

## **AFFIRMATION/OATHS:**

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| 01. | (1) | Every Member, before taking seat or casting vote in the Provincial Council as a Member, make affirmation or take oath and subscribe before the Provincial Governor or a person nominated by the Governor or before the Chairman or as specified by the Clause 04 of the Act <sup>1</sup> and according to Schedule 07 <sup>2</sup> of the 06 <sup>th</sup> Amendment to the Constitution | <i>Affirmation or Oaths</i>   |
|     | (2) | The Provincial Council should be enlightened by the Chairman about the Members who so made affirmation or took oath, at the commencement of the next Council sitting.  | <i>Notifying the Council on such affirmation or oath</i>                          |
|     | (3) | In the event of default in making affirmation and subscribing or taking oath and subscribing as specified in Sub-rule 01(1) above by any member, such a person shall not take seat or cast vote in the Council, or, if seated in the Council the Chairman shall order such Member to vacate the Council immediately.   | <i>Defaulting subscription after affirmation-making or oath-taking</i>            |
|     | (4) | If such person continues to occupy the seat or engage in the matter of casting vote disregarding the order made by the Chairman according to Sub-rule 01(3) above, the Chairman shall order to initiate action under Clause 6 <sup>3</sup> of the Provincial Councils Act with regard to such person.  | <i>Initiating action as per Clause 6 of the Act if remain in the Council thus</i> |

## **FIRST MEETING AFTER A PROVINCIAL COUNCIL ELECTION:**

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| 02. | (1) | At the first meeting of the Council after an election held, the Secretary shall read the Governor's order summoning the meeting. The Council shall thereafter transact the following business.<br><br>(a) Election of a Chairman<br>(b) Election of a Deputy Chairman | <i>First Meeting subsequent to the Election</i>       |
|     | (2) | Election of a Chairman and a Deputy Chairman accordingly, shall take place as per provisions stated in Rules of Procedure rule No. 04 and 05.   |   |
|     | (3) | On the conclusion of such business, measures should be taken to hold the second meeting of the Council within 21 days therefrom, and the following meetings should be held as per provisions of Rules of Procedure Code.  | <i>Second meeting subsequent to the first meeting</i> |

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<sup>1</sup> Published at the end of the Rules of Procedure

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### SEATING OF MEMBERS:

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| 03. (1) | At the First Council meeting to be held after an election following dissolution and thereafter, members may sit in any seat provided for the use of members until such time as a seat is allotted to each and every member.  | <i>Seating Arrangements for Members</i>  |
| (2)     | The Chairman shall as soon as it is convenient allot a seat to every member but may vary such allotment from time to time as necessary.  | <i>Ability to change seating arrangement</i>   |
| (3)     | The Chairman in consideration of seniority of the respective members of the Provincial Council, composition of the parties and the representation of those parties within Councils far as possible shall allot seats at his discretion. Chairman's decision thereon shall be final.  | <i>Chairman's decision to be final when allotting seats</i>  |
| (4)     | Nevertheless, when there is a motion under consideration to remove the Chairman from his office as per Clause 8 <sup>4</sup> of the Provincial Council Act, the seat occupied by the Deputy Chairman shall be allotted to the Chairman enabling him to speak and participate in proceedings of the Council in other way as per Clause 8 (2) <sup>5</sup> of the Act. | <i>Upon presentation of a motion to remove Chairman from office, proceedings to take place according to Section 8(2) of the Act.</i> |

### ELECTION OF A CHAIRMAN – FIRST COUNCIL MEETING:

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| 04. (1) | The Council shall proceed to elect a Chairman at the very first meeting of the Provincial Council to be held following a Provincial Council Election.  | <i>Selection of a Chairman</i>  |
| (2)     | Any member intending to propose the name of a member to be elected as Chairman, shall previously ascertain definitely that the aforesaid member is willing to accept that office if elected.   | <i>Obtaining Member's consent for the Office of Chairman.</i>                   |
| (3)     | The Member addressing the Council Secretary shall state the name of a member who is present at the Council meeting at the time and who accomplishes the requirements of aforesaid 04(2) and propose that "(Member's name) shall preside as the Chairman of this Council" and it shall be seconded by another member. But no debate shall take place in that respect. | <i>Procedure for proposing a name for Chairmanship</i>                          |
| (4)     | When only one member is proposed and seconded, he shall be declared by the Council Secretary to have been elected to the office of Chairman.   | <i>In the event of only one member nominated Council Secretary's statement.</i> |

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<sup>4</sup> Published at the end of the Rules of Procedure

<sup>5</sup> - do -

- (5) When more than one name of a member has been proposed and seconded as above, division bells shall caused to be rung for two minutes and the Council Secretary shall proceed to elect the Chairman by ballot papers. *Procedure for polling where more than one nomination is made*
- (6) (1) Every member shall be called upon and provided with a ballot paper bearing the official frank and signature of the Council Secretary and issued by him. The relevant member shall clearly state therein as to which member he will vote by writing only the name of the member contesting and cast it to the ballot box. *Proceedings to be followed by the Secretary at a poll to select Chairman*
- (2) At the conclusion of voting, the Secretary shall summon another officer or officers and count the votes keeping them as witnesses. *Counting the ballot papers keeping additional officers as witness*
- (3) In so counting, if any option indicated in a ballot paper is not clear as to whom it has been expressed; proceedings shall be taken having treated it as a spoilt ballot paper. Secretary's decision thereon shall be final. *Regarding spoilt ballot papers*
- (7) At the conclusion of counting, the Secretary shall take steps to display in the descending order the number of votes polled by the respective members at a conspicuous place visible to all the members. *Displaying the votes polled in descending order*
- (8) In the event of any member abstaining from voting in the election of Chairman by ballot, the Secretary shall take steps to display simultaneously with the declaration of results, the number of members who abstained from voting and their names at a conspicuous place visible to all the members. *Display the results of Members refrained from voting*
- (9) In the event of only two candidates contesting for the election to be selected as Chairman, an election shall be held by ballot for the election of a Chairman out of those two candidates and if any candidate has polled the majority of the number of votes cast by the members who were present at the relevant Council sitting, the Secretary shall declare that such candidate was elected as Chairman. In this context, the Secretary shall follow the Sub-rules 04(7) and 04(8). *Announcing the candidate's name who received majority of votes in a ballot between two candidates*
- (10) In the event of more than two candidates contesting for the election to be selected as Chairman, if any one candidate does not poll a number of votes exceeding the total number of votes polled by all the other candidates, the candidate who has polled the lowest number of votes shall be excluded from the election and the election shall be held again. Thus the election shall proceed as expedient, excluding the candidate who has polled the lowest number of votes from the election after each round of election until any one candidate polls a number of votes exceeding the number of votes polled by the remaining candidate or the total number of votes polled by all the remaining candidates. *Proceedings of an election where more than two candidates contest*

- (11) (1) In a contest among three candidates or more in an election by ballot, when one of those candidates has to be excluded under Rule 4(10) herein in an instance where two or more candidates have polled an equal number of votes, selection of the candidate who should be excluded from among the candidates who have polled an equal number of votes shall be made by an election held again by ballot between the two relevant candidates. In such election too, if there is an equality of votes, the candidate to be excluded shall be identified by drawing lots as decided by the Secretary.
- In an election where three or more than three candidates contest, drawing lots when two candidates polled equal number of votes*
- (2) Thus the procedure of exclusion reaches the stage where two candidates contest for the election, subsequent to holding the election either according to Rule No. 04(9) or 04(12) as the case may be, the Chairman shall be selected.
- (12) In a contest between two candidates in an election by ballot, if there is an equality in the number of votes polled, election by ballot shall be held again and if there is an equality of votes in such election as well, selection of the candidate who should be excluded from election shall be made by drawing lots as decided by the Secretary.
- Procedure to be followed in a context where equal number of votes received when two candidates contest*
- (13) The ballot papers counted shall be put in a box and when any member has been declared to have been elected as the Chairman, the said ballot box shall be sealed before the Council and after having kept it under the custody of the Secretary for a period of three months, the Secretary shall, subject to the approval of Business Advisory Committee, burn the said ballot papers along with other documents used for ballot and affirm to the ensuing Council that action was taken so.
- Proceedings regarding ballot papers subsequent to the election*
- (14) After the announcement of election results, the blank ballot papers and the other documents used in the election shall be sealed and after having kept them under the custody of the Secretary for a period of three months subsequent to which the Secretary shall, subject to the approval of the Business Advisory Committee, burn the said ballot papers and affirm to the ensuing Council that action was taken so.
- Proceedings regarding blank ballot papers*
- (15) Under the provisions of this Rule, an election held for electing the Chairman cannot be adjourned.
- Impossibility to adjourn an election to select a Chairman*

#### **ELECTION OF A DEPUTY CHAIRMAN :**

05. (1) The Chairman shall preside at the time of election of the Deputy Chairman and the ballot for electing the Deputy Chairman shall also be directed by the Chairman.
- Electing a Deputy Chairman to be performed by Chairman*

- (2) In the election of the Deputy Chairman too, the same procedure stipulated in Sub-rules indicated under Rule No. 4 that was adopted in election of the Chairman, shall be followed.
- Following Rule No. 04 for the election of Deputy Chairman*

**MAKING AFFIRMATION OR TAKING OATH BY CHAIRMAN OR DEPUTY CHAIRMAN :**

06. The persons elected to the office of Chairman or the office of Deputy Chairman, although they have already taken oaths as members, shall not commence functioning in their offices until they make affirmation and subscribe or take oath and subscribe in their offices. The Chairman of the Provincial Council shall make affirmation or take oath before the Secretary of the Provincial Council and the Deputy Chairman before the Chairman of the Provincial Council.
- Making Affirmation or Taking Oath by Chairman or Deputy Chairman and commencing duties in their offices*

**ELECTION OF CHAIRMAN OR DEPUTY CHAIRMAN WHEN THE OFFICE OF CHAIRMAN OR THE OFFICE OF DEPUTY CHAIRMAN BECOME VACANT :**

07. (1) In every event when the office of Chairman or the office of Deputy Chairman become vacant by cessation of membership in the Council or by resignation by formal letter of resignation or by removal from office under Section 7(2)(c)<sup>6</sup> of the Provincial Councils Act No. 42 of 1987 or by death, the Council shall elect a suitable person from among the members to hold the office of Chairman or the office of Deputy Chairman as the case may be.
- Electing Chairman or Deputy Chairman Whenever the office of Chairman or Deputy Chairman become vacant*
- (2) (a) When the office of Chairman or the office of Deputy Chairman become vacant, the Secretary shall report about the vacancy to the first meeting of the Business Advisory Committee held after the vacancy occurs. The Business Advisory Committee shall prepare the agenda enabling to hold an election for the office of Chairman or the office of Deputy Chairman at the next immediate Council meeting.
- Reporting to the Business Advisory Committee by Secretary when aforesaid vacancies occur*
- (b) However, when such office become vacant in between the period of Business Advisory Committee meeting and Provincial Council meeting, it should be informed by convening an urgent Business Advisory Committee meeting.
- Convening a Business Advisory Committee meeting.*
- (c) When the office of Chairman become vacant as per Rule No. (2), the Deputy Chairman shall preside the Business Advisory Committee meeting, whereas, in an occasion both the above-said offices become vacant, a member appointed by majority consent of the Business Advisory Committee shall be selected to preside the meeting and the Committee should be in quorum at such occasion.

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<sup>6</sup> Published at the end of Rules of Procedure. Refer to Pg i

- (3) In such an occasion, such selection shall be included as the first task of the Agenda scheduled for that date.
- (4) In such an occasion where the office becomes so vacant, the affairs pertaining to election of Chairman or Deputy Chairman shall be carried out according to the provisions stated in Rule No. 04 and 05.

*Rules to follow when the office become vacant*

#### **PANEL OF MEMBERS TO ACT IN THE OFFICE OF CHAIRMAN :**

08. (1) At the commencement of each session, the Chairman or the Deputy Chairman shall name a Chairman's panel consisting of three members and when that panel of names was prepared, the seniority of the relevant member should be taken into consideration.
- (2) When the office of Chairman or Deputy Chairman is vacant or both become unable to preside in the Council meeting, a member from the aforesaid panel of members should preside to execute Chairman's duties as per Paragraph 7(3)<sup>7</sup> of the Act or act in Chairman's office as per Paragraph 7(4)<sup>8</sup> of the Act according to the order of the said panel.
- (3) Any vacancy occurring in the panel during a session shall be filled by a nomination by the Chairman. He is entitled to make any necessary adjustment in the order of names in the panel.
- (4) In the absence of the Chairman, Deputy Chairman and all the members of the above panel, the Council shall elect one person from among the members who are present, to act in the Council on behalf of Chairman for the time being.

*Naming the Panel of Members and presiding*

*Powers assigned as per 7(3) and 7(4) of the Act, when a member from the Chairmen's Panel presides*

*Filling vacancies and amending the order of the Panel*

*In the absence of Chairman, Deputy Chairman and Members of the Panel*

#### **POWERS AND RESPONSIBILITIES OF THE CHAIRMAN :**

09. (1) General administration of the Council premises, buildings, security arrangements of the Council and the Council Chamber shall be performed under the direction and control of the Chairman and he shall have all powers for the purpose.
- (2) The powers stated in above 9(1) are the authority to enforcement of permanent, temporary and consequential rules, whereas, except permanent rules, temporary and consequential provisions can be eased on the discretion of the Chairman.
- (3) It has been stated in the appendix<sup>9</sup> how the powers of the Chairman be effected when rules affirming the enforceability of his orders are violated.

*Powers of the Chairman*

*Enforcement of rules and easing out temporary and consequential rules*

<sup>7</sup> Published at the end of Rules of Procedure book. Pl. Refer to Page i

<sup>8</sup> - do -

<sup>9</sup> Published at the end of Rules of Procedure book. Pl. Refer Page 103 to 104

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| (4)  | Parallel to this, the discretion with regard to effecting powers under Rule 68 and 78 shall be in possession of the Chairman.  |   |
| (5)  | The powers entrusted to Chairmen of the Committees originate under the powers of the Chairman, and in any occasion when witnesses and documents are summoned before the said Committee if the said persons violate those summoning orders, it shall be considered as breach of privileges of the Provincial Council. In such an occasion making the relevant officers or persons countable for those violations of privileges shall be conducted as per provisions of the Establishment Code and the existing law. | <i>How to proceed when summoning orders for Committees are violated by officers</i>   |
| (6)  | The Chairman shall have power to direct, as expedient, all matters relating to the affairs of the Council, not provided for in these Rules.  | <i>Chairman has the power to direct matters not enforced by rules</i>   |
| (7)  | When the office of Chairman is vacant or when the Chairman is not present in a Council meeting, the person presiding shall exercise powers and responsibilities of the Chairman.   | <i>Person presiding to exercise Chairman's powers</i>   |
| (8)  | No challenge can be made against Chairman's discretion in matters related to the affairs of the Council.   | <i>Chairman's discretion cannot be challenged</i>   |
| (9)  | The Chairman shall appoint relevant Committees in order to conduct activities of the Council effectively and successfully. The powers of these Committees are stated in Section 82 to 100 while the Chairmen of aforesaid committees will receive power under the legislative powers of the Chairman.  |   |
| (10) | When a question pertaining to breach of privileges of a Member is brought up in the Council, the sole authority to act in that regard is assigned to the Chairman.   |   |
| (11) | Provided that a member of the Council moves a question, motion, a Question of Privileges to the Council or Committee, it shall be the responsibility of Chairman to refer such matter to the relevant minister and in turn, obtain a reply from the said minister wherein the Chairman shall take action to notify the relevant member about the action taken regarding the relevant matter.   | <i>Obtaining a reply from the minister in charge of the relevant subject with regard to any matter discussed in the Council and notifying the relevant member to be Chairman's responsibility</i> |

#### **POWERS AND RESPONSIBILITIES OF THE DEPUTY CHAIRMAN :**

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| 10. (1) | When the office of Chairman is vacant or when the Chairman is not present in any Council meeting, the functions of the office of Chairman shall be performed by Deputy Chairman in terms of Sections 7(3) and 7(4) <sup>10</sup> of the Act. | <i>Occasion where powers and Responsibilities of Deputy Chairman to give effect</i> |
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<sup>10</sup>Published at the end of Rules of Procedure book. Pl. Refer to Page i

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| (2) | The Deputy Chairman shall preside in the absence of the Chairman of the Council, at any Committee which is presided over by the Chairman of the Council. | <i>Proceedings in Committees where Chairman presides</i> |
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#### **REMOVAL OF CHAIRMAN AND DEPUTY CHAIRMAN FROM OFFICE:**

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| 11. | In a motion relating to removal of the Chairman or Deputy Chairman from office, action should be taken according to Clauses 7(2)(c) and 8 of the Act <sup>11</sup> and as per Rule 55. | <i>Removal of Chairman and Deputy Chairman from office</i> |
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#### **DUTIES OF THE SECRETARY :**

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| 12. | (1) | The Council shall have a Secretariat staff in terms of 17(1) of the Act <sup>12</sup> and the Secretary of the Council shall be the Head of the Secretariat staff and the Secretary of the Council.   | <i>Council Secretariat Staff and its Head</i>  |
|     | (2) | A copy of the minutes indicating the decisions taken at a Council meeting or at a meeting of the Committee of Whole Council and the names of members who were present and absent, shall be distributed among members by the Secretary at the first ensuing Council meeting held subsequent to the relevant Council Meeting.                 | <i>Distributing Minutes among Members</i>  |
|     | (3) | The Secretary shall take action to distribute copies of an Official [Hazard] Report containing all particulars of business taken place at a Council meeting or a meeting of the Committee of Whole Council, among the members. The Secretary shall take action to make necessary arrangements to prepare the said Official [Hazard] Report. | <i>Distributing Official (Hazard) Reports among Members</i>                          |
|     | (4) | It shall be the duty of the Secretary to prepare and distribute the agendas of the Council meetings, maintain documents and books as are required according to these Rules and according to the Statutes and to carry out all other functions as are directed according to these Rules or Statutes.   | <i>Other duties of the Secretary</i>   |
|     | (5) | The Secretary shall be responsible for the safe custody of books, minutes, records and other documents. The Secretary shall make room for the members to inspect those books, minutes, records and other documents, if required.  |  |
|     | (6) | The Secretary shall take action to allow the requests of the members, subject to the consent of the Chairman, to listen to recorded or video recorded tapes of speeches delivered at the Council by Members, upto a period of 3 months from the relevant sitting day.   | <i>Issuing of tape recorded, video recorded speeches of members and time periods</i> |

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<sup>11</sup>Published at the end of Rules of Procedure book. Pl. Refer to Pages i and ii

<sup>12</sup>Published at the end of Rules of Procedure book. Pl. Refer to Page ii



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| (7) | If there is no order from the Council or the Chairman to preserve the recorded tapes used to record the proceedings of a particular Council Meeting, the Secretary may make necessary provisions to erase and re-use those tapes after 6 months of that Council sitting.                                       | <i>Erasure of tape recorded speeches</i>                            |
| (8) | The Secretary shall, on the opinion of Business Advisory Committee or Chairman's order or according to his own discretion, take all the steps to prepare the Agenda of Council meetings, distribute that Agenda among Hon. Members, to raise Hon. Members' awareness about the said Agenda as the case may be. | <i>Manner how opinions to be obtained when preparing the Agenda</i> |

## **OFFICE HOLDERS :**

### **OFFICE OF THE LEADER OF THE HOUSE :**

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| 13. | (1) | (a) | There shall be an office of the Leader of the House in the Council. According to a written request made to Chairman by the Chief Minister, the Leader of the House can be appointed by the Chairman.  | <i>Appointing the Leader of the House</i>                 |
|     |     | (b) | Other than any motion that should be presented in the Council by a Minister of the Provincial Board of Ministers, all the other motions required to transact business of the Council, shall be presented to the Council by the Leader of the House. In the absence of the Leader of the House, a Minister may move the said motion. | <i>Leader of the House's duties in the Council</i>        |
|     |     | (c) | At an occasion where a Minister of Provincial Council does not represent the Council, the duties assigned by the said Minister shall be accomplished within the Council on his behalf.  | <i>Functioning within Council on behalf of a Minister</i> |

### **OFFICE OF THE LEADER OF THE OPPOSITION :**

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| (2) | (a) | There shall be an office of the Leader of the Opposition in the Council. The party or group which has the highest group of members among the opposition parties or groups in the Council shall be entitled to the office of the Leader of the Opposition.   | <i>Office of the Leader of the Opposition</i> |
|     | (b) | It shall be the duty of the Leader of the Opposition to take action on behalf of the members of parties or groups of the Opposition in affairs of the Council, represent all members of the Opposition and to make necessary recommendations to the Chairman whenever necessary, on decisions to be taken with relevance to the Opposition. | <i>Duty of the Leader of the Opposition</i>   |

### **OFFICE OF THE CHIEF GOVERNMENT WHIP :**

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| (3) | (a) | There shall be an office of the Chief Government Whip in the Council. The Chief Government Whip shall be appointed by the Chairman, according to a written request made to the Chairman by the Chief Minister. | <i>Appointment of the Chief Government Whip</i> |
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| (b) | It shall be the duty of the Chief Government Whip to facilitate affairs of the Council by organizing the Government party with regard to motions before the Council and take action to maintain the quorum of the groups of the Government party members and to assist the Chairman to obtain views of the leaders of all political parties and independent groups of the Government party representing the Council in order to discuss and take decisions in matters important for the continuance and functioning of the Council. | <i>Duty of the Chief Government Whip</i> |
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**OFFICE OF THE CHIEF OPPOSITION WHIP :**

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| (4) | (a) | There shall be an office of the Chief Opposition Whip. The Chief Opposition Whip shall be appointed by the Chairman according to a written request made to the Chairman by the Leader of the Opposition.   | <i>Appointment of the Chief Opposition Whip</i> |
|     | (b) | It shall be the duty of the Chief Opposition Whip to facilitate affairs of the Council by organizing the Opposition with regard to motions before the Council and take action with regard to the quorum of parties and groups of the Opposition and to assist the Chairman to obtain views of the leaders of all parties and groups of the Opposition representing the Council in order to discuss and take decisions in the matters important for the continuance and functioning of the Council. | <i>Duty of the Chief Opposition Whip</i>        |

**MEETINGS OF THE COUNCIL :**

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| 14 | (1) | (a) | The first Council meeting of every year could be convened under Hon. Governor's leadership.  | <i>The first Council meeting of every year to convene under the leadership of Governor or Chairman</i> |
|    |     | (b) | However, in an occasion where the Governor does not participate, council may convene under Chairman's leadership.  |  |
|    | (2) | (a) | Unless the Council otherwise decides, meeting of the Council shall be held on the Tuesday following the first and third Sunday of each month.  | <i>Council Meeting days to be Tuesdays ensuing First and Third Sundays</i>                             |
|    |     | (b) | However, if such days do not occur for the month, the final working day of the relevant month should be scheduled for the holding of the Council meeting.  |  |
|    | (3) |     | When there is urgent business to be transacted, the motion that "The Council shall sit on ....." (stating the date) notwithstanding the provisions of the above rule 14 (1) may be adopted and the Council may sit on that date. |  |
|    | (4) |     | A meeting summoned by the Governor is exempted from the above Rule Nos. 14(1) and 14(2).   | <i>Governor summoning Provincial Council</i>   |
|    | (5) |     | A meeting of the Council shall commence at 9.30 a.m. However, a meeting summoned by the  | <i>Council meeting commencing time</i>   |

Governor shall commence at the time specified by the notification issued by the Governor.

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| (6) | At 02.00 p.m. the proceedings on any business consideration shall be concluded and if the Council is in committee stage the Council can resume and proceed to the business under Rule 31. If the business of the Council on the agenda is to be terminated at 02.00 p.m. the business under rule 31 may be taken up for a period not exceeding thirty minutes from the adjournment time of the Council before the Council is adjourned.  | <i>Proceedings under Rule 31</i>  |
| (7) | <p>(a) A motion presented under Rule No. 110 or another motion reached finality before 2.00 p.m. having been debated and proceeded with in terms of Rule 14(6), the excess time may be proceeded with under rule 31.</p> <p>(b) At 02.30 p.m. or on the termination of the business under Rule 31 whichever is earlier, the Chairman shall adjourn the Council.</p> <p>(c) If it is considered that the proceedings on a specified item of business on the agenda of the day shall be concluded on the day itself, it can be transacted being exempted from the operation of Sub-rule (6) and (7) of Rule 14 by the adoption of a motion moved by the Leader of the House or Minister in that respect. The motion, which shall read as "Business under item No. ....in the agenda shall be transacted having being exempted from the provisions of Rule No. 14(5) and 14(6)" shall not be debated. If that motion is adopted, business can be transacted accordingly.</p> <p>(c) This motion stated as in 14(7)(c) can be presented at any time with the permission of the Chairman.</p> | <p><i>Subsequent to a Motion of Rule Suspension, proceeding as per Rule 31</i></p> <p><i>Council adjournment by Chairman</i></p> <p><i>Proceedings exempted from provisions of Rule No. 14(5) and 14(6)</i></p> <p><i>Conducting the Council after 02.00 p.m.</i></p> |
| (8) | If business relating to a subject under Rule No. 14(7)(b) is terminated after 02.00 p.m. and the Chairman does not determine that the questions for which notices have been given under Rule 31 are of urgent importance, the Chairman shall forthwith adjourn the Council without a motion for adjournment.   | <i>Adjourning the Council Meeting without a motion for adjournment</i>  |

#### **ADJOURNMENT AND SUSPENSION :**

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| 15 | <p>(1) (a) The Leader of the House or a Minister may move the motion for adjournment.</p> <p>(b) A motion which reads as "This Council shall now adjourn" without fixing a specific date and if the Council permits such adjournment upon inquiry of its consent, it shall mean the adjournment of the Council to resume at 09.30 a.m. on the day due for the next meeting as provided in Rule No. 14(2)".</p> <p>(c) When the motion which carries a definite date and time is adopted, the Council shall convene at that time on that date.</p> | <p><i>Motion for Adjournment of the Council</i></p> <p><i>Adjournment till 09.30 a.m. of the day due for the next meeting</i></p> |
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- (d) No motion, that “The Council shall adjourn indefinitely” can be moved.
- (2) (a) When there is disorder arising in the Council or in a Committee of the Whole Council, the Chairman may suspend the said Council meeting or the meeting of the Committee of the Whole Council for a period determined by him. *Temporary suspension of the Council or Committee of the Whole Council due to disorder situation in Council*
- (b) The Chairman may at his discretion temporarily suspend the Council or the Committee notwithstanding the above situations. *Suspension of the Council or Committee of the Whole Council at the discretion of Chairman*
- (c) When there is grave disorder arising in the Council and the Chairman is of the view that the Council should be adjourned to bring it under control, the Chairman shall take steps to adjourn the Council.
- (d) In the event of adjournment of the Council according to Section 2(c) above, the motion which was under debate at the time of such adjournment shall compulsorily be included in the agenda of the next Council sitting and priority should be given. *Accordingly, referring the debate to next Agenda*
- (3) All matters included in the agenda which were not taken up for discussion at the time of adjournment of the Council, shall be included in the agenda of the next Council meeting. *Referring all non-transacted subjects of the Agenda to next Agenda*

#### QUORUM :

16. (1) The quorum of the Council as required by Clause 10 (4)<sup>13</sup> of the Act shall be one third of the total number of members of the Council. If at any time, the absence of a quorum is noticed by the Chairman or is brought to his attention by any other member; he shall order the division bells to be rung. If at the expiration of five minutes the quorum is not present, the Chairman shall in accordance with Clause 10 (5)<sup>14</sup> of the Act, adjourn the Council or suspend the meeting until there is a quorum. In counting a quorum, the Chairman shall be included. *Quorum of the Council (No. of members – 35)*
- (2) The quorum for a Committee of the whole Council shall be the same as that provided for the Council. In every instance where in a Committee of the Whole Council, the absence of a quorum is noticed by the Chairman or is brought to his attention by any other member, he shall order the division bells to be rung and if at the expiration of five minutes a quorum is not present, the Committee of the Whole Council shall convert to Council. If no quorum is present again the Chairman shall adjourn the Council or *Taking measures as per Clause 10(5) of the Act in the absence of quorum*
- Quorum of the Whole Council*

<sup>13</sup> Published at the end of Rules of Procedure book. Pl. Refer to Page ii

<sup>14</sup> - do -

suspend the meeting until there is a quorum. In counting a quorum in Committee, the Chairman shall be included.

#### **LANGUAGES FOR BUSINESS OF COUNCIL :**

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| 17. (1) | The business of the Council shall be conducted in the Official Languages. Members will however be entitled to make their speeches and discharge their functions at the Council in the link language.             | <i>Official Languages</i><br><br><i>Link Language</i> |
| (2)     | Every speech made in the Council shall be published in the official report of debate [Hanzard] in the same language in which it was made.  | <i>How debates published in Hanzard</i>               |
| (3)     | The Chairman shall provide facilities at every possible occasion enabling the members to listen to translation of speeches delivered in the Council in any of the three languages of Sinhala, Tamil and English. | <i>Interpretation</i>                                 |

#### **STRANGERS :**

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| 18. (1) | No stranger shall enter into or remain in the Council Chamber or adjacent area decided by the Chairman while a Council meeting or a meeting of the Committee of the Whole Council is in progress, unless with the approval of the Chairman.   | <i>Strangers entry to the Council Chamber barred during Council proceedings</i> |
| (2)     | The Chairman may order any stranger to withdraw from the Council Chamber who remains there without permission or if the Chairman feels according to matters expediently felt, that any stranger should be removed from the Council Chamber although permission has been obtained, the Chairman may in such an occasion too order for the withdrawal of such stranger. | <i>How to take action in relation to strangers</i>                              |
| (3)     | Officers summoned on the order of the Chairman for discharge of official duties are not considered as strangers.  |   |
| (4) (a) | Representatives from mass-media for the coverage of Provincial Council meetings shall obtain the permission of the Chairman in order to access the Council Chamber.   | <i>Representatives of mass-media</i>  |
| (b)     | If any report which violates the privileges of the Provincial Council or members or an incorrect report is published in the said news-media, the Chairman may warn them or take action according to his discretion.   | <i>Their reporting</i>  |

#### **BUSINESS OF THE COUNCIL : [ORDER OF AGENDA]**

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| 19. (1) | The following shall be the order for the transaction of business by the Council. | <i>Order for business transaction of the Council</i> |
|         | (a) Affirmation or oaths of new members.   |  |

- (b) Communications from the Governor.
  - (c) Announcements by the Chairman.
  - (d) Motions for Leave of Absence.
  - (e) Presentation of Papers and Documents.
  - (f) Presentation of Committee Reports.
  - (g) Petitions.
  - (h) Questions, interim questions of previous meeting and answers to such
  - (i) Personal explanations.
  - (j) Prior permission-obtained-statements on members' breach of privileges
  - (k) Announcements of the Ministries or Statements of the Ministers or replies to relevant breach of privileges
  - (l) Motions of condolences.
  - (m) Motions requiring no notices at the commencement of Public Affairs.
  - (n) Motions requiring notices at the commencement of Public Affairs.
  - (o) Public Affairs of the Provincial Council.
  - (p) Private Members' Affairs.
- (2) After getting confirmed the matters relating to the recommendations made by the Board of Ministers on Public Affairs, the Chairman shall, having considered suitability of their inclusion in the agenda, take action to include them in the agenda. *Ministers' recommendations included into the Agenda*
- (3) Motions pertaining to Public Affairs and Private Members' Affairs presented privately by members shall be included in the agenda according to the order in which notice of such motion is received by the Secretary. *Private members' motions on Public Affairs*
- (4) (a) The debate on certain Private Member Motion shall be concluded the same day the motion is taken up for discussion, which shall forthwith be put to the vote. *Vote taking on Private Members' Motions*
- (b) However, when the debate on any Private Members' Motion is interrupted due to disorder in the Council or as the time for adjournment of the Council has arrived or due to any other reason beyond control, the said motion shall be included in the Agenda of the next Council meeting. At the next Council meeting, proceedings can be resumed from the point the discussion got interrupted at the previous Council. *Referring a non-concluded Private Member Motion to Agenda of the next Council*
- (c) If in the case of absence of quorum, proceedings shall take as per Rule 54 (7).
- (d) For such a motion, priority shall be given at the next Council *Priority in the Agenda for such motion*

#### **PRESENTATION OF PAPERS AND DOCUMENTS :**

20. (1) Papers and documents shall be presented only by the Chairman, Deputy Chairman, a member of the Chairman's Panel and Member Presiding on that day on proposal-affirmation, a Minister or the Leader of the House on behalf of certain Minister. *How Presentation of Papers and Documents can be made*

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| (2) | In the presentation of any paper or document a brief description about the contents therein may be made. But there shall not be a debate in that respect. Where there is any erroneous content in such motion, a member may point it out.  | <i>Ability provided to members to point out any erroneous content in such documents</i> |
| (3) | All the papers and documents presented shall be treated as those ordered to be tabled. Further, if there is any motion to be presented for printing among the said papers and documents, they shall be treated to have been tabled in the Council without any amendment or debate. |   |

#### **PRESENTATION OF COMMITTEE REPORTS :**

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| 21. (1) | A Chairman of a Committee or a member of the Committee on his behalf may present a Committee Report.         | <i>Presentation of Committee Reports</i> |
| (2)     | Though the Council may present matters relating to that report, no debate shall take place on that occasion. | <i>No debate to take place</i>           |

#### **PETITIONS :**

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| 22. (1) | Every petition presented to the Provincial Council shall be one relevant to a subject assigned to the Provincial Council constitutionally and to the Western Province and it shall also be one presented in accordance with the provisions under this Sub-rule mentioned below.  | <i>How a petition should be presented</i>  |
| (2)     | A petition shall be addressed to the Chairman and it should be presented by a member. Whereas, the said petition should be presented during the time period allocated by the Agenda for Presentation of Petitions and it should be presented by the relevant member.             | <i>Petitions to be addressed to the Chairman</i>   |
| (3)     | Every petition shall be written in respectful language and it shall not contain irrelevant statements.   |  |
| (4)     | Every petition shall clearly indicate the date on which it is written and signed and the private address of the petitioner and every petition should have been legibly and clearly written and it shall also be one containing an appeal clearly indicating the expected relief. |  |
| (5)     | The petition shall mention the courses of action taken by the petitioner for obtaining relief as indicated above. Such mentioning shall imply that the petitioner has made a reasonable effort to get the relevant problem settled.  | <i>A reasonable effort should have been taken to solve the problem addressed by the petition</i> |
| (6)     | Every petition should have been signed by the petitioner.  |  |

- (7) If there be any document necessary to confirm matters stated in the petition, their certified photocopies shall be attached to the said petition.
- (8) The petitioner by way of an affidavit shall confirm that the matter presented by the petition is not under adjudication before a Court of Law or the Ombudsman or Samatha Mandalaya or any other justice meting out institution or Board of Arbitration. *A matter pending at Court of Law etc. shall not be presented as a petition*
- (9) The Member who is presenting the petition shall be satisfied as to the authenticity of the facts mentioned by the person who has signed the petition.
- (10) A member shall not have authority to present his own petition. But there is no obstruction to such petition being caused to be presented by any other member. *A Member can get another Member to present the petition relating to him*
- (11) The Members of Provincial Council before accepting public petitions to be presented to the Provincial Council, should get it confirmed that the above requirements have been fulfilled.
- (12) Where the Petition Committee observes that it cannot function with regard to certain petitions, they may be forwarded to Parliamentary Commissioner for Administration to take necessary action. *Referring to the Parliamentary Commissioner for Administration*
- (13) A member presenting the petition shall restrict his statement to the following form. "Hon. Chairman I shall present the petition forwarded by ..... residing at .....and .....others". No debate shall be permitted on this statement. *Presentation of a petition to the Council*
- (14) (a) Petitions presented to the Council, shall be referred to the Public Petitions Committee.
- (b) When the relevant petition has not been presented in accordance to these rules, it will be rejected and the member who presented the petition should be informed in writing about such rejection.
- (15) A petition can be presented only once on any single matter.
- (16) In an instance where a decision given by a Petition Committee has not been implemented, the Member who presented the relevant petition or other Member on his behalf can raise a Question of Privilege.
- (17) Subsequent to presentation of recommendations, where they have not been implemented within 06 weeks, the member who presented the petition shall after reasoning out to a member of the Sub-committee that inquired the petition as to the reasons for its delay, shall present the matter to the Chairman to be presented before the Council. *When recommendations defaulted*



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| (18) | At the time of petition inquiry, any respondent or complainant participating in petition inquiry, raises objection against a member inquiring the petition, the Sub-committee shall suspend the relevant petition inquiry and refer such objection to the Chairman. The petition shall not be inquired until the Chairman gives a suitable decision in that regard. | <i>Where objection is leveled against a membership holding member, petition inquiry suspended and matter forwarded to Chairman</i> |
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**QUESTIONS EXPECTING ORAL OR WRITTEN ANSWERS :**

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| 23. | (1) | Any member may ask any Minister questions relating to the subject which has been allocated to such Minister. Oral answers may be provided in relation to such questions.  | <i>Oral answers for questions presented</i>                                 |
|     | (2) | The proper objective of the question shall be to obtain information on a matter of fact within the cognizance of the Minister to whom it is addressed or to persuade him to take necessary course of action.  |   |
| 24. | (1) | A question presented with ample time shall be referred in writing to the Council Secretary. The Secretary shall refer it to the Business Advisory Committee for approval .  | <i>Questions presented beforehand</i>                                       |
|     | (2) | The member giving notice of a question should have stated in writing whether it is a question for a written answer.   |   |
|     | (3) | The question, subsequent to presenting it in writing shall be included into the Agenda of the ensuing Council Meeting. However, not more than 15 questions shall be included in an Agenda per day. When more than 15 questions have been received to be included in the agenda per day, additional questions shall be included in the Agenda of the next day. | <i>Maximum number of questions for Agenda per day to be 15.</i>             |
| 25. | (1) | Questions shall be included in the agenda according to the order of their reference to the Secretary. Secretary shall assign a number for every question. Question shall be included in the agenda with that number.  | <i>Including questions into Agenda</i>                                      |
|     | (2) | Not more than three questions in the name of a member inclusive of questions taken time shall be included in the agenda of a day.   | <i>In the name of one Member 03 questions can be included in the Agenda</i> |
| 26. |     | The Chairman shall be entitled to inform a member when it is noticed that any question infringes the Rules or appears to be complicated, to amend the question and return, or to totally reject the question. Under such circumstances, the relevant member shall be informed in writing of the reasons or informed orally when the member's turn arrives.    | <i>How to proceed when questions that infringe rules or are complicated</i> |

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| 27. (1) | Not more than three interim questions may be asked for the purpose of seeking elucidation to an answer given for any oral question. If the member in whose name the question stands does not ask such interim questions another member may ask such interim questions. Interim questions shall not introduce matters which are not relevant to the scope of the original question. | <i>Opportunity to ask 03 interim questions</i>  |
| (2)     | Even though supplementary questions may be asked in relation to answers given to interim questions, they shall be asked under provisions of Rule No. 27(1).  | <i>Asking supplementary questions as per 27(1) on replies given to interim questions</i>        |
| (3)     | Supplementary questions shall be in the form of short questions.   |   |
| 28. (1) | When a question is addressed for a written or oral answer, the Minister who answers shall extend a copy of the answer to the Council Secretary for inclusion in the Official Report [Hanzard] of the Council meeting.  | <i>Inclusion of written answers in the Hanzard Report</i>                                       |
| (2)     | The question and the answer thereto and the relevant interim questions along with answers thereto, shall be included in the Official Report [Hanzard] of the day on which the question was answered to.  | <i>Inclusion of the answers given to questions and interim questions in the Official Report</i> |
| (3) (a) | When it is revealed in the Council that a false reply had been given to a question asked by a Hon. Member in the Council, officers relevant to it may be summoned before the Council and inquire.  |   |
| (b)     | Where the Member is dissatisfied about the answers given to a question, the relevant Member may forward it in writing to the Council through the Business Advisory Committee.  |   |
| (c)     | If the Business Advisory Committee is in the opinion that the answer is not satisfactory, priority may be given to the said Member to make a statement on that under Personal Explanations.  | <i>The opportunity available for the Member presenting the question to make a statement</i>     |
| (d)     | In such occasion, only if the Business Advisory Committee decides, the relevant matter may be referred to Hon. Governor.   |   |

#### **LIMITATIONS WITHIN THE RIGHT OF RAISING QUESTIONS :**

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| 29. | The right to raise questions shall be subject to the following rules.                     |                                       |
| (1) | Each question shall not exceed one hundred and fifty words.                               | <i>Questions to consist 150 words</i> |
| (2) | Not more than one subject shall be referred to in any one question.                       |                                       |
| (3) | A question shall not contain any name or statement not essential to make it intelligible. |                                       |

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| (4)  | If a statement is contained in a question, the member raising the question shall take the responsibility regarding the accuracy of that statement.   |  |
| (5)  | A question shall not contain any argument, inference, imputation, unbecoming or ironical expression or hypothetical proposition.   |  |
| (6)  | No question shall be asked about the proceedings in a Committee of the Council which have not been presented to the Council by way of a Report from the Committee.   | <i>Should not raise questions on Committee-proceedings</i>   |
| (7)  | No question shall refer to any matter which is under adjudication by a court of law or to any matter on which a judicial decision is pending.  | <i>A matter not being under adjudication or pending decision at Court of Law</i>                                   |
| (8)  | A question regarding a legal matter any other expression of opinion shall not be asked.  | <i>Should not be a legal matter or other expression of opinion</i>   |
| (9)  | A question shall not be asked as to the character or conduct of any person except in relation to his official or public capacity.  | <i>Except official duties, a person's character or conduct is not to be contained.</i>                             |
| (10) | No question shall be asked with respect to the conduct of the President or a Governor or a Judicial Officer or a Member of Parliament.   | <i>President, Governor, Judicial Officer, Member of Parliament exempted from questioning</i>                       |
| (11) | No question shall be asked on any matter which affects the discharge of functions of a Governor in so far as he is required by the Constitution or by the Provincial Council Act.                                      | <i>Not containing matters relevant to the affairs that influence the accomplishment of functions of a Governor</i> |
| (12) | (1) A question fully answered shall not be asked again in the same or in a different form during the same session or within a year.  | <i>Question answered fully shall not be raised again</i>   |
|      | (2) However, if a member is presenting a question of same form and the Business Advisory Committee observes it as a question with contemporary importance, such may be included into the Agenda on Chairman's consent. | <i>But, considering such question, if being of contemporary importance</i>   |

#### **RAISING OF QUESTIONS AND ANSWERING :**

30. (1) When the name of the member who is due to present the question is called upon by the Chairman, the member shall rise and mention the number of the said question and state that "I shall refer the question in the name of .....(Member's Name) ..... to the Minister of .....(Minister's Name) ....."

- (2) When a member in whose name question stands is not present, having obtained the written consent of the member, the question may be raised by the Chief Government Whip if the member belongs to Ruling Party or Chief Opposition Whip if the member is from Opposition Party. *In the absence of the member the right owned by the Whip to raise question of the member of his group.*
- (3) When a Minister who is due to answer a question is not present owing to an unavoidable reason, another Minister or Leader of the House with the consent of the member who asked the question may answer the question on the Minister's behalf. If the Member raises interim questions they shall be answered by the Minister in-charge of the relevant subject or by the Leader of the House at the next Council sitting. *The possibility of another Minister to provide answers and replying for interim questions at the next Council sitting.*
- (4) There shall be no clarification or debate regarding any answer to any question at the time of its presentation.
- (5) When an answer is not ready for a question stated in the agenda, the relevant Minister or, if the relevant Minister is absent due to unavoidable reason, another Minister on his behalf or the Leader of the House may request time for answering. Requests for time made at any one time shall not exceed a period of two months. However, in making requests for time from time to time, the maximum period for which time can be requested shall be limited to 03 months. *To provide answers additional time can be requested. Maximum time is limited to three months.*
- (6) (a) When a question in the agenda is not raised by the relevant member or on his behalf by another member, the relevant Minister, if the answer is ready, may present it in the Council as per Chairman's permission *Answers may be tabled in the absence of the Member*
- (b) If the member who raised the question needs to ask interim questions with regard to a question presented thus to the Council, it can be inquired from the relevant Minister in writing under the provision of Rule No. 30(3) within a month of such question being presented to the Council. *Inquiring interim questions in writing for replies tabled.*
- (c) Not more than three interim questions can be asked for further elucidation of an answer given to any oral question. If the member who presented the question does not intend to ask interim questions, another member may ask such questions. Interim questions shall not introduce matters which are not relevant to the scope of the original question and no supplementary questions for interim questions can be raised. *Raising interim questions, supplementary questions for interim questions not allowed*
- (7) A copy of the answers provided to questions shall be handed over to the Council Secretary, on the previous day to the Council meeting or before 9.00 a.m. of Council meeting day in order to be handed over to the relevant member. *Obtaining the written answer to questions beforehand*

## QUESTIONS AND MOTIONS RAISED UNDER THE MOTION FOR ADJOURNMENT :

### 31. (1) Questions raised under Motion for Adjournment

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| (a) | Any Member may, at the time of adjournment of the Council sitting under Rule 14(6), raise questions on any urgent matter of public importance relating to any matter under the purview of any Minister.   | <i>Possibility for inquiring only urgent questions and questions on public importance under 14(6)</i>   |
| (b) | <p>The right to raise such questions shall be subject to the following Rules.</p> <ul style="list-style-type: none"> <li>i. Only questions of public importance which relate to any matter allowed under Rule 29 will be permitted.</li> <li>ii. Questions shall be brief and precise.</li> <li>iii. Questions shall not be debated.</li> <li>iv. Every question with a copy shall be submitted to the Secretary before 10.00 a.m. on the relevant day, provided the Chairman may, in his discretion disallow any questions submitted after 10.00 a.m. or questions which infringe these Rules.</li> <li>v. A Minister may answer forthwith any question addressed to him or with the leave of the Chairman; answer it on the next meeting day. In that regard the said question shall be included into the Agenda of the next Council meeting</li> <li>vi. Interim questions, not exceeding three on any answer, may be permitted at the absolute discretion of the Chairman.</li> </ul> | <p><i>Questions at the time of adjournment to be submitted to the Secretary before 10.00 a.m.</i></p> <p><i>Answering such questions</i></p> <p><i>The right existing to ask 03 interim questions</i></p> |
| (c) | When the relevant Minister or Ministers are not present, the Council Secretary shall refer the questions to another Minister or Leader of the House. In such occasion the said Minister or Leader of the House may propose at the Council to refer such questions to Agenda of the next Council meeting.  | <i>Referring the said questions to other Minister or Leader of the House in the absence of relevant minister</i>  |
| (d) | <p>(i) If a Minister is not able to answer the question on the day it is addressed, he shall state when the question is referred to him at the time of adjournment that answer shall be given at the next meeting. The Council Secretary shall take action to include a question in the agenda of the next meeting for which time has been requested.</p> <p>(ii) The Chairman shall be entitled to reject a question which is not in conformity with Rules or amend such questions in conformity with Rules.</p> <p>(iii) The Question raised and the answer given thereto shall be included in the Official Report [Hanzard] of the relevant day.</p>   | <i>Possibility to request time in the case where answers are not ready and inclusion in the Agenda of next sitting</i>  |

- (2) **Motions Moved under the Motion for Adjournment**
- (a) Any member may move a motion on any urgent matter of public importance for discussion at the time of adjournment. If there are any questions to be answered at the time of adjournment, the motion may be moved after such questions. *An urgent motion may be moved according to Rule 14(6)*
- (b) The relevant motion shall be, with the signature of the leader of the relevant Opposition group if it is moved by a member of the Opposition and with the signature of the Leader of the House if it is moved by a member of the Government party, handed over by the member bearing the above said office to the Secretary before 10.00 a.m. on the same day. *Motion, moved at the time of adjournment to be handed over before 10.00 a.m.*
- (c) After the approval of the Chairman is obtained for the purpose, the Secretary shall inform of the motion to the relevant Minister. The decision of the Chairman in this regard shall be final.
- (d) After the motion for adjournment of the Council sitting is moved, the relevant member shall present the motion explaining the contents and it shall be seconded by another member. *Motion to be seconded*
- (e) The period allocated thereto shall be equally allotted for the Government Group and the Opposition and sufficient time shall be provided from the time of the Government Party to the relevant Minister to provide a reply. *How to allocate time*
- (f) There shall be no voting on a motion of this nature. *No voting to take place*
- (g) Only one motion shall be taken up for discussion on any one day.
- (h) If the relevant member does not move the motion in the scheduled time, it shall lapse.
32. (1) Questions or motions under Rule 31 shall not be presented in relation to whatever matter published in the Agenda of the relevant day. *Non-presentable motions under Rule 31*
- (2) However, questions or motions may be moved under Rule 31 regarding a matter published in the Agenda of the relevant day, if it is not taken to discussion on the same day.
- (3) Only one motion and two questions can be presented at the time of adjournment.

#### **VOTES OF CONDOLENCE :**

33. (1) Motions of condolences shall be in respect of the demises of the following. *Occasions where motions of condolences can be moved*
- (a) A Head of State in Sri Lanka or a former Head of State.

- (b) A Prime Minister or former Prime Minister
  - (c) The Governor of Western Province or a former Governor.
  - (d) A Member or former member of the Western Province Provincial Council.
- (2) Speeches delivered under votes of condolence shall be exclusively limited to speeches of appreciation on the demised person.
- (3) The Chairman may expunge probable criticism or unbecoming parts in speeches.
- (4) The Secretary shall arrange to send the Official Report [Hanzard] of the speeches made under the vote of condolence to the closest of kin of the demised.
- (5) A motion of condolences when included in the agenda shall be concluded on the same day.
- (6) At the demise of a member of the current Council, the Motion of Condolences shall be moved at the Council as immediately as possible, whereas, Motion of Condolences pertaining to a former Hon. Member shall be moved at the Council as immediately as possible.

*Time period for presentation of Motion of Condolences*

#### **MOTION FOR LEAVE OF ABSENCE :**

34. (1) Any member may, in occasions where he is unable to participate in the Council meetings owing to a justifiable reason, obtain leave of the Council by way of a written request made to the Chairman by himself or by another member or by a motion moved.
- (2) Such a motion, when not moved by the member himself, shall be moved by another member of the Opposition if he is a member of the Opposition and by another member of the Government party if he is a member of the Government party.
- (3) If any member does not participate in the Council meetings continuously for a period of 90 days or more without obtaining leave of the Council, he shall cease to hold the office of member<sup>15</sup>.

*Motion for Leave of Absence presentable by the member himself or through other member*

*Presentation of the motion by a member of Government party if the member is from the Government party or by a member of Opposition party when the member is from the Opposition party*

*Cessation of office of member due to absence exceeding 90 days*

#### **ANNOUNCEMENTS OF THE MINISTRIES/STATEMENTS OF MINISTERS:**

35. (1) A Minister may make announcements on matters on which he feels that the Council should be made intelligible with relevancy to his own purview.

*Minister may make statements and announcements relevant to subject under his purview*

<sup>15</sup> Published at the end of Rules of Procedure book. Pl. Refer to Page i

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| (2) | A Minister may make a statement with the total approval of the Chairman in order to clarify matters on affairs coming under the purview of his own Ministry or on any matter arisen in furnishing an answer to a question or on any other matter arisen in the Council.                 | <i>Approval of the Chairman to be obtained to make statements and announcements</i>   |
| (3) | The Chief Minister shall be entitled to make a statement as mentioned in (1) and (2) above on any matter coming under the purview of the Provincial Council under the provisions of the Constitution, but relevant to a subject which has not been assigned to any Provincial Minister. | <i>The Chief Minister may make statements regarding all unassigned subjects that are additional to subjects under Provincial Council purview.</i> |
| (4) | In making a statement under (1) and (2) above, it shall not be made use of for criticizing personal conduct of any person.  | <i>Not be a criticism on personal conduct</i>   |
| (5) | Any other member shall not have the opportunity to speak on contents of a statement under this or to subject the contents of such a statement to debate on that occasion.   | <i>Matter for no debate</i>   |
| (6) | Hon. Minister's statement be relevant to the subject matter of the ministry and not be a statement to prejudice a member.   | <i>Not be a statement of prejudice</i>  |

#### **PERSONAL EXPLANATIONS :**

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| 36. (1) | A member expecting to make a personal explanation of timely importance shall submit his statement to the Chairman or Council Secretary before 04.15 p.m. of the previous day to Council meeting by a document compiled in detail in his letter head.   | <i>Personal Explanations to be submitted to Secretary before 04.15 p.m. of the previous day to the Council meeting</i> |
| (2)     | If the Chairman is satisfied, an opportunity can be afforded for that purpose and where the Chairman has removed any parts in the member's Personal Explanation for being rule contradictory and breach of privileges, the member shall read to the Council the remainder of the statement except removed parts. | <i>Reading the remainder of the statement except rule-contradictory and privilege-breaching parts</i>                  |
| (3)     | Personal explanations shall be limited only to the matter for which Chairman's permission has been obtained and at the end of the Personal Explanation; the said document containing the statement shall be tabled.  | <i>Tabling the document containing the explanation</i>   |
| (4)     | No debate shall be allowed on personal explanations.   |  |
| (5)     | No explanations can be made at the Council on a statement made or a deed committed by a member outside the Council.  |  |
| (6)     | Any member may make a personal explanation only on one single matter at one occasion.  |  |



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| (7) | On a matter presented in a personal explanation with relevancy to the purview of any Ministry, the Minister in charge of the said Ministry, according to the approval of the Chairman, is entitled to make a statement at the end of a personal explanation or at the ensuing Council meeting. | <i>Minister in charge of the subject may give an explanation following a motion of Personal Explanation</i> |
| (8) | The time allocated for such explanation should be 05 minutes maximum.  | <i>05 minutes of time to be allocated</i>   |
| (9) | When the Chairman decides that certain matters stated through a certain Personal Explanation to be matters affecting specifically to Provincial Council, such matters can be referred to an advisory committee or other Committee.   |   |

#### **QUESTIONS ON PRIVILEGES :**

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| 37. (1) | Where any activity or influence arises hindering the affairs of a Provincial Council member or tarnishing his image, it shall be considered as a breach of privileges.   |  |
| (2) (a) | Except a breach of privileges of a member occurred at the Council premises, a member may in writing by way of filling the relevant format shall submit before 09.30 a.m. to Hon. Chairman about his breach of privileges and only if the Chairman concludes that the member's privileges have been breached, opportunity may be given to the said member to make a statement on the said matter. | <i>Breach of Privileges Motion to be handed over before 09.30 a.m.</i>           |
| (b)     | However, at a specific occasion, on the discretion of Chairman, a Question of Privileges may be presented.   | <i>Allotting statements on Breach of Privileges at a specific occasion</i>       |
| (3)     | With regard to the relevant Breach of Privileges, the relevant member may conclude explanation of his Breach of Privileges within two minutes.   | <i>Time for Breach of Privileges to be 2 minutes</i>                             |
| (4)     | Even so, if a member's privileges were breached during the period council is in session, such Breach of Privileges may be presented to the Council in any occasion, and the Chairman may take measures to allocate priority to such matter.  | <i>Priority allocated where privileges breached during Council is in session</i> |
| (5)     | The decision taken by Chairman on Breach of Privileges should be the final decision. No debate shall take place on that.   | <i>Chairman's decision to be the final decision</i>                              |
| (6)     | Publishing by media or any other means of a speech or part of it made by a Member in Council erroneously or altering meaning too shall be a Breach of Privileges.  | <i>Breach of Privileges by media institutions</i>                                |
| (7)     | Regarding the Breach of Privileges of above Rule No. 06, Hon. Chairman, on the immediate occasion orally and later in writing, shall inform the media institutions or whatever relevant institution in question that a correction shall immediately be made.   | <i>Informing such media institutions orally and in writing</i>                   |

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| (8) | To inquire whether a Breach of Privileges has taken place, the Secretary, on the order of Chairman, shall take action to refer that matter to the Business Advisory Committee. | <i>Referring Breach of Privileges to Business Advisory Committee</i> |
| (9) | Subsequent to receiving the recommendation of Business Advisory Committee, the Chairman may take measures in any way he feels fit.   |  |

**MOTIONS WHICH DO NOT REQUIRE PRIOR NOTICE AT THE COMMENCEMENT OF PUBLIC AFFAIRS :**

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| 38. | Unless provisions are allocated by rules by other means only, notice shall be given of every motion except the following stated motions.                   | <i>Motions not requiring notice at the commencement of Public Affairs</i> |
| (1) | A motion to be referred to a Committee of the Whole Council,   |   |
| (2) | A motion for conclusion or postponement of a discussion,   |   |
| (3) | A motion relevant to a privilege,  |   |
| (4) | A motion to suspend a member's participation in the Council,   |   |
| (5) | After concluding any subject assigned to the day, a motion moved immediately on any matter arising from that subject and before approaching a new subject, |   |
| (6) | A motion to rectify errors in the Official Reports [Hanzard] of the Council and minutes of the Council meetings.   |   |

**GENERAL PROVISIONS RELATING TO MOTIONS WHICH REQUIRE NOTICE AT THE COMMENCEMENT OF PUBLIC AFFAIRS :**

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| 39. | (1) Unless otherwise determined by the Council, there shall be no debate on any matter without notice required under this Rule being given to members.   | <i>General provisions relating to motions requiring notice at the commencement of Public Affairs</i> |
| (2) | (a) Unless otherwise provided for by these Rules, there shall be no debate on any matter other than on subjects of affairs indicated in the agenda for the day.                                      |  |
|     | (b) An amendment which is moved for a question shall be one relevant to such question.   |  |
| (3) | Motions relevant to the Council meetings and Council business shall be included in the agenda of a meeting and they should be submitted to the Secretary 10 days prior to such meeting.              |  |
| (4) | In the presentation of copies of Statutes and motions included in the agenda in the order of motions given by the members, the date assigned to proceed with them, shall be notified to the members. |  |

## MAKING STATUTES :

### Presentation of Statutes

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| 40. (1) | Any Minister desiring to introduce a Statute shall, subsequent to receiving the approval of Board of Ministers, prepare the proposed Statute in Sinhala and Tamil languages and hand over to the Council Secretary together with an English translation and the documents mentioned below.   | <i>Draft statute to be presented in Sinhala, Tamil, English tri-languages and documents to be submitted therewith</i>   |
| (a)     | A statement specifically indicating as per which list of the Ninth Schedule to the Constitution, the matter or matters contained in the draft statute have been set out.   | <i>In which List of 9<sup>th</sup> Schedule to the Constitution</i>   |
| (b)     | A copy of the Statute after its publication in the Government Gazette.   | <i>Copy of the Gazette notification</i>   |
| (2)     | The Secretary shall submit the proposed Statute to the Chairman who shall rule whether such Statute conforms to the rules and regulations governing the introduction of Statutes. If the Chairman rules that Statute is consistent with the rules and regulations that Statute shall be delivered to the Secretary to include in the agenda. | <i>Inclusion in the Agenda</i>  |
| (3)     | Having specified the designation of the Minister, under the item of the subject “Statute to be presented by the .....(name).....”, the name and the preamble of the Statute shall be stated in the agenda.   | <i>Inclusion of the draft statute to agenda</i>   |
| (4) (a) | Where a proposed Statute contains only matters set out in List I of the Ninth Schedule to the Constitution <sup>16</sup> , the Council may pass such Statute   | <i>List I of the Ninth Schedule to the Constitution</i>   |
| (b)     | Where the proposed statute contains certain matter set out in the List II of the Ninth Schedule to the Constitution <sup>17</sup> , such statutes with such matters cannot be adopted.   | <i>List II of the Ninth Schedule to the Constitution</i>  |
| (5) (a) | When a draft statute containing any matter set out in List III <sup>18</sup> of the Ninth Schedule to the Constitution is moved for adoption, such draft statute shall be referred to the Committee on Statutes and Laws.  | <i>Draft statute to be referred to the Committee on Statutes and Laws when the matter relates to List III of 9<sup>th</sup> Schedule to the Constitution.</i> |
| (b)     | After consideration of that Statute by the said Committee, the Speaker of Parliament shall be proposed to send the views of Parliament within 03 months.   | <i>To be reviewed from Parliament consequently.</i>   |
| (c)     | After receiving the views of the Parliament only the Provincial Council, subject to such views, may further proceed with the draft statute.  |   |

<sup>16</sup> Published at the end of Rules of Procedure.

<sup>17</sup> -do-

<sup>18</sup> -do-

## **FIRST READING OF THE STATUTE:**

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| 41. | (1) | By the relevant Minister or another Minister on his behalf shall, upon arrival to the relevant subject number in the agenda of the Council, mention the name of the statute and state that the said statute is proposed to the Council for its First Reading.   | <i>First Reading of the Statute</i>                   |
|     | (2) | Subsequently, the Secretary or any officer acting on his behalf shall stand up from the seat he occupies and read the Preamble of that statute. This shall be the First Reading of a statute.   | <i>Preamble</i>                                       |
|     | (3) | After reading the preamble of that statute thus by the Secretary or secretary acting on his behalf, a date that falls within a month therefrom shall be ordered for the Second Reading of the statute. However, the Chairman may extend such time whenever necessary.   | <i>Proposing a date for the Second Reading</i>        |
|     | (4) | Similarly, if a proposal is made to further inquire about the legality of the relevant statute, the relevant statute shall be referred to the Committee on Statutes and Laws and the said report should be referred to Committee on Statutes and Laws, and the report of that committee shall be forwarded to the Council within a month. |   |
| 42. |     | On the date a statute is presented to the Council by a minister, copies of it shall be supplied to the Council Secretary by the Secretary of the relevant ministry so as to enable its circulation among members. The members, according to their desire may ask for copies of the Statute in Sinhala, Tamil or English languages.        | <i>Providing copies of a statute in Tri-languages</i> |

## **SECOND READING OF THE STATUTE:**

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| 43. | (1) | The relevant Minister shall move that the Statute be taken up for Second Reading.  | <i>Second Reading of the statute</i>   |
|     | (2) | There may be a debate on the second reading of a Statute.  |  |
|     | (3) | If a debate takes place under the motion for Second Reading it shall be confined to matters of principles related to the Statute and it shall be conducted before conversion to a Committee of the Whole Council, i.e., under provisions of Rule No. 79. | <i>Matters of principles to be discussed regarding the statute before conversion to Committee of the Whole Council</i> |
|     | (4) | The Leader of the House or a Minister shall be able to move a motion for conversion into a Committee of the Whole Council to consider that Statute at its Second Reading.  | <i>Conversion into a Committee of the Whole Council for the Second Reading of the statute</i>                          |

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| (5)  | The Chairman shall declare that “the Council shall convert into a Committee of the Whole Council now” after the Leader of the House or a Minister has moved a motion that the Council shall switch itself to a Committee of the Whole Council to consider a Statute.              |  |
| (6)  | When the Chairman at the Committee of the Whole Council announces the number of each of the clauses of the Statute, each of those clauses may be discussed. But no debate shall take place.   |  |
| (7)  | At the Committee stage the short title, preamble or any clause or clauses may be amended or may be deleted. Any new clause may be inserted, provided the same be relevant to the subject matter of the Statute and simultaneously be in conformity with the Rules of the Council. | <i>Amendments can be presented to a statute</i>  |
| (8)  | (a) The matters of principle of a Statute shall not be discussed at the Committee stage, but only its details may be discussed.   | <i>Detailed matters notwithstanding a debate can be presented at the Committee stage</i>                     |
|      | (b) At the latter part of the Committee of the Whole Council no amendment can be proposed inconsistent with any decision arrived at an earlier part of the said Committee regarding any previous part of the Statute.   | <i>Inconsistent amendments to a matter received consent at the Committee stage cannot be presented later</i> |
| (9)  | A proposal relating to amendments proposed at a Committee stage needs not be seconded.  | <i>Proposals on amendments need not be seconded at Committee of the Whole Council</i>                        |
| (10) | After taking up the clauses of the relevant Statute one by one for discussion at a Committee stage, the Chairman shall, at the conclusion, obtain concurrence of the Council on each of the clauses at the respective stages.   | <i>Obtaining concurrence for each of the clauses at Committee stage</i>                                      |
| (11) | After considering all the clauses of a Statute, the Chairman shall declare that the Committee would convert itself into the Council.  | <i>Conversion of the Committee of the Whole Council into the Council again</i>                               |
| (12) | After the Statute is approved with or without a division at the stage of the Committee of the Whole Council, the progress of the Committee of the Whole Council shall be declared following conversion of the Committee of the Whole Council into the Provincial Council.         | <i>Progress of the Committee of the Whole Council</i>  |

### **THIRD READING OF THE STATUTE:**

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| 44. | (1) Subsequent to the Second Reading, a Minister shall move that the Statute be taken up for Third Reading. No amendments to such motion can be moved. | <i>Amendments cannot be presented at the Third Reading</i> |
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| (2) | At the Third Reading, debate on the statute shall not take place.   |  |
| (3) | After the Third Reading of the Statute is adopted with or without a division, on being certified by the Chairman that it was properly passed, the Statute shall be referred by the Secretary for Governor's assent. | <i>Referring the statute for Governor's assent after adoption at the Third Reading</i> |
| (4) | On the said assent being given, the relevant Minister shall publish by a Gazette notification that the Statute shall come into effect from the date of receipt of Governor's assent.                                | <i>Publication by a Gazette notification</i>   |

#### **ADOPTION OF ORDERS, REGULATIONS AND BY-LAWS :**

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| 45. | (1) | When it is necessary for presenting any orders, regulations or by-laws to the Provincial Council for adoption, they shall be referred to the Chairman by the Minister in-charge of the relevant subject in order to be included into the Agenda. Subsequently, the relevant Minister in-charge shall present it to the Council by way of a motion moved therein. | <i>Orders, regulations and by-laws</i>   |  |
|     | (2) | (a)  | Any sub-law or by-law so introduced may be referred to the Committee on Statutes and Laws to consider in detail.   | <i>Referring to Committee on Statutes and Laws</i>                       |
|     |     | (b)  | After considering within one month from the date of referring such sub-law or by-law to the said Committee, recommendations shall be presented to the Council. | <i>Forwarding the Committee's report to the Council within one month</i> |
|     |     | (c)  | However, the Chairman may, extend the said time when necessary   | <i>Extending the time</i>  |

#### **PRIVATE MEMBERS' STATUTES :**

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| 46. | (1) | The member wishing to present a draft statute, in order to obtain approval from the Provincial Council for presentation of the draft statute, shall, along with a proposal containing main objectives expected to be achieved by the presentation of such draft statute submit the said draft statute to the Council Secretary.   | <i>Draft statute can be introduced by a member</i>  |   |
|     | (2) | Subsequent to obtaining the Council approval for such draft statute, Council Secretary shall be instructed to refer such draft statute to the Secretary of the relevant ministry to publish the proposed Statute in the Provincial Gazette or in the absence of such Gazette in the Government Gazette or in newspapers circulating in the Province within one month of Council approval of that statute. | <i>Informing the intention to publish the proposed private statute in provincial gazette or Government Gazette or newspapers in circulation within province</i> |   |
|     | (3) | (a)   | Later on, it shall treated as to a normal statute in accordance to Rule Nos. 40, 41, 42, 43 and 44 in the List III of the Ninth Schedule to the Constitution.   | <i>Functioning as per Rule Nos. 40, 41, 42, 43 and 44</i> |

- (b) However, the proposals relating to presentation of draft statute, second reading and third reading shall be undertaken by the member who presented the draft statute, whereas, in his absence, the relevant minister shall present it

- (4) Accordingly, whatsoever is mentioned in Sub-law 40 (3), having mentioned the name of the member who presented the statute under the relevant subject number and mentioning as “Statute to be presented by the .....(name).....”, the name and the preamble of the Statute shall be stated in the agenda.

*The relevant member to present by way of a statute*

#### **ANNUAL FINANCIAL STATEMENT :**

- 47. (1) The Provincial Council shall proceed with the Annual Financial Statement in two stages as provided for in Clause 25<sup>19</sup> of the Provincial Council Act :

*Proceedings with the Financial Statement in two stages*

- (a) General Discussion,

- (b) The Council getting converted itself into a Committee of the Whole Council and considering and adopting demands for grants by voting.

- (2) The General Discussion shall as a whole be confined to the Annual Financial Statement and the matters of principle involved therein and there shall not be a vote taking at the end of the General Discussion of the Annual Financial Statement.

- (3) At the conclusion of the General Discussion the Minister of Finance or if he is unable to be present due to unavoidable circumstances another Minister on his behalf shall reply.

- (4) At the end of the General Discussion the Leader of the House or a Minister shall move the following motion.  
  
“This Council shall go into a Committee of the Whole Council to consider the demands for grants”.

*Consideration for demands for grants, motion for conversion into Committee of the Whole Council*

- (5) The Chairman shall declare that the Council converts into the Committee of the Whole Council after the above motion is adopted.

- (6) Until the conclusion of the consideration of all the demands for grants specified in the Annual Financial Statement, the motion adopted under rule 47 (4) is effective. Therefore, the announcement that the “Council goes into Committee of the Whole Council to consider the demands for grants” by the Chairman in necessary occasions on respective days is sufficient and after that announcement the discussion on the demands for grants may be commenced.

*Sufficiency of the statement by the Chairman to convert into Committee of the Whole Council in each day where demands for grants are considered*

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<sup>19</sup>Published at the end of Rules of Procedure. Pl. refer to Pg iv

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| (7) | Passing of grants at the Committee of the whole Council shall be considered as an adoption at the Council. Therefore voting again at the Council is not necessary and the Chairman shall report the progress of the Committee of the Whole Council to the Council. | <i>Upon agreement reached at the Committee of the Whole Council voting is not to be taken again at the Council stage</i> |
| (8) | The Chairman shall declare at the end of the scheduled considerations at the Committee of the Whole Council each day that the Committee converts again itself to the Council and then the progress of the Committee of the day has to be reported to the Council.  | <i>Reporting to the Council the progress of the Committee of the Whole Council</i>                                       |

#### **TOKEN REDUCTIONS:**

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| 48. | (1) | (a) | Any member may move to a token reduction on any demand in order to express disapproval of the policy matters underlying any such demand or in order to ventilate any matter unpleased with, within the responsibility of the Council.                                     | <i>Any member may move a motion for Token Reduction</i>   |
|     |     | (b) | Any member may in order to effect a saving in any demand, move its reduction by a sum representing the saving sought to be effected or by the deletion of any reduced item therein.   |   |
|     |     | (c) | Each such motion shall be confined to one demand.   |   |
|     | (2) |     | A motion in respect of a token reduction is not necessary to be seconded.   |   |
|     | (3) |     | When there is no motion for a token reduction to a demand, the Chairman considering that there is no discussion on such a demand, shall put forward such demand to the Committee of the Whole Council for its consent by presenting Head No. of the relevant demand.      |   |
|     | (4) |     | There shall be no restriction for a token reduction of a demand for a grant. However, any matter specified as expenditure to the Provincial Council Fund in the Sub-Section 25(3) of the Provincial Council Act <sup>20</sup> , shall not be put.                         | <i>No inquiry to be made about matters stipulated in 25(3) of the Act</i>                             |
| 49. | (1) |     | Not more than 21 specified days commencing not earlier than two days after the Annual Financial Statement is laid before the Council shall be allocated by the Chairman in consultation with the Business Advisory Committee for the business relating to such statement. | <i>Allocation of days for business relating to the Financial Statement</i>                            |
|     | (2) |     | The general discussion shall not exceed seven days and not more than 14 days shall be taken for the Committee of the Whole Council.   | <i>Days to be allocated for general discussion</i>  |
|     | (3) |     | The Annual Financial Statement shall be treated as the item of Public Affairs on each allotted day and no other public business shall be taken up before 05.00 p.m. on such a day.  | <i>No other affairs to be discussed till 05.00 p.m. on days allocated for the Financial Statement</i> |

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<sup>20</sup>Published at the end of Rules of Procedure book. Pl. Refer to Page iv and v



- (4) A Time limit in consultation with the Business Advisory Committee may be imposed for the debate for the Government Party and the Opposition during proceedings in respect of the Annual Financial Statement.
- Allocation of time for debating for the Ruling Party and Opposition Party*
- (5) The duration of sitting time of the Council meetings on the days allocated to discuss the Annual Financial Statement shall be as follows:-
- From 9.00a.m to 1.00 p.m.  
From 2.00p.m. to 5.00p.m.
- (6) After the proceedings of the Annual Financial Statement are concluded for the day on a day allotted for discussion of the Annual Financial Statement, adjournment motion shall be moved in terms of Rule 31 and the sitting may continue under adjournment for duration not more than half an hour.
- Proceedings in relation to Rule 31 on the days of the Financial Statement*
- (7) After the expiry of the time on an allocated day that the Annual Financial Statement is being discussed, the duration to continue the sitting for discussion of any other urgent business may be extended with the concurrence of the Council. After discussion of such urgent business is over the Council shall be adjourned forthwith without a motion up to the next sitting day.
- Allocating time for urgent affairs on the days of Financial Statement*
- (8) Notwithstanding the provisions of Sub-rule 81(1)(a), notice of every motion for the reduction of any demand or the deletion of any item in any demand shall be forwarded to the Secretary in writing not less than three days before such demand is to be taken up.
- Should inform the Secretary in writing before 03 days*
- (9) The notice shall contain in concise terms about the particulars of the policy proposed to be discussed or the dissatisfactory matter sought to be ventilated or the manner in which the saving is sought to be effected. Discussion shall be confined to the matters set out in such notice.
- Inclusion of a summary*
- (10) Where there are several motions relating to one demand, they shall be taken upon for discussion in such order as the Chairman shall determine.
- (11) (a) Unless the Committee decisions on demands for grants are earlier concluded, by 4.30 p.m. on the last of the days allotted for the said purpose, Committee decision shall be given on the Expenditure Head then under discussion and thereafter all such other Expenditure Heads.
- Inquiring the Council decision at 04.30 p.m.*
- (b) Unless the day's proceedings of the Council are earlier concluded, the Chairman shall at 5.00 p.m. put without amendment or debate all questions that are necessary to conclude the consideration by the Council on the Financial Statement.
- If not adjourned early, inquiring Council decision at 05.00 p.m.*

## **APPROPRIATION STATUTE :**

50. (1) Notwithstanding the provisions of Rule 40, the Appropriation Statute, which gives Legal effect to the Annual Financial Statement, shall be presented to the Council on the same day the Financial Statement is presented. *Presentation of Appropriation Statute notwithstanding Rule 40*
- (2) Following the adoption of the Annual Financial Statement, proceedings on the Appropriation Statute shall be proceeded with.
- (3) The debate on the Appropriation Statute shall have to be confined to matters relating to administrative policy of public importance and related matters, which had not been considered at the discussion on the Annual Financial Statement.

## **PROROGATION:**

51. At the conclusion of affairs related to Annual Financial Statement and Appropriation Statute relevant to it, according to the orders of the Hon. Governor, the session can be prorogued on the Council meeting day that follows immediately. *Sessions can be prorogated on Governor's orders*

## **SUPPLEMENTARY GRANTS :**

52. (1) The Provincial Council can proceed with matters relating to a statement of estimated expenditure or a demand for an excess under Section 28<sup>21</sup> of the Provincial Councils Act or a Vote on Account under Section 29<sup>22</sup> of the Provincial Councils Act, notwithstanding the provisions of rule 40. *Demanding for excesses under Sections 28 or 29 of the Act notwithstanding provisions of Rule 40*
- (2) Only a Minister shall present such a demand.
- (3) Reasons for such demand shall accompany that demand.
- (4) There should also be an Appropriation Statute along with the demand which gives appropriate effect to that demand.
- (5) At least seven days notice shall be given to members for such demand.
- (6) Proceedings on the relevant Appropriation Account shall be disposed of the same day immediately after the proceedings on the Supplementary Grants are disposed of.
- (7) It shall not be necessary for the Council to resolve itself into a Committee of the Whole Council when matters relating to Supplementary Grants are considered.

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<sup>21</sup>Published at the end of Rules of Procedure. Pl. refer to Pages v and vi

<sup>22</sup>Published at the end of Rules of Procedure. Pl. refer to Page vi

## PRIVATE MEMBER'S MOTIONS :

53. (1) Any member shall have the opportunity to prepare any matter of public importance in order to be debated. *Any member may propose any matter of public importance*
- (2) Subsequent to presenting such a motion to the Secretary, he shall bring it into the attention of the Chairman. If the Chairman decides having inquired opinions of the Business Advisory Committee, that the said motion is not in conflict with rules, the Secretary may take measures to include it into Order Book/Agenda.
- (3) Not exceeding the order of the motions included in the Order Book/Agenda, certain number of motions shall be included into Agenda of each Council meeting along with the agreement of the Business Advisory Committee.
- (4) Only if the following mentioned conditions are fulfilled, amendments to the said motion may be presented.
- (a) Said amendment/ amendments may be presented at any time before adoption of the said motion at the Council.
- (b) The Member who presented the said motion should express his agreement to present such amendment. *Member's consent needed to amendments*
- (c) The content of that amendment should not contradict the content of the initial motion. *Amendments should not contradict the initial motion*
54. (1) In case a member is unable to attend a Council Meeting where a motion that has been presented in his name is due to be taken up for debate, by a written notice addressing Chairman submitted through the Secretary prior to commencement of the Council Meeting, authorization with regard to the presentation of such motion can be assigned to another member. *Presentation of the motion by another member in the absence of the proposed member*
- (2) If a Private Member Motion presented by one member is not seconded by another, that motion shall not be taken up for discussion. *Private Member Motion to be seconded*
- (3) Any Member shall be entitled to present an amendment to any Private Member Motion at the time such motion is being discussed. Be there any such amendment, it shall be presented to the Chairman in writing. *Written amendments can be presented for a Private Member Motion*
- (4) A Private Member Motion shall as far as possible be compact. It shall not exceed 150 words.
- (5) A Private Member Motion proposed and seconded can be withdrawn on the agreement of the Council. *Private Member Motion can be withdrawn*

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| (6)     | In an occasion where a member has presented several Private Member Motions, from among those motions, only one motion shall be included for one Agenda.  | <i>One motion of a member</i>   |
| (7) (a) | If a Private Member Motion is postponed due to lack of quorum, the member who presented the motion shall make a request to include that motion to the Agenda of the next Council meeting. In the absence of such request, the motion will become annulled. | <i>Postponing a motion at a time of incomplete quorum</i>               |
| (b)     | At the time and date of presenting again for debate the Private Member Motion postponed to next Council sitting due to lack of quorum, the member who presented the said motion shall be in the Council Chamber to present it again to the Council.        | <i>Taking for debate again a motion postponed due to lack of quorum</i> |

#### **NO - CONFIDENCE MOTIONS :**

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| 55. (1) | A no-confidence motion may be moved against the Ruling Party or a Minister, the Chairman or the Deputy Chairman. Such no-confidence motion shall contain clearly and comprehensively as to what was the basis for presentation of such motion.  | <i>Presenting the No-confidence Motion in detail</i>   |
| (2)     | Such a motion with the signatures of 1/5 <sup>th</sup> or more of the total number of members in the Provincial Council including the absentee members, may be handed over in writing to the Council Secretary, and in case of such motion moved against the Chairman or Deputy Chairman, measures shall be taken as per Clauses 7(2)(c) and 8 <sup>23</sup> of the Act                         | <i>No-confidence Motion to carry signatures of 1/5<sup>th</sup> of members from the total number of members</i>              |
| (3)     | If the Chairman is satisfied that the said No-confidence Motion has been presented appropriately, it shall be referred to the Business Advisory Committee and if the said committee decides that the No-confidence Motion is not rule-contradictory, it shall be included in the Agenda of the ensuing Council meeting and the priority of that Agenda should be given to that motion.          | <i>Referring the No-confidence Motion to the Business Advisory Committee and including subsequently into the next Agenda</i> |
| (4)     | However, when a No-confidence Motion has been presented against the Chairman, he shall not preside in the said Business Advisory Committee meeting, instead, the Deputy Chairman shall preside therein. In the absence of Deputy Chairman, a member of the Committee should be appointed to preside by proposal- affirmation at which occasion, the quorum of the committee should be complete. |  |
| (5)     | Such No-confidence motion presented against a minister and adopted by the Council should subsequently be referred to the Governor to take further decisions on relevant minister's resignation, if he is not resigning.   | <i>Referring to Governor in case of refusal to resignation</i>   |

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<sup>23</sup>Published at the end of Rules of Procedure. Pl. refer to Pages i and ii

## WITHDRAWAL OF MOTIONS :

56. In these rules, unless in occasions where provisions contrary to these rules are contained, a minister or member who has presented whatever a motion to the council may withdraw the relevant motion by informing the Chairman in writing or by making a statement in the Council at the time the proceedings of the relevant subject commences.
- Withdrawal of Motions*

## AMENDMENTS:

57. (1) A question, when proposed from the Chair, may be amended :-
- (a) By leaving out certain words in order to insert certain other words; or
- (b) By leaving out certain words, or
- (c) By inserting or adding other words
- (2) Every amendment shall be handed over to the Secretary in writing by the member proposing it and if the Chairman does not decide that it is inconsistent with Rules, copies of it shall, if time permits, be prepared and made available to every member. An amendment proposed to a question shall be relevant to such question.
- (3) After a decision has been given on any amendment to any part of a question/ motion, no other amendments correlative to the said amendment shall be made to the question/ motion.
- (4) An amendment to a question/ motion shall not be inconsistent with a previous amendment to the same question.
- (5) Where one or more amendments have been presented to a question/ motion proposed at the chair, until proper functions pertaining to amendments are concluded, the proposed question shall be treated as the original.
- (6) An amendment may be moved to an amendment proposed from the Chair.
58. (1) If notice of an amendment to a paragraph or schedule of a Statute has not been given one clear day before the day on which such proposed Statute is to be considered, any member may object to the moving of the amendment.
- (2) Such objection shall prevail unless the Chairman allows the amendment to be moved.
- However, where the Council reaches into an
- Manner in which a question may be amended*
- Question proposed to be treated as the original question*
- Amendments to be presented beforehand and possibility open for members to object when that measure was not followed*
- Objection valid where Chairman agrees, but the consent of the*

agreement with regard to a motion presented without notice, putting the question into discussion shall be postponed until inquiries required for that are concluded.

*Council needs to be inquired*

- (3) No amendment shall be allowed which will have the effect of introducing any matter set out in List II<sup>24</sup> of the Ninth Schedule to the Constitution.

*Amendments not allowed to a matter stated in List II of the 9<sup>th</sup> Schedule to the Constitution.*

- (4) No amendment contrary to Section 24<sup>25</sup> of the Provincial Council Act shall be allowed

*No amendments contrary to Section 24 of the Act can be presented*

- (5) No amendment to a question pertaining to any matter set out in List III<sup>26</sup> of the Ninth Schedule to the Constitution and no amendment which will have the effect of introducing any matter set out in List III of the Ninth Schedule to the Constitution shall be allowed unless the Chairman is satisfied that there has been prior consultation with Parliament.

*Amendment not allowed to a matter stated in List III of the 9<sup>th</sup> Schedule to the Constitution.*

#### **CLOSURE OF DISCUSSION:**

59. (1) With regard to a question/ motion proposed it shall be competent for any member to rise in his place and express the right to move that the “question/ motion shall be put now”. Then unless it appears to the chair that the request is an abuse of Rules of the Council or an infringement of the rights of the other parties, having made the statement that “the vote on the said question/ motion be taken now”, the vote shall be taken.
- (2) Any question/ motion under this rule shall become valid subject to quorum by the majority of votes received from members present that day.

#### **DIVISION:**

60. (1) The question/ motion shall be put to the Council by the Chairman and votes may be taken by voice, “Ayes and “Noes” and the result shall be declared by the Chairman.
- (2) If a Division is requested with regard to a question/ motion, Division shall take place subsequent to ringing the Division Bell for two minutes.
- (3) When vote is taken by electronic media, the members, within the time period prescribed by the Chairman, shall press the relevant button to indicate their decision.

*Vote-taking of a decision and announcing its results*

*Voting by electronic media*

<sup>24</sup>Published at the end of Rules of Procedure.

<sup>25</sup>Published at the end of Rules of Procedure. Pl. refer to Page iii

<sup>26</sup>Published at the end of Rules of Procedure.

- (4) When such claim is made; the Chairman shall first take action to cause the members in favour of the motion to rise in their places and get the Secretary to count the numbers, secondly, cause the members voting against the motion to rise in their places and get the Secretary to count the numbers and thirdly, cause the members refrain from voting to rise in their seats and get the Secretary to count the numbers and the Chairman shall declare the result made known to him by the Secretary. *How to take vote*
- (5) If a member demands to take the vote by name under Sub-rule 60(2), the Chairman may use his discretion to take the vote by name or to act under Sub-rule 60(3).
- (6) When the vote is being taken by name, each member, when his name is called, shall announce either 'Aye' or 'No' according to his discretion.
- (7) When taking the votes by names; the Chief Minister's name if from the Ruling Party and if from the Opposition Party, Opposition Leader's name shall be called first and thereafter voting shall be taken according to seating order. *Ruling Party from the Chief Minister, Opposition Party from the Opposition Leader*
- (8) Members may state that they decline to vote or they can refrain from voting. In such cases, the Secretary shall record their names as having declined to vote. *Declining from voting*
- (9) The Chairman shall be informed by the Secretary of the number of votes and the Chairman shall declare the said results when there is no equality in the number of votes received.
- (10) When there is equality in the number of votes received, the Chairman shall use his casting-vote before the results are declared. *Casting Vote of the Council*
- (11) (a) Chief Minister or Chief Government Whip or Opposition Leader or Chief Opposition Whip or a representative authorized by them may request a secret ballot pertaining to a particular motion. In such occasion, action should be taken to hold a secret ballot in relation to the said motion. *Requesting a secret ballot*
- (b) In such occasion, subsequent to ringing the summoning bells for a period of two minutes, vote should be taken by way of ballot papers. However, if it is felt that more time is required to arrange the affairs relating to secret ballot, the Council may be suspended temporarily for a brief time period according to the discretion of the Chairman. *Suspending the Council for a brief period of time during a secret ballot*
- (12) Results of the vote shall be recorded in the minutes of the relevant day.

## **ANTICIPATION :**

61. It shall be out of order to introduce a motion or amendment with relevancy to the subject matter of a proposed Statute already included in the agenda for consideration.

## **PROCEDURE WHEN PARLIAMENT CONSULTS THE COUNCIL :**

62. (1) Whenever a communication is received from Presidential Secretariat consulting the Council on any law proposed to be formulated with respect to any matter set out in List I of the 9th Schedule to the Constitution, the Chairman shall announce its receipt at the next meeting of the Council. If the Council is sitting at the time of receipt of such a communication, proceedings of the Council shall be interrupted temporarily for the making of such announcement.
- Provincial Council being consulted by the Parliament on any matter set out in List I of the 9<sup>th</sup> Schedule to the Constitution*
- (2) The communication shall thereafter be referred to the Committee on Statutes and Laws. The Committee on Statutes and Laws shall meet within three days after receipt of that communication and it shall submit its report on the following day of the meeting to the Minister in-charge of the Subject pertaining to the proposed law.
- (3) The relevant Minister shall refer that report to the next meeting of the Board of Ministers and the decision of the Board of Ministers on the proposed law shall be communicated to the Secretary of the Council.
- (4) (a) The Secretary shall submit such decision to the next Provincial Council Meeting and the Secretary of the Council shall be instructed to report the decision of the Provincial Council to the Presidential Secretariat within three days of the Council Meeting.
- (b) Nevertheless, such time periods may be extended subjected to Chairman's consent, when necessary.
63. (1) Whenever a communication is received from Parliament consulting the Council on any law proposed to be made with respect to any matter set out in List III of the Ninth Schedule to the Constitution, the Chairman shall, announce its receipt at the next meeting of the Council. If the Council is sitting at the time of receipt of such a communication, proceedings of the Council shall be interrupted temporarily for the making of such announcement.
- Provincial Council being consulted by the Parliament on a matter set out in List III of the 9<sup>th</sup> Schedule to the Constitution*
- (2) The communication shall thereafter be referred to the Committee on Statutes and Laws. The Committee on Statutes and Laws shall meet within three days of receipt of the said communication and handover its report to the Council Secretary on the following day so as to enable inclusion in the agenda of the next Provincial Council meeting.



- (3) (a) After consideration of views of the Council on the report of the Committee, the Council shall direct the Council Secretary to forward to Parliament the views of the Council on the proposed law within 03 days.
- (b) Nonetheless, such time periods may be extended subject to Chairman's consent, when necessary.

#### **RULES OF DEBATE :**

64. (1) (a) Section 18 of the Provincial Council Act<sup>27</sup> which prohibits, subject to article 154 (b)(4)<sup>28</sup> of the Constitution, any discussion in the Council with respect to the conduct of the President or a Governor or a Judicial Officer or a Member of Parliament shall be strictly observed. Nevertheless, without any detriment to above said office holders' existence and character, speeches can be made on Chairman's discretion. *No discussion to be carried out with respect to the conduct of President, Governor, Judicial Officer, Member of Parliament*
- (b) If any member wishes to speak under 64(1)(a), it shall be according to Chairman's discretion.
- (2) No discussion shall take place in the Council with respect to the conduct of a Provincial Council Member except on a substantive motion on the subject. *Discussion on conduct of a member of Provincial Council*
- (3) No discussion shall take place in the Council on any matter which affects the discharge of functions of a Governor in so far as he is required by the Constitution or by the Act to act in his discretion. *No discussion to be carried out on accomplishment of matters relating to the functions of the Governor*
- (4) No reference shall be made with respect to the conduct of any person mentioned in above Sub-rule (1) and (2) and to any matter referred to in sub-rule (3) in any amendment or question to a Minister or in any debate.
- (5) No member shall speak more than once on any proposition before the Council except under the following circumstances and matters : *A member may not speak more than once*
  - (a). With the full permission of the Chairman, for explanation of some material part of his speech which has been misunderstood, but without introduction of any new matter, or
  - (b). On a point of order, or
  - (c). On a question of privilege
  - (d). On a matter referred to Committee of the Whole Council
- (6) The mover of any motion, however, shall have the opportunity to reply after all the other members who are to speak on that have had an opportunity of addressing the Council. *Reply Speech can be made by the Member who moved the motion*

<sup>27</sup>Published at the end of Rules of Procedure book. Pl. Refer to Page iii

<sup>28</sup>Published at the end of Rules of Procedure book. Pl. Refer to Page vii

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| 65. | (1)     | The mover of any motion or amendment may speak in support thereof but no debate shall be allowed nor any question thereon put to the Council until the motion or the amendment is duly seconded. However, any motion or an amendment moved by a Minister on Public Affairs need not be seconded. | <i>Seconding or non-seconding of motions and amendments</i>                                |
|     | (2)     | Any member may second a motion or amendment by rising in his place and bowing to the Chair without prejudice to his right to speak at a later state of the debate.   |  |
| 66. | (1)     | No member shall speak on any question after it has been concluded by the Chairman. Thus the question gets concluded when the vote has been expressed.  | <i>Conclusion of a question</i>  |
|     | (2) (a) | Any matter which has been proposed, debated and concluded may not be permitted to propose and debate again within the same year.   | <i>A matter once debated and concluded shall not be debated again within the same year</i> |
|     | (b)     | Nevertheless, if the Chairman or the Business Advisory Committee feels that the matter is of timely importance, proceedings can take place in that regard as determined by the Council or Business Advisory Committee.   | <i>Taken to debate again on decisions by Council and Business Advisory Committee</i>       |

#### **RULES RELATING TO MEMBERS' SPEAKING IN THE COUNCIL :**

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| 67. | (1)     | A member shall not speak or vote from another place except from the seat allocated to him.  | <i>Rules pertaining to speech of a member</i>   |
|     | (2)     | Unless otherwise allowed by the Chairman, all members shall rise in their places and speak. Every member shall speak addressing to the Chairman.                            | <i>Speech to be made after rising in the place, facing and addressing chairman</i>                |
|     | (3)     | If two or more members rise at the same time, the Chairman shall call on the member who first catches his eye, to speak. Chairman's decision shall not be challenged        | <i>Opportunity to be given to the member first catches the eye</i>                                |
|     | (4)     | A member shall forward his observations to the Chairman, if there are any.  |   |
|     | (5)     | A member may not speak on other matter other than any subject before the Council or upon any amendment proposed thereto or upon a point of order arising out of the debate. |   |
|     | (6)     | A member shall confine his observations to the subject under discussion.  | <i>Confine the discussion to subject discussed</i>  |
|     | (7) (1) | No member shall discuss or allude to any matter which is under adjudication in a court of law or to any matter on which a judicial decision is pending.                     | <i>Matters under adjudication or with pending decision in a court of law cannot be alluded to</i> |
|     | (2)     | If any member is objecting under provisions of Rule 67 (7) (1), such member shall take measures to confirm it.  | <i>Said matter to be confirmed</i>  |

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| (8)  | No member shall impute improper motives to or make any personal charges against another member.  |  |
| (9)  | A member speaking may be informed through Chairman if he is speaking out of the relevant subject.  |  |
| (10) | Subjected to the permission of the Chairman, a member may explain matters of a personal nature although no question has been proposed in that respect before the Council. But such matter may not be debated and also the member shall confine himself strictly to the vindication of his own conduct. | <i>Possibility available to a member to make a speech for the vindication of his own conduct</i> |
| (11) | Any member deviating from the Rules may immediately be called to order by the Chairman or by any other member rising to a point of order.  |  |

#### **CONDUCT OF MEMBERS :**

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| 68. (1) | Members shall at all times conduct themselves with decorum within the area of the Council and protect the dignity of the Council and the authority of the Chairman.   | <i>Members to conduct themselves protecting the dignity of the Council and Chairman's authority</i> |
| (2)     | When entering the Chamber or leaving the Chamber members shall bow to the Chair.  | <i>Bowing to chair in respect</i>   |
| (3)     | When attending meetings of the Council or of any Committee, members shall be properly attired in accordance with directions laid down in the Council Handbook <sup>29</sup> .   |   |
| (4)     | During a meeting of the Council or a meeting of a Committee of the Whole Council, a member :  |   |
|         | (a) Shall enter or leave the Chamber when necessary in silence and without causing disturbance.   | <i>How to exit from the Council Chamber</i>   |
|         | (b) Shall not walk through the Council Chamber or pass between the Chair and a member who is speaking.  | <i>Shall not walk through Council Chamber or between Chair and a member speaking at the time</i>    |
|         | (c) Shall not read newspapers, books, letters or other material except those submitted to the meeting, which relate to the business.  | <i>Newspapers, documents, books, letters</i>  |
|         | (d) If any member does speak showing an extract of any document, the name of the document containing the said extract, date of publication and the page number and the relevant paragraph shall be mentioned in his speech and the members shall also ensure that the said document is tabled at the Council. | <i>All extracts used in speeches made at the Council to be tabled</i>                               |

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<sup>29</sup> Published at the end of the Rules of Procedure Book. Pl. refer to page vi

	(e) If there is any contradiction between the statement made in the speech and the relevant part of the document presented to the Council, the Chairman has the authority to remove such contradictory part from the Official Report.	<i>If contradiction exists in matters between the statement and the document tabled, authority to remove such part.</i>
	(f) If there is a matter or statement which is considered as contrary to Rules, the Chairman has the authority to remove such matter or statement before the Official Report is tabled.	<i>Removal of rule contradictory statements from Hanzard Report</i>
	(g) Shall not smoke or partake of any refreshment within the Council Chamber; However, there shall be no impediment to drink water by a member who is addressing the Council, if necessary.	<i>Smoking, partaking food or beverages</i>
	(h) Shall maintain silence while another member is speaking and shall not unless the member speaking gives way, interrupt him.	<i>Refrain from interrupting the speech</i>
	(i) A member presenting his opinion to the Council may use computers on the permission of the Chairman to prove or inspect facts relating to his speech. However, where it is observed that such equipment is used in a manner distracting the Council, the Chairman has the power to stop such member's speech or act having drawn the Council attention towards such member.	<i>Limitations to computer use</i>
(5)	When the Mace is placed inside the Council Chamber, touching or lifting or causing whatever damage to it by a member would be a grave anti-disciplinary action, and, without considering whether the said offence is carried out for the first time, such member may be suspended from attending the Council for a period of one month.	<i>Mace</i>
69.	The Chairman shall be responsible for the observance of the rules of order at every meeting of the Council or of a Committee of the Whole Council and his decision upon any point of order shall not be open to question and shall not be reviewed by the Council except upon a substantive motion made after notice.	<i>Non availability of provision to question the decision of Chairman subsequent to a question on point of order</i>
70.	Whenever the Chairman addresses the Council during a debate, any member speaking or offering to speak shall sit down in his seat and the Council or Committee shall be silent so that the Chairman may be heard without interruption.	<i>Conduct to be followed when Chairman addresses Council during a debate</i>
71.	When a question of order has been raised, the member who raises it shall resume his seat and no other member, except by leave of Chairman, shall rise until the Chairman has ruled on the question after which the member who was addressing the Council or the Committee at the time when the question was raised shall be entitled to proceed with his speech giving effect to the ruling of the Chair.	<i>Members to be seated until the ruling of the Chair is given for a point of order raised</i>

72. (1) It shall be possible to raise a point of order in relation to the enforcement or interpretation of the rules that are to be followed or any rule relevant to the regulation of business of the Council with the cognizance of the Chairman. Point of order shall be raised immediately after the commitment of any error relating to the interpretation of these rules or any rule relevant to the regulation of business of the Council. *Point of order to be raised immediately after certain error caused in relation to defining of rules or implementation of rules*
- (2) The member, who was addressing the Council at the time the said point of order was raised, shall resume his seat until the Chairman has ruled on the question.
- (3) No point of order shall be raised on a question of order. No further point of order shall be raised when the Chairman's ruling on a question of order is awaited. *No additional questions can be raised on a question of point of order*
- (4) When certain decision on Point of Order is given by the Chairman, no further questioning can be made in that regard. *Chairman's decision cannot be questioned*
73. If there appears to be a member who persists in irrelevance or tedious repetition of his own arguments or the arguments used by the other members in debate, or if any member acts indecently, damaging the dignity of the Council, the Chairman, having drawn the attention of the Council to such member may direct the member to discontinue his speech. *occasions where Chairman may order to discontinue a oppressive speech of a member*
74. The Chairman, if he feels that the conduct or the way of speech of any member or members is unbecoming, shall order the said member or members to withdraw immediately from the Council or the Committee for the remainder of the day's sitting. *Order for withdrawal of member/s from the Council or Committee whose speech and conduct is improper*

#### **SUSPENSION OF A MEMBER'S PARTICIPATION IN COUNCIL :**

75. (1) (a) Any member who disregards the authority of the Chair or violates the Rules of the Council or Committee by persistently and willfully obstructing the business of the Council or the Committee, or does not conform to an order made under above Rule 74, may be named by the Chairman. *Nominating a member*
- (b) If the offence has been committed in the Council, the Chairman shall, referring to the name of the said member, forthwith put the question to the Council, on a motion being made without amendment, adjournment or debate, or with debate that, ".....(name)..... may be suspended temporarily from the participation in the Council". *Temporary suspension of Council participation*
- (c) If the offence had been committed in the Committee of the Whole Council the Committee shall convert itself immediately into the Council and having treated such error to have been committed in the Council itself, the motion in Rule No. (b) shall be proposed and the same question shall be put in the same form.

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| (2) | (a) | If the motion is carried and any member is suspended temporarily under this Rule, his suspension on the first occasion shall be for two weeks; on the second occasion during the same session for four weeks; and on the third or any subsequent occasion during the same session for one month.                             | <i>Duration for the suspension of Council-participation</i>                                 |
|     | (b) | When the Council participation or all privileges and allowances of a member are suspended temporarily or for few months, all the privileges and allowances entitled by such member will be lost to him.  | <i>Loss of privileges and allowances</i>  |
|     | (3) | Members who are present together at the Council and who have jointly committed an offence making them liable to suspension under this Rule, suspension of all of those members from participation in the Council shall be made at the same time.   | <i>Suspension of Council when an offence is committed jointly</i>                           |
| 76. |     | Members directed to withdraw under Rule 74 or 75 or suspended temporarily shall forthwith withdraw from the precincts of the Council.  | <i>Withdrawal from the precincts of the Council immediately upon suspension of Council</i>  |
| 77. |     | The Chairman may be able to name a member in his absence and propose a motion of temporary suspension of that member who has committed an offence in the Council. At such instances the member shall be informed of such decision in writing.  | <i>Suspension of a member's Council-participation in his absence in the Council</i>         |
| 78. |     | If any member ordered to withdraw or suspended does not withdraw from the Council Chamber, the Chairman may direct the Secretary to take such steps as are required to secure the withdrawal of such member and the enforcement of the order. In such instances the Secretary shall take action as directed by the Chairman. | <i>Withdrawal from the Council Chamber of a member suspended from Council-participation</i> |

#### **POLICY DISCUSSION :**

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| 79. | All policy discussions relating to any matter referred to the Committee of the Whole Council shall be taken up prior to Provincial Council converting into a Committee of the Whole Council. | <i>Policy discussion to be taken before conversion into Committee of the Whole Council</i> |
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#### **COMMITTEE OF THE WHOLE COUNCIL :**

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| 80. | (1) | The Council may when necessary resolve itself into a Committee of the Whole Council and on resumption of the Council, the progress of the discussion held in the Committee shall be reported to the Council by the Chairman. | <i>Resolving into a Committee of the Whole Council when necessary</i> |
|     | (2) | The proceedings in the Committee of the Whole Council shall be recorded in the minutes.  |   |
|     | (3) | The Chairman, or if he is not present, the Deputy Chairman, or if both of them are not present, presiding should be in accordance to Rule No. 08.  |   |

- (4) A committee of the Whole Council shall consider such matters only as shall have been referred to it. *Orders relevant to a Committee of the Whole Council*
81. (1) The Rules of Procedure applied to a Council meeting shall apply to a meeting of the Committee of the Whole Council except for the following rules;
- (a) A motion shall not require notice ;
  - (b) A motion need not be seconded ;
  - (c) A member may speak more than once on the same question.
- (2) (a) Voting in Committee of the Whole Council shall also be carried out in accordance with the voting procedure in the Council as specified under Rule 60. The Chairman shall not vote at the first instance, but shall give his casting vote in the event of an equality of votes. *Voting at Committee of the Whole Council is included in Rule 60*
- (b) It is not necessary to reach an agreement after the Committee of the Whole Council getting converted itself into the Provincial Council with regard to an agreement entered into at the Committee of the Whole Council.

#### **ADVISORY COMMITTEES :**

82. (1) There shall be an Advisory Committee for each Minister in order to execute the executive functions of the Provincial Council effectively. *Every minister to have an Advisory Committee*
- (2) Each such Advisory Committee shall consist as follows :- *Composition of a Advisory Committees*
- (a) The Minister in-charge of the relevant Ministry shall be its Chairman.
  - (b) (i) Twenty other members of the Council, who are not ministers, shall be nominated by the Chairman of the Provincial Council for an Advisory Committee. Such nominations shall, as far as possible reflect the relative membership strength of recognized political parties and independent groups in the Council and shall be in such manner as to represent the Districts comprising the Province. *Number of members of an Advisory Committee to be 20*
  - (ii) Membership in the Advisory Committee is limited to a period of 2½ years
- (3) Following shall be the duties of an Advisory Committee :- *Membership 2½ years  
Duties of an Advisory Committee*
- (a) To report to the Provincial Council within six weeks on any matter pertaining to the *A matter relevant to*

	<p>continuance of the Provincial Council, referred to the Chairman of an Advisory Committee, by the Provincial Council. Action shall be stayed by the Council on any matter so referred until the receipt of such report or the lapse of six weeks whichever is earlier. The Council may, however, on a motion of the Chairman of the Committee grant further time not exceeding three months in all for the submission of such report.</p> <p>(b) To advise on any matter of business allocated to the Chief Minister or any other Minister as Chairman of the Advisory Committee.</p>	<p><i>continuance of Provincial Council to be reported within 06 weeks</i></p>
(4)	<p>At a meeting of an Advisory Committee any member thereof may,</p> <p>(a) Seek any information from the Chairman of the relevant Committee.</p> <p>(b) Bring to the notice of the Chairman of the relevant Committee any matter calling for attention.</p> <p>(c) Suggest any course of action to be followed.</p> <p>(d) Propose a Statute to be presented to the Council.</p> <p>on any matter referred to the Chairman of an Advisory Committee.</p>	<p><i>Duties of a member of an Advisory Committee</i></p>
83.	<p>An Advisory Committee shall meet whenever summoned by the Chairman of such Committee or whenever a written requisition calling for a meeting by not less than 04 members of such Committee is made and if convened by the Secretary to the Ministry within 07 days of the receipt of such notice. However, every Advisory Committee shall meet at least once in every 30 days.</p>	<p><i>Summoning of Advisory Committee</i></p>
84. (1)	<p>The Chairman of such Committee shall preside at a meeting of an Advisory Committee. In the absence of the Chairman, the members of the Committee present shall elect one of their members to take the Chair.</p>	<p><i>The Chair of an Advisory Committee</i></p>
(2)	<p>Seven members of an Advisory Committee shall constitute a quorum. The Chairman of the Committee or other presiding member shall be included in counting a quorum.</p>	<p><i>Quorum of an Advisory Committee</i></p>
(3) (a)	<p>Any member of an Advisory Committee absenting himself for three consecutive meetings of such Committee without having obtained leave with prior approval of such Committee, shall be deemed to have vacated his membership of the Committee.</p>	<p><i>Annulment of membership of an Advisory Committee</i></p>



- (b) However, the above provision shall not be valid with regard to committee meetings held during a member's absence at the Council Meetings where he has obtained leave from the Provincial Council or when he has obtained approval from the relevant Advisory Committee.
- (4) A member whose membership is annulled as per above Rule 84(3)(a) shall not be appointed again to any of the Advisory Committees until a year has elapsed. *Not to be appointed again to an Advisory Committee until a year elapses*
- (5) As immediately as the membership of certain member at the Advisory Committee is annulled according to sub-rule 84(3) (a) , a document pertaining to names of members shall be reported to the Council by the Secretary of the Advisory Committee. *At annulment of membership*
- (6) Any vacancy in the membership of an Advisory Committee shall be filled by nomination by the Chairman of the Council. *Filling vacancies*
- (7) An Advisory Committee shall be entitled to meet and to exercise its functions notwithstanding any vacancy in its membership.
- (8) The Chairman of an Advisory Committee or other presiding member shall have a casting vote in the event of an equality of votes.
- (9) (a) A brief report of the decisions taken at the Advisory Committee meetings held within a month shall be presented by every Advisory Committee through its Chairman or member to the first Provincial Council meeting ensuing after the monthly meeting of the Advisory Committee. *Advisory Committee report to be presented to the Council*
- (b) A matter arising from the report of the Advisory Committee may be referred to the Advisory Committee through the Chairman of the Provincial Council.
- (10) The Chairman of the Provincial Council can, from time to time, request recommendations from these committees, also, he can properly forward relevant recommendations to the Board of Ministers to get relevant recommendations implemented. *Referring the recommendations to the Board of Ministers*

#### **COMMITTEES OF THE COUNCIL:**

85. (1) In order to upgrade efficiency and productivity relating to the activities of the Provincial Council and to operate projects and programmes of the Provincial Council, to identify improper control while taking measures to prevent such, to gather information to formulate new policies, to inquire whether public needs are accomplished by the Executive, to look into requests of distressed people of the Province, to *Reasons to appoint committees by Chairman*

promote revenue of the Province, and to observe whether administrative functions are in accordance with human rights, the Chairman has power to appoint committees.

- (2) (1) Accordingly, at the commencement of each session, although the following committees shall be appointed by the Chairman, membership cannot be held consecutively for more than 2 ½ years.
  - (a) Committee on Rules of Procedure
  - (b) Business Advisory Committee
  - (c) House Committee
  - (d) Committee on Statutes and Laws
  - (e) Provincial Council Public Accounts Committee
  - (f) Public Petitions Committee
  - (g) Vigilant Committee
  - (h) Provincial Revenue Promotion Committee
  - (i) Inquiry Committee on all the authorities, institutions established by a Provincial Council statute

- (2) Except Provincial Public Accounts Committee and Provincial Revenue Promotion Committee, to all the other Committees, the Chairman of the Provincial Council is appointed ex-officio.

*Ex-officio participation*

- (3) Public Petitions Committee, Vigilant Committee and the Provincial Public Accounts Committee and Inquiry Committee on all the authorities, institutions established by a Provincial Council statute shall be considered as the Inquiry Committees.

*Inquiry Committees*

- (4) Powers related to the appointment of committees relevant to day today activities of the Provincial Council is stated under Rule No. 9 (9), whereas, the Chairman has powers to direct affairs of said committees effectively and productively. Committee on Statutes and Laws, Committee on Rules of Procedure and House Committee can be regarded as committees relevant to such daily affairs.

*Committees relevant to daily affairs*

#### **GENERAL CONDITIONS APPLICABLE TO DAILY AFFAIRS OF COMMITTEES OTHER THAN AN ADVISORY COMMITTEE :**

86. (1) The total membership of every Committee shall be fifteen members inclusive of the Chairman while the quorum shall be five members. The presiding member too shall be included in counting the quorum.
- (2) (a) At the commencement of every Provincial Council the Chairman of the Provincial Council shall nominate members to each Committee. When there is no ex-officio Chairman of any Committee, the Chairman of the Council shall nominate the Chairman of such Committee too.

*Number of Members -15, quorum - 05*

*Chairmanship of Committees not consisting an ex-officio Chairman*

- |      |  |   |
|------|--|---|
| (b)  | The Chairman exercises the powers to appoint Chairmen to Committees other than ministerial Advisory Committees, Provincial Public Accounts Committee and Provincial Revenue Promotion Committee.   | <i>Chairmanship of Committees</i>                   |
| (3)  | Though the Chairman of a Committee shall preside at every meeting of such Committee, in the absence of Chairman or Deputy Chairman, the members of the Committee present shall elect one of their members to take the Chair.   | <i>Chair of the Committee</i>                       |
| (4)  | When any member of a Committee is removed from his post due to his absence in 03 consecutive meetings of the Committee without having obtained prior approval, the Chairman shall fill the said vacancy by nomination of a member other than the member removed from post. | <i>Filling the vacant position in the Committee</i> |
| (5)  | Rule 84(4) shall govern with regard to annulment of Committee membership.  |   |
| (6)  | If any member who holds ex-officio membership does not attend 03 consecutive meetings without having obtained prior permission, such fact shall be informed to the Provincial Council by the Chairman of the relevant committee.   |   |
| (7)  | The Committee shall be entitled to proceed with its business at a meeting notwithstanding any vacancy in its membership  |   |
| (8)  | The Secretary of the Council or any other Officer attached to the Secretariat of the Provincial Council nominated by him shall be the Secretary of each Committee.   |   |
| (9)  | The Chairman of the Committee or other presiding member shall have an original vote and a casting vote in the event of an equality of votes.   |   |
| (10) | A Committee shall be entitled to appoint a Sub Committee of its own members with relevancy to duties allocated to it.  |   |
| (11) | Every member shall be able to obtain minutes of meetings of Committees.  |   |

#### **PUBLIC PETITIONS COMMITTEE :**

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|---------|--|---|
| 87. (1) | A Public Petitions Committee shall consist of two Sub-Committees. Public Petitions Committee with a membership of 15 shall appoint 07 members each of a Sub-committee. | <i>Public Petition Committee to consist of two sub committees</i> |
| (2)     | It shall be the duty of the Public Petitions Committee to investigate into and take a suitable steps on the petitions referred to it by the Council.                   |   |

- (3) Where the Committee feels necessary, any petition of any district of the Province forwarded to the Committee may be inquired by the Committee itself or under a Sub-committee.
- (4) When the Committee or Sub-committee has decided to hold an inquiry on a petition or report forwarded to it, the notice to the said witnesses informing them to present before the Committee or Sub-committee in order to examine relevant evidence, shall be served in writing by Secretary of the Committee at least before three days to such examination.
- (5) The evidence given by the petitioner or any other witnessing party shall be evidence given on a swearing-in.
- (6) The Secretary of the Council or any other officer of the Council Secretariat appointed by the Secretary shall be the Secretary of the Committee.
- (7) Where the Committee is of the view that certain petition discloses an infringement of a fundamental right or causing of other injustice by a Public Officer or an Officer of a Public Corporation or Local Government Authority it may refer such petition, to the Parliamentary Commissioner for Administration (Ombudsman) for investigation and report.
- (8) The Committee, subject to Chairman's approval, has powers to summon in order to obtain information difficult to be obtained easily or to get complicated matters relevant to the business of the committee explained or to obtain assistance of persons with expertise or to summon professionals or officers.
- (9)
  - (a) Public Petitions Committee or a Subcommittee authorized by the Committee shall have power to summon and question any person engaged in the Provincial Public Service or to call upon and examine any paper, book, report or document, to have access to any institution or place and carry out a place inspection.
  - (b) Security measures taken on behalf of officers or persons participating in such occasions shall be in accordance with proper provisions.
- (10) The report of the Committee consisting opinions and views on petitions referred to the Committee as well as other views which one feels fit to be recommended with regard to such petitions should be presented to the Provincial Council once a month. *Committee reports to be presented to the Council once a month*
- (11) Public officers and representatives summoned by the Petition Committee shall compulsorily present themselves before the Petition Committee. If such representation is not carried out or failure to implement recommendations given within 30 days from the recommendation-issued date without presenting acceptable reasons, disciplinary action

shall be taken against the relevant parties by the minister in charge of the subject.

- (12) The quorum of the Public Petition Committee shall consist of five members whereas the quorum of a subcommittee therein shall be of three members.

#### **COMMITTEE ON STATUTES AND LAWS :**

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|-----|-----|---|--|
| 88. | (1) | It shall be the foremost duty of the Committee on Statutes and Laws,  | <i>Responsibility of the Committee on Statutes and Laws</i>  |
|     | (a) | To consider the legality of a draft statute, a law and a regulation referred to the said Committee and to point out lapses and any amendments where necessary, and  |  |
|     | (b) | To advise whenever the Provincial Council is compelled to involve in any judicial matter.   |  |
| (2) | (a) | On the reference to it under Rule 62 of a law by way of a communication from the Presidential Secretariat or Parliament, the Committee shall meet within three days of the receipt of said communication.   | <i>To meet within three days to consider communication received from Presidential Secretariat and Parliament</i>                         |
|     | (b) | The report of such meeting in relation to such law shall be handed over on the following the day of such meeting to the Minister in charge of the subject relevant to the proposed law if such law relates to List 1 of the 9th Schedule and to the Secretary to enable the report to be included in the agenda of the next Provincial Council meeting if such law relates to List III of the 9th Schedule.   | <i>Report to be submitted to minister in charge of the subject if relevant to List I or to Council Secretary if relevant to List III</i> |
| (3) |     | On the reference to it of any proposed Statute or other matter, the Committee shall forward its recommendations that conform to the terms of such reference.  |  |
| (4) |     | Whenever a reference is made to the Committee of any proposed law, statute or other matter, the Minister in charge of the relevant subject shall be entitled to participate in the deliberations of the Committee when such proposed law, statute or other matter is under consideration.   |  |
| 89. |     | Any consultation by the Provincial Council from Parliament in respect of subject matter pertaining to a Statute set out in List III of the Ninth Schedule to the Constitution and any consultation by Parliament from Provincial Council in respect of such Act shall be referred to the Committee on Statutes and Laws. The Chairman of the Committee shall forward the recommendations of the Committee in respect of such references for the approval of the Provincial Council. | <i>Committee to proceed with regard to matters stated in the List III</i>  |

90. When recommendations of the Committee on Statutes and Laws on a Statute relevant to List III of the Ninth Schedule to the Constitution are required urgently, if the Minister who intends to sponsor the said Statute refers it to the Secretary with a special note to that effect, after it is communicated to the Chairman by the Secretary, action shall be taken to convene the Committee as early as possible and thereafter to take action accordingly.

#### **COMMITTEE ON RULES OF PROCEDURE :**

91. It shall be the duty of the Committee on Rules of Procedure to review from time to time the existing Rules and recommend to the Council any proposals that it deems necessary and also to consider and report on all matters relating to these Rules referred to it by the Council.
- Committee on Rules of Procedure*

#### **BUSINESS ADVISORY COMMITTEE :**

92. (1) The foremost duty of the Business Advisory Committee shall be as follows :-
- Responsibility of the Business Advisory Committee*
- (a) To assist the Chairman in preparing the agenda.
- (b) To determine the time to be allocated to the ruling party, the opposition or other parties of the opposition contested in the election group with regard to the specific items due to be discussed at a Provincial Council Meeting.
- Time for debating in the Council*
- (c) To consider whether the Private Member's Motions referred to the Business Advisory Committee are consistent with Rules of Procedure and if they are found to be consistent with the Rules of the Council, to advise the Secretary to include such motions in the agenda giving precedence to the motions that should be considered urgently.
- Private Member's Motions*
- (d) To examine and forward recommendations of the references made to the Committee in relation to breach of privileges of members.
- Recommendations to be presented to the Council*
- (e) Whenever necessary, matters for relief may be inquired from persons responsible for violation of such rules by summoning them before the Committee. Recommendations made on behalf of that should be presented to the Council.

(f) Whenever a question of Privileges arises, the discretion pertaining to referring of such question to the committee lies with the Chairman. In such context, Business Advisory Committee resolves itself into a Privileges Committee, while depending on the gravity of the question referred, the power to summon the relevant committee considering such question as urgent, lies with the Chairman.

(g) To inquire and give a decision with regard to matters referred to under 01(a) and (b) in the annexure<sup>30</sup> in relation to Rule Nos. 72 and 73.

(2) The Chairman shall be able to reject, having consulted the views of the Business Advisory Committee, any motion which is inconsistent with the Rules of Procedure of the Council.

#### **HOUSE COMMITTEE :**

93. (1) The responsibility of the House Committee shall be to consider privileges, rights and requirements of the members and to take measures accordingly. *House Committee*
- (2) The Committee, having discussed with the Board of Ministers and the Governor shall take measures to provide relief with regard to rights and privileges of members.
- (3) The House Committee shall assemble at least every two months.

#### **PROVINCIAL COUNCIL PUBLIC ACCOUNTS COMMITTEE:**

94. (1) It shall be the duty of the Provincial Council Public Accounts Committee to examine the accounts displaying the appropriation of the funds granted by the Provincial Council to meet the expenditure in the Province and to examine such other accounts forwarded to the Provincial Council along with the report of the Auditor-General thereon.
- (2) The Committee shall report to the Council on the accounts examined, the finances, financial procedures, performance and management of any Ministry or any other statutory authority or any other institution receiving provisions from the Provincial Council fund and on any other matter arising therefrom. *Reporting to the Council*

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<sup>30</sup>Published at the end of Rules of Procedure. Pl. refer to Pages from 103 to 104

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|-----|--|--|
| (3) | The Committee may when it considers necessary to appoint Sub-Committee of its own members to examine and report to the Provincial Council on all accounts, the finances and management of any such ministry or statutory authority or any other institution as the Committee may direct.   | <i>Sub-committees may be appointed</i> |
| (4) | The Committee or any of its Sub-Committees authorized by the Committee shall have the power to summon before it and question any person in the Provincial Public Service or call for and examine papers, books, reports or documents etc., of a Ministry of the Provincial Council and have access to stores, property etc., of any Ministry, Department or Authority. |  |

#### **REFERENCES TO PROVINCIAL COUNCIL PUBLIC ACCOUNTS COMMITTEE :**

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|---------|--|---|
| 95. (1) | The Auditor General's Report sent by the Governor for referring to the Provincial Council shall be referred to the Provincial Council Public Accounts Committee after being presented to the Provincial Council by the Chairman.   | <i>Auditor General's report sent by the Governor to be referred to the Provincial Public Accounts Committee through the Provincial Council</i>                |
| (2)     | The annual report along with accounts of a particular year of an Authority coming under the purview of the Provincial Council, presented to the relevant Minister by the said Authority shall be referred with a copy to the Chairman. The Chairman shall provide a copy of such account and annual report to every member. Subsequent to presentation to Provincial Council by relevant minister, it shall be referred to the Provincial Council Public Accounts Committee. | <i>Annual Reports of an Authority to be presented to the Provincial Council and then to the Provincial Public Accounts Committee by the relevant Minister</i> |

#### **VIGILANT COMMITTEE:**

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|---------|---|---|
| 96. (1) | The foremost duty of the Vigilant Committee shall be as follows:-   | <i>Responsibility of the Vigilant Committee</i> |
|         | (a) To forward recommendations to the relevant Minister in respect of the fruitfulness, improving the efficiency and avoiding the wastage of the projects implemented out of the Provincial Council provisions.   |   |
|         | (b) To examine the complaints received to Chairman from the members and the public regarding such projects and to intimate the relevant Minister through recommendations if it is deemed necessary.   |   |
| (2)     | The Vigilant Committee shall have the authority to summon before it and question in relation to projects mentioned in Section 94(1) above, any person serving under the Provincial Council or any Officer or person handling subject matters pertaining to Provincial | <i>Powers of the Vigilant Committee</i>         |



Council and to call for and examine papers, books, reports documents etc, and to examine work sites and properties etc. The Council Secretariat shall provide facilities for carrying out these functions.

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|---------|--|--|
| (3)     | While the Vigilant Committee shall meet as and when deemed necessary, and after considering petitions, complaints and proposals presented to the Vigilant Committee by Hon. Members, providing recommendations too shall be the responsibility of the Committee. | <i>Convening of the Vigilant Committee and considering petitions and proposals</i> |
| (4) (a) | The Vigilant Committee shall report to the Provincial Council meeting ensuing immediately in respect of its functions. Such report shall contain recommendations or advices forwarded to a Minister by the said Committee.                                       | <i>Reporting to Council</i>  |
| (b)     | A member shall have the right to request that such report be discussed in the Provincial Council. At such an occasion it shall be the duty of the Chairman of the Provincial Council to fix a date for such discussion.  | <i>Requesting a debate for the report of the Vigilant Committee</i>                |

#### **PROVINCIAL REVENUE PROMOTION COMMITTEE:**

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|---------|--|---|
| 97. (1) | The main role of the Provincial Revenue Promotion Committee should be to;  |   |
| (a)     | Identifying revenue avenues collectable by Provincial Council ,  |   |
| (b)     | Provide instructions and guidance to formulate statutes and laws that should be formed to collect revenue through the said revenue avenues.  |   |
| (c)     | Inquiring about progress in revenue collection and giving recommendations to make their collection efficient.  |   |
| (2)     | When functioning as per above Section, the Provincial Revenue Promotion Committee may have authority to summoning before it and question any officer serving under the Provincial Council or any employee and to call for and examine papers, books, reports, documents etc. and to visit and inspect offices. | <i>Summoning the Committee, calling for documents and site inspection</i> |
| (3)     | Provincial Revenue Promotion Committee should convene at any time it feels necessary and providing recommendations after considering the matters and proposals forwarded to this Committee by Hon. Members should be the responsibility of the Committee.  | <i>Considering the proposals of members</i>                               |
| (4)     | The report of the Committee to promote Provincial Revenue should be referred to the Provincial Council within one month after holding the committee and a member has a right to request subjection of such report at Provincial Council for discussion.  | <i>Reporting to Council</i>   |

**INQUIRY COMMITTEE ON ALL THE AUTHORITIES, INSTITUTIONS  
ESTABLISHED BY A PROVINCIAL COUNCIL STATUTE:**

98. The role of the Inquiry Committee on all the Authorities, Institutions established by a Provincial Council statute should be to;
- (1) Present recommendations to the Council after inspecting about operations of the said authorities to discern whether they function in accordance to the objectives and goals stated in the statute,
  - (2) To present recommendations to the relevant minister about productivity and efficiency improvement and prevention of waste in projects implemented by the said authorities and,
  - (3) Having considered the complaints received by Hon. Members and public with regard to the functions performed by the said authorities, to present the recommendations to Council that deem necessary.
99. It shall be considered that Rule Nos. 97(2), 97(3) and 97(4) are also effective with regard to this Committee.

**SPECIAL COMMITTEES:**

100. The Chairman shall be entitled by resolution of the Provincial Council to appoint Special Committees to attend to any specific matter or matters. The general rules applicable to other Committees shall apply to these Committees too.

**EX – OFFICIO APPOINTMENTS TO COMMITTEES:**

101. (1) Ex – Officio appointments to Committees shall be as follows :
- (a) **Committee on Rules of Procedure :**
    - Chairman of the Provincial Council - Chairman
    - Deputy Chairman of the Provincial Council - Member
    - Leader of the House - Member
    - Leader of the Opposition - Member
    - Chief Government Whip - Member
    - Chief Opposition Whip - Member

(b) **Business Advisory Committee:**

Chairman of the Provincial Council	- Chairman
Deputy Chairman of the Provincial Council	- Member
Minister of Council Affairs	- Member
Leader of the House	- Member
Leader of the Opposition	- Member
Chief Government Whip	- Member
Chief Opposition Whip	- Member

(c) **House Committee:**

Chairman of the Provincial Council	- Chairman
Deputy Chairman of the Provincial Council	- Member
Minister of Council Affairs	- Member
Leader of the House	- Member
Leader of the Opposition	- Member
Chief Government Whip	- Member
Chief Opposition Whip	- Member

(d) **Committee on Statutes and Laws :**

Chairman of the Provincial Council	- Chairman
Deputy Chairman of the Provincial Council	- Member

(e) **Provincial Council Public Accounts Committee:**

Minister in charge of the subject of Finance	- Chairman
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(f) **Public Petitions Committee:**

Chairman of the Provincial Council	- Chairman
Deputy Chairman of the Provincial Council	- Member

(g) **Vigilant Committee:**

Chairman of the Provincial Council	- Chairman
Deputy Chairman of the Provincial Council	- Member

(h) **Provincial Revenue Promotion Committee:**

Minister in charge of the subject of Finance	- Chairman
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(i) **Inquiry Committee on all the authorities, institutions established by a Provincial Council statute:**

Chairman of the Provincial Council - Chairman

Deputy Chairman of the Provincial Council - Member

Leader of the House - Member

Leader of the Opposition - Member

(2) If, in a particular committee where the Chairman's position is held by the Chairman of the Provincial Council and the Deputy Chairman is a member of the Committee, the latter shall take the Chair in the absence of the Chairman. When both of them are absent, a member present shall be selected to take the Chair. *Chair of a Committee*

(3) Although the Minister in charge of the subject Finance should be the Chairman of the Provincial Public Accounts Committee and Provincial Revenue Promotion Committee, he should be able to name another member to carry out the functions on behalf of him. If such naming is there, the Chairman of the Provincial Council shall be informed with regard to that, and subsequent to making an announcement in the Council, it shall become valid.

**EXCESSES:**

102. (1) No motion in respect of a grant of money for the service of a Financial year already ended, hereinafter called an excess, shall be entertained except in the circumstances set out in Sub-rule (5) of this Rule.

(2) It shall be an instruction to the Committee on Provincial Public Accounts to examine any excess on any project of a programme and state in its report whether such excess had been incurred on the programme or only on one or more Projects of that Programme.

(3) If the excess is on one or more projects only, the Committee shall inquire whether the excess was incurred with proper authority and with due regard to economy and if satisfied, shall report accordingly and no further sanction for that excess shall be required; Provided that if the excess is on any personal emoluments Project, the Committee shall also satisfy itself that the expenditure was in accordance with the existing salary scales and involved no element of personal favoritism and if the Committee is so satisfied shall report accordingly.

(4) If the Committee on Provincial Public Accounts is not so satisfied it shall report that it does disallow the excess or so much of the excess as it thinks fit.

(5) Whenever the Committee on Provincial Public Accounts does report either that an excess has been incurred on a programme or that it does disallow

certain items of expenditure, a motion to resolve the Council into a Committee to consider a grant to make good such an excess or such items as have been disallowed may be caused to be included in the agenda by the Minister in Charge of the subject of Finance for consideration on a day to be fixed by that Minister. No such motion shall be entertained after 31st December of the year next but one after that to which the excess relates. Provided that the Provisions in this rule shall not apply to the excess submitted for approval of the Provincial Council, incurred prior to 31st December of that date that this manual of Rules of Procedure is ordered to be implemented. The Provincial Council shall be entitled to approve such excess on the recommendation of the Provincial Public Accounts Committee.

- (6) Nothing in this Rule shall diminish the power of the Committee on Provincial Public Accounts to disallow any item of expenditure, whether or not an excess is involved, incurred without proper authority and the procedure set out in Sub-rule (5) of this Rule shall be followed in application to any such case of disallowing.

#### **EXCEEDING OF ADVANCE ACCOUNTS LIMITS:**

- 103. (1) No motion in respect of any Advance Account, the lawfully allowed maximum limits of which are exceeded or the minimum limits of which are not complied within any Financial Year shall be entertained except in the circumstances set out in Sub-rule (3) of this Rule.
- (2) When the non-compliance of the maximum and minimum limits of the Advance Accounts are not in accordance with the law, the Provincial Public Accounts Committee shall determine whether such non-compliance with the said limits should be authorized or not
- (3) Whenever the Committee on Provincial Public Accounts has recommended whether or not any non-compliance with the limits of any Advance Account should be authorized, or whenever the Provincial Public Accounts Committee has recommended whether or not any unauthorized loss should be authorized, motion to resolve the Council into a Committee to consider such recommendations may be included in the agenda for consideration on a date to be fixed by the Minister in charge of the subject of Finance.

#### **MOTIONS OR STATUTES ASSIGNING AUTHORITY REGARDING FUND OF PROVINCIAL COUNCIL:**

- 104. The Provincial Council shall not proceed upon the consideration of any motion, statute or amendment thereto authorizing the disposal or imposition of *Statutes or motions assigning authority to money of the*

charges upon the Provincial Council Fund or any other funds of the Provincial Council, for the imposition of any tax or repeal a tax existing contemporarily, augmentation or reduction of any tax for the time being in force to increase or decrease a tax unless introduced by a Minister who shall, before making such motion, introducing such statute or moving such amendment, signify to the Provincial Council that the approval of the Board of Ministers has been received.

*Provincial Council*

## **MINUTES:**

105. (1) The Secretary shall keep the minutes of proceedings of the Council and of Committees of the Whole Council and shall circulate a copy of such minutes, if possible, among the members on the day following the meeting of the Council. The minutes shall record the names of members present/ absent and all decisions taken by the Council.
- (2) In the case of divisions of the Council or of a Committee of the Whole Council, the minutes shall include the numbers voting for and against the question under Sub-rule 60(3) and the names of the members so voting under Rule 60(6) and the names of those declining to vote under Sub-rule 60(8).
- (3) The minutes shall not require confirmation but amendments to be made therein if any, may be made on motion made with the leave of the Council at the subsequent meeting or informing the Chairman in writing beforehand, in that case, the said error should be corrected at the next Council meeting.

*Minutes to be circulated on the ensuing Council*

## **OFFICIAL [HANZARD] REPORT:**

106. In addition to the minutes there shall be an Official Report [Hanzard] for the Council containing all particulars of proceedings of the Council or of a Committee of the Whole Council. The Secretary shall make necessary arrangements to have tape recorded all proceedings of the Council to be helpful when preparing the Official Report [Hanzard].
107. The members shall have the right to obtain copies of the said Official Report.
- (a) In case any correction needs to be made to Official Report [Hanzard], it may be carried out by way of a motion presented at the next meeting.
- (b) Prior to tabling the Official Reports [Hanzard], a copy of the statement/s made by another member or members cannot be obtained.

*Official Report*

*Issuing copies to Members*

## COMMUNICATION WITH PARLIAMENT:

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| 108. | Communications with Parliament on all matters relating to consultation between the Council and Parliament on any proposed Statute or law shall be addressed to the Secretary General of Parliament, by the Secretary of the Council. | <i>Communications with Parliament to be carried out by the Council Secretary with the Secretary General of Parliament</i> |
|------|--|---|

## PRECINCTS OF THE COUNCIL:

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|----------|--|---|
| 109. (1) | The area where the Council meeting is held is called the Council Chamber. The land in which the building that includes Council Chamber is called Council Premises.   | <i>Boundaries deciding precincts of the Council</i> |
| (2)      | When the Council is lawfully summoned to meet at any place other than the Chamber of the Council, such other place together with such other buildings and areas necessary for the purpose of the said meeting shall be deemed to be precincts of the Council for the period of time necessary for the holding of such meeting. |   |

## SUSPENSION OF RULES OF PROCEDURE:

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| 110. (1) | When it is apparent that one or several Rules of the Rules of Procedure causing obstruction in disposing of an essential and urgent business, any Minister may move a motion to suspend such Rule or Rules referring to their numbers. Such motion shall contain in brief the cause or causes for such suspension of Rules are required. | <i>Moving a motion by a minister to suspend Rules</i>            |
| (2)      | A member too may move such a motion, and such a motion needs to be seconded by another member.   | <i>Moving a motion by a member to suspend Rules</i>              |
| (3)      | No motion shall be considered to have been adopted if the number of members voting in its favour is less than that required for a quorum.  | <i>Adoption of a motion moved by a Member to suspended Rules</i> |
| (4) (a)  | To consider whether the motion/s to be brought up having suspended Rules of Procedure is urgent, the Business Advisory Committee should assemble under Hon. Chairman's presiding.  |  |
| (b)      | Provided however, that the matter is of specific importance affecting the whole country or Province and if the Chairman decides without referring it to the Business Advisory Committee, no impediment shall rise from Rule 110(4)(a).   |  |
| (5)      | Rules suspended under Rule 110 shall be considered as decided by the Chairman.   |  |

## **AMENDMENT OF RULES OF PROCEDURE:**

111. (1) Any member may move for the amendment of these Rules of Procedure by giving to the Secretary notice of a motion setting out the Clause relevant to the proposed amendment. *Amendments to Rules of Procedure*
- (2) On such motion moved and seconded, it shall be referred to the Committee on Rules of Procedure. Further proceedings on the motion shall be stayed by the Council until the Committee on Rules of Procedure reports to the Provincial Council thereon within one month.
- (3) If the relevant report is not forwarded to the Council within one month, the relevant member may present it to the Council and approval should be obtained.

## **GENERAL AUTHORITY OF THE CHAIRMAN:**

112. (1) The Chairman shall have the power to regulate the conduct of Business of the Council in all matters not provided for in these Rules.
- (2) The Chairman shall be responsible for the management of buildings, security arrangements and the general administration of the Council Chamber.
- (3) Anything which by these Rules may be carried out by the Chairman may be carried out by the Deputy Chairman or by another member occupying the Chair on behalf of the Chairman.
- (4) The powers of the Chairman read in Rule 9 shall also be reckoned with under the general authority of the Chairman.

## **INTERPRETATION:**

113. In these Rules unless otherwise specified,
- “Act” means the Provincial Council Act No 42 of 1987.
- “Chairman” means the Chairman of the Western Province Provincial Council
- “Council” means the Western Province Provincial Council.
- “Deputy Chairman” means the Deputy Chairman of the Western Province Provincial Council
- “Link Languages” relates to the definition stated by Section 18 (3) of the Constitution.



“Public Affairs” mean any item of business coming under the purview of the Provincial Council presented in the name of a Minister.

“Secretary” means the Secretary of the Western Province Provincial Council.

“Session” means the time period commencing from the first Council meeting of the year and ending on 31<sup>st</sup> December of the relevant year

“State Languages” relates to the definitions stated by Sections 18 (1) and (2) of the Constitution.

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In case of inconsistency between Sinhala, Tamil and English texts of this Rules of Procedure Code, the Sinhala text shall prevail.

*Sinhala text to prevail*

## Appendix

1. Under Sub Rule 4 of Rule 9, powers of the Chairman shall be enforced as mentioned below:
  - (a) Where a point of order is raised with regard to formulating or defining affairs of the Council under Rule 76, the Chairman shall immediately or having referred to the Business Advisory Committee shall provide a solution to the relevant question. In an occasion where the relevant question is referred to the Business Advisory Committee, the decision related to the question shall be informed to the Council through the Chairman at the first meeting that convenes subsequent to the decision taken by the relevant Committee.
  - (c) Even after the order given by the Chairman to terminate the speech of relevant member with regard to a matter stipulated under Rule 73, in an occasion where order of the Chairman continues to be contravened, meeting of Group Leaders shall be summoned at temporary suspension of Council Affairs in order to take action as per Rule 75, while at the relevant meeting, having discussed the conduct of the relevant member, a reconciliation should be arrived to.

In case if relevant reconciliation could not be reached within the meeting of the Group Leaders, the relevant matter should be referred to the Business Advisory Committee to take action against the relevant member. On the decision of the said Business Advisory Committee, the Chairman shall order the relevant member to be removed from Council Affairs on the same day or for three future Council meetings maximum.
2. According to the Sub-rule 4 of 9<sup>th</sup> Rule, in an occasion where summoning orders are violated by the officers summoned before Committees, the Chairman has the power to inform the Secretary of the Ministry in which the relevant officer is employed, to report to the Chairman within a time period allocated having taken disciplinary action in that regard.
3. Where a problem occurs in relation to a rule enforced under Sub-rule 6 of 9<sup>th</sup> Rule, the Chairman, subjected to the powers existing, may refer such matter to the Committee on Laws & Statues to obtain an advice with regard to that matter.
4. according to Sub-rule 10 of Rule 4, when a Question of Privileges is raised subjected to the absolute powers possessed by the Chairman to take action regarding such question, the Chairman possesses the power to take action in the same manner with regard to breach of those privileges at certain times. If in any case, action is not being taken in that manner, the relevant breach of Privileges shall be referred to the Committee on Privileges by the Chairman, whereas, if the relevant Question of Privilege has arisen due to an urgent situation, it is the responsibility of the Committee to provide a decision on the day itself having suspended the affairs of the Council or where the Question of Privilege is referred under a different situation, to inform through the Chairman to the immediately ensuing Council.

**Provincial Councils Act  
No. 42 of 1987**



## Relevant Clauses of the Provincial Councils Act No. 42 of 1987

Clause No.	Clause
4	No member of a Provincial Council shall sit or vote as such member until he has taken or subscribed the oath, or made or subscribed the affirmation, set out in the Fourth Schedule to the, Constitution.
5	(2) If for a period of ninety days a member of the Provincial Council is without permission of the Council absent from all meetings thereof, the Council may declare his seat vacant;
6	If a person sits or, votes as a member of a Provincial Council before he has complied with the, requirements of section 4, or when he knows that he is not qualified, or that, he is disqualified, for membership thereof, he shall be liable in respect of each day on which he so sits or votes ; to a penalty of one' hundred rupees to be recovered as a debt due to the State.
7	(2) (c) may be removed from his office by a resolution of the Council passed by a majority of the whole number of members of the Council (including those not present)
	(3) While the office of Chairman is vacant, the duties of the office shall be performed by the Deputy Chairman or, if the office of Deputy Chairman is also vacant, by such member of the Council as may be determined by the rules of procedure of the Council.
	(4) During the absence of the Chairman from any sitting of the Council, the Deputy Chairman, or, if he is also absent, such person as may be determined by the rules of procedure of the Council, or, if no such person is present, such other person as may be determined by the Council shall act as Chairman.
8	(1) At any sitting of the Provincial Council, while any resolution for the removal of the Chairman from his office is under consideration, the Chairman, or while any resolution for the removal of the Deputy Chairman from his office is under consideration, the Deputy Chairman, shall not, though he is present, preside, and the provisions of subsection (4) of section 7 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Chairman or, as the case may be, the Deputy Chairman is absent.
	(2) The Chairman shall have the right to speak in, and otherwise to take part in the proceedings of, the Provincial Council while any resolution for his removal from office is under consideration in the Council and shall, notwithstanding anything in section 10, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.
10	(4) The quorum to constitute a meeting of a Provincial Council shall be one-third of the total number of members of the Council. Where one-third of the number of members is an integer and fraction, the integer immediately higher to that integer and fraction shall be deemed to be the one third of the number of

members for the purpose of this section.

- (5) If at any time during a meeting of a Provincial Council there is no quorum, it shall be the duty of the Chairman, or person acting as such, either to adjourn the Council or to suspend the meeting until there is a quorum.
- 17 (1) A Provincial Council shall have its own secretarial staff.
- 18 Subject to paragraph (4) of Article 154B of the Constitution, no discussion shall take place in a Provincial Council with respect to the conduct of the President or the Governor or a Judicial Officer or a Member of Parliament.
- 24 (1) A statute, in relation to any subject with respect to which the Provincial Council has power to make statutes, shall not be introduced into, or moved in, a Provincial Council except on the recommendation of the Governor if such statute makes provision for any of the following matters, namely:
- (a) the imposition, abolition, remission, alteration or regulation of ,any tax;
  - (b) the amendment of the law with respect to any, financial obligations undertaken, or to be undertaken, in respect of the administration of the Province;
  - (c) the appropriation of moneys out of the Provincial Fund of the Province;
  - (d) the declaring of any expenditure to be expenditure, charged on the Provincial Fund of the Province or the increasing of the amount of any such expenditure ;
  - (e) the receipt of money on account of the Provincial Fund of the Province or the custody or issue of such money.
- (2) A statute shall not be deemed to make provision for .any of the matters aforesaid by reason only that it provides for the imposition or fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body, to local purposes.
- (3) A statute which, if enacted and brought into operation would involve expenditure from the Provincial Fund of a Province shall not be passed by the Provincial Council of the Province, unless the Governor has recommended to that Council the consideration of the statute.
- 25 (1) The Governor of a Province shall in respect of every financial year, at least five months before the expiration of such financial year, cause to be laid before the Provincial Council of that Province, a statement of the estimated receipts and expenditure of the Province for that year, in this Part referred to as, the "annual financial statement ".
- (2) The estimates of expenditure embodied in the annual financial statement shall show separately
- (a) the sums required to meet other expenditure described by this Act as expenditure charged upon the Provincial Fund of the Province; and
  - (b) the sums required to meet other expenditure proposed to be made from the

- Provincial Fund of the Province,
- (3) The following expenditure shall be expenditure charged on the Provincial Fund of the Province
- (a) the emoluments and allowances of the Governor;
  - (b) the charges payable in respect of loans advanced in respect of the Province from the Consolidated Fund of Sri Lanka including interest, amortization payments, and other expenditure connected therewith;
  - (c) the salaries and allowances of the Chairman and the Deputy Chairman of the Provincial Council ;
  - (3) (d) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal, entered against the provincial Council ;
  - (e) any other expenditure declared by the Constitution or by law made by Parliament, or by statute made by the Provincial Council, to be so charged.
- 28 (1) The Governor shall-
- (a) if the amount authorized by any statute made in accordance with the provisions of section 27 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year or supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year; or
  - (b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year,  
cause to be laid before the Provincial Council, another statement showing the estimated amount of that expenditure or cause to be presented to the Provincial Council with such previous approval, a demand for such excess, as the case may be.
- (2) The provisions of sections 25,26 and 27 shall have effect in relation to any such statement and expenditure or demand and also to any statute to be made authorizing the appropriation of moneys out of the Provincial Fund of the Province to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the statute to be made for the authorization of appropriation of moneys out of the Provincial Fund of the Province to meet such expenditure or grant.
- 29 (1) Notwithstanding anything in the foregoing provisions of this Part, the Provincial Council shall have power to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion within a period of four months of the making of the grant of the procedure prescribed in section 26.for the voting of such grant and the passing of the statute in accordance with the provisions of section 27 in relation to that expenditure and the Provincial Council shall have power to authorize by statute, the withdrawal of money from the Provincial Fund of the Province for the

purposes for which the said grant is made.

- (2) The provisions of sections 26 and 27 shall have in relation to the making of any grant under subsection (1) or to any statute to be made under that subsection as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the statute to be made for the authorization of appropriation of moneys out of the Provincial Fund of the Province to meet such expenditure.

**Handbook to raise awareness of Hon. Members**

**Chapter 2**

**2.6**

**Appropriate Clothing**

The Members who participate in Council meetings shall wear the European suit or the long shirt with the Tunic Collar and trouser, the national suit or such appropriate suit.



**Democratic Socialist Republic of Sri Lanka**

# **Constitution**

(As amended up to 15<sup>th</sup> May 2015)

Revised Edition - 2015

**Published by the Parliament Secretariat**

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Schedule 7 of the Sixth  
Amendment to the  
Constitution

“SEVENTH SCHEDULE”

ARTICLE 157A AND ARTICLE 161(d) (iii)

"I,..... do solemnly declare and affirm / swear that I will uphold and defend the Constitution of the Democratic Socialist Republic of Sri Lanka and that I will not, directly or indirectly, in or outside Sri Lanka, support, espouse, promote, finance, encourage or advocate the establishment of a separate State within the territory of Sri Lanka."

List I of the Ninth Schedule

Attached herewith

List II of the Ninth  
Schedule

Attached herewith

List III of the Ninth  
Schedule

Attached herewith

Clause 154(b)(4) of the  
Constitution

- (a) (4) (a) The Provincial Council may, subject to sub-paragraph (b), present an address to the President advising the removal of the Governor on the ground that the Governor –
- (i) has intentionally violated the provisions of the Constitution ;
  - (ii) is guilty of misconduct or corruption involving the abuse of the powers of his office ; or
  - (iii) is guilty of bribery or an offence involving moral turpitude,
- if a resolution for the presentation of such address is passed by not less than two-thirds of the whole number of members of the Council (including those not present).
- (b) No resolution for the presentation of an address to the President advising the removal of the Governor on the grounds referred to in sub-paragraph (a) shall be entertained by the Chairman of the Provincial Council or discussed at the Council, unless notice of such resolution is signed by not less than one half of the whole number of members present.



**FIRST LIST OF THE 13<sup>TH</sup> AMENDMENT  
TO THE CONSTITUTION**



# LIST I

## (Provincial Council List)

1. Police and Public order.—

Public order and the exercise of police powers, to the extent set out in Appendix I, within the Province, but not including National Defence, National Security and the use of any armed forces or any other forces under the control of the Government of Sri Lanka in aid of the civil power and not including the city of Colombo, Sri Jayewardenepura, Kotte, and their environs the limits of which shall be specified by the President by Order published in the Gazette.

2. Planning—

Implementation of provincial economic plans.

3. Education and Educational Services.—

Education to the extent set out in Appendix III.

4. Local Government —

4:1 Local authorities for the purpose of Local Government and village administration, such as Municipal Councils, Urban Councils and Pradeshiya Sabhas, except that, the constitution, form and structure of local authorities shall be determined by law ;

4:2 Supervision of the administration of Local Authorities established by law, including the power of dissolution (subject to such quasi-judicial inquiries into the grounds for dissolution and legal remedies in respect thereof, as may be provided by law and subject to provisions relating to audit as may be provided by law) ;

4:3 Local Authorities will have the powers vested in them under existing law. Municipal Councils and Urban Councils will have the powers vested in them under the Municipal Councils Ordinance and the Urban Councils Ordinance, Pradeshiya Sabha will have the powers vested in them under existing law. It will be open to a Provincial Council to confer additional powers on local authorities but not to take away their powers;

4:4 Gramodaya Mandalayas will have the powers vested in Gramodaya Mandalayas under existing law. It will be open to a Provincial Council to confer additional powers on Gramodaya Mandalayas.

5. Provincial Housing and Construction —

5:1 Implementing, coordinating, supervising and monitoring provincial housing development programmes and projects (other than National Housing Development Authority projects) including aided self help housing projects, housing loans and the provision of building materials ; 144 - Inserted by the Thirteenth Amendment to the Constitution Sec.7 The Constitution of the Democratic Socialist Republic of Sri Lanka 195

5:2 The implementation of the Protection of Tenants Act and the Rent Act within a Province ;

5:3 Construction activity in respect of subjects in this List.

6. Roads and bridges and ferries thereon within the Province, other than —

(a) national highways ;

(b) bridges and ferries on national highways.

7. Social Services and Rehabilitation —

- 7:1 Probation and Child Care Services ;
  - 7:2 The Rehabilitation of destitute persons and families ;
  - 7:3 Rehabilitation and welfare of physically, mentally and socially handicapped persons ;
  - 7:4 Relief of the disabled and unemployable.
8. Regulation of road passenger carriage services and the carriage of goods by motor vehicles within the Province and the provisions of inter-provincial road transport services.
  9. Agriculture and Agrarian Services –
    - 9:1 Agriculture, including agricultural extension, promotion and education for provincial purposes and agricultural services (other than in inter-provincial irrigation and land settlement schemes, State land and plantation agriculture) ;
    - 9:2 Rehabilitation and maintenance of minor irrigation works ;
    - 9:3 Agricultural research save and except institutions designated as national agricultural research institutions.
  10. Rural Development
  11. Health –
    - 11:1 The establishment and maintenance of public hospitals, rural hospitals, maternity homes, dispensaries (other than teaching hospitals and hospitals established for special purposes) ;
    - 11:2 Public health services, health education, nutrition, family health maternity and child care, food and food sanitation, environmental health ;
    - 11:3 Formulation and implementation of Health Development Plan and of the Annual Health Plan for the Province ;
    - 11:4 The provision of facilities for all institutions referred to in 1 above within the Province, excluding the procurement of drugs ;
    - 11:5 Awarding of Scholarships for Post-Graduate Education within Sri Lanka to personnel attached to the Institutions specified in 1 above.
  12. Indigenous Medicine – Ayurveda, Siddha and Unani –
    - 12:1 Establishment of Ayurvedic dispensaries and hospitals, grants to such dispensaries and hospitals ;
    - 12:2 Establishment and maintenance of herbaria.
  13.
    - 13:1 Rest houses maintained by local authorities ; and
    - 13:2 Circuit bungalows presently administered by Government departments whose functions are exclusively specified in this List.
  14. Pawn brokers - Pawn brokers other than pawn brokers business carried on by Banks.
  15. Markets, fairs.
  16. Food supply and distribution within the Province.
  17. Co-operatives –



- 17:1 Co-operative undertakings and the organization, registration, supervision and audit of co-operative societies within the Province ;
- 17:2 Co-operative development within the Province including co-operative education and propaganda ;
- 17:3 Provincial co-operative Employees Commission ;
- 17:4 Matters connected with employment, promotion, retirement and other connected matters of employees of co-operative societies within the Province

18. Land.–

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

19. Irrigation.–

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

20. Animal husbandry.–

Preservation, protection and improvement of stock and prevention of animal diseases within the Province.

21. Subject to the formulation and implementation of National Policy in regard to development and planning, the power to promote, establish and engage in agricultural, industrial, commercial and trading enterprises and other income-generating projects, within the Province without prejudice to the power of the Government and Public Corporations to have such enterprises and projects. (This would include the promotion of scientific and industrial research within the Province and the preparation, co-ordination and the implementation of industrial development plans for the Province).

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

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

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

25. 25:1 Libraries, Museums and other similar institutions controlled or financed by a Provincial Council ;

25:2 Ancient and historical monuments and records other than those declared by or under law made by Parliament to be of national importance.

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

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

28. Regulation of unincorporated trading, literary, scientific, religious and other societies and associations.
29. 29:1 Theatres and dramatic performances, music, cinemas, entertainments and amusements,  
excluding the sanctioning of cinematograph films for exhibition and public performances.  
29:2 Encouragement and development of sports (other than national sports associations).
30. Betting and gambling, other than imposition of licence fees and taxes.
31. Provincial debt.
32. Offences against statutes with respect to any of the matters specified in this List.
33. Fees in respect of any of the matters in this List, excluding fees taken in any court.
34. Development, conservation and management of sites and facilities in the Province for the generation and promotion of electrical energy (other than hydroelectric power and power generated to feed the national grid).
35. The borrowing of money to the extent permitted by or under any law made by Parliament.
36. 36:1 Turnover taxes on wholesale and retail sales within such limits and subject to such exemptions as may be prescribed by law made by Parliament ;  
36:2 Betting taxes, and taxes on prize competitions and lotteries, other than National Lotteries and lotteries organized by the Government of Sri Lanka ;  
36:3 Licence taxes, arrack, toddy rents, tapping licence fees and liquor licence fees ;  
36:4 Motor vehicle licence fees within such limits and subject to such exemptions as may be prescribed by law made by Parliament ;  
36:5 Dealership licence taxes on drugs and other chemicals ;  
36:6 Stamp duties on transfer of properties, such as lands and motor cars ;  
36:7 Toll collections ;  
36:8 Fines imposed by courts ;  
36:9 Fees charged under the Medical Ordinance ;  
36:10 Fees charged under the Motor Traffic Act ;  
36:11 Departmental fees in respect of any of the matters specified in this List ;  
36:12 Fees under the Fauna and Flora Protection Ordinance ;  
36:13 Fees on lands alienated under the Land Development Ordinance and Crown Lands Ordinance;  
36:14 Court fees, including stamp fees on documents produced in court ;  
36:15 Regulatory charges under the Weights and Measures Ordinance ;  
36:16 Land revenue, including the assessment and collection of revenue and maintenance of land records for revenue purposes ;  
36:17 Taxes on lands and buildings including the property of the State to the extent permitted by law made by Parliament ;  
36:18 Taxes on mineral rights within such limits and subject to such exemptions as may be prescribed by law made by Parliament ;  
36:19 Licensing fees on the possession, transport, purchase and sale of intoxicating liquors ;

36:20 Other taxation within the Province in order to raise revenue for provincial purposes to the extent permitted by or under any law made by Parliament.

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

## APPENDIX I

### Law and Order

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

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

(a) national defence ;

(b) national security ; and

(c) the use of any armed forces or any other forces under the control of the Government of Sri Lanka in aid of the civil power.

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

(a) the National Division (including Special Units) ; and

(b) a Provincial Division for each Province.

2:1 The National Division shall consist of the I. G. P., (D. I. G. G., SS PP., ASPP.,) and other ranks recruited at the national level.

2:2 A Provincial Division shall consist of the D.I.G., S.S.PP., S.PP and A.S.PP., all seconded from the National Division and Provincial Assistant Superintendents of Police, Chief Inspectors, Inspectors, Sub-Inspectors, Sergeants and Constables recruited in the Province. Members of the Provincial Division shall be eligible for promotion to the National Division.

<sup>145</sup>[3. Recruitment to the National Police Division and promotion of Police Officers in the Provincial Divisions to the National Division, shall be made by the National Police Commission.]

3:1 The National Police Commission shall, before promoting any police Officer serving in any Provincial Division to the National Division, call for a Confidential Report on such Officer from the relevant Provincial Police Commission and take the matters specified in such report into consideration in deciding whether to promote such Officer or not.

3:2 The Commission shall also be responsible for promotions, transfers and disciplinary control of members of the National Division other than the I.G.P. subject to paragraph 4:1 below.

3:3 It shall hear and determine appeals from officers seconded to Provincial Divisions against whom disciplinary action has been taken by Provincial Police Commissions.

3:4 It shall set standards for recruitment and promotion of Police Officers of all Divisions and such standards shall be uniform for all Provincial Divisions.

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

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

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

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

4:1 A Provincial Police Commission shall be responsible for transfers, promotions and disciplinary control over officers in the Provincial Division ; for promotion of Officers of the National Division seconded to the Provincial Division up to the rank of S.S.P. ; and for transfer and disciplinary control over officers seconded to the Provincial Division, except the D.I.G. :

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

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

6. The I.G.P. shall appoint a D.I.G. for each Province with the concurrence of the Chief Minister of the Province. However, where there is non agreement between the Inspector-General of Police and the Chief Minister, the matter 146[will be referred to the National Police Commission], who, after due consultations with the Chief Minister, shall make the appointment.

7. The cadres of Police Officers of all ranks of the National Division shall be fixed by the Government of Sri Lanka. The cadre of Officers and other ranks of each Provincial Division shall be fixed by the Provincial Administration 147[with the approval of the National Police Commission], having regard to –

(a) the area of the Province ;

(b) population of the Province ; and

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

These principles shall be uniformly applied to all Provincial Divisions.

7:1 The cadres of the Provincial Divisions shall be fixed on ascertained principles such as population, area, number of Police Stations involved and other relevant considerations. These principles shall be applied to all Provincial Divisions without distinction.

7:2 The salary scales and perquisites of office enjoyed by the various ranks in the National and Provincial Divisions shall be determined by the Government of Sri Lanka after consultation with the Chief Ministers of the Provinces. The salary scales and perquisites of office as enjoyed by members of the Provincial Divisions shall apply uniformly to all Provincial Divisions.

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

9. Recruitment to the National Division shall be made at the ranks of P. C., S.I., and A.S.P., Recruitment to the Provincial Division shall be made at the ranks of P.C., S.I., and P.A.S.P (rank referred to in paragraph 2:2 above).

9:1 Recruitment to the National Division shall be made by the National Police Commission and recruitment to the Provincial Division shall be made by the Provincial Police Commission having regard to the standards of recruitment and other criteria prescribed in this behalf : Provided also that a recruit may, on appointment, set out his preferences as to the Division in which he wishes to serve and that he shall, if possible, be posted to the Division of his choice, with the consent of the Division concerned.

9:2 The Government of Sri Lanka shall be responsible for the training of all recruits to and of members of all Divisions of the Sri Lanka Police Force.

<sup>148</sup>[The National Police Commission may, where he considers it necessary provide for alternate training for members of any Provincial Division].

10. Members of the National Division and the Provincial Divisions shall wear the same uniforms and insignia of rank, provided that uniforms of the members of each Division shall bear a distinctive shoulder flash, indicating the Division to which he belongs.
  - 10:1 There shall be one uniformed police force in each Province, comprising of the members of the Provincial Division and the officers seconded thereto. Members of the National Division shall ordinarily be in plain clothes provided that they may wear uniforms when performing any duties in respect of the maintenance or restoration of public order as set out in paragraph 12:2, 12:3 and 12:4. Provided also that the I.G.P. and such other Officers as may be specified shall ordinarily be attired in uniforms.
11. All Police Officers serving in units of the National Division and Provincial Divisions in any Province shall function under the direction and control of the D. I. G. of such Province.
  - 11:1 The D. I. G. of the Province shall be responsible to and under the control of the Chief Minister thereof in respect of the maintenance of public order in the Province and the exercise of police powers in the Province as set out in this Schedule.
  - 11:2 The provisions of paragraph 11:1 above are subject to the qualifications that –
    - (a) upon the declaration of an emergency in the Province, the President may assume such powers and responsibilities of the Chief Minister and the Provincial Administration in respect of public order within the Province as he may, by regulation, provide ; and
    - (b) where the President is of the opinion that the security of or public order in a Province is threatened by grave internal disturbance, he may, without the declaration of an emergency, but in consultation with the Chief Minister of such Province and subject to the provisions of the Public Security Ordinance, by order, deploy in aid of the civil power, any unit of the National Division, in the Province for the purpose of restoring public order :  
  
Provided that every such order shall cease to be in force as soon as the President is satisfied that public order has been restored or on the expiry of thirty days from the date of the order, whichever is earlier.
12.
  - 12:1 The Provincial Division shall be responsible for the preservation of public order within the Province and the prevention, detection and investigation of all offences (except the offences specified in the Schedule) and subject to the powers of the Attorney-General in terms of the Code of Criminal Procedure Act, the institution of prosecutions in the relevant Courts in respect of such offences. The National Division of the Sri Lanka Police Force shall be responsible for the prevention, detection and investigation of all offences specified in the Schedule and subject to the powers of the Attorney-General in terms of the Code of Criminal Procedure Act, for the institution of prosecutions in the relevant Courts in respect of such offences.
  - 12:2 Where the Chief Minister seeks the assistance of the National Division to preserve public order within a Province, the I.G.P. shall deploy such personnel of the National Division as are necessary for the purpose and place them under the control of the D. I. G. of the Province.
  - 12:3 Where a State of Emergency is declared in the Province, the I.G.P. may deploy such units of the National Division as he deems necessary in any Province for the restoration and maintenance of public order within such Province.
  - 12:4 Any offence which may ordinarily be investigated by a Provincial Division may be investigated by the C.I.D. or any other unit of the National Division –

- (a) where the Chief Minister requests, that such investigation be undertaken by the C.I.D. or any other unit of the National Division ; and
  - (b) where the I.G.P. is of opinion that an investigation of such offence by the C.I.D. or any other unit of the National Division is necessary, in the public interest and directs, after consultation with the Chief Minister and the approval of the Attorney General, that such offence be investigated by the C.I.D. or any other unit of the National Division.
13. The National Division shall perform all the functions vested in a Provincial Division, in any Province, for a period of one year or until a Provincial Division is established in such Province, whichever is earlier.
14. All Gazetted officers of the National Division and Provincial Division shall be required to attain the prescribed standard in Sinhala and Tamil. All Officers of the rank of A.S.P. and above shall also be required to attain the prescribed standard of English.

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

## SCHEDULE

### **List of Offences to be investigated by the National Police**

1. Offences against the State.
2. Offences relating to the Navy, Army and Air Force.
3. Offences relating to the Elections.
4. Offences relating to Coins, Currency and Government Stamps.
5. Any Offence committed against the President.
6. Any Offence committed against a Public Officer, a Judicial Officer, or the Speaker, or the Prime Minister or a Minister, or a Member of the Judicial Service Commission, or a Member of the Public Service Commission or a Deputy Minister or a Member of Parliament or the Secretary General of Parliament or a Member of the President's Staff or a Member of the Staff of the Secretary General of Parliament.
7. Any Offence relating to property belonging to the State or a State Corporation or Company or Establishment, the whole or part of the capital whereof has been provided by the State.
8. Any Offence prejudicial to National Security or the maintenance of Essential Services.
9. Any Offence under any law relating to any matter in the Reserve List other than such offences as the President may, by order published in the Gazette, exclude.
10. Any Offence in respect of which Courts in more than one Province have jurisdiction.
11. International Crimes.

APPENDIX II  
**Land and Land Settlement**

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

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

1. State land –

- 1:1 State land required for the purposes of the Government in a Province, in respect of a reserved or concurrent subject may be utilised by the Government in accordance with the laws governing the matter. The Government shall consult the relevant Provincial Council with regard to the utilisation of such land in respect of such subject.
- 1:2 Government shall make available to every Provincial Council State land within the Province required by such Council for a Provincial Council subject. The Provincial Council shall administer, control and utilise such State land, in accordance with the laws and statutes governing the matter.
- 1:3 Alienation or disposition of the State land within a Province to any citizen or to any organisation shall be by the President, on the advice of the relevant Provincial Council, in accordance with the laws governing the matter.

2. Inter-Provincial Irrigation and Land Development Projects.

2:1 Such projects would comprise irrigation and land development schemes –

- (a) within the Province initiated by the State and which utilize water from rivers flowing through more than one Province ; a Provincial Council however, may also initiate irrigation and land development schemes within its Province utilizing water from such rivers ;
- (b) within the Province which utilize water through diversions from water systems from outside the Province ; and
- (c) all schemes where the command area falls within two or more Provinces such as the Mahaweli Development Project.

2:2 These projects will be the responsibility of the Government of Sri Lanka.

2:3 The principles and criteria regarding the size of holdings of agricultural and homestead lands arising out of these projects will be determined by the Government of Sri Lanka in consultation with the Provincial Councils.

2:4 The selection of allottees for such lands will be determined by the Government of Sri Lanka having regard to settler selection criteria including degree of landlessness, income level, size of family and agricultural background of the applicants. The actual application

of these principles, selection of allottees and other incidental matters connected thereto will be within the powers of the Provincial Councils.

2:5 The distribution of all allotments of such land in such projects will be on the basis of national ethnic ratio. In the distribution of allotments according to such ratios, priority will be given to persons who are displaced by the project, landless of the District in which the project is situated and thereafter the landless of the Province.

2:6 Where the members of any community do not, or are unable to take their entitlements of allotments from any such project, they would be entitled to receive an equivalent number of allotments in another Inter-Provincial Irrigation or Land Development Scheme. This unused quota should be utilized within a given time-frame.

2:7 The distribution of allotments in such projects on the basis of the aforesaid principles would be done as far as possible so as not to disturb very significantly the demographic pattern of the Province and in accordance with the principle of ensuring community cohesiveness in human settlements.

2:8 The administration and management of such projects will be done by the Government of Sri Lanka.

### 3. National Land Commission.

3:1 The Government of Sri Lanka shall establish a National Land Commission which would be responsible for the formulation of national policy with regard to the use of State land. This Commission will include representatives of all Provincial Councils in the Island.

3:2 The National Land Commission will have a Technical Secretariat representing all the relevant disciplines required to evaluate the physical as well as the socio-economic factors that are relevant to natural resources management.

3:3 National policy on land use will be based on technical aspects (not on political or communal aspects), and the Commission will lay down general norms in regard to the use of land, having regard to soil, climate, rainfall, soil erosion, forest cover, environmental factors, economic viability, &c.

3:4 In the exercise of the powers devolved on them, the powers shall be exercised by the Provincial Councils having due regard to the national policy formulated by the National Land Commission.

## APPENDIX III

### Education

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

2. Supervision of the management of –

(a) all pre-schools ; and



- (b) all State schools other than specified schools indicated above. (In order to ensure standards the Ministry of Education will retain the right to inspect and supervise the management of schools).
3. The transfer and disciplinary control of all educational personnel, i. e. Teachers, Principals and Education Officers, Officers belonging to a National Service but serving the Provincial Authority on secondment will have the right of appeal to the Public Service Commission. Officers belonging to the Provincial Public Service will have a right to appeal to the Public Service Commission against dismissal.
  4. Recruitment into the Teaching Service of those with diplomas and degrees, from Colleges of Education and Universities, recognised as teaching qualifications.
  5. Until adequate numbers of these categories are available recruitment into the Teaching Service will be on the results of recruitment examinations conducted by the Public Service Commission. On the results of these examinations interviews and selection will be conducted together with the Provincial Authorities.
  6. Appointment of Principals of all schools other than those in 1A, B, C categories. (Criteria will be laid down by the Minister of Education).
  7. Appointment of Principals of 1A, B, C schools will be by the Secretary to the Ministry of the Minister in charge of the subject of Education of the Public Service Commission.
  8. Training of teachers and other educational personnel will come within the purview of the National Institute of Education. Provincial Authorities will indicate their needs to the National Institute of Education.
  9. Appointment of Provincial Boards of Education which will have the advisory functions, will be the responsibility of the Minister of Education. However, this will be done with the concurrence of the Chief Minister of the Provincial Authority.
  10. Provincial Authorities will establish School Boards conforming to the specifications laid down by the Ministry of Education.
  11. Provincial Authorities will supervise the working of School Boards.
  12. Preparation of plans (educational development plan and annual implementation plan) will be the responsibility of the Provincial Authority.
  13. Implementation of the Annual Education Development Plan.
  14. Appraisal of the performance of Principals, Teachers and Education Officers.
  15. Conducting of in-service training programmes for which prior approval of the National Institute of Education has been obtained.
  16. Conducting of local examinations approved by the Commissioner-General of Examinations.

17. Implementation of non-formal education programmes.
18. Registration and supervision of pre-schools.
19. Obtaining the approval of the National Institute of Education for local variations in the primary curriculum and selected subjects in the secondary curriculum.
20. Construction and maintenance of educational buildings, libraries and playgrounds.
21. Procuring and distribution of teaching aids, visual aids and audio visual materials, furniture and other equipment.
22. Procuring and distribution of science equipment other than certain specified items indicated by the Ministry.
23. Production and distribution of school textbooks after approval by the Ministry.
24. Organization and development of school libraries in accordance with guidelines given by the National Library Services Board.

**SECOND LIST OF THE 13<sup>TH</sup> AMENDMENT  
TO THE CONSTITUTION**



**LIST II**  
(Reserved List)  
**National Policy on all Subjects and Functions.**

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

This would include –

- (a) Defence of Sri Lanka and every part thereof including preparation for defence and all such acts as may be conducive in times of war to its prosecution and after its termination, to effective demobilisation ;
- (b) Naval, military and air forces ; any other armed forces of the Government of Sri Lanka ;
- (c) Deployment of any armed force of the Government of Sri Lanka or any other force subject to the control of the Government of Sri Lanka or any contingent or unit thereof in any Province in aid of the civil power ; powers, jurisdiction, privileges and liabilities of the members of such forces while on such deployment ;
- (d) Delimitation of cantonment areas, local self-government in such areas, the constitution and powers within such areas of cantonment authorities and the regulation of house accommodation (including the control of rents) in such areas ;
- (e) Naval, military and air force works ;
- (f) Arms, firearms, ammunition and explosives ;
- (g) Atomic energy and mineral resources necessary for its production ;
- (h) Industries declared by Parliament by law to be necessary for the purpose of defence or for the prosecution of war ;
- (i) Criminal Investigation Department ;
- (j) Preventive detention for reasons connected with Defence, Foreign Affairs, or the security of Sri Lanka, persons subjected to such detention ; and
- (k) Extension of the powers and jurisdiction of members of a police force belonging to any Province to any area outside that Province, but not so as to enable the police of one Province to exercise powers and jurisdiction in any area outside that Province without the consent of the Provincial Council in which such area is situated; extension of the powers and jurisdiction of members of a police force belonging to any Province to railway areas outside that Province.

**Foreign Affairs**

This would include –

- (a) Foreign Affairs ; all matters which bring the Government of Sri Lanka into relation with any foreign country ;

- (b) Diplomatic, consular and trade representation ;
- (c) United Nations Organization ;
- (d) Participation in international conferences, associations and other bodies and implementing of decisions made thereat ;
- (e) Entering into treaties and agreements with foreign countries and implementing treaties, agreements and conventions with foreign countries;
- (f) War and peace ; and
- (g) Foreign jurisdiction.

#### **Posts and Telecommunications ; Broadcasting ; Television**

This would include –

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

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

This would include –

- (a) Constitution, organisation, jurisdiction and powers of the Supreme Court (including contempt of such Court) and the fees taken therein ; persons entitled to practise before the Supreme Court, Court of Appeal and other Courts ;
- (b) Constitution, organisation, jurisdiction and powers of the Court of Appeal and the fees taken therein ; and
- (c) Jurisdiction and powers of all Courts, except the Supreme Court and the Court of Appeal.

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

This would include –

- (a) Public debt of the Government of Sri Lanka ;
- (b) Currency, coinage and legal tender ; foreign exchange ;
- (c) Foreign loans ;
- (d) Central Bank ;
- (e) National Savings Bank ;
- (f) Lotteries organised by the Government of Sri Lanka or a Provincial Council ;

- (g) Banking ;
- (h) Bills of exchange, cheques, promissory notes and other like instruments ;
- (i) Insurance ;
- (j) Stock exchanges and future markets ;
- (k) Audit of the accounts of the Government of Sri Lanka and of the Provinces;
- (l) Taxes on income, capital and wealth of individuals, companies and corporations ;
- (m) Customs duties, including import and export duties and excise duties ;
- (n) Turnover taxes and stamp duties, except to the extent specified in List I ;
- (o) Any other tax or fee not specified in List I.

### **Foreign Trade ; Inter-Province Trade and Commerce**

This would include –

- (a) Trade and commerce with foreign countries ; import and export across customs frontiers; definition of customs frontiers; and
- (b) Inter-province trade and commerce.

### **Ports and Harbours**

This would include –

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

### **Aviation and Airports**

This would include –

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

### **National Transport**

This would include –

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

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

This would include –

- (a) Piracies and crimes committed on the high seas or in the air ; offences against the law of nations committed on land or the high seas or in the air ;
- (b) Shipping and navigation on inland waterways, declared by Parliament by law to be national waterways, as regards mechanically propelled vessels ; the rule of the road on such waterways ;
- (c) Maritime shipping and navigation, including shipping and navigation on tidal waters ; provision of education and training for the mercantile marine and regulation of such education and training provided by Provinces and other agencies ;
- (d) Lighthouses, including lightships, beacons and other provision for the safety of shipping and aircraft ;
- (e) Regulation and development of inter province rivers ; and river valleys to the extent to which such regulation and development under the control of the Government of Sri Lanka is declared by Parliament by law to be expedient in the public interest ;
- (f) Fishing and fisheries beyond territorial waters ; and
- (g) Property of the Government of Sri Lanka and the revenue therefrom, but as regards property situated in a province, subject to statutes made by the Province save in so far as Parliament by law otherwise provides.

### **Minerals and Mines**

This would include –

- (a) Regulation and development of oil fields and mineral oil resources ; petroleum and petroleum products ; other liquids and substances declared by Parliament by law to be dangerously inflammable ; and
- (b) Regulation of mines and mineral development to the extent to which such regulation and development under the control of the Government of Sri Lanka is declared by Parliament by law to be expedient in the public interest.

### **Immigration and Emigration and Citizenship**

This would include –

- (a) Citizenship, Naturalization and Aliens ;
- (b) Extradition ; and
- (c) Admission into and emigration and expulsion from, Sri Lanka ; passports and visas.

### **Elections Including Presidential, Parliamentary, Provincial Councils and Local Authorities**

This would include –

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

### **Census and Statistics**

This would include –

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

### **Professional Occupations and Training**

This would include –



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

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

This would include –

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

All Subjects and Functions not Specified in List I or List III including –

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

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

**THIRD LIST OF THE 13<sup>TH</sup>  
AMENDMENT  
TO THE CONSTITUTION**



## **LIST III**

### **(Concurrent List)**

#### **1. Planning –**

- 1:1 Formulation and appraisal of plan implementation strategies at the provincial level ;
- 1:2 Progress control ;
- 1:3 Monitoring progress of public and private sector investment programmes ;
- 1:4 The evaluation of the performance of institutions and enterprises engaged in economic activities ;
- 1:5 The presentation of relevant data in the achievement of plan targets ;
- 1:6 The dissemination of information concerning achievement of plan targets ;
- 1:7 Publicity of implementation programmes ;
- 1:8 Manpower planning and employment Data Bank ;
- 1:9 Nutritional planning and programmes.

#### **2. and 3. Education and Educational Services.–**

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

#### **4. Higher Education –**

- 4:1 The establishment and maintenance of new Universities.
- 4:2 The establishment of degree awarding institutions under the Universities (Amendment) Act, No. 07 of 1985 and other institutions for tertiary, technical and post-school education and training.

#### **5. National Housing and Construction.–**

The promotion of integrated planning and implementation of economic, social and physical development of urban development areas.

#### **6. Acquisition and requisitioning of Property.**

#### **7 Social Services and Rehabilitation –**

- 7:1 Relief, rehabilitation and resettlement of displaced persons ;
- 7:2 Relief of distress due to floods, droughts, epidemics or other exceptional causes and rehabilitation and resettlement of those affected ;
- 7:3 Restoration, reconstruction and rehabilitation of towns, villages, public institutions and properties, industries, business places, places of worship and other properties destroyed or damaged, grant of compensation or relief to persons or institutions who have sustained loss or damage and the reorganization of civil life.

#### **8. Agricultural and Agrarian Services –**

- 8:1 Establishment and promotion of agro-linked industries, the establishment and maintenance of farms and supervision of private nurseries ;
- 8:2 Soil conservation ;
- 8:3 Plant pests.

#### **9. Health –**

- 9:1 Schools for training of Auxiliary Medical Personnel ;

- 9:2 The supervision of private medical care, control of nursing homes and of diagnostic facilities within a Province;
- 9:3 Population control and family planning ;
- 9:4 Constitution of Provincial Medical Boards.
- 10. Registration of births, marriages and deaths.
- 11. Renaming of Towns and Villages.
- 12. Private lotteries within the Province.
- 13. Festivals and Exhibitions.
- 14. Rationing of food and maintenance of food stocks.
- 15. Co-operatives – Co-operative Banks.
- 16. Surveys – For the purpose of any of the matter enumerated in the Provincial or Concurrent List.
- 17. Irrigation –
  - 17:1 Water storage and management, drainage and embankments, flood protection, planning of water resources ;
  - 17:2 Services provided for inter-provincial land and irrigation schemes, such as those relating to rural development, health, education, vocational training, co-operatives and other facilities.
- 18. Social Forestry and protection of wild animals and birds.
- 19. Fisheries - Other than fishing beyond territorial waters.
- 20. Animal Husbandry –
  - 20:1 Production, processing, distribution and sale of livestock and livestock products ;
  - 20:2 Veterinary training services and research, inclusive of the provision of science laboratories and science equipment;
  - 20:3 Animal breeding, care and health ;
  - 20:4 The establishment of pastures.
- 21. Employment –
  - 21:1 Employment planning at Provincial level ;
  - 21:2 Special Employment programmes relating to the Province ;
  - 21:3 Promotion of youth employment activities relating to the Province ;
  - 21:4 Technical Manpower Development Programmes in relation to the Province.
- 22. Tourism.– Development and control of the Tourist Industry in the Province.
- 23. Trade and commerce in, and the production, supply and distribution of –
  - (a) the products of any industry where the control of such industry by the Government is declared by Parliament by law to be expedient in the public interest and imported goods of the same kind as such products; and
  - (b) foodstuffs and cattle fodder.
- 24. Newspapers, books and periodicals and printing presses.

25. Offences against statutes with respect to any matters specified in this List.
26. Fees in respect of any of the matters in this List, excluding fees taken in any Court.
27. Charities and charitable institutions, charitable and religious endowments and religious institutions.
28. Price control.
29. Inquiries and statistics for the purpose of any of the matters in this List or in the Provincial Council List.
30. Adulteration of foodstuffs and other goods.
31. Drugs and Poisons.
32. Extension of electrification within the Province and the promotion and regulation of the use of electricity within the Province.
33. Protection of the environment.
34. Archaeological sites and remains, other than those declared by or under any law made by Parliament to be of national importance.
35. Prevention of the extension from one Province to another of infectious or contagious diseases or pests affecting human beings, animals or plants.
36. Pilgrimages.

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**Sixth Provincial Council**  
**Rules of Procedure Amendment Book (2014-2018)**

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