epidemics.

Page 169, Second Schedule, List II, Regional List

26. Forests, excluding those specified in the Reserved List, which shall be used, subject to paragraphs (3) and (4) of Article 145, in conformity with national plans on forestry and with due regard to national land use policy as determined by the National Land Use Council

Water or riparian rights or access

Page 77, CHAPTER XVI STATELAND, WATERS AND MINERALS

142. (1) The foreshore, all lands, mines, minerals and other things of value underlying the ocean within the territorial waters, rights pertaining to the continental shelf and rights pertaining to the exclusive economic zone of Sri Lanka, shall continue to vest in the Republic and shall be held by the Central Government.

(2) The limits of the territorial waters, the continental shelf, the exclusive economic zone and other maritime zones of Sri Lanka shall be such as are specified, from time to time, by law.

Page 78-79, 144. (1) Inter-regional irrigation projects are schemes where the command area falls within two or more Regions.

(2) Projects referred to in paragraph (1) of this Article and the relocation of persons displaced as a result of their implementation, shall be a subject and function of the Central Government and such relocation shall be undertaken in consultation with the Chief Ministers of the Regions which benefit from such projects, and the provisions of paragraph (6) of Article 143 shall apply.

(3) The distribution of allotments of land in land development schemes begun prior to the commencement of the Constitution and which have not been completed shall be according to the criteria that applied to such schemes prior to the commencement of the Constitution.

Page 79, 145. (2) The Council shall be charged with -

... (b) the making of recommendations to the Central Government and the Regional Administrations with regard to the protection of watersheds, the appropriate amount of forest cover in each Region, conservation of fauna and flora and the protection of the environment ; and

Page 164, Second Schedule, List 1, Reserved List

... 26. Inter-regional rivers; inter-regional waterways.

Page 164, Second Schedule, List 1, Reserved List

... 27. Airports; ports and harbours with international transportation; provision of facilities, in consultation with the relevant Regional Administrations, in fishery harbours used mainly by vessels engaged in fishing beyond Sri Lankan waters.

Page 164, Second Schedule, List 1, Reserved List

... 33. Shipping and navigation; Maritime Zones including historical waters and territorial waters; Exclusive Economic Zone and Continental Shelf.

Page 165, Second Schedule, List 1, Reserved List

... 42. Inter-regional irrigation schemes.

43. Fishing beyond Sri Lankan waters; registration of vessels engaged in fishing beyond Sri Lankan waters; rights relating to traditional migratory fishing within Sri Lankan waters; reference of inter-regional fishing disputes and disputes relating to traditional migratory fishing for settlement in accordance with Article 141.

44. Protection, development and exploitation of marine and aquatic resources in keeping with international obligations and measures to enforce such obligations.

Page 169, Second Schedule, List II, Regional List

... 24. Irrigation within the Region other than irrigation schemes utilising water through diversions from water systems from outside the Region.

Page 170, Second Schedule, List II, Regional List

... 27. Drainage and waterways other than within the Capital Territory



Security sector

**Security
Guarantees**

[Summary] Each right in the Rights section (pages 7-13) has a subclause stating that restrictions can only be placed in the interests of national security, public order, or for securing the respect for the rights and freedoms of others.

Page 21, CHAPTER VI, PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

52. The following principles shall guide the State in making laws and in the governance of Sri Lanka -

... (8) The State shall promote international peace, security and co operation, and the establishment of a just and equitable international economic and social order, and shall respect, and foster respect for, international law and treaty obligations in dealings with and among nations.

Page 25, CHAPTER VII, THE CENTRAL EXECUTIVE

The President of the Republic

58. In addition to the powers and functions expressly conferred on or assigned to the President by the Constitution or by any written law, the President shall have the power-
... (g) to declare war and peace ;

Page 130, CHAPTER XXIII, Public Security,

219. [Summary] The Public Security Ordinance in force at the time of the Constitution's implementation shall be recognized. The President must make a proclamation for emergency laws to come into force.

Page 130-131, CHAPTER XXIII, Public Security,

220. [Summary] (1) A Proclamation can only be given, if the President deems that the security of a region is threatened by armed insurrection, public disorder or an act by the Regional Administration that presents a clear danger to the unity of the republic. (2)(a) After making a Proclamation, a president may deploy the armed forces or a unit of the National Police Service to restore public order. (b) the president may make regulations that over-ride any law, but the Constitution. (3) All Proclamations shall be revoked as soon as the President is satisfied that order has been restored.

Page 131, CHAPTER XXIII, Public Security,

221. [Summary] A Region Governor, upon advise of the Chief Minister of the Region, may advise the President to issue a Proclamation if he is of the opinion that a situation threatening public order and provision of goods or services has arisen. (a) When the President issues such a Proclamation, the central government and its agencies may exercise authority over any subject or function in List II of the Second Schedule and may create laws relating public security that override any written law except the Constitution.

Page 132-133, CHAPTER XXIII, Public Security,

222. [Summary] Article outlines validity of Proclamations made by the President in relation to the Parliament.

Page 133-134, CHAPTER XXIII, Public Security,

223. [Summary] (1-3) A President may take over the functions of a Regional Administration if its actions are deemed to be promoting armed rebellion or intentionally violating Articles 1, 2, or 3. The article continues to outline the protocols and legal necessities of issuing such a proclamation. (4-6) States the protocols for the tribunal that reports on the continuity of the Proclamation.

Page 152-153, CHAPTER XXVIII, INTERIM COUNCIL FOR THE NORTHERN AND EASTERN REGIONS,

246. (1) The following shall require the votes of a majority of the members of the Interim Council, present and voting, as well as the votes of a majority of the members of the

Ceasefire

No specific mention.

Police

Page 11, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

26. The exercise and operation of the fundamental rights declared and recognized by Articles 10, 11(1), 12, 14, 15(3), 16, 17 and 18 shall in their application to the armed forces, the police force and other forces charged with the maintenance of public order be subject to such restrictions as may be prescribed by or under any law in the interests of the proper discharge of their duties and the maintenance of discipline among them.

Page 15, CHAPTER IV, LANGUAGE,

36. (e) to give information with regard to the commission of an offence to a police or peace officer in either Tamil or English.

Page 47, CHAPTER XIII THE FRANCHISE AND ELECTIONS

108. ... (2) A person shall not be qualified to be elected as a Member of Parliament or to sit and vote in Parliament-

... (e) if the person is-

... (iv) a member of the National Public Service Commission or the Finance Commission or the Judicial Service Commission or a Regional Public Service Commission or a Regional Police Commission;

... (xii) a police officer or a public officer exercising police functions;

Page 51, CHAPTER XIII THE FRANCHISE AND ELECTIONS

111. ... (3) Upon the making of a Proclamation or Order requiring the holding or conduct of an election or referendum, as the case may be, the Election Commission shall notify the National Police Commissioner of the facilities and the number of the police officers required by the Commission for the holding or conduct of such election or referendum, as the case may be.

(4) The National Police Commissioner shall make available to the Election Commission, the facilities and police officers specified in any notification made under paragraph (3) of this Article.

(5) The Election Commission may deploy the police officers made available to the Commission under paragraph (4) of this Article in such manner as is calculated to promote the conduct of a free and fair election or referendum, as the case may be.

(6) During the period commencing on the date of the Proclamation or Order requiring the holding or conduct of the election or referendum, as the case may be, and ending on the date on which the result of the poll taken at such election or referendum, as the case may be, is declared, every police officer made available to the Commission under paragraph (4) of this Article shall, notwithstanding anything in the Constitution or other Law, be responsible to, and act under the direction and control of, the Election Commission.

(7) To suit or prosecution or other proceeding, civil or criminal, shall lie against any police officer made available to the Election Commission under paragraph (4) of this Article for any act or thing in good faith done by such police officer during the period referred to in paragraph (6) of this Article, in pursuance, or supposed pursuance, of a direction of the Election Commission.

Page 61-62, CHAPTER XIV, The Constitutional Council

SCHEDULE

... (g) The national Police Commission.

Page 107, CHAPTER XX, THE PUBLIC SERVICE,

Article 190, (1) The President shall, subject to paragraph (2) of this Article, appoint all national public officers required by the Constitution or other written law to be appointed by the President, as well as the Attorney General and the Heads of the Army, the Navy, the Air Force and the Police Force.

Armed forces

Page 11, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

26. The exercise and operation of the fundamental rights declared and recognized by Articles 10, 11(1), 12, 14, 15(3), 16, 17 and 18 shall in their application to the armed forces, the police force and other forces charged with the maintenance of public order be subject to such restrictions as may be prescribed by or under any law in the interests of the proper discharge of their duties and the maintenance of discipline among them.

Page 23, CHAPTER VII, THE CENTRAL EXECUTIVE

The President of the Republic

55. (1) There shall be a President of the Republic of Sri Lanka, who is the Head of State and the Commander-in-Chief of the Armed Forces and who shall act on the advice of the Prime Minister as hereinafter provided.

Page 47, CHAPTER XIII THE FRANCHISE AND ELECTIONS

108. ... (2) A person shall not be qualified to be elected as a Member of Parliament or to sit and vote in Parliament-

... (e) if the person is-

... (xi) a member of the Regular Force of the Army, Navy or Air Force; or

Page 51, CHAPTER XIII THE FRANCHISE AND ELECTIONS

111. ... (8) It shall be lawful for the Election Commission to make recommendations to the President, during the period commencing on the date of the Proclamation or Order requiring the holding or conduct of an election or referendum, as the case may be, and ending on the date on which the result of the poll taken at such election or referendum, as the case may be, is declared, regarding the deployment of the armed forces of the Republic for the prevention or control of any incidents which may be prejudicial to the holding or conduct of a free and fair election or referendum, as the case may be.

Page 107, CHAPTER XX, THE PUBLIC SERVICE,

Article 190, (1) The President shall, subject to paragraph (2) of this Article, appoint all national public officers required by the Constitution or other written law to be appointed by the President, as well as the Attorney General and the Heads of the Army, the Navy, the Air Force and the Police Force.

Page 109, Article 194. ... (11) For the purpose of this Article and Articles 191, 192 and 193, "national public officer" does not include a member of the Army, Navy or Air force.

Page 126, CHAPTER XXII, DEFENCE, NATIONAL SECURITY AND LAW AND ORDER, Article

216. ... (2) Subject to the provisions of this Chapter, the following offences shall be exclusively investigated by the National Police Service -

... (b) any offence relating to the National Police, Army, Navy and Air Force;

Page 130-131, CHAPTER XXIII, Public Security,

220. [Summary] (1) A Proclamation can only be given, if the President deems that the security of a region is threatened by armed insurrection, public disorder or an act by the Regional Administration that presents a clear danger to the unity of the republic. (2)(a) After making a Proclamation, a president may deploy the armed forces or a unit of the National Police Service to restore public order. (b) the president may make regulations that over-ride any law, but the Constitution. (3) All Proclamations shall be revoked as soon as the President is satisfied that order has been restored.

Page 163, Second Schedule, List 1, Reserved List

1. Defence; national security, national police; security forces; special forces ; paramilitary forces established by or under law.

| | |
|---|---|
| DDR | No specific mention. |
| Intelligence services | No specific mention. |
| Parastatal/rebel and opposition group forces | <p>Page 125, CHAPTER XXII, DEFENCE, NATIONAL SECURITY AND LAW AND ORDER, Article 215, (1) Defence, national security and the raising , establishment and maintenance, as provided for by law, of regular, special and para-military forces shall be subjects reserved exclusively for the Central Government.</p> <p>Page 154, CHAPTER XXVIII, INTERIM COUNCIL FOR THE NORTHERN AND EASTERN REGIONS, 248... (4). The Board of Ministers of the two Regions shall assist the Central Government in the decommissioning of weapons unlawfully possessed by armed groups.</p> <p>Page 163, Second Schedule, List 1, Reserved List 1. Defence; national security; national police; security forces; special forces ; paramilitary forces established by or under law.</p> |
| Withdrawal of foreign forces | No specific mention. |

Corruption

Page 21, CHAPTER VI, PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

53. It shall be the duty of every citizen to -

... (9) refrain from directly or indirectly participating in bribery or corruption;

Page 30, CHAPTER VIII, THE CENTRAL EXECUTIVE

The President and the Cabinet of Ministers

75. ... (8) For the purpose of this Article, the Office of the Secretary-General of Parliament, the Office of the Elections Commission, the Department of the Auditor-General, the Office of the Secretary to the Cabinet of Ministers, the Office of the Parliamentary Commissioner for Administration (Ombudsman) and the Office of the Commission to Investigate Allegations of Bribery or Corruption shall be deemed not to be departments of Government.

Page 44-45, CHAPTER XIII, THE FRANCHISE AND ELECTIONS

107. (1) A person shall not be qualified to be an elector at an election of Members of Parliament or Members of a Regional Council or to vote at any Referendum if the person is subject to any of the following disqualifications, namely-

... (e) if a period of seven years has not elapsed since-

... (ii) the last of the dates, if any, of the person being convicted of a corrupt practice under the Parliamentary Elections Act, o. l of 1981, or of such offence under the law for the time being relating to Referenda or the election of, the President, or of Members of Parliament or of Members of Provincial Councils or Regional Councils, as would correspond to the said corrupt practice;

Page 45, CHAPTER XIII, THE FRANCHISE AND ELECTIONS

107. ... (e) ... (iii) the last of the dates, if any, being a date after the commencement of the Constitution, of a report made by a Judge finding the person guilty of any corrupt practice under the Parliamentary Elections Act, No. l of 1981, or under any law for the time being relating to Referenda, or the election of, Members of Parliament or of Members of Provincial Councils or Regional Councils; or
(iv) the last of the dates, if any, of the person being convicted or being found guilty of bribery under the provisions of the Bribery Act or of any future Act, as would correspond to the Bribery Act;

Page 45, CHAPTER XIII, THE FRANCHISE AND ELECTIONS

107. ... (f) if a period of five years has not elapsed since-

... (ii) the last of the dates, if any, of the person being convicted of an offence under the provisions of sections 2 and 3 of the Public Bodies (Prevention of Corruption) Ordinance or of such offence under any future law, as would correspond to the said offence;

Page 47, CHAPTER XIII THE FRANCHISE AND ELECTIONS

108. ... (2) A person shall not be qualified to be elected as a Member of Parliament or to sit and vote in Parliament-

... (h) if during the preceding seven years the person has been adjudged by a competent court or by a Special Presidential Commission of Inquiry of having accepted a bribe or gratification offered with a view to influencing the person's judgement as a Member of Parliament or as a Member of the legislature prior to the commencement of the Constitution.

Page 47, CHAPTER XIII THE FRANCHISE AND ELECTIONS

108. ... (3) For the purposes of sub-paragraph (h) of paragraph (2) of this Article, the acceptance by a Member of Parliament of any allowance or other payment made to the Member by any trade union or other organisation solely for the purpose of the maintenance of the Member shall be deemed not to be an acceptance of a bribe or gratification.

Crime/organised crime No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon Transitional justice→Amnesty/pardon→Amnesty/pardon proper
Page 25, CHAPTER VII, THE CENTRAL EXECUTIVE
The President of the Republic
59.(1) The President may, in the case of any offender convicted of any offence in any court within the Republic-

- (a) grant a pardon either free or subject to lawful conditions ;

Page 67, CHAPTER XV, THE DEVOLUTION OF POWER TO REGIONS
129. ... (9) (a) The Governor of a Region shall have the power to grant pardon to any person convicted of an offence under a Statute made by the Regional Council of that Region or a law made by Parliament on a matter in respect of which the Regional Council has power to makes Statutes, or to grant a respite or remission of punishment imposed by court on any such person.

Transitional justice→Amnesty/pardon→Power to amnesty
Page 25, CHAPTER VII, THE CENTRAL EXECUTIVE
The President of the Republic
59.(1) The President may, in the case of any offender convicted of any offence in any court within the Republic-

- (a) grant a pardon either free or subject to lawful conditions ;
- (b) grant any respite either indefinite or for such period as the President may think fit, of the execution of any sentence passed on such offender;
- (c) substitute, a less severe form of punishment, for any punishment imposed on any such offender ;
- (d) remit the whole or any part of any punishment imposed, or of any penalty or forfeiture otherwise due to the Republic, on account of such offence.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

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|------------------------|---|
| Victims | No specific mention. |
| Missing persons | No specific mention. |
| Reparations | <p>Transitional justice→Reparations→Material reparations Page 154, CHAPTER XXVIII, INTERIM COUNCIL FOR THE NORTHERN AND EASTERN REGIONS, 250. The Interim Council and the Board of Ministers shall take such measures as may be necessary - (a) to rehabilitate and resettle, persons who have been displaced in the Northern and Eastern Regions, after January 1, 1983; (b) to enable such persons to recover possession of property lost by such persons ; and (c) where such recovery is not possible, to ensure that such persons received adequate compensation for the loss of such property.</p> |
| Reconciliation | No specific mention. |

Implementation

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| UN signatory | No specific mention. |
| Other international signatory | No specific mention. |
| Referendum for agreement | No specific mention. |
| International mission/force/ similar | No specific mention. |
| Enforcement mechanism | No specific mention. |
| Related cases | No specific mention. |
| Source | Hard copy attained by Dr Asanga Weikala (Univeristy of Edinburgh). |
