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THE CEYLON GOVERNMENT MANUAL OF PROCEDURE

Published by Authority

A.M.N. Suriyabandara
Provincial Superintendent Pharmacist
Uva Provincial Directorate of Health
Badulla

THIRD EDITION, 1947

PRINTED AT THE CEYLON GOVERNMENT PRESS, COLOMBO.

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MANUAL OF PROCEDURE.

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No. 9,769 of September 22, 1947.]

The Ceylon (Constitution) Order in Council, 1946.

In pursuance of the powers vested in the Governor by section 87 of the Ceylon (Constitution) Order in Council, 1946, the Administrative Regulations of the Government of Ceylon are by this Regulation modified, added to and adapted with effect from the date of the first meeting of the House of Representatives, to read as set out in the Schedule.

By His Excellency's command,

C. H. COLLINS,
Acting Chief Secretary.

Colombo, 17th September, 1947.

SCHEDULE.

CHAPTER I.—STATEMENT OF ADMINISTRATIVE PROCEDURE PRESCRIBED FOR THE TRANSACTION OF BUSINESS WITH WHICH MINISTRIES ARE CONCERNED.

1. The functions of Government are assigned to Ministers by the Prime Minister under Section 46 (4) of the Order in Council. A notification will be published as early as possible after the assumption of duties by the Prime Minister, stating the number of Ministers and the functions assigned to each.* Departments of Government, other than any Departments otherwise provided for in the Ceylon (Constitution) Order in Council, 1946, will be grouped under the various Ministries. The Permanent Secretary to each Ministry will, subject to the general direction and control of the Minister, exercise supervision over the Departments of Government grouped under the Ministry.

2. Ministers correspond direct with each other.

3. A request to the Governor to exercise powers vested in him (such as the power to make regulations) relating to subjects or functions allocated to a Minister should be forwarded by the Minister direct to the Governor.

* A copy of *Gazette Extraordinary* No. 9,780 of September 29, 1947, appears, for convenience of reference, at pages 63 to 70.

4. Conclusions of the Cabinet and decisions of Ministers affecting Departments will be conveyed to Departments by the Permanent Secretaries to the Ministries, who are charged with the duty of ensuring that such decisions are given effect to.

5. A Minister will communicate with the Permanent Secretary in regard to matters of policy affecting his Ministry, and the Permanent Secretary will convey such instructions to the Head of the Department concerned. Heads of Departments will not communicate with their Minister direct but will address the Permanent Secretary on any matter on which instructions are desired.

6. (i.) The normal channel of communication between a Minister or Permanent Secretary and a Department under the general control of another Minister is to the Minister or Permanent Secretary concerned and not direct to the Head of the Department or other executive officer. A Permanent Secretary may, however, in respect of the subjects and functions in charge of his Minister, correspond direct with and utilize the services of any Government Agent or of any Head of a Department by whom such subjects or functions are administered. Heads of Departments under the control of one Minister who also administer subjects or functions which may be allocated to another Minister may correspond direct with the Permanent Secretary to the Ministry in charge of those subjects and functions, unless expressly prohibited by Regulation or otherwise. Government Agents may also correspond with the Permanent Secretary to any Ministry direct or through the Head of the Department concerned, if any, in respect of subjects or functions allocated to that Ministry. Chairmen of Local Bodies will communicate with the Ministry in charge of Local Government through the Commissioner of Local Government.

(ii.) Notwithstanding anything contained in these Regulations, the Attorney-General may correspond direct with the Governor, the President of the Senate, the Speaker, the Prime Minister and other Ministers.

7. Each Head of a Department is responsible to the Permanent Secretary for the administration of his Department. He will in particular perform the functions allocated to him in this Statement of Procedure, in the Public Service Regulations and in the Financial Regulations, and any other functions allocated to him by written law or by delegation, and he will be responsible for the performance of the technical duties of the Department. It is his duty to give effect to the directions of the Minister conveyed to him by the Permanent Secretary and it is also his duty, in respect of the subjects and functions of Government administered by his Department, to assist in every way possible other Ministries and Departments.

8. When a Head of a Department raises questions requiring consideration by the Minister, or advises on any question referred to him

by the Permanent Secretary, he shall embody the salient facts, the issues involved and alternative courses of action, together with his recommendations, in a written report, which he shall forward to the Permanent Secretary.

9. As far as is possible, all communications between Heads of Departments and Permanent Secretaries and between Permanent Secretaries and Ministers shall take the form of minutes and Heads of Departments should avoid, as far as possible, writing letters to the Permanent Secretaries. Official papers containing these minutes should, as far as possible, be filed in the files of the Departments concerned. Permanent Secretaries will, however, maintain special files for the accommodation of papers which cannot appropriately be filed in departmental files. A Minister and the Permanent Secretary to the Ministry are entitled to see any official record which is kept in any of the Departments under their control.

10. When Permanent Secretaries minute departmental papers to Ministers they will record their own views and recommendations on the file. Permanent Secretaries may, if they think it desirable, start separate files in their own offices on which they will minute to the Minister.

11. Heads of Departments may correspond direct with each other in respect of subjects or functions administered by their Departments. Proposals of a Head of a Department involving reference to the Heads of other Departments should be fully discussed with them before the proposals are placed before the Permanent Secretaries concerned. The fact that this has been done should be made clear in the correspondence.

12. Before a Head of a Department carries out any executive act which affects the functions of any other Department he shall, unless otherwise directed by the Permanent Secretary, consult the Head of the Department likely to be affected.

13. Before a Head of a Department which is under the general control of a Minister proceeds to do any administrative act which involves a question of principle not previously decided, or which is likely to cause public controversy, or any act of major importance not duly sanctioned, he shall submit the matter to the Permanent Secretary.

14. Heads of Departments within a Ministry should report at once to the Permanent Secretary any incident of a grave or important nature which occurs in connection with the subjects or functions administered by them. Government Agents should report all such incidents occurring in their Provinces to the Permanent Secretary to the Ministry concerned and also to any Head of a Department affected.

15. The Permanent Secretary, acting by himself, or through the Assistant Permanent Secretary, or through the Assistant Establishment Officer if one is appointed to his office, will have general charge of establishment matters relating to Departments under his supervision. He will communicate with the Treasury in important matters except where otherwise provided, and he will perform such functions in regard to establishment matters as may be specifically or generally delegated to him by regulation or by the Treasury or otherwise. He will also communicate with the Public Service Commission as provided by the Public Service Regulations. Where establishment matters are delegated to Heads of Departments by Financial or other Regulations, the Permanent Secretary will, in the exercise of his general supervision over Departments, be responsible for the due observance of such Regulations.

16. The Permanent Secretary as Chief Accounting Officer of the Ministry will be responsible for seeing that the Annual and Supplementary Estimates are prepared by the Departments within his charge and it will be his duty to co-ordinate such Estimates, obtain the report of the Treasury thereon and submit them to his Minister with the Treasury report.

17. Government Agents will be considered to be Heads of Departments for the purposes of these Regulations and will prepare the Estimates for sub-heads in their charge. They should forward the Estimates relating to Provincial Administration to the Permanent Secretary to the Ministry in charge of Provincial Administration and their other Estimates to the Departments concerned for incorporation in Departmental Estimates.

18. In case of difficulty regarding the interpretation of any of the following Regulations or the application of any Regulation to a particular Department, institution or officer, reference should be made to the Secretary to the Treasury.

19. In this Manual the expression " officer " means a public officer and, unless the context otherwise requires, includes a judicial officer.

CHAPTER II.—REGULATIONS REGARDING CORRESPONDENCE AND DEPARTMENTAL PROCEDURE.

Section 1.—Office Hours for Public Officers, &c.

20. The general office hours of business during which public officers must attend office, except where otherwise provided for special reasons, are 9 A.M. to 1 P.M. on Saturdays and 9 A.M. to 4.30 P.M. on other working days and all Government offices must remain open for cash transactions till 12 noon on Saturdays and 3 P.M. on all other working days.

21. Though the general office hours are as above, it is not intended that Heads of Departments shall be restricted to employing their subordinates during such hours when there is any cause for requiring their services earlier or later or both.

22. An attendance book in which the time of arrival of each member of the Department shall be written daily must be kept in every office and these books must be regularly submitted to a Staff Officer.

23. Public Offices are not to be closed on days other than public holidays except by permission of the Permanent Secretary to the Ministry concerned.

Section 2.—General Rules Regarding Correspondence.

25. Every letter must, as far as possible, be confined to a single subject.

26. The number and date of every letter must be placed at the right hand top corner of the letter.

27. A letter must be dated from the place in which the officer is at the time when he subscribes his name to it.

28. The subject with which a letter deals must be briefly stated as a heading to it.

29. In corresponding with members of the public the form of address should be:—

Sir,

With reference to your letter of
, I have the honour to inform you

I am, Sir,
 Your obedient Servant.

30. In all cases in which a letter relates to a matter which has formed the subject of previous correspondence that correspondence must be quoted.

31. The paragraphs of all communications must be numbered. Paragraphs of enclosures must also be numbered.

32. Enclosures, if copies, may be on half or quarter sheets. Original papers should not be sent as enclosures when a copy is equally serviceable. Enclosures should be securely attached to the letter or memorandum forwarding them. When, however, several distinct letters on different subjects are forwarded under cover of one envelope, they should not be fastened together.

33. Signatures should be legibly written.

34. Letters from Heads of Departments must in all important cases be signed by them. When this is not possible, owing to absence or other causes, if the Head of the Department has either drafted the letter or specifically directed the particular information to be furnished, the officer signing should insert the name of the Head of the Department in its proper place, adding "signed" before it, and put his own signature on the left side of the page; thus, in the case of a Government Agent:—

	I am, Sir,
	Your obedient Servant,
Signature of A.B.,	(Signed) C. D.
Office Assistant.	Government Agent.

In other cases the signature should be that of the individual responsible for the letter, who should then sign:—

A. B.,
for Government Agent.

35. Officers authorized to sign for a Head of a Department may frank endorsements, letters and memoranda on minor and routine matters.

36. It must be distinctly understood that the Head of a Department is responsible for the contents of all letters which issue from his office, whether bearing his signature or that of an Assistant. An Assistant is to be regarded as merely the mouthpiece of the Head of the Department, having no right whatever to take any action in any matter or to issue any letter except with the authority and on the responsibility of the Head of the Department, whom the Government will hold responsible for any undue assumption of authority by an Assistant.

38. (i.) All official correspondence addressed confidentially should be enclosed in two envelopes, one inside the other. The inner envelope should be marked "confidential" but the outer one should not be so marked. The inner envelope should be folded rather smaller than the other, so that both will not be opened at once.

(ii.) All correspondence marked "Confidential" must be opened only by a Staff Officer personally. One clerk should ordinarily be appointed in every office to deal with *all* the confidential work of the office.

(iii.) Care must be exercised to ensure that confidential papers do not pass about the offices, or between one office and another, in such a manner that their contents might become known to persons other than the officers dealing with the papers.

(iv.) No reference to confidential correspondence should be made in open correspondence.

39. All packages containing Court records and other important documents, such as deeds, transmitted by post must be registered.

40. If a department is unable to reply to a letter or reference from another department within a month, an interim reply must ordinarily be sent explaining the action that is being taken and stating when a final reply may be expected. If further delay is unavoidable, similar interim replies must be sent from time to time.

Section 3.—Reports by Heads of Departments.

44. Heads of Departments are required to state their own opinions and recommendations when forwarding the communications of their subordinates or of others to the Permanent Secretary.

45. Recommendations made by Heads of Departments on memorials addressed to Government by their subordinates must be treated as confidential and should not be communicated to the memorialists.

46. Reports on petitions must indicate, as briefly as possible:—

- (a) Whether the petitioner has conformed to the rules regarding petitions (see Appendix A); and if not, which rules have not been observed.
- (b) What are the material allegations made in the petition and what is the redress asked for.
- (c) What are the actual facts of the case as ascertained by the reporting officer.

The reporting officer should add such remarks on the subject as he thinks it proper to make and he must invariably conclude with a recommendation of the answer which he considers should be given to the petitioner.

47. Reports on petitions should be made promptly. Save in exceptional cases no petition should be retained for over a month.

Section 4.—Correspondence with other Governments, &c.

54. Subject to any other arrangements made with the approval of the Governor, the channel of correspondence with other Governments or with Departments of other Governments will be the Governor.

55. Officers other than the Permanent Secretary to the Ministry concerned shall not correspond direct with an approved Agent abroad of the Ceylon Government without the approval of the Permanent Secretary.

Section 5.—Issue of Copies of Correspondence, &c.

61. Officers are not allowed to take for their own purposes copies of letters and reports referring to themselves or of any unpublished official documents.

62. Copies of letters sent by one Government Department to another should not ordinarily be issued by the latter Department to any private person. If the contents therein contained are intended to be communicated they should be embodied in a letter addressed to the person concerned.

63. Certified copies of petitions or of replies to petitions should be issued to persons other than the writers of the petitions only on an order of Court and on payment of the usual copying fees.

64. Copies of despatches addressed to or received from the Secretary of State for the Colonies will not be issued.

Section 6.—Diaries and Monthly Reviews.

67. Diaries and reviews should be type-written on both sides of the paper and the paragraphs should be numbered.

68. Diaries and reviews should form a record of work done. They should not be used as a medium for criticism of others. Care should be taken not to cumber them with a recapitulation of facts and opinions which have already been communicated in the ordinary course of official correspondence.

69. Diaries and reviews should be bound up periodically in good strong binding and carefully preserved as records.

Section 7.—Draft Legislation, References to Attorney-General, &c.

73. Requests for drafts of legislative measures should be made only in accordance with such procedure as may be prescribed by the Cabinet. Such requests should in all cases be accompanied by a memorandum containing the fullest possible instructions for the guidance of the Legal Draftsman in the preparation of the draft.

74. (i.) Letters to the Attorney-General seeking advice should state with precision the point or points on which advice is sought. The letter should be accompanied by a full and complete statement of the facts of the case together with references to the relevant pages of the office file, if the file is submitted. Every letter seeking advice should.

if the Attorney-General has been consulted before on the point or points on which opinion is asked, quote the reference to the previous opinion.

(ii.) The Attorney-General should not be asked to advise on hypothetical cases.

(iii.) The Attorney-General should not be asked to advise with regard to the construction of Ordinances, except with reference to the facts of a case that has actually arisen for decision.

(iv.) The Attorney-General should not be asked to advise in regard to a matter which concerns a local authority or any private body unless Government is required by statute or otherwise to make a decision therein.

(v.) The Attorney-General should not be asked to approve draft contracts, leases or other instruments, the terms of which have not received the sanction of the appropriate authorities.

(vi.) All requests for draft contracts, leases or other instruments should be accompanied by a complete statement (in duplicate) of the terms and conditions approved by the appropriate authorities.

(vii.) In no case should a legal opinion expressed by the Attorney-General be communicated to any local authority, private body or individual without the prior written consent of the Attorney-General.

(viii.) The Attorney-General should not be asked to advise on legislation which is in draft.

75. Heads of Departments must make application to the Attorney-General and not to the Crown Proctor when they desire to have a suit instituted on behalf of the Crown. Fees to proctors for appearing in such cases will not be payable unless the officer engaging the services of such proctor has first obtained the authority of the Attorney-General for so doing. Government Agents are however allowed to authorize the employment of the services of Crown Proctors within their Provinces without reference to the Attorney-General when the exigencies of the case demand it, provided funds are available for payment of the Crown Proctor's fees, and subject to the following conditions:—

- (a) that the case or matter in respect of which the services of the Crown Proctor are desired is not one of a trivial nature and is one in which the Government has a direct and substantial interest;
- (b) that it is not one to which the Attorney-General as such is a party, and
- (c) that it is not one which should be supported or defended by and at the expense of a semi-Government corporate body, such as a Road Committee, which has a revenue of its own.

76. Whenever the sanction of Government is necessary before a criminal prosecution can be instituted, the application for authority must be submitted through the Attorney-General and must conform to Regulation 77.

77. Letters to the Attorney-General seeking sanction to institute legal proceedings (civil or criminal) should be accompanied by—

- (a) a complete statement (in duplicate) of the facts of the case,
- (b) a list (in duplicate) of the witnesses on whose evidence the case is based,
- (c) a list (in duplicate) of all the relevant documents together with two copies of each of the documents.
- (d) the statements (in duplicate) of the witnesses.

78. Whenever prosecuting departments consider that inadequate punishments have been inflicted by Magistrates in cases instituted by these departments they should report such cases promptly to the Attorney-General, in order that he may, if he thinks fit, move the Supreme Court to enhance the punishments. If a certified or other copy of the proceedings has been obtained it should be forwarded to the Attorney-General.

Section 8.—Procedure Regarding Subsidiary Legislation.

81. (i.) When subsidiary legislation is submitted to a Minister or other statutory Rule or Regulation or Order making authority for consideration or approval, it should always be accompanied by a report from the Legal Draftsman to the effect that such subsidiary legislation is in due form.

(ii.) In this and the next Regulation the expression "subsidiary legislation" includes Rules, Regulations, By-laws, Proclamations, Orders, and notifications having the effect of law.

82. (i.) Requests for the revision of subsidiary legislation should be addressed to the Legal Draftsman.

(ii.) Every draft of subsidiary legislation forwarded to the Legal Draftsman for revision must—

- (a) be in duplicate;
- (b) be printed or typewritten; if typewritten, there should be sufficient space between the lines of typescript to enable amendments to be written in that space when the draft is revised;
- (c) be modelled as far as possible on subsidiary legislation of a similar nature published in a recent issue of the *Government Gazette* (where such a model has been used the number and date of the *Gazette* should be stated);

- (d) be accompanied, if the Attorney-General has been consulted regarding any question of law connected with or relating to such legislation, by a copy of the letter containing the advice given by the Attorney-General and by a copy of the letter on which such advice was sought;
- (e) be accompanied by a marked copy showing in red ink the additions or alterations made in the model which has been adapted for the preparation of the draft. (Where the draft merely reproduces subsidiary legislation previously published in the *Government Gazette* a reference to that *Gazette* will be sufficient).

Note.—Information as to models available for the preparation of subsidiary legislation can be obtained on reference to the Annual Index of Proclamations, &c., published by Government.

(iii.) Subsidiary legislation required by local authorities (Municipalities, Urban Councils, Town Councils, Village Committees, &c.) will be revised by the Legal Draftsman only if such legislation has to be approved by the Governor or Minister before it becomes law. Requests for the revision of such subsidiary legislation should be made to the Legal Draftsman by the Commissioner of Local Government in accordance with this Regulation. In the case of subsidiary legislation to be made under the Motor Car Ordinance, No. 45 of 1938, the requests for revision should be made to the Legal Draftsman by the Commissioner of Motor Transport.

Section 9.—Preservation and Destruction of Documents.

86. Every Head of a Department should prepare and revise from time to time a list of documents which should be periodically destroyed and a list of those which should be preserved.

87. These lists should in the first instance be forwarded to the Historical Manuscripts Commission, who will go through them to ensure that documents of historical importance will not be destroyed.*

Note.—The above Regulations will not apply to documents or groups of documents referred to in the Rules for the destruction of valueless documents approved by His Excellency the Governor on October 15, 1934, and embodied in the pamphlet published by Government in December, 1934. These Rules should be regarded as being in force and the list of documents to be sent to the Commission need not include any shown in these Rules. Similar codes of rules appearing in the different departmental orders may also be regarded as being in force provided they have been forwarded to the Historical Manuscripts Commission for scrutiny and have been approved.

* This will not absolve the Heads of Departments from the necessity of consulting the Treasury, Audit or other department or officer. The Historical Manuscripts Commission is consulted purely with a view to ensuring the preservation of documents of historical importance.

88. On receipt of the Commission's observations, the Head of Department will submit the lists for the approval of the Permanent Secretary to the Ministry before any documents are destroyed in accordance with the distinctions made in such lists.

89. Subject to the preceding Regulations the following rules should be observed:—

- (i.) A date should be fixed by each Department for the periodical destruction of useless documents.
- (ii.) Documents should be destroyed only on the orders and on the responsibility of the Heads of Departments.
- (iii.) A descriptive record giving the following information should be kept of all documents destroyed in any office—
 - (a) Number and date of document or file.
 - (b) Subject.
 - (c) Period covered.
 - (d) A short precis, if the contents do not deal with routine matters only.
 - (e) Reference to letter granting authority to destroy.
 - (f) Any other particulars of interest.

These descriptive records, which should be made in suitable registers, should never be destroyed.

- (iv.) The following are some of the documents which should not be destroyed:—

Documents above 50 years old.

Correspondence with the Colonial Secretary's Office prior to the establishment of the State Council;

Documents required by law to be preserved;

Documents of historical or other interest including those relating to the history, constitution, administration, &c., of the Department, appointments of officers, &c.;

Documents relating to land and claims thereto and to the value of land and property, especially Crown land, chenas, forests, &c.;

Gazettes (except Part IV.) in Kachcheries;

Documents enumerated in the Destruction of Valueless Documents Ordinance (Chapter 336) as not to be destroyed.

- (v.) All documents above 50 years old should be transferred to the custody of the Government Archivist once in every period of five years, together with full and detailed lists of the documents transferred.

Section 10.—Addresses of Officers, &c.

91. Every officer must furnish the Head of his Department with an address at which any communication to him, whether he is on leave or not, will reach him.

92. Every overseas officer must, on taking up his first appointment under Government, furnish the Head of his Department with the name and address of a next of kin or relative in his country, to whom intimation of serious illness, accident, or death may be given in case of need.

93. The particulars furnished under Regulation 92 should give precise information as to the relationship of the next of kin, or relative, to the officer. A half-yearly return of changes in the addresses of relatives and of changes in the official designations of the officers should be furnished by Departments to the Permanent Secretary to the Ministry for transmission to the Secretary of State (through the Secretary to the Governor) or other authority concerned. This return should include the names of officers who have died, or retired from service, or left the Island on leave preparatory to retirement or on termination of their agreements, during the half year for which the return is furnished.

94. Whenever an officer whose nearest relatives reside outside Ceylon is seriously ill and there appears to be any danger that the illness may terminate fatally, the Head of his Department must report the fact at once to the Permanent Secretary to the Ministry in order that, if necessary, the Secretary of State or other authority concerned may be informed and requested to communicate with the officer's relatives.

95. Further reports as to the condition of such officer should be forwarded to the Permanent Secretary to the Ministry whenever the condition of the patient changes and if 3 or 4 days elapse without any alteration in his condition a report should be made that there is no change in his condition. The reports referred to in this and the preceding paragraph if originating in an outstation should be sent by telegram.

96. In the event of the fatal termination of the illness, the news, together with a statement of the cause and of the date of death, as well as the name and address of the relative to whom the news is to be conveyed, should be reported at once to the Permanent Secretary to the Ministry, to be telegraphed to the Secretary of State or other authority concerned, for communication to the relative of the deceased. Full details should be sent to the relative by post by the Head of the Department in which the officer was serving or by one of his brother officers. If time can be saved by sending such details by air this should invariably be done.

Section 11.—Miscellaneous.

100. The order in which the Provinces of Ceylon should appear for purposes of reports and for the preparation of statistics, wherever practicable, is the following:—

- Western Province.
- Central Province.
- Southern Province.
- Northern Province.
- Eastern Province.
- North-Western Province.
- North-Central Province.
- Province of Uva.
- Province of Sabaragamuwa.

101. Government Agents should forward from time to time to the Permanent Secretary to the Ministry dealing with the subject of Provincial Administration the names of petition drawers who abuse their calling by writing petitions which prove to be malicious libels on public servants. When reporting such cases they should forward a specimen petition, so that the writing may be on record. Petitions written by these petition-drawers will not thereafter be entertained.

102. Publication in the *Gazette* is sufficient notice to every Government Department of the facts published. Officers will be held responsible that all changes and instructions gazetted are duly noted, and the fact that special instructions have not been received will not be accepted as an excuse for inattention.

CHAPTER III.—MISCELLANEOUS REGULATIONS RELATING TO THE PUBLIC SERVICES.

(To be read with the Public Service Regulations and Judicial Service Regulations.)

Section 1.—Appointments, &c.

106. (i.) No new appointment of non-Ceylonese, other than any appointment otherwise provided for by law, shall be made to the Public Services except on terms and conditions to be determined in each case by the Minister concerned. Where a non-Ceylonese has been recruited, with the approval of the State Council or the Board of Ministers under the previous Constitution or of the Minister, to serve on certain terms and conditions, his employment at any subsequent date on other terms and conditions will require the approval of the Minister.

(ii.) Where the Minister has decided that a particular post should be filled by a non-Ceylonese, action as prescribed by the Public Service Regulations or Judicial Service Regulations regarding appointments should be taken to make an appointment of a suitable non-Ceylonese to the post.

(iii.) The term "Ceylonese" for all purposes of recruitment to the Public Services is defined as:—

- (a) a British subject who is born in Ceylon, one of whose parents was born in Ceylon; or
- (b) a British subject who is a descendant of a person falling within category (a); or
- (c) a British subject deemed by the Minister, in view of special circumstances, to be a Ceylonese.

107. When vacancies occur they should not be filled as a matter of course but the opportunity should be used to ascertain if, owing to decrease in the volume of work or other cause, the vacancy need be filled.

108. Applications for appointments must be forwarded to the authority, if any, specified in the notice inviting applications; otherwise to the Heads of the Departments in which the vacancies exist. Applications sent to any other authority will be returned.

109. A Head of Department should not accept an application for employment in his Department from an officer employed in another Government Department unless it is forwarded through the Head of the latter Department, who must in forwarding it indicate whether or not he can spare the services of the officer. Heads of Departments should obtain the prior approval of the Permanent Secretary to the

Ministry before agreeing to spare the services of any officer of the Department whose release would adversely affect, in any appreciable degree, the Department's efficiency. Permanent Secretaries to Ministries or Heads of Departments should not, however, ordinarily refuse to release officers employed on a purely temporary basis who desire to obtain employment in other Government Departments.

110. Registrars of Marriages, Births and Deaths should not be appointed to hold any additional office without prior consultation with the Registrar-General.

111. (i.) Under section 16 of the Pension Minute as amended by the notification of February 1, 1932, retired officers in receipt of a pension or a retiring allowance may be re-employed either on pensionable or quasi-pensionable terms, in which case the original pension or retiring allowance is cancelled during the period of re-employment, or on terms of a definitely non-pensionable character, in which case they draw their pension or retiring allowance in full during the period of re-employment but receive on their final retirement no additional annuity under the Pension Minute in respect of their re-employed service.

(ii.) When it is proposed to re-employ a retired officer in receipt of a pension or a retiring allowance, the proposal must be referred for sanction to the Permanent Secretary to the Ministry, stating whether it is proposed that the re-employment should be on a pensionable or quasi-pensionable basis with loss of pension or retiring allowance, or on a completely non-pensionable basis with retention of pension or retiring allowance, in which case the amount of the re-employed salary will require to be specially fixed. Heads of Departments are responsible for ascertaining whether a person whom it is proposed to employ is in receipt of a Government pension or retiring allowance.

112. When any person not already holding a permanent post in the Public Services is provisionally selected locally for appointment to a vacancy on the pensionable establishment, or on probation with a view to permanent pensionable employment, or on the non-pensionable but permanent establishment, the Head of the Department in which the vacancy exists must direct the selected candidate to fill up Form General 169, to hand the form to the nearest Government Medical Officer in charge of a hospital (in Colombo, the Physician, Out-patients' Department, General Hospital; in Kandy, and Galle, the Physicians of the Hospitals) and present himself for medical examination. No fee is chargeable for this examination.

113. (i.) On the selected candidate presenting himself, the Medical Officer must make a thorough examination, and fill up Form Medical 169, which he will forward through the Head of his institution to the

Director of Medical and Sanitary Services, who will send it to the Head of the Department informing him whether the candidate is physically suitable for appointment.

(ii.) Heads of Departments must see that no salary is paid to a newly appointed officer until the form has been received.

114. If the person has been found to be physically unsuitable the provisional appointment shall be cancelled but he shall be eligible for salary for the days he has worked.

115. Persons appointed in a purely temporary capacity will not usually be required to submit themselves for medical examination.

116. Every officer appointed otherwise than in a purely temporary capacity to an office the initial salary of which is not less than Rs. 660 per annum and who is not required by written law to give notice of resignation, must, on appointment, sign an agreement in the following form:—

General 160
(F 2) 4/38.

This agreement entered into on the dates hereinafter mentioned between ¹ _____ of _____ of the one part and ² _____ (hereinafter referred to as ³ _____ which term shall mean and include the said _____ and his successors for the time being holding the said office of ³ _____ acting for and on behalf of the Governor of Ceylon) of the other part, witnesseth:

- ¹ Name of Officer.
² Name and designation of the head of the Department.
³ Designation.

First.—The said _____ in consideration of his appointment to the office of _____ agrees that he will at no time demand his discharge from, nor without the permission of the Head of the Department in which he is serving leave, the service of Government until a full calendar month has elapsed from the date of his giving a written notice to the said ² _____ or to the Head of the Department in which he may be serving at the time of his desire to leave.

Second.—In the event of the said _____ leaving the service of Government without giving notice, or before the expiration of one calendar month from the date when he may have given notice the said _____ agrees and promises to pay into the General Treasury a sum of money equal to the full amount which he may have received as salary for the month next preceding that in which the said _____ may so leave.

In witness whereof the said parties have hereto set their hands at the places on the dates hereinafter mentioned.

Signed by the said _____ at _____ on the _____ day of _____ One thousand Nine hundred and _____

Signature: _____
(Officer.)

In the presence of—

Witnesses: (1) _____
(2) _____

Signed by the said _____ at _____ on the _____ day of _____ One thousand Nine hundred and _____

Signature: _____
(Head of Department.)

In the presence of—

Witnesses: (1) _____
(2) _____

Note.—*Vide* also Regulations 231 and 291 regarding other declarations, &c., required on appointment.

117. Perfected agreements of officers should be filed in their respective Departments but those of officers in the General Clerical Service, the Assistant Clerks' Service, the Stenographers' Transferable Service, the Accountants' Service and the Shroffs' Scheme should be in the custody of the Treasury.

118. When agreements of any officials engaged by the Crown Agents are extended, copies of the agreements entered into locally must be forwarded to the Treasury for transmission to the Crown Agents.

119. Full particulars of all appointments (excluding transfers within a department which do not involve any alterations in emoluments); acting and probationary appointments; confirmations, extensions and conclusions of probationary and acting appointments, promotions, secondments, grant, suspension, stoppage, reduction, or deferment of increment, promotion or disallowance of promotion over efficiency bars, interdictions, suspensions, reductions in rank, salary or allowance, dismissals, resignations, retirements, reinstatements, and deaths must be reported by Heads of Departments to the Auditor-General.

This return of "changes" should be furnished on Form General 228 as soon as the month in respect of which it is rendered is past. Similar returns should be sent to:—

- (a) the Permanent Secretary to the Ministry, in duplicate, in respect of members of the General Clerical Service, Assistant Clerks' Service, Stenographers' Transferable Service and Shroffs' Scheme (*vide* Regulation 161 (vi.) (2));
- (b) the Permanent Secretary to the Ministry in charge of Government Agencies in respect of members of the Divisional Revenue Officers' Service (*vide* Regulation 161 (vi.) (2));
- (c) the Directors of the Widows' and Orphans' Pension Scheme in respect of pensionable officers.

Note.—" Nil " returns should not be sent, but the information that there was nothing to report for the months succeeding the date of the last return should be embodied in the next return.

120. (i.) (a) The appointment of an officer to a post may be subject to a period of probation in the case of a pensionable post or a period of trial in the case of a non-pensionable post, as prescribed by the appointing authority.

(b) During the period of probation or trial the appointing authority shall have power to terminate the officer's appointment without assigning any reason.

(c) At the end of the period of probation or trial the officer shall, unless his appointment is terminated or his probationary period or period of trial extended by the appointing authority, be confirmed in his appointment by the Head of the Department to which the officer belongs: or in the case of a Head of a Department or Cadet in the Civil Service, by the appointing authority.

(d) In the case of appointments made by Heads of Departments, a period of probation or trial shall not be extended beyond a period of three years by the Head of Department without the sanction of the Public Service Commission.

(ii.) An officer holding a pensionable appointment under Government shall not be placed on probation if transferred to a new permanent appointment but the appointing authority may in the first instance appoint such officer to act for a short time with a view to testing him in the new post.

Note.—(1) The appointing authority may be the Governor, Public Service Commission, Judicial Service Commission, Deputy Secretary to the Treasury, Permanent Secretary to the Ministry of Justice or a Head of a Department, as provided in the Public Service Regulations and Judicial Service Regulations.

(2) In the case of the Accountants' Service, confirmation will be approved by the Deputy Secretary to the Treasury. In the case of the General Clerical Service, Assistant Clerks' Service, Stenographers'

Transferable Service and Shroffs' Scheme, confirmation and extension of probationary period, where necessary, will be approved by the Permanent Secretary to the Ministry in the case of officers serving in Departments grouped under Ministries and by the Deputy Secretary to the Treasury in the case of officers serving in other Departments.

121. When an officer appointed on probation is confirmed in his appointment, his permanent appointment will date as from the date of his appointment on probation. Subject to the following provisos, an extension of the probationary period will operate as a deferment of increment by the period of such extension.

Proviso (1).—When an officer's failure to qualify for confirmation is judged to be due to reasons *beyond his control*, the authority who appointed the officer may allow a further reasonable period within which to qualify for confirmation. If the officer qualifies within that period his confirmation will be antedated to the normal date. Under this proviso an officer will not lose in salary or seniority.

Proviso (2).—When an officer fails to qualify for confirmation at the proper time and such failure is judged to be due to circumstances *within his control* the officer will enter the scale of a confirmed officer on the date on which he qualifies for confirmation and will rank as junior to all officers of his grade in his department who at that time have already been confirmed. The question of restoring to him the salary which he would have enjoyed if his confirmation had not been delayed will, however, receive consideration on the expiration of five years from the conclusion of the normal probationary period, and, if the circumstances of his case are regarded as meriting it, he will henceforth be allowed to draw salary at the rate which he would have drawn if his confirmation had taken place at the proper time. He will not, however, save in very exceptional cases, be restored to the seniority which he otherwise would have held.

Note.—Where an officer's incremental date is not the same as the date of his appointment (as may happen under Financial Regulation 1120 in the case of officers promoted on probation), the effect of an extension of the probationary period (save as provided in proviso (1) above) will be to defer by the period of such extension the next increment even though this increment may fall due after the expiry of the extended probationary period.

Section 2.—Transfers.

Transfers of public officers not involving an increase of salary or promotion.

(Nothing in this Section shall apply to Judicial Officers.)

126. Transfers of officers within a Department, other than officers of the Civil Service and Accountants' Service, will be made by the Head of the Department, subject to general supervision by the

Permanent Secretary to the Ministry. Transfers of officers of the Civil Service and Accountants' Service within a Department may be made by the Permanent Secretary to the Ministry but the Secretary to the Treasury and Deputy Secretary to the Treasury respectively should be informed whenever such transfers are made.

127. Inter-departmental transfers of officers within a Ministry will be made by the Permanent Secretary to the Ministry.

128. Transfers of officers between Ministries, other than those referred to in Regulation 129 below, will be made by agreement between the Permanent Secretaries to the Ministries concerned.

129. Inter-departmental transfers of officers of the Civil Service, Accountants' Service, General Clerical Service, Assistant Clerks' Service, Stenographers' Transferable Service and Shroffs' Scheme within a Ministry will be made by the Permanent Secretary to the Ministry but the Secretary to the Treasury, in the case of the Civil Service, and the Deputy Secretary to the Treasury, in the case of the other Services, should be informed whenever such transfers are made. Transfers of officers of the above Services between Ministries will be made by the Secretary to the Treasury and Deputy Secretary to the Treasury respectively, at their discretion. The Secretary to the Treasury should consult the Permanent Secretaries to the Ministries concerned before transferring Civil Servants.

130. Transfers of Divisional Revenue Officers will be made by the Permanent Secretary to the Ministry in charge of Government Agencies.

131. All transfers of Civil Servants will be notified in the *Ceylon Government Gazette* by the Secretary to the Treasury.

Note.—Transfers of public officers involving increase of salary or promotion will be dealt with under the Public Service Regulations.

Section 3.—Departmental Examinations.

136. Schemes of Departmental Examinations prescribed for probationary officers, for promotions over efficiency bars, &c., and any amendments thereto, should be approved by the Permanent Secretary to the Ministry.

137. The Departmental Civil Service Examinations, and the other Departmental Examinations held in conjunction therewith, will be held quarterly, generally in the third week of January, April, July and October. The exact dates and other particulars will be notified by the Secretary to the Treasury in the *Gazette* in the preceding month.

Section 4.—Seniority.

141. (i.) Except where otherwise provided :

- (a) seniority in any department will be determined by the date of an officer's appointment to the particular class or grade in which he is serving;
- (b) seniority as between persons selected for appointment from outside the Island shall be determined by the date of arrival in the Island. Where, however, two or more persons selected from outside the Colonial Service arrive on the same date, seniority *inter se* will be determined by the date of the letter from the Colonial Office confirming the selection, or, in the case of officers engaged on agreement, by the date of the agreement.

(ii.) An officer's seniority in a grade or class will only be altered in the following cases:—

- (a) where he fails to pass an Efficiency Bar at the due date;
- (b) where his probationary period is extended—*vide* Regulation 121; or
- (c) where an order of reduction in seniority is made as a disciplinary measure.

(iii.) When an officer is transferred from one service to another, his seniority in relation to the other officers in his new grade or class will if possible be determined at the time of his transfer.

Note.—The above provisions have been in force since June 1, 1939, and do not have retrospective effect prior to that date.

Section 5.—Increments.

144. (a) An officer whose salary is on an incremental scale is not entitled to draw any increment as of right. The payment of an increment is dependent on a certificate that the officer concerned has discharged his duties with efficiency, diligence and fidelity and has earned his increment.

(b) *Explanation of Terms.*

When such certificate cannot be granted and the increment is disallowed, disallowance may take one of the following forms, *viz.*, deferment of increment, stoppage of increment, reduction of salary, and suspension of increment.

Deferment.—If an officer's increment is deferred, the loss of pay is continuous until the officer reaches the maximum salary of his class. For example:—

	If increment allowed.	If increment be deferred for two consecutive periods of six months each.	Loss.
	Rs.	Rs.	Rs.
1st Year	1,200	1,200	—
2nd Year	1,300	1,200	100
3rd Year	1,400	1,300	100
4th Year	1,500	1,400	100
5th Year	1,600	1,500	100
6th Year	1,600	1,600	—
	<u>8,600</u>	<u>8,200</u>	<u>400</u>

Stoppage.—When stoppage is ordered the loss of pay operates only for the period of the stoppage and is the amount due by way of increment for that period. The next increment is due in full on its due date, e.g., if an annual increment of Rs. 20, due to an officer on Rs. 1,200 on January 1, be stopped for six months, he will draw Rs. 1,220 from July 1, and the next increment, i.e., Rs. 1,240 from the following January 1, the loss of pay resulting from the stoppage being Rs. 10.

Reduction.—(i.) Where the stoppage of an officer's increment would not take effect within a month of the decision, the order should take the form of a reduction of the officer's salary to the stage next below his own for a certain period. For example, if an officer whose increment falls due on January 1 commits an offence in February, for which the most suitable punishment is stoppage of his increment for three months, he would not ordinarily suffer his punishment till his next incremental date is reached in January of the following year. In such a case his salary may be reduced to what it was before his last increment was paid, for a period running from the first day of the month in which the decision is made. It should be borne in mind that reduction of salary under this section does not involve the continuing loss of pay which results from deferment of increment.

(ii.) If it is intended that the punishment should extend beyond the officer's incremental date, the order should take the form of a combination of reduction and stoppage, viz., reduction of salary up to (but not including) the incremental date and thereafter stoppage, for the remainder of the period of punishment, of the increment due on that date. For example, if an officer drawing Rs. 1,200 per annum on the scale Rs. 1,000—40—Rs. 1,400, whose incremental date is the 10th of January, commits an offence in October for which the most suitable punishment would be stoppage of increment for six months, his salary may be reduced by the amount of one annual increment (i.e., from Rs. 1,200 to Rs. 1,160) for three months and nine days (from the 1st of October to the 9th of January inclusive), and thereafter the increment normally due on the 10th of January may be stopped from that

date up to (and including) the 31st of March in which case the officer would be paid salary at the rate of Rs. 1,200 per annum from the 10th of January to the 31st of March, and at the rate of Rs. 1,240 from 1st April.

Suspension of increment.—When the payment of an increment is suspended for a period the sum withheld lapses to revenue at the end of that period unless the officer discharges his duties satisfactorily during the period of suspension. If he discharges his duties satisfactorily the sum so withheld shall be paid to him. Suspension may be either the suspension of the last annual increment or the suspension of the increment falling due.

(c) *When appropriate.*

Deferment.—When the quantity or quality of an officer's work or his conduct since his last incremental date has been generally below the standard required of an officer of his incremental stage his increment should be deferred.

Stoppage.—Stoppage may be ordered for specific offences and in cases of general inefficiency for which deferment is regarded as too severe a remedy. When stoppage is ordered for inefficiency the order will be made on the distinct understanding that if the officer does not show improvement in his conduct and efficiency the order of stoppage will be extended, if necessary, and altered at the end of six months or one year to one of deferment. This will be explained to the officer at the time the order of stoppage is made.

Suspension of increment falling due.—Suspension is appropriate when the officer responsible for issue of the increment certificate is unable on the facts before him to sign it, but desires to place the officer under closer observation before making a final order. It is also appropriate to cases where an officer's ability is adequate but where he has not worked to the best of his ability, where stoppage is considered too severe and suspension is considered likely to produce an improvement. If the quantity and quality of the officer's work or his conduct during the period of suspension are below the standard required the certificate will not be issued and the increment will be stopped or deferred from the date on which it fell due.

Reduction takes the place of stoppage where stoppage would not take effect within one month of the decision. It may also be ordered after an order of suspension of last increment has been passed. See (e) (i) below.

Suspension of last increment is appropriate when, after the issue of an incremental certificate, an officer's work or conduct falls below the standard required of an officer at his incremental stage.

Notes.—Stoppage, reduction, and deferment of increments may be used as punishments for specific acts of misconduct, &c. They provide a range of punishments varying from stoppage for one month

to deferment for one year. Suspension of increment may also be ordered in certain cases, *e.g.*, where it is desired to place a first offender on probation. *Disallowance of increments by way of punishment for specific offences is governed by the disciplinary provisions relating to punishments appearing in the Public Service Regulations.*

(d) *Period.*

Deferment operates for a period either of six months or of one year and the officer's incremental date will be altered accordingly. If at the end of one period the certificate still cannot be signed the increment should be deferred for a further period. Stoppage, reduction, and suspension of increment may be for any number of months from one to twelve. See (e) (v.) below. If stoppage or suspension for a shorter period than six months is converted into deferment, the order of deferment should be for not less than six months and should take effect from the commencement of the period of stoppage or suspension.

(e) *Powers and procedure.*

(This paragraph shall not apply to Judicial Officers.)

(i.) The increments of Heads of Departments will be paid on the order of the Permanent Secretary to the Ministry.

(ii.) Heads of Departments are empowered to sign the increment certificates of all other officers.

(iii.) When the Head of Department is unable to sign a certificate in respect of an officer, other than an officer in the Civil Service, whose salary does not exceed £600 or Rs. 9,000 per annum he will order that the officer's increment be deferred, stopped, or suspended for a specified period, recording his reason for so doing and the period.

(iv.) When the Head of a Department is unable to sign a certificate in the case of an officer, other than an officer in the Civil Service, whose salary exceeds £600 or Rs. 9,000 per annum he will withhold the increment and make a recommendation to the Permanent Secretary to the Ministry that the increment should be deferred, stopped, or suspended, stating for what period and giving his reasons. The Permanent Secretary will make such order as he deems fit in the circumstances.

(v.) When an officer, other than an officer in the Civil Service, whose salary does not exceed £600 or Rs. 9,000 per annum fails to discharge his duties satisfactorily the Head of Department may suspend the payment of the last annual increment for any number of months not exceeding the period between the date of the order and the next incremental date of the officer concerned. When an officer, other than an officer in the Civil Service, whose salary exceeds £600 or Rs. 9,000 per annum fails to discharge his duties satisfactorily the

Head of Department may recommend suspension of the last increment to the Permanent Secretary to the Ministry, who will make an order in the matter. Unless the officer discharges his duties satisfactorily during the period for which the order of suspension operates, the order of suspension will be converted to one of reduction of salary and the sum withheld by way of suspended increment will lapse to revenue at the end of the period of suspension. If, on the other hand, the officer discharges his duties satisfactorily during the period, the sum withheld will be paid to him.

(vi.) The provisions of this Regulation are not applicable in cases where increments are withheld owing to failure to pass an efficiency bar. (*Vide* Regulation 146).

(vii.) In the case of officers in the Civil Service, questions relating to deferment, stoppage or suspension of increment or reduction of salary, as provided in paragraphs (iii.) to (v.) above, will be dealt with by the Secretary to the Treasury on the report of the Permanent Secretary to the Ministry. Reference to the Deputy Secretary to the Treasury is not necessary in the case of the other Combined Services, but he should be informed of all orders made in regard to such officers. (*Vide* Regulation 161 (vi.) (2)).

(viii.) An officer whose increment has been suspended, stopped, or deferred should be informed of the reasons therefor.

(ix.) The stoppage, deferment, or suspension of an increment will in every case be recorded in the officer's history sheet.

Note.—It should be noted that disallowance of increments *by way of punishment for specific offences* is governed by the disciplinary provisions relating to punishments appearing in the Public Service Regulations. For example, such cases relating to officers in the Civil Service and other pensionable officers whose salary exceeds £600 or Rs. 9,000 per annum would require reference to the Public Service Commission and the Governor under the Public Service Regulations.

(f) *Incremental Value of Leave Periods.*

(i.) Subject to the limits in paragraph (ii.) of this Regulation prolonged periods of leave whether with or without pay necessitated by illness should not operate either to stop or defer the increment of an officer, provided that his record prior to the absence was satisfactory. Increments to salary may in such cases be allowed at the discretion of the Head of the Department: where, however, it is considered that frequent absences on leave necessitated by ill-health have so impaired an officer's usefulness that in the opinion of the Head of the Department payment of increment would not be justified, the orders of the Permanent Secretary to the Ministry should be obtained.

(ii.) The incremental value of leave periods shall be determined by the following rules:—

(I.) Any period of leave with full pay or half pay will count for increment (subject to the provisions of paragraph (i.)).

- (II.) Any period of leave without pay will count for increment if
 (a) it is less than six months in any one incremental period;
 or (b) it is granted for reasons outside the officer's own control, *e.g.*, illness, or special absence in the interest of and at the instance of the Government, or special absence in accordance with a scheme of study recognized for the purpose of this Regulation.
- (III.) If an officer fails to complete a recognized course of study in the time prescribed by the Government, the period of leave without pay in excess of the prescribed period will not ordinarily count for increment. The matter must be submitted to the Permanent Secretary to the Ministry for orders in each case.

Section 6.—Efficiency Bars.

146. (i.) Before an officer can be promoted beyond an efficiency bar, a certificate must ordinarily be given by the Head of the Department that he is in every respect fit for such promotion. The certificate must be attached to the first pay sheet on which the higher salary is paid. In the cases of Heads of Departments (other than Judicial Officers) themselves the certificate will be given by the Permanent Secretary to the Ministry.

(ii.) The certificate should not be granted unless the Permanent Secretary or the Head of the Department, as the case may be, is satisfied that the officer is capable of carrying out efficiently whatever duties are likely to be assigned to him during the period which will elapse before he reaches the next efficiency bar or the maximum of his scale.

Promotion over efficiency bars in the Civil Service will be governed by the provisions in the Civil Service Minute. Any other instructions relating to promotion over efficiency bars in particular services as may be laid down in departmental or other regulations should also be followed.

(iii.) Where the passing of a departmental examination forms one of the conditions of passing an efficiency bar it should be stated on the certificate that the examination has been passed.

(iv.) When it is decided that an officer is not fit to pass an efficiency bar, the decision, with the reason therefor, must be communicated to him in writing, and his case should come up for further consideration in twelve months. Such a decision operates as a deferment of increment, unless sanction for treating it otherwise has been obtained from the Permanent Secretary to the Ministry.

(v.) Subject to the exception below, a decision by the Head of a Department that an officer is not fit to pass an efficiency bar is final and no appeal shall lie on the first occasion on which such an order is made. Should an officer whose pensionable emoluments exceed Rs. 2,520 per annum or whose non-pensionable emoluments exceed Rs. 3,000 per annum be so adjudged

for two successive years, the full facts of the case should be submitted to the Permanent Secretary to the Ministry. (This is however not necessary in the case of officers who are prevented from being promoted over an efficiency bar by reason of the fact that they have failed to pass an examination prescribed by departmental or other regulation as a qualification for such promotion). The Permanent Secretary will decide what order should be made in the case.

Exception.—In the case of all officers of the General Clerical Service, Stenographers' Transferable Service, Assistant Clerks' Service and Shroffs' Scheme serving in Departments grouped under a Ministry, disallowance of promotion over efficiency bars must be approved by the Permanent Secretary to the Ministry and, in the case of officers of these Services serving in Departments not grouped under Ministries and all officers of the Accountants' Service, by the Deputy Secretary to the Treasury.

Section 7.—Interdiction.

(to be read with the Public Service Regulations regarding interdiction.)

148. Subject to the provisions of Public Service Regulation 59 an officer who has been interdicted shall receive from the date of interdiction one-half of his emoluments, unless the Permanent Secretary to the Ministry, in consideration of any special circumstances applying to a particular case, gives instructions that a greater proportion of his emoluments than one-half shall be paid. The Permanent Secretary should inform the Public Service Commission whenever he gives such instructions in cases dealt with by the Commission under the Public Service Regulations. If the proceedings against any such officer do not result in the dismissal or other punishment of the officer, he will be entitled to the full amount of emoluments which he would have received if he had not been interdicted.

Note.—Retirement for inefficiency does not fall within the term "other punishment" in this Regulation.

149. For the purpose of Regulation 148 an officer's emoluments mean the emoluments of his substantive office and comprise salary, rent allowance, personal allowance and any other allowance not being in the nature of a duty allowance or an allowance for out of pocket expenses (travelling, transport and subsistence allowance). The Head-quarter allowance payable to certain officers under Financial Regulations is in the nature of a duty allowance.

150. If an interdicted officer fails to reply to the charges framed against him within the prescribed time or to attend an inquiry on the date fixed, the Head of his Department should stop payment to him of the proportion of emoluments payable under Regulation 148 until he replies to the charges or attends the said inquiry. If the officer is

able to establish that his failure to do so in the first instance was the result of causes not within his control, the portion of emoluments withheld from him will be restored.

Note.—This Section shall apply *mutatis mutandis* to Judicial Officers.

Section 8.—Fines.

151. Departmental fines should only be inflicted where no other form of punishment is feasible. The reasons for inflicting reprimands or fines on officers should always be communicated to them.

152. Fines inflicted on subordinate officers should be imposed with a due regard to the proportion they bear to the salaries of the offenders.

153. The total of fines imposed during any one month on an officer should not exceed the amount of his pay for one week.

154. Fines for absence without leave or for late attendance must be credited to the Consolidated Fund but those imposed for neglect of duty in other respects may be paid to the credit of Departmental funds, where such exist, or to "Friend-in-need" societies. (Vide Financial Regulations).

155. When a fine is to be credited to a Departmental fine fund, the amount should be deducted from the officer's salary at the end of the month and a receipt furnished him for it with the balance of his salary. Such receipts should be issued from a book bound in foil and counterfoil to facilitate the audit of the fund. A similar book of receipts for fines recovered should also be kept when the fines are paid into Departmental funds obtaining revenue from other additional sources. (Vide Financial Regulations).

156. A statement of Departmental fines must be forwarded to the Auditor-General quarterly in Form General 48. (Vide Financial Regulations).

Section 9.—History Sheets, Personal Record Files and Confidential Reports.

(Nothing in this Section shall apply to Judicial Officers.)

History Sheets.

161. (i.) History sheets in Form General 53 must be maintained in respect of all officers appointed to pensionable posts, except those whose records appear in the Civil List and those referred to in (vi.) (1) below.

(ii.) The history sheets of officers will usually be kept in the Department concerned.

(iii.) The history sheets of members of the General Clerical Service, Assistant Clerks' Service, Stenographers' Transferable Service and the Shroffs' Scheme will however be kept in duplicate, one copy by the Permanent Secretary to the Ministry concerned and one copy

by the Deputy Secretary to the Treasury. History sheets of members of the Divisional Revenue Officers' Service will be kept by the Permanent Secretary to the Ministry in charge of Government Agencies.

(iv.) When an officer is appointed to a pensionable post, whether permanently or on probation or agreement, a history sheet for such officer should be prepared at once on Form General 53.

(v.) History sheets should be maintained in accordance with the following rules:—

- (1) The history sheets should be kept under lock and key and should generally be arranged vertically and in strict alphabetical order.
- (2) The entering of the history sheets and the custody of them should be entrusted to a senior clerk who will be held responsible for their safety and for the correctness of the entries in them.
- (3) All changes of the description set out in Regulation 119, half-pay and no-pay leave, commendations and censures should be entered in the history sheets direct from, and immediately after, the issue of the original orders of Heads of Departments.
- (4) The date of birth of the officer should be noted in the history sheet when it is opened, after verification from a birth certificate furnished at the officer's expense. The entry on the history sheet should be initialled by a Staff Officer.
- (5) Every entry in a history sheet should be checked with the original order and initialled by a Staff Officer. A Staff Officer should also check from time to time, at least once in three months, that the work is kept up to date and that all necessary history sheets have been duly opened and are all accounted for.
- (6) History sheets should not be accessible to any officer other than a Staff Officer, the Head Clerk, or other person specifically authorized by the Head of the Department.
- (7) Whenever the Head of a Department has occasion to report to the Permanent Secretary to the Ministry for disciplinary treatment any officer whose salary exceeds Rs. 2,520 per annum and whose history sheet is filed in the Department he should attach to such report a certified copy of the history sheet of the officer concerned.
- (8) When an officer is transferred from one Department to another, the former Department should make out and retain a copy of his history sheet and forward the original to the latter Department under confidential cover.
- (9) When an officer eventually retires, his history sheet should be attached to the paper of particulars for calculation of pension and forwarded direct to the Treasury (Establishments Division).

(vi.) (1) The Police, Survey, Excise, Railway and Education Departments are exempted from maintaining history sheets on the understanding that the entries made in the registers now maintained by these Departments are checked by a responsible officer and that a certified statement giving full particulars of salaries paid and half-pay and no-pay leave granted to each officer is forwarded to the Treasury (Establishments Division) with the pension application of every retiring officer.

(2) For the purpose of maintaining the history sheets of officers mentioned in paragraph (iii.) Heads of Departments in which such officers are employed must report monthly to the Permanent Secretary to the Ministry concerned, in duplicate, or to the Permanent Secretary to the Ministry in charge of Government Agencies, as the case may be, events of the description set out in paragraph (v.) (3). Form General 228 should be used for reporting changes and Form General 96 for reporting leave. The return should be furnished as soon as the month in respect of which it is rendered is past. The return of commendations and censures, which should be attached to the return of changes, should be prepared under the following heads:—

Full name of officer: _____
 Number in seniority list: _____
 Details of commendations: _____
 Details of censures: _____

In this return Heads of Departments must enter particulars of any commendation or censure which they consider of sufficient importance to be recorded against the name of any of their officers.

One copy of the returns received in duplicate by the Permanent Secretary will be forwarded by him to the Deputy Secretary to the Treasury.

Note.—“ Nil ” returns on Forms General 228 and 96 should not be sent but the information that there was nothing to report for the months succeeding the date of the last return should be embodied in the next return.

Personal Record Files.

(vii.) Personal Record Files in the standardized form should be maintained for the following officers:—

- (a) All officers appointed to any but purely temporary posts by the Secretary of State, Governor or Public Service Commission.
- (b) Members of the Clerical Services in Grade I. of the Executive Class or above.
- (c) Officers in the higher classes or grades of other departmental services who are liable to come within the purview of the Public Service Commission when promotions are to be considered.

(viii.) The files will be in duplicate, one being retained in the Department in which the officer is employed and the other in the Public Service Commission Office. In the case of officers in the Accountants' Service, General Clerical Service (Executive Clerical Class, Special Grade and Grade I.) and Shroffs, the Deputy Secretary to the Treasury is responsible for the preparation of the files, in collaboration with the Permanent Secretaries to the Ministries in which the officers are serving, and for transmitting duplicate copies of the files and particulars of subsequent entries to the Secretary, Public Service Commission. The files of Heads of Departments will be prepared by the Permanent Secretary to the Ministry and the files of all officers of the Civil Service by the Secretary to the Treasury.

(ix.) Personal Record Files are intended to contain all essential information about an officer but nothing else. They should not be confused with " Personal Files " normally kept by Departments in which are filed an officer's history sheets, leave records and all correspondence concerning him. The outside cover (Form General 230A) contains, on the reverse of the top sheet, space for the personal particulars of the officer including details of efficiency bars passed, qualifications obtained, investments made and land purchased with the consent of Government, &c. The first page (Form General 230B) will contain brief particulars of commendations and censures with references to the folios of the officer's Personal File or other files where charge sheets, letters of commendation and other relevant documents can be found in original. Censures will be entered in red ink and in every case must be supported by a certificate to the effect that they have been conveyed to the officer and that his protest, if any, has been considered and overruled before the entry was made.

(x.) The remainder of the file will contain annual confidential reports on the officer completed by the Head of the Department or other authority in respect of each year of his service commencing with 1945. These will be on Form C.S.O. 38 (Colonial Service Annual Confidential Report Form P 2A) in the case of officers on whom Colonial Service annual reports are normally required (*vide* paragraph (xii.) below). In the case of all other officers, reports will be made on Form General 230c.

(xi.) It is of the utmost importance that any addition or alteration made at any time in the particulars contained in an officer's Personal Record File should at once be reported to the Secretary, Public Service Commission, to enable a corresponding entry to be made in the duplicate file. Duplicate copies of annual confidential reports should reach him by January 31 each year.

Confidential Reports.

(xii.) (a) Confidential reports on officers for whom Personal Record Files are maintained should be forwarded by Departments to the Permanent Secretary to the Ministry, who will make his report to

the Public Service Commission. In the case of the Services referred to in (viii.) the report will be made in duplicate through the Secretary to the Treasury or the Deputy Secretary to the Treasury, as the case may be. Reports should reach the Secretary, Public Service Commission, by January 31 each year as indicated in paragraphs (x.) and (xi.) above. Confidential reports on Heads of Departments will be made by the Permanent Secretary to the Ministry. The classes of officers in respect of whom Colonial Service Annual Reports are required by the Secretary of State will be intimated from time to time by the Secretary to the Governor to the Permanent Secretaries to the Ministries. The latter will arrange for the submission, as and when required, of reports on such officers through the Public Service Commission to the Governor, for despatch to the Secretary of State.

(b) Where it has been the practice to furnish confidential reports on other classes or grades of officers in any Departments to the Head of Department or other authority the practice should be continued unless and until the Permanent Secretary to the Ministry gives instructions to the contrary.

Section 10.—Inventions by Officers.

166. The attention of officers is hereby directed to the rights that the Crown has in inventions made by them in the course of their official duties, or with the knowledge and skill acquired, and the facilities placed at their disposal, as a result of their employment.

167. Any officer who wishes to obtain a Patent for any invention made by him may make an application to the Registrar of Patents in terms of sections 5 and 6 of the Patents Ordinance. (Cap. 123) but he shall forthwith forward a copy of such application to the Head of his Department who shall submit it to the Permanent Secretary to the Ministry under whose general control his Department has been placed.

168. The nature and the extent of the rights that may be allowed to, and the conditions that may be imposed on an officer so applying for a Patent (hereinafter to be called "the applicant") will be considered and settled in the manner following:—

(i.) The Permanent Secretary to the Ministry concerned will make a recommendation to the Permanent Secretary to the Ministry concerned with the subject of Patents (hereinafter referred to as the Permanent Secretary) after considering the invention and its possibilities in consultation with the Patents Advisory Committee, consisting of the Solicitor-General as Chairman and of one or more members of each of the Scientific Departments interested in the invention, selected from time to time by the Minister concerned with the subject of Patents.

(ii.) The Permanent Secretary's decision upon such recommendation will be communicated to the applicant normally within three months from the date of receipt of the copy of his application.

169. Pending the decision of the Permanent Secretary, all rights in the applicant's invention will be deemed to belong to the Crown and to be held in trust for the Crown.

170. An applicant whose invention is in all essential matters alien to his employment or official duties will normally be permitted to retain full controlling rights in the invention; and where full controlling rights are so allowed, the applicant shall himself bear all the expenses of taking out a Patent.

171. (i.) In other cases, any controlling rights allowed to an applicant will be subject to conditions and limitations in imposing which a wide discretion will be exercised, and which may include either (a) the reservation of rights of user by the Crown free of royalty, or (b) the reservation to the Crown of a share of any commercial proceeds likely to be realized, or both such reservations.

(ii.) A reservation to the Ceylon Government of user of the invention free of royalty may include a like reservation to His Majesty's Government in the United Kingdom, or the Government of any British Colony or Protectorate or any territory in which His Majesty has jurisdiction.

(iii.) An agreement embodying the reservations so made shall thereupon be signed by the applicant on the one part and the Permanent Secretary on behalf of His Majesty on the other.

172. If it is decided that no controlling rights of any kind should be allowed to an applicant, he shall forthwith assign by a duly executed document all his rights in, and all the benefit of, the invention to the Permanent Secretary on behalf of His Majesty; but he may be allowed a share of the commercial proceeds of the invention and the House of Representatives will be asked to provide funds to meet all expenses incurred in taking out the Patent.

173. Where only limited controlling rights, or no controlling rights, are allowed, or where a reservation of any rights in favour of the Crown has been made and only a share of the commercial proceeds is allotted to the applicant, or when the Government reserves the right to use the invention free of royalty, he will have the right to claim an award.

174. Such claim shall be made by way of application forwarded by the Head of the applicant's Department, in the same manner as the copy of the original application for a Patent, to the Permanent Secretary to the Ministry concerned.

175. A claim for an award will be dealt with only after the acceptance of the complete specification by the Registrar under the provisions of section 11 of the Ordinance.

176. (i.) In making the award all reasonable expenses incurred in connection with the invention will be taken into consideration;

but at the same time a set-off or deduction will be made in proportion to the value of any share allowed to the applicant in the commercial proceeds of the invention and the award will in no case exceed the sum of Rs. 100,000.

(ii.) The reservation of a right of user free of royalty to His Majesty's Government in the United Kingdom or the Government of any other territory mentioned in Regulation 171 (ii.) shall not be taken into account, but if and when such right shall be exercised by any such Government, a material change shall, for the purpose of Regulation 177, be deemed to have taken place.

177. Any award decided upon, any allocation made to the applicant of a share in the commercial proceeds, will be subject to modification by the Permanent Secretary of his own motion, or at the request of the applicant, in the event of any material change in the circumstances that existed at the time of such award or allocation provided that in any such modification of the original decision the amount of an award which has been paid shall not be reduced.

178. (i.) If an officer fails to take within a reasonable time steps for obtaining a Patent in respect of any invention made by him, the Permanent Secretary with the concurrence of the Permanent Secretary to the Ministry under whose general control his department has been placed, may if so advised order him to make application for a Patent in the prescribed manner.

(ii.) The expenses of any application so made will in the first instance be met out of funds provided by Parliament; but if the applicant is eventually allowed full controlling rights in the invention, he shall refund all moneys so advanced, unless the Permanent Secretary is satisfied that such controlling rights have no commercial value.

(iii.) In all other respects the foregoing Regulations shall apply to an officer ordered to make application for a Patent, in the same manner as if he had made the application on his own initiative.

179. Any officer who acts in contravention of these Regulations, or who, after the assignment of all his controlling rights in any invention to the Permanent Secretary as set out in Regulation 172 communicates at any time any information, document, sketch or model connected with the said invention to any person to whom it ought not to be communicated, shall be deemed to be guilty of misconduct punishable with dismissal from the Public Service.

Section 11.—Termination of Employment, &c.

(This Section shall apply, *mutatis mutandis* in accordance with the Judicial Service Regulations, to Judicial Officers.)

186. Pensionable officers in the Public Service shall be permitted to retire, if they so desire, on reaching the age of optional retirement (55 years). They may be permitted to continue in service after

reaching this age, subject to the provisions of Public Service Regulations 62 to 65. They shall be automatically retired on reaching the age of 60, unless they have received permission beforehand in terms of Public Service Regulation 69 to remain in service.

187. (i.) Public Officers are required to give at least 6 months' notice to the Heads of their Departments before they reach the age of optional retirement (55 years) stating whether or not they desire to retire on reaching such age. A Head of Department will give similar notice to the Permanent Secretary to the Ministry and a Permanent Secretary will give notice to the Public Service Commission before he reaches the age of optional retirement. In the case of officers in the Civil Service notice will be given to the Secretary to the Treasury and in the case of officers in the other Combined Services, to the Deputy Secretary to the Treasury, through the Head of Department and the Permanent Secretary to the Ministry.

(ii.) All officers who are permitted to remain in service after the age of 55 years are required to give a written undertaking that they give at least 3 months' notice to the Head of the Department, the Permanent Secretary to the Ministry, Public Service Commission, Secretary to the Treasury, or Deputy Secretary to the Treasury, as the case may be, before they ultimately retire from the service or are granted leave preparatory to retirement, whichever is earlier.

188. (i.) When it is possible to effect retrenchment by retiring an officer who has attained the age of 55, by abolishing his post or another post lower down in the scale, the officer should be compulsorily retired unless he is exceptionally efficient and it is in the public interest to retain him.

(ii.) If it is not possible to retrench a post by retiring an officer who has attained the age of 55, he should be compulsorily retired only if his efficiency is definitely below normal.

(iii.) An officer whom it is proposed to retire compulsorily on the above principles should not be allowed an extension on compassionate grounds, *e.g.*, merely to allow him to qualify for a full pension.

(iv.) An officer who is compulsorily retired from service after reaching the age of 55 should in ordinary circumstances be given 3 months' notice of the date of retirement.

Note.—The provisions of the above Regulations regarding retirement are liable to alteration in accordance with rules under the Public Officers (Retirement) Ordinance (Cap. 253).

190. Resignations from appointments the making of which is subject to the approval of the Governor shall be tendered in writing, through the Heads of Departments and Permanent Secretaries to Ministries concerned and the Public Service Commission, to the Governor. Resignations from appointments the making of which has been delegated to the Public Service Commission shall be tendered

in writing, through the Heads of Departments and Permanent Secretaries to Ministries concerned, to the Public Service Commission. Resignations from other appointments shall be tendered in writing to the Heads of the Departments in which the officers concerned are serving. Acceptance of resignations should be notified in writing to the officers concerned.

191. An officer who absents himself from duty without leave or reasonable cause is considered to have vacated his office. The officer should be informed accordingly at once by registered post. Charges should not be framed against such officer nor need he be called upon to submit an explanation for his absence without leave but if he volunteers an explanation within a reasonable time the explanation should be considered by the authority or authorities who would ordinarily deal with the officer under the Public Service Regulations on disciplinary matters. Permission to resume duties may be allowed or refused after such consideration.

192. In the event of an officer of the Regular Army vacating an appointment (including that of Aide-de-Camp to His Excellency the Governor) before the date up to which he has been seconded, the Secretary to the Governor should be informed as early as possible in order that a notification should be sent to the War Office so that steps may be taken for his disposal.

193. Whenever officers are retired for inefficiency or dismissed from the Public Service or have vacated office (Regulation 191 above), the Head of the Department concerned shall report such retirements, dismissals or vacations of office to the Treasury which will issue a memorandum monthly to all departments giving particulars of each case. All departments must maintain an alphabetical index of the names of all officers who have been retired for inefficiency or dismissed or who have vacated office and the record of the particulars of each case.

194. No officer who has been retired for inefficiency or dismissed from the Public Service or who has vacated his office (Regulation 191) may be re-employed without the special sanction of the Permanent Secretary to the Ministry in which it is proposed to employ him.

195. (i.) Official communications relative to the character and service of public officers must not be placed at the disposal of such officers.

(ii.) Employees such as artisans or mechanics who have been engaged on agreement, or whose employment is otherwise temporary, should upon termination of their services be supplied with a certificate of service filled up on the standard form indicated below, stating not only their period of service and the position or positions held but also whether their duties have been carried out efficiently and whether their general conduct has been satisfactory.

(iii.) Other officers in Government Service who are leaving the service on termination of agreement, retirement or voluntary resignation may also be furnished with certificates of service on the standard form at their personal request.

(iv.) The following standard form should be used for certificates of service:—

GOVERNMENT OF CEYLON.

Certificate of Service.

Name of Officer: _____
 Position held and Department: _____
 Period of Service: From _____ to _____
 Cause of termination of engagement: _____
 Efficiency: _____
 General Conduct: _____

Head of Department.

Date : _____ 19

(v.) Heads of Departments when completing certificates of service should bear in mind that the main purpose of such documents is that they may be used as references concerning the officer's period of service under the Government when the time comes for him to seek further employment. Officers who complete certificates of service should, therefore, give in them that information which they, were they in the position of a prospective employer, might fairly expect to obtain from the person who had previously employed the officer. In the case of an officer whose services have not been satisfactory, credit should be given for any good qualities shown which might enable him to obtain employment in other walks of life.

(vi.) To enable the approved Agents of the Ceylon Government in the United Kingdom to answer enquiries as to the manner in which persons engaged by them under agreement have conducted themselves while in the service of the Ceylon Government, Heads of Departments must, as soon as possible after the termination of an officer's engagement, furnish the Permanent Secretary to the Ministry with a confidential report (in duplicate) on Form General 152 as to his general conduct and efficiency during his service in Ceylon. No report is necessary, however, if the officer is taken on the permanent staff on the expiration of his agreement.

(vii.) No certificate of character, merit, or service shall be given in any circumstances to any public officer other than a public officer who is leaving the service of the Government on termination of agreement or on retirement or voluntary resignation.

196. Heads of Departments should forward to the Permanent Secretary before December 1st of each year a return on Form General

91 of all officers of whatever grade serving in their Departments who are sixty or more than sixty years of age, or who will attain the age of sixty before the end of the succeeding year.

Note.—*Vide* Public Service Regulation 69 regarding employment of officers over sixty years of age.

A.M.N. Suriyabandara
Provincial Superintendent Pharmacist
Uva Provincial Directorate of Health
Badulla

CHAPTER IV.—REGULATIONS GOVERNING CONDUCT OF OFFICERS.

Section 1.—General Regulations.

201. Except where it is otherwise expressly stated, the officers enumerated in Appendix B shall be regarded as Heads of Departments for the purposes of these Regulations.

202. (i.) The principles embodied in the Regulations of this Chapter shall be observed by Permanent Secretaries to Ministries in matters relating to themselves personally.

(ii.) In matters relating to officers in Departments not grouped under any Ministry, the Head of the Department shall exercise the functions vested in Permanent Secretaries to Ministries under these Regulations.

203. Officers are required to discharge any duties upon which the Governor may think it desirable to employ them.

204. Canvassing by officers for appointments, promotions or transfers in the Public Service, whether done directly or indirectly, will be regarded as a serious breach of discipline and in addition will impair the prospects of such candidates obtaining the posts desired.

205. Canvassing for posts in the Public Service by candidates who are not public officers will impair their prospects of success. Written testimonials in favour of such candidates from any person qualified to give the same will be accepted but requests for interviews with officers from candidates' supporters will prejudice such candidates' chances.

206. Any attempt to arrange an interchange of duties for a pecuniary consideration will render the officers implicated liable to dismissal.

207. Officers must be courteous towards the public and readily assist all persons visiting public offices on business and official acts and correspondence should always be polite.

208. Any act by an officer which is calculated to bring the Public Service into disrepute must be reported to the Permanent Secretary to the Ministry in which the officer is serving by the senior officer at the station concerned or by the Head of the Department to which the officer in question belongs or is attached.

209. Heads of Departments must not grant permission to members of the public to enter their offices for the purpose of canvassing for support at elections or for subscriptions or to make a collection of money from members of the staff.

210. Officers should not take any active part in the collection of money for public charities from their subordinates nor should they permit members of their families to take part in such collections in their departments.

211. No officer whose remuneration is fixed on the assumption that the whole time of such officer is at the disposal of Government shall, except with the approval of the Permanent Secretary to the Ministry (who will obtain the concurrence of the Secretary to the Treasury before granting such approval), take part in the affairs of any commercial, business, or agricultural undertaking, or of any firm carrying on any description of professional work in Ceylon.

212. Officers are not permitted to undertake services for Local Government bodies, or other public bodies, or for private parties, without previously obtaining the sanction of the Permanent Secretary to the Ministry concerned. An officer will be permitted to undertake such work only when such officer is—

- (1) possessed of special knowledge or skill which is not otherwise available to the local body or private party; or
- (2) employed in Government work which can with advantage be amalgamated with the work of a local body; or
- (3) temporarily required to fill a vacancy in the staff of a local body, which demands a degree of ability not adequately possessed by the other members of such local body's staff.

Exceptions: This Regulation does not apply to those officers of the Medical Department who by the regulations of that department are allowed private practice or to services authorised under the Financial Regulations.

213. The special permission of the Permanent Secretary to the Ministry concerned is required before an officer may undertake any unofficial work for remuneration. Such permission will not be given unless it is shown that no other means of getting the work done are reasonably available. In cases where special permission has been granted, such percentage of the fee as the Permanent Secretary to the Ministry may direct, in accordance with any general instructions issued by Treasury Circular, will be credited to the Consolidated Fund, the remainder being appropriated by the officer. Provided, however, that the officer shall be entitled in all cases to appropriate Rs. 50 at least, or the whole fee if it is less than Rs. 50.

Exceptions: This Regulation does not apply to those officers of the Medical Department who by the regulations of that department are allowed private practice or to cases authorized under the Financial Regulations.

214. Salaried officers are not permitted to hold office as Managers of Schools, except with the approval of the Permanent Secretaries to the Ministries concerned and the Director of Education.

215. Salaried officers should not be recommended for appointment as Assessors of property values if it is possible to find competent persons outside the Public Service. In submitting recommendations for such appointments therefore it must be stated whether any of the persons named are salaried officers; and, if so, on what grounds an exception to the rule is recommended.

216. Except in the case of unpaid Headmen or officers remunerated by fees for their services, such as Registrars of Births, Deaths, and Marriages, no unpaid persons shall be employed in the service of the Government without the sanction of the Permanent Secretary to the Ministry concerned.

217. The employment by an officer of Government labour on private jobs of any kind, either during or out of official hours of work, is absolutely prohibited.

218. No officer is allowed to furnish supplies on public account or to sell specimens to any public institution without the special sanction of the Permanent Secretary to the Ministry in charge of his Department. Expenditure from public funds on this account requires the prior sanction of the Permanent Secretary to the Ministry in charge of the Department incurring the expenditure—see Financial Regulations.

219. No officer may undertake any private agency in any matter connected with the exercise of his public duties.

220. No officer, whether on duty or leave of absence, must allow himself to be interviewed on questions of public policy or on any matters affecting the defence and military resources of any British Possession.

221. No officer on leave of absence may accept any paid employment without previously obtaining the express sanction of the Permanent Secretary to the Ministry. Application should be made to the Head of the Department who will make his recommendation to the Permanent Secretary.

222. Heads of Departments when leaving their headquarters on official business must report, confidentially, if necessary, to the Permanent Secretary to the Ministry concerned, before starting, the date of their proposed departure and the stations they intend to visit.

223. Heads of Departments and inspecting officers should, as a matter of courtesy, notify Government Agents and Assistant Government Agents of projected visits to their Provinces or Districts except where secrecy is necessary.

224. No steps must be taken by officers to institute legal proceedings in a personal capacity in connection with matters arising out of the discharge of their public duties without the previous consent of the Permanent Secretary to the Ministry, to be applied for through the Head of the Department. The Permanent Secretary should in cases of doubt consult the Attorney-General.

Section 2.—Acquisition of Land, Investments and Mortgages.

231. (i.) Upon first appointment to an office ordinarily included in the Civil List, every officer shall furnish to the Head of his Department, for inclusion in his Personal File, particulars of—

- (a) all immovable property in Ceylon and all shares or interests in such property,
- (b) all mortgages over immovable property in Ceylon,
- (c) all shares in companies carrying on business in Ceylon,
- (d) all financial interests in commercial or business undertakings, or in firms carrying on any description of professional work, in Ceylon

owned or held at the time of such first appointment by such officer.

Every such officer who is a male shall, if he is married at the date of the aforesaid appointment, furnish simultaneously with such particulars, or, if he marries after such appointment, furnish immediately after the marriage, similar particulars of immovable property, mortgages, shares, &c., owned or held by his wife in her own right or transferred or assigned to her in consideration of the marriage.

(ii.) Every married male officer holding a post ordinarily included in the Civil List shall, whenever his wife acquires any financial interest in any commercial or business undertaking, or in any firm carrying on any description of professional work in Ceylon, furnish in writing to the Head of his Department, for inclusion in his personal file, full particulars of the interest so acquired.

232. (i.) In any case where an officer has reason to anticipate any real or apparent conflict between public duty and private interests caused by the fact that such officer owns or holds or proposes to acquire any immovable property in Ceylon, or any mortgage over any immovable property in Ceylon, or any shares in any company carrying on business in Ceylon, or any financial interest in any commercial or business undertaking or in any firm carrying on any description of professional work in Ceylon, such officer shall—

- (a) report all the facts of that case to the Permanent Secretary to the Ministry through the Head of the Department;
- (b) stay all action in that case until the necessary orders or directions are received from the Permanent Secretary; and

(c) upon the receipt of such orders or directions take action in accordance therewith.

(ii.) If the Permanent Secretary has any doubt as to the order he should make in any matter referred to him under paragraph (i.) he should consult the Secretary to the Treasury.

233. Non-Ceylonese Officers.—(i.) A non-Ceylonese officer may not acquire or be a part owner of any land in the Island other than a garden or ground attached to his dwelling house and not cultivated with a view to the sale of produce. He may not acquire or be part owner in any concession in the Island nor be the owner of house property other than a house for his own occupation. This Regulation applies to every acquisition of land by way of purchase by or gift to a non-Ceylonese officer whether in his own name or in that of any other person, including the members of his family, and also to every such acquisition made by his wife as her own separate property.

(ii.) This Regulation does not apply to acquisitions by inheritance, dowry or devise; but such acquisitions must be reported to the Permanent Secretary to the Ministry who will make such order as may in his opinion be necessary.

234. Ceylonese Officers.—Ceylonese officers are permitted to acquire and to hold land and leases of land, in accordance with the following procedure* :—

(i.) Acquisitions by gift or purchase require the sanction of the Government Agent of the Province or the Assistant Government Agent of the District in which the land is situated. Such sanction must be obtained *before* the acquisition takes place. Applications to acquire land or leases of land should be made in duplicate on Form General 134 and forwarded without a covering letter through the Head of the Department to the Government Agent of the Province or the Assistant Government Agent of the District in which the land is situated. In case the Government Agent or Assistant Government Agent has any doubt as to whether the application should be sanctioned or considers that the application should be refused he should refer the matter for decision to the Permanent Secretary to the Ministry in which the officer is serving. All applications from Heads of Departments and members of the Civil Service should also be referred to the Permanent Secretary to the Ministry for decision.

(ii.) Acquisitions by inheritance, dowry or devise do not require the prior sanction of the Government Agent of the Province or the Assistant Government Agent of the District in which the land is situated, but they must be reported through the Head of the Department to the Government Agent or Assistant Government Agent who will, if the acquisition appears improper or if he otherwise deems it desirable, refer the matter to the Permanent Secretary to the Ministry in which

* This procedure does not apply to daily-paid employees and unpaid headmen.

the officer is serving, for such action as may be necessary. Reports regarding acquisitions by Heads of Departments or members of the Civil Service should also be referred to the Permanent Secretary to the Ministry for orders. Acquisitions must be completed before marriage or within such period as the Government Agent or Assistant Government Agent or Permanent Secretary to the Ministry, as the case may be, may prescribe, if they are to be accepted as acquisitions by dowry.

(iii.) The preceding paragraphs of this regulation apply to acquisitions by a Ceylonese officer whether in his own name or that of any other person, including the members of his family; and also to acquisitions made by or on behalf of his wife as her own separate property.

(iv.) Paragraphs (i.) and (ii.) apply to acquisitions made by or on behalf of a female officer. They do *not* apply to acquisitions made by the husband of a female officer (who is not himself an officer).

235. (i.) If in the opinion of the Permanent Secretary to the Ministry any acquisition or holding by or on behalf of any officer is improper, he may order that the officer shall divest himself of interest to such extent as the Permanent Secretary thinks fit.

(ii.) An acquisition or holding is improper if it might bring an officer's private interests into real or apparent conflict with his public duties or in any way influence him in the discharge of his duties.

236. An officer shall not directly or indirectly acquire investments or interests which might bring his private affairs into real or apparent conflict with his public duties or in any way influence him in the discharge of those duties. If in the opinion of the Permanent Secretary to the Ministry any investment or interest acquired by or on behalf of an officer is improper he may order that the officer shall divest himself of such investment or interest in whole or in part.

237. (i.) Officers are permitted to purchase shares in local companies subject to the provisions of Regulation 236.

(ii.) All investments made by or on behalf of officers or their wives must be reported to the Permanent Secretary to the Ministry through the Head of the Department.

(iii.) This Regulation applies to investments made by or on behalf of a female officer. It does *not* apply to investments made by the husband of a female officer (who is not himself an officer).

238. Officers are not debarred from becoming members of Co-operative Societies registered under the Co-operative Societies Ordinance (Chapter 107, Volume III.).

239. (i.) Officers may make local investments in mortgages but the previous sanction of the Head of the Department should be

sought in each case before such investments are made by an officer or by his wife. If the Head of Department has any doubt as to whether sanction should be granted or considers that sanction should be refused he should refer the matter to the Permanent Secretary to the Ministry for decision.

(ii.) This Regulation applies to investments in mortgages made by or on behalf of a female officer. It does *not* apply to investments in mortgages made by the husband of a female officer (who is not himself an officer).

240. Where an officer, such as a Head of Department, Government Agent or Assistant Government Agent, is the sanctioning or deciding authority under the preceding Regulations he should refer any application in which he is personally interested to the Permanent Secretary to the Ministry for decision without dealing with it himself.

241. Correspondence regarding the matters referred to in Regulations 231 to 237 and 239 or copies of such correspondence should on completion be filed ordinarily in the Personal File of the officer, which will be forwarded to the officer's new Department whenever he is transferred.

Note.—Papers relating to personal acquisition of land, &c., under Regulations 233, 234, 237 and 239 by Permanent Secretaries to Ministries and Heads of Departments not grouped under any Ministry should be forwarded by them to the Secretary to the Treasury to be filed of record.

Section 3.—Membership in Associations, &c.

246. Officers are prohibited from becoming members of any political association or any ratepayers' association or any mahajana sabha or similar association.

247. No employees of Government, except daily-paid employees as defined below, are permitted to be members of Trade Unions, except Unions which are exclusively departmental in their membership, office bearers, patrons and objectives and which have received the sanction of the Secretary to the Treasury under Regulation 248 (i.).

For the purpose of this Regulation, the expression "daily-paid employees" means labourers who are casually employed and paid daily or at the conclusion of a particular task or at intervals other than daily intervals during a particular task: it does not include either labourers who are regularly employed and paid at a daily or hourly rate and on whom rests an obligation to present themselves regularly for work or labourers who have been so employed and paid for a period of two years and on whom there is no obligation to present themselves regularly for work.

248. (i.) The formation of any association of officers requires the sanction of the Secretary to the Treasury.

(ii.) This Regulation applies without exception to all employees of Government who wish to form associations or trade unions which are exclusively departmental in their membership or objectives.

249. When an application is made for permission to form an association of officers the objects of the association and the names of patrons and officers whom it is proposed to elect should be stated and a copy of the proposed rules should be forwarded.

250. Copies of the minutes of all meetings of associations of officers must be forwarded to the Permanent Secretary to the Ministry and the Head of the Department concerned, or, in the case of associations comprising members of different departments not in the same Ministry, to the Secretary to the Treasury, with copies to the Permanent Secretaries to the Ministries concerned. A complete list of members must be supplied to the Permanent Secretary to the Ministry and Head of Department or Secretary to the Treasury, as the case may be, annually.

251. Meetings of such associations shall not be open to the Press nor shall any account of the proceedings of an association be communicated to the Press.

252. Attendance at a meeting of an association of officers which has not been sanctioned, or for the existence of which sanction has been withdrawn, will be a breach of discipline.

253. No person who is not an officer may be appointed to be a patron or office bearer or admitted to membership of any association of officers.

254. (i.) If an association of officers wishes to make representations to Government regarding the pay or terms of employment of its members, the representations must be made to the Secretary to the Treasury through the Head of Department and the Permanent Secretary to the Ministry or if the association contains officers belonging to more than one Ministry, to the Secretary to the Treasury direct, with copies to the Permanent Secretaries to the Ministries concerned.

(ii.) In case of a breach of this Regulation, the Secretary to the Treasury may withdraw recognition of the Association.

255. Associations of officers are not permitted to affiliate themselves to trade unions or associations whose membership and objectives are not departmental.

256. Regulations 248 to 255 apply to associations of daily-paid employees, as well as to associations of all other employees of Government.

257. The following associations of officers are exempt from the operation of the above Regulations regarding associations of officers—

- (i.) Associations whose activities are confined to the promotion of recreation and sport.
- (ii.) Co-operative Societies registered under the Co-operative Societies Ordinance, Chapter 107, Volume III., and composed of Government officers.

Section 4.—Participation in Public Meetings, Elections and Political Activities.

261. Officers, including headmen in receipt of fixed monthly allowances, are strictly prohibited from disseminating political publications and from procuring signatures to petitions to members of the Senate or the House of Representatives or to public officers.

262. No officer is allowed to call a public meeting to consider any action of the Government of Ceylon or the Government of any other country or to take part in or attend such a meeting unless he is authorized to do so in his official capacity with a view to discussion and settlement of points in issue with associations representing special interests, &c.

263. No officer may take any part in an election to the House of Representatives except by recording his vote, if he is entitled to one. Canvassing or in any other way supporting the candidature of an aspirant to an elected or nominated seat in the Senate or the House of Representatives will be regarded as a grave offence, rendering the offender liable to dismissal from the Public Service. Should the wife of an officer become a candidate for the Senate or the House of Representatives or in any other way take an active part in such an election, the officer himself shall be deemed to have committed a breach of this Regulation.

264. Officers are prohibited on pain of dismissal from taking any steps to secure their election or nomination, as the case may be, as members of the Senate or the House of Representatives or of any Local Government body except in cases where they are eligible to stand for election and have obtained authority to do so. Should any officer not eligible, or eligible but not authorized, to stand for election desire to contest any such election at a future date when made eligible (*e.g.*, by resignation from Government service), or to make preparations before the election to further his own candidature or to test his chances at such election, he must resign his post in the Public Service before he initiates directly or indirectly or tacitly or otherwise sanctions any election activities in his own interest.

265. (i.) Subject to the reservations in (ii.) and (iii.) below, all full-time salaried officers are prohibited from taking any part in Local

Government Elections except the recording of their votes. This prohibition includes addressing meetings, canvassing in support of candidates, lending cars for the conveyance of voters and any similar activities.

(ii.) Part-time officers are not required to obtain permission to take part in or stand for election to membership in Village Committees.

(iii.) Any full-time salaried officer who desires to stand for nomination or election to a Village Committee and is otherwise qualified to do so must obtain the prior permission of the Head of his Department. Such permission may be granted in special circumstances if the Head of the Department considers that membership in the Village Committee will not interfere with the efficient discharge of the officer's departmental duties. It is open to the Head of Department to refuse permission or to withdraw it at any time after it has been granted.

266. Regulations 263 and 265 are not intended to apply to any acts in connection with the organization and conduct of elections which an officer may be required to perform in the course of his official duties.

Section 5.—Publication of Official Information in Newspapers, Books, &c.

271. Permanent Secretaries to Ministries and Heads of Departments may use their discretion in supplying to the Press information regarding their departmental activities which may be of interest and value to the public. Such information should, however, be confined to facts, statistics, &c., and on no account should any expression of opinion be proffered. No information even when confined to statements of facts should be imparted where the publication of such may possibly embarrass the Government as a whole or any Government body or officer.

272. Whenever Permanent Secretaries to Ministries or Heads of Departments give information to the Press it should always be given for publication as emanating officially from them. It is advisable in large departments to have a Press Table on which suitable official documents of general interest may be placed from time to time.

273. No officer not specially authorized in that behalf, other than Permanent Secretaries to Ministries or Heads of Departments, is at liberty to communicate, either directly or indirectly, to the Press or to any person who does not belong to his own Department, any information which he may have gained in the course of his official duty. Any officer discovered to have irregularly supplied any newspaper with official information will be liable to be instantly dismissed from office.

274. Officers are strictly prohibited from sending any official correspondence for publication in the newspapers without the previous sanction of the Permanent Secretary to the Ministry concerned, to be applied for through the Head of the Department.

275. Without the express permission of the Permanent Secretary to the Ministry no officer is permitted to be the editor of a newspaper or directly or indirectly to take part in the management of it. He may not contribute anonymously to any newspaper in Ceylon or elsewhere nor may he publish in writing articles or give broadcast talks on questions which can properly be called political or administrative without the sanction of the Permanent Secretary. He may furnish to the Press signed articles or give broadcast talks or otherwise publish matter over his own name on other subjects of general interest.

276. An officer desiring to consult or make use of official records for the purpose of publishing a book or other work must obtain the permission of the Head of the Department responsible for the records.

277. The previous consent of the Permanent Secretary to the Ministry, to be applied for through the Head of the Department, must be obtained to the publication by an officer of any book or other work the subject matter of which is connected with the official duties of himself or other officer or the compilation of which has involved reference to official records. A condition of such consent may be that any copies of the publication required for Government use shall be supplied at a specified reduced price to be determined in the light of the facts of each individual case.

Section 6.—Presents to Officers and Collection of Subscriptions.

281. All officers are prohibited during the continuance of their service in the Island from receiving valuable presents (other than the ordinary gifts of personal friends), whether in the shape of money, goods, free passages, or other personal benefits and they are also prohibited from giving such presents. This Regulation applies not only to the officers themselves but also to their families and officers will be held responsible for its observance by their families. It is not intended to apply to cases of remuneration for special services rendered and paid for with the consent of the Permanent Secretary to the Ministry concerned or the Treasury.

282. Presents from Chiefs or other persons which cannot be refused without giving offence must be handed over to the Permanent Secretary to the Ministry.

283. Regulation 281 may be relaxed upon an officer's final relinquishment of service but only with the special permission of the

Permanent Secretary to the Ministry previously obtained. Application for such permission must be made through the Head of Department to the Permanent Secretary.

284. Money which has been subscribed with a view to marking public approbation of an officer's conduct may be dedicated to objects of general utility which are connected with the name of the person who has merited such a proof of the general esteem.

285. The collection of subscriptions from subordinate officials to defray the cost of testimonials and presentations to superior officers is prohibited.

286. The circulation of subscription papers for the purpose of making a present to an officer is also prohibited.

Section 7.—Pecuniary Embarrassment.

291. No person is eligible for employment in the Public Service in a post with a salary of not less than Rs. 55 and not more than Rs. 300 per mensem, unless he can furnish a declaration of freedom from debt in the following form (General 111) and any person found guilty of having made a false declaration will forfeit his appointment:

I, _____, do solemnly and sincerely declare that I am at present free from pecuniary embarrassment, and have no liabilities under promissory notes either as principal or surety.

I am also aware of the terms of the disciplinary Regulations dealing with indebtedness and prohibiting public officers from becoming parties to accommodation bills.

And I make this solemn declaration conscientiously believing the same to be true.

Declared at _____ the _____ day of _____ 19 _____

Justice of the Peace,
or Head of Department.

292. It is to be understood that serious pecuniary embarrassment, from whatever cause, must be regarded as a circumstance which necessarily has the effect of impairing the efficiency of an officer and of rendering him less valuable than he would otherwise be.

293. Such embarrassment, if occasioned by imprudence or other reprehensible cause, will be held to be an offence as affecting the respectability of the Public Service and the trustworthiness of the officer; any person who has so conducted himself will be considered to have forfeited that honourable position in the Public Service which is necessary to give him a claim to promotion or increase of salary from length of service and these benefits will not be permitted to accrue to him again until he shall have relieved himself from the discredit of

such a position. Aggravated cases of this description will be noticed whenever they become known and such measures will be taken, either in the manner above adverted to, or in a manner more summary and severe, as the circumstances may appear to deserve.

294. The mere fact, under whatever plea, of becoming a party to accommodation bills, including promissory notes, whether for his own purposes or for another person, and whether resulting in pecuniary embarrassment or not, will subject an officer to the consequences described in the preceding Regulation.

295. The signing of a promissory note by officers who are specially protected by the Public Servants' Liabilities Ordinance, (Chapter 88) *i.e.*, who are in receipt of a salary of Rs. 300 a month or under, will generally be regarded a more blameworthy act than the signing of such documents by other officers who do not enjoy the protection of that enactment.

296. Officers are strictly prohibited from borrowing money on the security of salary receipts. If it is established that an officer has borrowed money tendering a "pay-bearer" salary receipt as security for the loan such officer will render himself liable to dismissal. Ordinarily an officer must draw his salary himself and give his receipt on the general pay abstract—*vide* Financial Regulations.

297. In the event of any officer being arrested for debt, or being adjudicated insolvent, or entering into a composition with his creditors, he will, after the procedure prescribed in the Public Service Regulations or Judicial Service Regulations for investigating misconduct by an officer of his class has been observed, be suspended from duty and salary and will not be reinstated unless, after examination of the facts, it shall appear that his difficulties have been occasioned by unavoidable misfortune and not by extravagance or culpable improvidence, or unless they shall be characterized by extenuating circumstances.

298. Any person who does not immediately on his being arrested for debt, or on insolvency proceedings being taken, inform the Head of his Department of the fact will upon its becoming known be removed from the Public Service without any expectation of being reinstated.

299. It is left to the discretion of Government Agents to determine whether Regulations 292, 293, 294, 296, 297 and 298 shall be regarded as applying to unpaid headmen. If the indebtedness of an unpaid headman appears at any time likely to interfere with his duties the Regulations should be regarded as binding on him.

300. (i.) District Judges and Commissioners of Requests should report every case in which insolvency proceedings are taken against an officer and every case in which an officer becomes a

judgment-debtor to the Head of the Department in which the officer is employed; provided that no judgment-debtor need be reported unless seven days have elapsed after judgment and the amount of such judgment still remains unpaid.

(ii.) Heads of Departments should deal with these reports in the manner prescribed in the Public Service Regulations for investigating and punishing inefficiency or misconduct on the part of officers.

(iii.) Where an officer becomes a judgment-debtor the Head of his Department should, when initiating the proceedings referred to in paragraph (ii.) above, state if in his opinion the officer's efficiency is so materially impaired by his indebtedness that his retention in the Public Service is undesirable.

Section 8.—Use of Government Funds for Private Purposes.

303. Officers are strictly prohibited from borrowing money from any Government Shroff or Cashier or any of their Assistants and serious notice will be taken of any infringement of this rule.

304. It must be clearly understood by all officers whose duties involve the custody of public money that the Government regards the act of borrowing such money for private purposes as a most serious offence and that an officer who commits this offence will be liable to prosecution and to dismissal from the Public Service.

305. Shroffs and Cashiers of Public Departments are strictly prohibited from making unauthorized advances to any officers and serious notice will be taken of any infringement of this rule.

Section 9.—Infectious Diseases.

306. An officer who is living in a house in which there is a person suffering from an infectious disease must at once notify the fact to the Head of the Department in which he is employed. The diseases referred to are the following:—Smallpox, cholera, acute and choleraic diarrhoea, plague, typhoid or enteric fever, chickenpox, measles, scarlet fever, mumps and diphtheria.

307. It is the duty of every officer, if any infectious disease breaks out in his household or residence, to live apart from those infected, so that he can attend to his public duties without risk of spreading infection. If this is not done he must stay away from the office until the Medical Officer reports all danger to be over, and such absence must count as leave.

A.M.N. Suriyabandara
 Provincial Superintendent Pharmacist
 Uva Provincial Directorate of Health
 Badulla

CHAPTER V.—UNIFORMS, DRESS, &c., ON CEREMONIAL OCCASIONS, MEDALS, RANKS, &c.

311. A list of officers granted the privilege of wearing Civil Uniforms will be available for reference at the offices of the Secretary to the Governor, the Secretary to the Treasury, the Permanent Secretaries to Ministries and the Kachcheries.

312. No person is entitled without the consent of the King to wear the uniform attached to any office after he has ceased to hold that office. Such consent can only be obtained on the recommendation of the Governor made through the Secretary of State. No retired officer will be allowed to wear any other uniform than that which was attached to his office during his tenure of it, and which he has actually worn.

313. The white undress uniform described below has been approved by His Majesty the King and adopted for use in Ceylon on all ceremonial occasions in place of the ordinary (blue) civil uniform. There are five classes of uniform. The officers entitled to wear each class of uniform are detailed in the list referred to in Regulation 311.

A sketch of the uniform and the design of the gorgets can be seen at the Office of the Secretary to the Governor.

Coat.—White drill, with a stand-up collar bearing detachable gorgets of gold braid on a blue ground, varying in pattern according to class.

Trousers.—White drill, without lace. Overalls with heel straps or ordinary trousers without turn-ups.

Footwear.—Black patent leather boots without toe caps (to be worn with overalls); or white buckskin lace-up shoes without toe caps, and white socks (to be worn with ordinary trousers).

Buttons.—Gilt mounted. In first and second class uniform they bear the Royal arms with supporters. In third, fourth, and fifth class uniform they bear the Royal arms without supporters surmounted by the Imperial crown. Number of buttons on cuffs of coat; first and second classes, 3; third and fourth classes, 2; fifth class, 1.

Helmet.—White, of the Wolseley Pattern, having in front a gilt badge bearing the Royal arms with supporters.

Sword.—The usual Civil Sword, worn with the frog and scabbard underneath the coat and the hilt appearing through a slit in the side of the coat.

Medals and Decorations.—In Ceylon full-sized medals and decorations will be worn with this uniform at King's Birthday Parades, Levees, Investitures, official receptions and on such other occasions as the Governor may so order. On other occasions the ribbons only of medals and decorations will be worn. The broad ribbon of a Knight Grand Cross of any Order will not be worn.

At Court in the United Kingdom, Orders (including the ribbon of a Knight Grand Cross) decorations and medals will be worn with white uniform.

Ribbons of decorations or medals will be worn half way between the first and second buttons of the coat.

Gloves.—Gloves will neither be worn nor carried with this uniform in Ceylon.

Outer covering.—When occasion requires, the great-coat or cloak prescribed for the Blue Civil Uniform may be worn to protect the White Uniform.

314. The use of uniform (or the alternative dress described in Regulation 315) by those in possession of it is compulsory on all ceremonial occasions, *e.g.*, at out door official ceremonies held in the day time such as reviews and inspections, the official landing or arrival of the Governor at a place within his administration or his departure therefrom, King's Birthday parades, &c.

315. In lieu of civil uniform officers may wear, on all occasions when uniform is prescribed, ordinary evening dress with black breeches (with three buttons and black buckles at the knee), black silk hose and plain court shoes.

316. The proper dress to be worn at the Governor's levees and at the opening of Parliament is as follows:—

By officers mentioned in Regulation 311	...	Uniform or the dress prescribed in Regulation 315
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By officers not in possession of, or not entitled to uniform or the alternative dress	...	Frock or morning coat or evening dress.
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317. It is desired that the officers and other gentlemen who are entitled to the insignia of any Order or Decoration should wear them over the coat on occasions on which they are invited, either to any of the Governor's residences on a formal printed invitation from, or on behalf of, His Excellency, or to meet the Governor. Full-size medals should be worn on morning dress while miniature medals may be worn on evening or mess dress.

318. (i.) When invitations by circular to attend levees, the opening of Parliament and other similar public functions are issued, it is not desired that Heads of Departments should, if absent on circuit, return to headquarters in order to be present on such occasions.

(ii.) His Excellency the Governor does not desire the attendance at levees of officers from outstations when such attendance would interrupt their official duties on the days preceding and following the day of the levee.

(iii.) Officers in outstations desiring to attend the levee must obtain the usual permission to be absent from their stations, in accordance with Financial Regulations.

(iv.) Subject to paragraph (ii.) above, the travelling expenses of Heads of Departments, Government Agents and Chief Headmen will be borne by Government but, save in exceptional circumstances which should be fully explained in a special application to the Permanent Secretary to the Ministry, the travelling expenses of other officers will not be paid.

319. On all ceremonial occasions, such as King's Birthday parades, the Governor represents His Majesty the King and if there is a royal salute it will be taken by him. Should His Excellency not be present, his place will be taken by one of the following officers, in the order given:—

(a) In Colombo by the Officer Commanding the Troops;

(b) In outstations by—

The Government Agent of the Province.

The Assistant Government Agent of the District.

The District Judge.

The Magistrate.

320. Under King's Regulations officers who are present, but not on parade, salute on all occasions when the National Anthem is played, irrespective of whether this is played in whole or in part. Civil Servants, &c., in uniform should conform to the action of officers of the Army.

321. All Headmen, Presidents of Rural Courts (appointed as Presidents prior to October 1, 1938) and other persons holding titular ranks and their attendants, must on any public occasion at which they attend officially wear such uniform as is specified in the schedule "Headmen's Uniform" kept for reference at the Kacheeries.

322. (i.) Medals should be worn by those who have received them from Government but persons who have inherited Government medals from their ancestors may only wear them on permission being first obtained from the Governor. Medals otherwise obtained must not be worn on official occasions.

(ii.) Medals which have been inherited, and which the possessor has the permission of the Governor to wear, should be worn on the *right* breast, to distinguish them from those received from Government by an officer personally, which should be worn on the *left* breast. (This rule applies only to such medals as are attached to the coat and not to those hung round the neck).

323. (i.) All Headmen, other than Chief Headmen, who have good records and who have served for 30 years or more will be eligible for the grant of a medal or of a certificate. This medal or certificate will

normally be awarded on retirement but may in exceptional cases be awarded to a Headman in office as a reward for conspicuous merit. Where the Government Agent considers that the grant of a medal or certificate is justified he will apply to the Secretary to the Governor for the Governor's approval.

(ii.) Registrars of Births, Marriages and Deaths, Fiscals' Officers, Fiscals' Arachchies (*i.e.* officers who execute writs, sell land, &c.) and Irrigation Headmen may be regarded as "Headmen" for the purposes of this Regulation.

324. (i.) Headmen in Low-Country Sinhalese and Tamil Districts will receive a medal under the preceding Regulation. The medal will bear on the obverse the head of the Sovereign and on the reverse the Arms of the Island. The name and office of the recipient and the date on which the medal is awarded will be inscribed round the edge of the medal. The medal will be of gold, silver, or copper, according to the rank of the recipient and the recommendation of the Government Agent.

(ii.) Headmen in Kandyan Districts will receive under the preceding Regulation a certificate engraved on copper in the shape of a sannas. The certificate will be engraved with the Royal Arms, the name and office of the recipient and the services for which it has been granted. It will be bound with silver or gold or left unbound, according to the rank of the recipient and the recommendation of the Government Agent.

(iii.) As regards the cost of the medals and certificates—

- (1) If the balance available at the end of the year under the provision for "Remuneration to Headmen" is sufficient to meet the cost, it should be charged against that provision.
- (2) If the balance is insufficient it should be supplemented by a grant from the Headmen's Reward Fund.

325. The list of Ceylonese ranks conferred by the Governor showing the full complement of each rank is given in Appendix C.

326. When a holder of (a) an Imperial Honour or (b) a Local Rank or Honour who is ordinarily resident in a particular Province dies or leaves the Island permanently, the fact should be reported to the Secretary to the Governor by the Government Agent concerned. If any person holding an Imperial Honour whose name does not appear in the Table of Honours Holders in the Civil List takes up residence in a Province, the Government Agent concerned should notify the fact to the Secretary to the Governor.

APPENDIX A.

RULES REGARDING PETITIONS.

(Vide Regulation 46 (a)).

General Rules.

1. Petitions may be in manuscript or typescript or in print; if in manuscript they must be legibly written. If the petition is in manuscript and is not in the handwriting of the petitioner, it must bear the signature in legible characters of the person by whom it is prepared, in addition to the signature, mark or thumb impression of the petitioner. A petition must in all cases contain the full address of the petitioner (or principal petitioner) and of the petition drawer, if any.

2. Every petition shall—

- (a) contain all material statements and arguments relied upon by the petitioner;
- (b) be complete in itself;
- (c) be confined to representations on one subject only;
- (d) be addressed to the recipient's official designation and not personally; and
- (e) end with a specific request.

3. The right to petition the King is inherent in any British subject. Such petitions should be sent, unsealed and in triplicate, to the Governor with a request that they be forwarded to the King through the Secretary of State.

Petitions to the King which are concerned with matters fully within the competence of the Government of Ceylon to decide will be submitted to the King with the advice of his Ministers in Ceylon.

4. The preceding rule requiring transmission of petitions addressed to the King through the Governor is based on the strongest grounds of public convenience, in order that all communications may be duly verified, as well as reported on, before they reach His Majesty.

5. Petitions addressed to the Secretary of State will be forwarded to him only if they concern subjects in which it is constitutionally competent for him to intervene. The Secretary of State will not entertain petitions on other subjects.

6. The Governor will entertain petitions only if they relate to subjects on which he may properly be approached in accordance with the Constitution. Petitions addressed to the Governor on matters falling within the functions of the Ministers will be referred by him to the responsible Minister for disposal.

7. Permanent Secretaries to Ministries will not entertain a petition on any matter unless it shall appear that the petitioner has first applied to the Head of the Department concerned. The answer, if any, which such Head of Department has given must be attached to the petition.

8. Petitions or telegrams which merely invite attention to previous petitions presented within the preceding 30 days will not be answered.

9. Petitions will not be entertained in the following cases:—

- (a) when the petitioner has not complied in full with these instructions regarding petitions;
- (b) when the petition is illegible or unintelligible or couched in improper language;
- (c) when a previous petition on the same subject to the same or higher authority has been disposed of and the petition discloses no new facts or circumstances so indicated which affords grounds for a re-consideration of the case.

Additional rules applying to petitions by persons who are, or were, in the service of the Crown in respect of matters affecting them as servants of the Crown.

10. The Governor will not entertain representations from persons who are, or were, in the service of the Crown in respect of matters affecting them as servants

of the Crown, unless they relate to matters dealt with under the Public Service or Judicial Service Regulations. In these cases he will invariably act on the advice of the Public Service or Judicial Service Commission.

11. Any officer may address any duly constituted authority regarding matters directly affecting his personal interests, and public officers under whom such officers work are bound to forward all such petitions or letters, if they are addressed to any person or persons duly authorised by law or by Government Regulations to deal with the subject-matter thereof; such petitions or letters should not be forwarded if they are couched in impolite, improper or insulting language. If they are accepted, they should be acknowledged at once and the officer in question should be informed that his communication will be forwarded to its proper destination.

12. Petitions or applications from public servants addressed to any duly constituted authority must be forwarded through the Head of the applicant's Department and the other appropriate authorities; those from *ex* public servants should similarly be forwarded through the Head of the Department in which the applicant last served.

13. Petitions of appeal regarding disciplinary matters should conform to the relevant Public Service or Judicial Service Regulations.

14. A petition will not be entertained if it is a representation against the orders of a Head of Department or other duly constituted authority communicated to the petitioner more than *twelve months* before the submission of the petition and no satisfactory explanation for the delay in forwarding the petition is given in it.

Additional rules applying to petitions by private persons or by public servants in their private capacity.

15. Petitions will not be entertained in the following cases:—

- (a) when the petition is a representation against the orders of a Head of Department or other duly constituted authority communicated to the petitioner more than *six months* before the submission of the petition and no satisfactory explanation for the delay in forwarding the petition is given in it;
- (b) when the petition is a representation against a decision which is declared to be final by any law or statutory rule;
- (c) when the law prescribes a particular mode of obtaining redress—*e.g.*, by appeal to the Supreme Court, application to a Minor Court or by any other means;
- (d) where relief is asked for from a judgment in a Civil Action or from any order in a Civil Court, in a case to which the Crown or a public officer, in his capacity as such, is not a party;
- (e) when the request is for an enquiry or investigation into a matter that is pending before a Court of Law.

Exceptions.

16. (a) In all cases in which the law expressly provides a mode of application to any authority these petition rules do not supersede that mode of application;
- (b) The above rules do not apply to petitions for pardon by or on behalf of persons in jail under sentences of Criminal Courts.

APPENDIX B.

The following is a list of the Heads of Departments referred to in Regulation 201 :—

Archæological Commissioner.
 Attorney-General (in regard to matters relating to his staff).
 Auditor-General.
 Chairman, Appeal Board (Land Settlement Ordinance).
 Chairman, Colombo Port Commission.
 Chief Commissioner, Loan Board.
 Chief Engineer and Manager, Electrical Undertakings.
 Chief Valuer.
 Commandant, Ceylon Defence Force.
 Commanding Officer, Ceylon Naval Volunteer Force.
 Commissioner of Commodity Purchase.
 Commissioner of Co-operative Development.
 Commissioner for Development of Agricultural Marketing.
 Commissioner of Elections (Local Bodies).
 Commissioner of Excise.
 Commissioner of Income Tax, Estate Duty and Stamps.
 Commissioner of Lands.
 Commissioner of Local Government.
 Commissioner of Motor Transport.
 Commissioner, National Savings Movement.
 Commissioner of Prison and Probation Services.
 Commissioners of Requests.
 Commissioner of Labour.
 Conservator of Forests.
 Deputy Secretary to the Treasury.
 Director, Ceylon Technical College.
 Director of Museums.
 Director, Quarantine Department.
 Director of Agriculture.
 Director of Commerce and Industries.
 Director of Civil Aviation.
 Director of Education.
 Director of Fisheries.
 Director of Irrigation.
 Director of Medical and Sanitary Services.
 Director of Public Works.
 District Judges.
 Fiscals.
 General Manager of the Railway.
 Government Agents.
 Government Analyst.
 Government Archivist.

Government Mineralogist.
Government Printer.
Inspector-General of Police.
Legal Draftsman.
Magistrates.
Permanent Secretaries to Ministries (in regard to matters relating to their staff and the staff of their Ministers).
Postmaster-General.
Presidents of Rural Courts.
Principal Collector of Customs.
Public Trustee.
Registrar, Co-operative Societies.
Registrar-General.
Salt Commissioner.
Secretary and Accountant, Widows' and Orphans' Pension Office.
Secretary to the Cabinet.
Secretary to the Governor.
Secretary to the Judicial Service Commission.
Secretary to the Public Service Commission.
Secretary, Board of Indigenous Medicine.
Settlement Officer.
Superintendent of Stores.
Surveyor-General.

APPENDIX C.

List of Ceylonese Ranks—See Regulation 325.

List of Ceylonese Ranks conferred by His Excellency the Governor, showing the full complement of each rank:—

For Low-Country Sinhalese and other Nationalities.

Gate Mudaliyars	...	...	...	17
Mudaliyars	...	...	...	60
Gate Muhandirams (including Tamils)	...	...	...	10
Muhandirams	...	...	...	100

For Tamils.

Atikar	...	...	...	1
Gate Mudaliyars	...	...	...	4
Mudaliyars	...	...	...	17
Muhandirams	...	...	...	20

For Kandyan Sinhalese.

Principal Chiefs.

Adigars	...	...	...	2
Disawas	...	...	...	7

Minor Headmen.

The total number of Rate or Disawe Lekams, Rate Adikarams, and Atapattuwe Lekams to be limited to 20, and distributed by districts in the following numbers, the title "Disawe Mohottala" being added and adopted in certain districts in place of Rate or Disawe Lekam:—

Central Province.

Kandy and Nuwara Eliya Districts.

Rate or Disawe or Atapattuwe Lekams	4
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Matale District.

Rate Adikaram	1
Atapattuwe Lekam	1
Total	6

North-Western Province.

Rate or Disawe Lekams	...	...	...	2
Atapattuwe Lekams	...	...	...	2
Total	...	...	...	4

North-Central Province.

Disawe Mohottala	...	...	...	1
Atapattuwe Mohottala	...	...	...	1
Total	...	...	...	2

Province of Sabaragamuwa.

Rate Lekams (1 for Kegalla)	...	...	...	2
Atapattuwe Lekams	...	...	...	2
Total	...	...	...	4

Province of Uva.

Rate Adikaram	...	...	...	1
Atapattuwe Lekams	...	...	...	2
Total	...	...	...	3

Varuniya in Northern Province and Bintenna in Eastern Province.

Disawe Mohottala	...	...	...	1
Total	...	...	...	1

[Published in "Ceylon Government Gazette Extraordinary"
No. 9,780 of September 29, 1947.]

It is hereby notified that under the provisions of Section 46 (4) of the Order in Council I have assigned Departments, Subjects and Functions to Ministers as indicated in the Schedule below.

Colombo, 29th September, 1947.

D. S. SENANAYAKE,
Prime Minister.

SCHEDULE.

Minister of Defence and External Affairs.

Departments.	Subjects and Functions.
Department of Defence	Naval, Military and Air Force matters.
Department of External Affairs.	Ceylon Defence Force.
Departments of Ceylon Government	Aviation in relation to Defence.
Representatives abroad.	Ceylon Naval Force.
Department of Immigration.	Army, Navy and Air Force Education, Welfare and Medical and Nursing Services
	Defence Finance.
	Defence Contracts.
	Lands for Army, Navy and Air Force.
	Defence Police Force.
	War Graves.
	Camps and Rifle Ranges.
	External Affairs.
	Extradition and fugitive offenders.
	Consuls.
	Passports.
	Commonwealth relations and agreements and treaties.
	Ceylon Government Representatives abroad
	Immigration, Emigration, Repatriation and Aliens.

Minister of Finance.

Departments.	Subjects and Functions.
Treasury	Finance :—
Department of National Savings.	Financial Records.
Stores Department.	Cash and bank balances.
Department of Income Tax, Estate Duty and Stamps.	Receipt and disbursement of public money
Customs Department	Imprests, advances, deposits and sus- pense accounts.
Widows' and Orphans' Pension Office.	Supervision of accounting and financial methods of all Departments.
Department of Control of Exchange.	Communication of financial sanctions to departments including sanctioned estimates of works.
	Losses of public money.
	Investments.
	Public debt.
	Currency.
	Exchange.
	Correspondence with agents abroad on financial business.

Departments.

Subjects and Functions.

Finance—(contd.) :—

Financial Regulations.
 Taxation and revenue.
 Sales or gifts of Government property not provided for by law or regulation.

Supply :—

Annual and Supplementary Estimates.
 Contracts.
 The Board of Local Loans and Development Commissioners.
 The Loan Board.
 The Ceylon Savings Bank.
 The State Mortgage Bank.
 The Agricultural and Industrial Credit Corporation of Ceylon.

Stores :—

Supervision and control of stores purchases, stores accounts, custody of stores and storekeeping regulations in all departments.
 Losses and depreciation of stores.
 Stationery and office furniture.
 The Government Stores.

Establishments :—

Salaries, wages, allowances, remuneration and fees of Government employees.
 Travelling regulations.
 Expenses of jurors, witnesses, and unofficial members of boards, commissions, &c.
 Leave Regulations.
 Passages of Government officers.
 Holiday Warrants.
 Periodical railway passes and concession tickets.
 Season Tickets for Government employees
 Regulation of advances of salary to Government officers.
 Cadres of staffs.
 Security of public officers.
 Government Quarters.
 Office Accommodation.
 Pensions.
 Widows' and Orphans' pensions.
 Provident, guarantee, benevolent, benefit and other funds relating to Government officers.

Estate Duty and Stamps.

Departmental estimates of Auditor-General.

Customs.

Income Tax.
 National Savings Movement.
 Ceylon Government Manual of Procedure.
 Administration of Public Service except where otherwise provided for by law or regulation.

Minister of Justice.

Departments.	Subjects and Functions.
Department of Attorney-General.	Administration of the Courts of Justice (other than the Supreme Court).
Department of Public Trustee.	Criminal prosecutions and civil proceedings on behalf of the Crown.
Department of Custodian of Enemy Property.	Drafting of legislation.
Department of Compensation Claims.	Functions of the Public Trustee.
Department of Legal Draftsman.	Functions of Fiscals.
District Courts.	Compensation claims.
Magistrates' Courts	Enemy Property.
Courts of Requests.	Legal advice to Departments.
Rural Courts.	
The Fiscal's Departments of the Provinces of the Island.	

Minister of Home Affairs and Rural Development.

Departments.	Subjects and Functions.
Government Agencies.	Provincial Administration.
Excise Department.	Vagrancy.
Police Department.	Nuisances (excluding insanitary nuisances).
Department of Prisons and Probation Services.	Prevention of cruelty to animals.
Department of Government Analyst.	Trespass by domestic animals.
Department of Rural Development.	Festivals.
Department of Census Statistics and Planning.	Processions.
Department of Information.	Explosives.
Department of Government Printer,	Traffic control and temporary closing of thoroughfares in connection therewith.
Department of Registrar-General.	Public Holidays.
	Religious Associations and Temporalities.
	Training schools for youthful offenders.
	Functions of the Government Analyst.
	Statistics.
	Parliamentary Elections.
	Police and Crime.
	Prevention of cruelty to children.
	Gaming and Wagers.
	Wild animals in captivity.
	Public Meetings.
	Fairs and Exhibitions other than Trade Exhibitions.
	Pilgrimages.
	Firearms.
	Fireworks.
	Petroleum.
	Public Ceremonial, decoration of public places, public entertainment.
	Regulation of Private Printing presses.
	Treasure Trove.
	Prisons and Probation Services.
	Reformatories.
	Remand Homes.
	Orphanages.
	Excise.
	Local option.
	Registration of births, marriages and deaths.
	Census.
	Rural Development.

Departments.	Subjects and Functions.
	Information.
	The Government Press.
	Registration of Title to Land.
	Registration of Deeds and other commercial Documents.

Minister of Agriculture and Lands.

Departments.	Subjects and Functions.
Department of Land Commissioner.	Crown lands generally.
Land Settlement Department.	Alienation, reservation and development of Crown lands.
Survey Department.	Settlement of Crown Land.
Department of Agriculture.	Colonization.
Forest Department.	Crown Forests.
Irrigation Department.	Wild Game.
Valuation Department.	Game Sanctuaries.
Agricultural Corps.	Flora and Fauna.
	Irrigation.
	Cultivation Regulations.
	Irrigation Rates.
	Flood Protection.
	Surveying.
	Meteorology.
	Agriculture.
	Agricultural and Horticultural Research Works.
	Botanical Gardens.
	Soil Erosion.
	Plant pests.
	Licences for produce.
	Food production.
	Veterinary services.
	Animal diseases and Quarantine.
	Cattle Branding.
	Cattle Vouchers.
	Registration and licensing of animals other than dogs.
	Stables and Galas.
	Government Dairies.
	Dried meat.
	Acquisition of land for public purposes.
	Sites for monuments.
	Sand.
	Valuation on behalf of Government.

Minister of Food and Co-operative Undertakings.

Departments.	Subjects and Functions.
Department of Food Commissioner (Control and Distribution).	Food Supply and Distribution.
Department of Food Commissioner (Supplies).	Food Control.
Department of Co-operative Development.	Control of Prices of Foodstuffs.
Department of Registrar of Co-operative Societies.	Co-operative Development.
	Co-operative Societies.

Minister of Health and Local Government.

Departments.	Subjects and Functions.
Department of Medical and Sanitary Services.	Medical Services :— Hospitals.
Quarantine Department.	Maternity Homes.
Department of Indigenous Medicine.	Dispensaries.
Department of Local Government	Nurses and Midwives.
Department of Town and Country Planning.	Hospital Visitors.
Department of Elections (Local Bodies).	Medical Charitable Institutions.
	Sale of Opium and the Control of dangerous drugs.
	Medical Education and Research.
	Professions of Medicine, Dentistry and Pharmacy.
	 Sanitary Services :—
	Health Education.
	Social Hygiene.
	Maternity and Child Welfare.
	Medical Inspection of Schools.
	Health Units.
	Insanitary Nuisances.
	Epidemic and Endemic Diseases.
	Cemeteries and the disposal of the dead.
	Pharmacies and drugs stores.
	Sanitary measures relating to food and food handling establishments.
	Dangerous and offensive trades.
	Laundries and public bathing places.
	Dairies other than Government dairies.
	Wells and Pits.
	Latrines.
	Sanitary Engineering (water supplies, sewage disposal, drainage, &c.).
	Housing of the Poorer Classes.
	Indigenous Medicine.
	Quarantine.
	 Local Government :—
	Municipalities.
	Urban Councils.
	Town Councils.
	Boards of Health.
	Road Committees.
	Village Committees.
	Elections to local bodies.
	Police rates.
	Registration of vehicles other than motor vehicles.
	Censorship of cinemas and of public performances.
	Destruction of dogs.
	Registration and licensing of dogs.
	Town and Country Planning.

Minister of Education.

Departments.	Subjects and Functions.
Education Department.	Education in Primary, Secondary and Technical Schools.
Department of National Museums.	Training Colleges and Teachers.
Department of the Government Archivist.	Art Galleries.
Archæological Department.	School Gardens.
Ceylon Technical College Department.	National Languages.
	Conduct of Examinations for the Public Services as provided by the Public Service Commission.
	University and other higher education.
	Museums.
	Science Journals.
	Archæology and Palæography.
	Functions of Government Archivist.
	Registration of books published in Ceylon.

Minister of Labour and Social Services.

Departments.	Subjects and Functions.
Department of Labour.	Conditions, wages and hours of work of labour including Indian Labour.
Department of Social Services.	Inspection of mines and factories and working places and protection and safeguarding of workers.
Department of Employment Officer.	Registration of domestic servants.
	Unemployment.
	Workmen's Compensation.
	Poor Relief.
	Charities and Charitable Institutions other than educational and medical.
	Social Insurance.
	Industrial welfare.
	Industrial associations.
	Industrial disputes.

Minister of Commerce and Trade.

Departments.	Subjects and Functions.
Department of Commerce.	Commerce generally
Department of Registrar of Companies	Overseas and Inland Trade.
Government Tourist Bureau.	Cheetus.
Textile Control Department.	Trade Exhibitions.
Department of Tea Commissioner.	Representation of Ceylon Trade abroad.
Department of Rubber Commissioner.	Incorporation and Registration of Associations and Commercial Companies.
Department of Commodity Purchase.	Copyright.
Department of Control of Imports and Exports.	Patents.
Department of Paper Control.	Control of supply, distribution and prices of commodities other than foodstuffs.
Marketing Department.	Tourism.
	Registration of Accountants.
	Trade Marks.
	Business Names.
	Weights and Measures.

Departments.

Subjects and Functions.

Development of Agricultural Marketing.
 Merchant Shipping.
 Wrecks.
 Ocean Salvage.
 Light Houses and Beacons.
 Control of imports and exports of commodities.

Minister of Industries, Industrial Research and Fisheries.

Departments.

Subjects and Functions.

Department of Industries.
 Mineralogical Department.
 Salt Department.
 Department of Fisheries.

Development and control of industries.
 Cottage Industries.
 Crafts.
 Salt.
 Fisheries.
 Mines.
 Mineralogy.
 Metallurgy.
 Gemming.
 Quarries.
 Royalties on Minerals.

Minister of Posts and Telecommunications.

Departments.

Subjects and Functions.

Post and Telegraph Department.
 Department of Broadcasting.

Posts.
 Air Mails.
 Surface Mails.
 Telegraphs.
 Telephones.
 Cables.
 State telegrams.
 Authority to frank official letters.
 Post Office Savings Bank.
 Ceylon Savings Certificates.
 Wireless.
 Broadcasting.
 Radio Telegraphs.
 Money Orders.
 Postal Orders.

Minister of Transport and Works.

Departments.

Subjects and Functions.

Ports Department.
 Public Works Department.
 Railway Department.
 Civil Aviation Department.
 Department of Motor Transport.
 Department of Electrical Undertakings.
 Department of Petrol Control.
 Department of Salvage.

Public Works.
 Government Roads and Buildings.
 Inland Waterways.
 Tolls.
 Thoroughfare Reservations and Encroachments.
 Closing of Roads owing to impassability.
 Proclamation of thoroughfares for various grades of traffic.
 Protection of Government Buildings from fire.
 Government Railways.
 Ports.

Departments.

Subjects and Functions.

Harbour oil installations other than those
belonging to the Admiralty.

Civil Aviation.

Motor Cars and Motor Transport includ-
ing :—

Registration.

Licences.

Certificates of competence.

Insurance against Third Party Risks.

Use of Motor Cars on Highways.

Electrical Undertakings.

Petrol Control.

Salvage, other than ocean salvage.

[Extract from the "Ceylon Government Gazette Extraordinary"
No. 9,554 of May 17, 1946.]

**At the Court at Buckingham Palace, the Fifteenth
day of May, 1946.**

Present :

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the Orders in Council set out in the First Schedule to this Order provision is made for the constitution of a State Council for the Island of Ceylon:

AND WHEREAS in the years 1944 and 1945 a Commission was appointed by His Majesty's Government under the chairmanship of the Right Honourable Herwald, Baron Soulbury, O.B.E., M.C., to visit the Island of Ceylon in order to examine and discuss proposals for constitutional reform, and the said Commission duly visited the Island and made a report to His Majesty's Government:

AND WHEREAS a Statement of Policy on Constitutional Reform in Ceylon was presented to Parliament by His Majesty's Government in the month of October, 1945:

AND WHEREAS paragraph 10 of the said Statement of Policy contained the following decision:

" His Majesty's Government are in sympathy with the desire of the people of Ceylon to advance towards Dominion status and they are anxious to co-operate with them to that end. With this in mind, His Majesty's Government have reached the conclusion that a Constitution on the general lines proposed by the Soulbury Commission (which also conforms in broad outline, save as regards the Second Chamber, with the Constitutional scheme put forward by the Ceylon Ministers themselves) will provide a workable basis for constitutional progress in Ceylon.

" Experience of the working of Parliamentary institutions in the British Commonwealth has shown that advance to Dominion status has been effected by modification of existing constitutions and by the establishment of conventions which have grown up in actual practice.

" Legislation such as the Statute of Westminster has been the recognition of constitutional advances already achieved rather than the instrument by which they were secured. It is therefore the hope of His Majesty's Government that the new constitution will be accepted by the people of Ceylon with a determination so to work it that in a comparatively short space

of time such Dominion status will be evolved. The actual length of time occupied by this evolutionary process must depend upon the experience gained under the new constitution by the people of Ceylon ” :

AND WHEREAS, having regard to the matters aforesaid, it is expedient to revoke the said Orders in Council and to make other provision in lieu thereof :

NOW, THEREFORE, it is hereby ordered by His Majesty, by and with the advice of His Privy Council, as follows :—

PART I.

PRELIMINARY.

Short title
and
application.

1.—(1) This Order may be cited as the Ceylon (Constitution) Order in Council, 1946.

(2) Nothing in this Order shall extend to the Maldivé Islands.

Dates of
operation.

2.—(1) This Order shall be published in the *Government Gazette*.

(2) Parts I., IV. and IX. of this Order shall come into operation on the date on which this Order is published in the *Government Gazette*.

(3) Part III. of this Order shall come into operation on such date as the Governor may appoint by Proclamation, being a date not earlier than nine months from the date on which this Order is published in the *Government Gazette*.

(4) Parts II., V., VI. and VII. of this Order shall come into operation on such date or dates as the Governor may appoint by Proclamation, being a date or dates not later than the date on which the names of Members elected to the first House of Representatives are first published in the *Government Gazette*.

(5) Part VIII. of this Order shall come into operation on the first day of October next following the date of the first meeting of the House of Representatives.

Interpretation.

3.—(1) In this Order, unless the context otherwise requires—

“ adjourn ” with its grammatical variations and cognate expressions means terminate a sitting of the Senate or the House of Representatives, as the case may be;

“ British subject ” means any person who is a British subject according to the law for the time being of the United Kingdom, any person who has been naturalised under any enactment of any of His Majesty’s dominions, and any person who is a citizen or subject of any of the Indian States as defined for the purposes of the Government of India Act, 1935;

“ dissolve ” with its grammatical variations and cognate expressions means terminate the continuance of a Parliament;

“ elector ” means a person entitled to vote at an election of a Member;

“ the existing Orders in Council ” means the Orders in Council set out in the First Schedule to this Order;

“ general election ” means the first general election of Members after the date on which this Part of this Order comes into operation or a general election of Members after a dissolution;

“ Governor ” means the Governor and Commander-in-Chief of the Island and includes the Officer for the time being Administering the Government and, to the extent to which a Deputy for the Governor is authorised to act, that Deputy;

“ Island ” means the Island of Ceylon and the dependencies thereof;

“ judicial office ” means any paid judicial office;

“ Legislative Council ” means the Legislative Council which was constituted by the Ceylon (Legislative Council) Order in Council, 1923;

“ Member ” or “ Member of Parliament ” means a Member of the House of Representatives;

“ Parliament ” means the Parliament of the Island;

“ President ” means the President, for the time being, of the Senate and includes the Deputy President or other Senator who may for the time being be acting as President;

“ Proclamation ” means a Proclamation by the Governor published in the *Government Gazette*;

“ prorogue ” with its grammatical variations and cognate expressions means bring a session of Parliament to an end;

“ public office ” means any office the holder of which is a public officer;

“ public officer ” means any person who holds a paid office, other than a judicial office, as a servant of the Crown in respect of the Government of the Island, but does not include—

- (a) the Governor or any member of the Governor's office or of his personal staff,
- (b) the President, the Speaker, or an officer of the Senate or the House of Representatives,
- (c) the Clerk to the Senate, the Clerk to the House of Representatives or a member of the staff of the Clerk to the Senate or the Clerk to the House of Representatives,
- (d) a Minister or Parliamentary Secretary,
- (e) a Senator or a Member of Parliament by reason only of the fact that he receives any remuneration or allowance as a Senator or Member,

- (f) a member of the Judicial Service Commission,
- (g) a member of the Public Service Commission,
- (h) the Auditor-General,
- (i) a member of the Ceylon Defence Force or of the Ceylon Naval Volunteer Force or of any other naval, military, or air force that may be raised under the provisions of any Act of Parliament, by reason only of his membership of any such force,
- (j) a Crown Advocate other than a Crown Counsel,
- (k) a Crown Proctor;

“ Secretary of State ” means one of His Majesty’s Principal Secretaries of State;

“ Senator ” means a person who is for the time being a Member of the Senate;

“ Session ” means the meetings of Parliament commencing when Parliament first meets after being constituted under this Order, or after its prorogation or dissolution at any time, and terminating when Parliament is prorogued or is dissolved without having been prorogued;

“ sitting ” means a period during which the Senate or the House of Representatives, as the case may be, is sitting continuously without adjournment, and includes any period during which the Senate or the House of Representatives is in Committee;

“ Speaker ” means the Speaker for the time being of the House of Representatives and includes the Deputy Speaker or other Member who may for the time being be acting as Speaker;

“ State Council ” means the State Council constituted by the Ceylon (State Council) Order in Council, 1931;

“ United Kingdom ” means the United Kingdom of Great Britain and Northern Ireland.

(2) Any reference in this Order to an Order in Council shall be construed as a reference to that Order as amended by any subsequent Order.

(3) Any reference to the holder of a particular judicial or public office shall be deemed to include a reference to a person acting in that office.

(4) In the interpretation of this Order, the provisions of the Interpretation Ordinance other than the definition of “ the Government ” shall, subject to the express provisions of this Order, and notwithstanding any provision to the contrary in that Ordinance, apply as it applies for the interpretation of an Ordinance of the State Council.

PART II.

THE GOVERNOR.

4.—(1) In the matter of summoning, proroguing and dissolving Parliament, and the appointment and dismissal of Ministers, the Governor shall, except as otherwise provided by this Order, act in accordance with the constitutional conventions applicable to the exercise of a similar function in the United Kingdom by His Majesty:

Exercise of
Governor's
functions.

Provided that no action or omission on the part of the Governor shall be called in question in any court of law or otherwise on the ground that the foregoing provisions of this subsection have not been complied with.

(2) Where, by or under this Order, the Governor is directed to exercise a function on the recommendation of a person or authority, he shall not exercise that function except on such a recommendation, but may accept the recommendation or refer it back to that person or authority for further consideration:

Provided that after one such reference he shall accept such recommendation.

(3) Where, by or under this Order, the Governor is directed to act in his discretion, he shall refer the matter to the Prime Minister for advice but shall not be bound to accept such advice and may decide that matter in his discretion.

5.—(1) The Governor shall receive a salary of £8,000 a year.

(2) During any period in which the Office of Governor is vacant, or the Governor is absent from the Island, or is from any cause prevented from, or incapable of, acting in the duties of his Office, the Officer Administering the Government shall receive a salary calculated at the rate of £6,000 a year and shall not be entitled to receive during that period any salary in respect of any other office.

Salaries of
Governor
and Officer
Administering
the
Government.

(3) The salary of the Governor or of the Officer Administering the Government shall be charged on the Consolidated Fund and shall not be altered during his continuance in office.

(4) In the assessment of any income tax which may be payable under any written law, no account shall be taken of the salaries provided by this Section for the Governor and for the Officer Administering the Government or of the annual value of any official residence occupied by either of them as such.

6. The salaries of any member of the Governor's office and of his personal staff shall be determined by Parliament and shall be charged on the Consolidated Fund.

Salaries of
Governor's
staff.

PART III.

THE LEGISLATURE.

General.

Parliament.

7. There shall be a Parliament of the Island which shall consist of His Majesty, represented by the Governor, and two Chambers to be known respectively as the Senate and the House of Representatives.

The Senate.

8. (1) The Senate shall consist of thirty Senators of whom fifteen (hereinafter referred to as "elected Senators") shall be elected by the House of Representatives and fifteen (hereinafter referred to as "appointed Senators") shall be appointed by the Governor acting in his discretion.

(2) The Senate shall be a permanent body and the term of office of a Senator shall not be affected, and the seat of a Senator shall not become vacant, by reason of a dissolution of Parliament.

(3) One third of the Senators shall retire every second year.

(4) Subject to the provisions of Section 73 of this Order, the term of office of a Senator shall be six years from the date of his election or appointment:

Provided that—

(a) a person who is elected or appointed a Senator to fill a casual vacancy shall be deemed to be elected or appointed to serve only for the remainder of his predecessor's term of office.

(b) a person who is elected or appointed to fill a vacancy caused by the termination of a Senator's period of office by effluxion of time shall, for the purposes of this Section, be deemed to have been elected or appointed on such termination.

(5) A separate election shall be held for the filling of each casual vacancy among the elected Senators.

(6) A retiring Senator shall, if otherwise qualified, be eligible for re-election or re-appointment from time to time.

(7) In this Section, the expression "casual vacancy" means a vacancy occurring otherwise than by the termination of a Senator's period of office by effluxion of time.

Election of
Senators.

9.—(1) After the first election under Section 17 of this Order of the Speaker, the Deputy Speaker and Chairman of Committees, and the Deputy Chairman of Committees, the House of Representatives shall, before proceeding to any other business, elect fifteen Senators; and thereafter, as soon as may be after the occurrence of a vacancy among the elected Senators, the House of Representatives shall elect a person to fill such vacancy.

(2) The election of Senators shall, whenever such election is contested, be according to the principle of proportional representation, each voter having one transferable vote.

(3) As soon as may be after the election of a Senator, the Clerk to the House of Representatives shall communicate to the Governor and to the Clerk to the Senate the name of the person elected.

10.—(1) As soon as may be after the first election of Senators under Section 9 of this Order, the Governor shall appoint fifteen Senators, and thereafter, whenever there is a vacancy among the appointed Senators, the Governor shall appoint a person to fill the vacancy:

Appointment
of Senators.

Provided that, if there is at the same time a vacancy among the elected Senators, the Governor may defer filling the vacancy among the appointed Senators until the vacancy among the elected Senators has been filled.

(2) Whenever a person is appointed a Senator under this Section, the Governor shall cause to be sent to the Clerk to the Senate a certificate signed by the Governor setting out the name of the person appointed and the date of appointment. Such certificate shall be conclusive for all purposes and shall not be questioned in any court of law.

(3) In the exercise of his functions under this Section the Governor shall endeavour to appoint persons who, in his judgment, have rendered distinguished public service or are persons of eminence in professional, commercial, industrial or agricultural life, including education, law, medicine, science, engineering and banking. For the purpose of making any appointment under this Section the Governor may consult persons or bodies who he is satisfied are representative of any profession or occupation.

A.M.N. Suriyabandara
Provincial Superintendent Pharmacist
Uva Provincial Directorate of Health
Badulla

11.—(1) Subject to the provisions of Section 74 of this Order, the House of Representatives shall consist of the Members elected by the electors of the several electoral districts constituted in accordance with the provisions of this Order, and the Members, if any, appointed by the Governor under subsection (2) of this Section.

The House of
Represent-
atives.

(2) Where after any general election it appears to the Governor that any important interest in the Island is not represented or is inadequately represented, he may appoint to the House of Representatives such number of Members, not exceeding six, as he may think fit.

(3) When the seat of a Member appointed under this Section falls vacant the Governor may appoint a person to fill the vacancy.

(4) In the exercise of his functions under this Section the Governor shall act in his discretion.

(5) Unless Parliament is sooner dissolved, every House of Representatives shall continue for five years from the date appointed for its first meeting and no longer, and the expiry of the said period of five years shall operate as a dissolution of Parliament.

Qualification for Membership of Senate or House of Representatives.

12. Subject to the provisions of this Order, a person who is qualified to be an elector shall be qualified to be elected or appointed to either Chamber.

Disqualification for Membership of Senate or House of Representatives.

13.—(1) A Senator shall be disqualified for being elected or appointed or for sitting or voting as a Member of the House of Representatives.

(2) A person shall be disqualified for being elected or appointed as a Senator or for sitting or voting in the Senate if he has not attained the age of thirty-five years.

(3) A person shall be disqualified for being elected or appointed as a Senator or a Member of the House of Representatives or for sitting or voting in the Senate or in the House of Representatives—

- (a) if he is not a British subject or is by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign Power or State; or
- (b) if he is a public officer or a judicial officer or the Auditor-General; or
- (c) if he, directly or indirectly, by himself or by any person on his behalf or for his use or benefit, holds, or enjoys any right or benefit under any contract made by or on behalf of the Crown in respect of the Government of the Island for the furnishing or providing of money to be remitted abroad or of goods or services to be used or employed in the service of the Crown in the Island;
- (d) if he has received, or is a member of any incorporated or unincorporated body of less than twenty-five persons which has received, during the period of twelve months immediately preceding, from the public funds of the Island, any grant of such a nature that the award or amount thereof is within the discretion of the Crown or of a public officer; or
- (e) if he is an undischarged bankrupt or insolvent, having been declared a bankrupt or insolvent under any law in force in any part of His Majesty's dominions or in any territory under His Majesty's protection or in any territory in which His Majesty has from time to time jurisdiction;

- (f) if he is serving or has, during the period of seven years immediately preceding, completed the serving of a sentence of imprisonment (by whatever name called) for a term of three months or longer imposed by any court in any part of His Majesty's dominions or in any territory under His Majesty's protection or in any territory in which His Majesty has from time to time jurisdiction, for an offence punishable with imprisonment for a term exceeding twelve months, or is under sentence of death imposed by any such court, or is serving, or has during the period of seven years immediately preceding, completed the serving of a sentence of imprisonment for a term of three months or longer awarded in lieu of execution of any such sentence:

Provided that, if any person disqualified under this paragraph is granted a free pardon, such disqualification shall cease from the date on which the pardon is granted; or

- (g) if he is, under any law in force in the Island, found or declared to be of unsound mind; or
- (h) if by reason of his conviction for a corrupt or illegal practice or by reason of the report of an election judge in accordance with the law for the time being in force relating to the election of Senators or Members of Parliament, he is incapable of being registered as an elector or of being elected or appointed as a Senator or Member, as the case may be; or
- (i) if by reason of his conviction for a corrupt or illegal practice, he would have been incapable of being elected as a member of the Legislative Council or of the State Council if the laws relating to the election of Members to those bodies had remained in operation; or
- (j) if by reason of his expulsion or resignation from the State Council before the date upon which this Part of this Order comes into operation he would have been incapable of being elected or appointed a Member of the State Council if the Ceylon (State Council) Order in Council, 1931, as amended by the Ceylon (State Council) Amendment Order in Council, 1943, had remained in force; or
- (k) if during the preceding seven years he has been adjudged by a competent court or by a Commission appointed with the approval of the Senate or the House of Representatives or by a Committee thereof to have accepted a bribe or gratification offered with a view to influencing his judgment as a Senator or as a Member of Parliament.

(4) The provisions of paragraphs (c) and (d) of subsection (3) of this Section shall not apply to—

- (i) any contract or subscription to a loan to be issued to the public on advertised terms;
- (ii) any pension, gratuity, or other benefit payable from the public revenues or other funds of the Island;
- (iii) any grant to any municipal council, urban council or other public authority established by or under any written law; or
- (iv) any grant to a body whose purposes are mainly religious, educational or otherwise charitable or any salary or allowance payable from the public revenues or other funds of the Island to any person, not being a public officer, employed by or under any such body.

(5) For the purposes of paragraph (k) of subsection (3) of this Section, the acceptance by a Senator or Member of Parliament of any allowance or other payment made to him by any trade union or other organisation solely for the purposes of his maintenance shall not be deemed to be the acceptance of a bribe or gratification.

Penalty for sitting or voting in Senate or House of Representatives when disqualified.

14.—(1) Any person who—

- (a) having been appointed or elected a Member of the Senate or House of Representatives, but not having been, at the time of such appointment or election, qualified to be so appointed or elected, shall sit or vote in the Senate or House of Representatives, or
- (b) shall sit or vote in the Senate or House of Representatives after his seat therein has become vacant or he has become disqualified from sitting or voting therein,

knowing, or having reasonable grounds for knowing, that he was so disqualified, or that his seat has become vacant, as the case may be, shall be liable to a penalty of five hundred rupees for every day upon which he so sits or votes.

(2) The penalty imposed by this Section shall be recoverable by action in the District Court of Colombo instituted by any person who may sue for it:

Provided that no such action, having been instituted, shall proceed further unless the leave of the District Judge of the Court is obtained.

(3) Where, after the institution of any action in pursuance of the provisions of this Section, no steps in pursuit of the action are taken by the person instituting the action for any period of three months the action shall be dismissed with costs.

15.—(1) The Governor may, from time to time, by Proclamation summon, prorogue, or dissolve Parliament.

Sessions of
Parliament.

(2) Parliament shall be summoned to meet once at least in every year.

(3) A Proclamation proroguing Parliament shall fix a date for the next session, not being more than four months after the date of the Proclamation:

Provided that, at any time while Parliament stands prorogued,

(a) the Governor may by Proclamation summon Parliament for an earlier date (not being less than three days from the date of such Proclamation);

(b) the Governor may dissolve Parliament.

(4) A Proclamation dissolving Parliament shall fix a date or dates for the general election of Members of Parliament, and shall summon a new Parliament to meet on a date not later than four months after the date of the Proclamation.

(5) If there arises, after the dissolution of Parliament, an emergency of such a nature that, in the opinion of the Prime Minister, an earlier meeting of Parliament is necessary, the Governor may by Proclamation summon the Parliament which has been dissolved for a date not less than three days from the date of such Proclamation, and such Parliament may be kept in session until the meeting of the new Parliament.

16.—(1) The Senate shall at its first meeting elect two Senators to be respectively the President and the Deputy President and Chairman of Committees (hereinafter referred to as the "Deputy President") thereof.

President
and Deputy
President of
Senate.

(2) A Senator holding office as the President or the Deputy President of the Senate shall, unless he earlier resigns his office, vacate his office if he ceases to be a Senator.

(3) Whenever the office of President or Deputy President of the Senate becomes vacant, the Senate shall, at its first meeting after the occurrence of the vacancy, elect another Senator to be the President or the Deputy President, as the case may be.

(4) The President, or in his absence the Deputy President, or in their absence a Senator elected by the Senate for the sitting, shall preside at sittings of the Senate.

17.—(1) The House of Representatives shall, at its first meeting after a general election, elect three Members to be respectively the Speaker, the Deputy Speaker and Chairman of Committees (hereinafter referred to as the "Deputy Speaker") and the Deputy Chairman of Committees thereof.

Speaker,
Deputy
Speaker
and Deputy
Chairman of
Committees
of the
House of
Representatives.

(2) A Member holding office as the Speaker or the Deputy Speaker or the Deputy Chairman of Committees of the House of Representatives shall, unless he earlier resigns his office or ceases to be a Member, vacate his office on the dissolution of Parliament.

(3) Whenever the office of Speaker, Deputy Speaker or Deputy Chairman of Committees becomes vacant otherwise than as a result of a dissolution of Parliament, the House of Representatives shall at its first meeting after the occurrence of the vacancy elect another Member to be the Speaker, Deputy Speaker or Deputy Chairman of Committees as the case may be.

(4) If Parliament, after having been dissolved, is summoned under subsection (5) of Section 15, each of the Members mentioned in subsection (2) of this Section shall, notwithstanding anything in that subsection, resume and continue to hold his office while that Parliament is kept in session.

(5) The Speaker, or in his absence the Deputy Speaker, or in their absence the Deputy Chairman of Committees, shall preside at sittings of the House of Representatives. If none of them is present, a Member elected by the House of Representatives for the sitting shall preside at sittings of the House.

Voting.

18. Save as otherwise provided in subsection (4) of Section 29, any question proposed for decision by either Chamber shall be determined by a majority of votes of the Senators or Members, as the case may be, present and voting. The President or Speaker or other person presiding shall not vote in the first instance but shall have and exercise a casting vote in the event of an equality of votes.

Power of either Chamber to act notwithstanding vacancies.

19. Each Chamber shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings therein shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

Quorum.

20. If at any time during a meeting of either Chamber the attention of the person presiding is drawn to the fact that there are, in the case of a meeting of the Senate, fewer than six Senators present, or, in the case of a meeting of the House of Representatives, fewer than twenty Members present, the person presiding shall, subject to any Standing Order of the Chamber, adjourn the sitting without question put.

Standing Orders.

21. Subject to the provisions of this Order, each Chamber may, by resolution or Standing Order, provide for

- (i) the election and retirement of the President and Deputy President, in the case of the Senate;
- (ii) the election and retirement of the Speaker, the Deputy Speaker and the Deputy Chairman of Committees, in the case of the House of Representatives;
- (iii) the regulation of its business, the preservation of order at its sittings and any other matter for which provision is required or authorised to be so made by this Order.

22.—(1) Each Chamber may adjourn from time to time as it may determine by resolution or Standing Order until Parliament is prorogued or dissolved.

Adjournment.

(2) During the adjournment of either Chamber for a period exceeding one month the President, or Speaker, as the case may be shall, if requested by the Prime Minister, convene, in such manner as may be prescribed by the Standing Orders of that Chamber, a meeting of the Senate or the House of Representatives for the transaction of any urgent business of public importance.

23.—(1) The seat of a Senator shall become vacant—

- (a) upon his death; or
- (b) if, by writing under his hand, addressed to the Clerk to the Senate, he resigns his seat; or
- (c) if he becomes subject to any of the disqualifications mentioned in Section 13 of this Order; or
- (d) if, without the leave of the Senate first obtained, he absents himself from the sittings of the Senate during a continuous period of three months; or
- (e) upon the termination of his term of office.

Vacation of Seats in the Senate.

(2) As soon as may be after the seat of an elected Senator becomes vacant, the Clerk to the Senate shall inform the Clerk to the House of Representatives of the vacancy.

(3) As soon as may be after the seat of an appointed Senator becomes vacant, the Clerk to the Senate shall inform the Governor of the vacancy.

24.—(1) The seat of a Member of Parliament shall become vacant—

- (a) upon his death; or
- (b) if, by writing under his hand addressed to the Clerk to the House of Representatives, he resigns his seat; or
- (c) if he is elected or appointed a Member of the Senate; or
- (d) if he becomes subject to any of the disqualifications mentioned in Section 13 of this Order; or
- (e) if, without the leave of the House of Representatives first obtained, he absents himself from the sittings of the House during a continuous period of three months; or
- (f) upon the dissolution of Parliament.

Vacation of Seats in the House of Representatives.

(2) Whenever the seat of a Member of Parliament falls vacant under this Section except upon a dissolution of Parliament, the Clerk to the House of Representatives shall inform the Governor who shall (except in the case of a Member appointed under the provisions of subsection (2) of Section 11 of this Order), within one month, by notice in the *Government Gazette*, order the holding of an election to fill the vacancy.

Oath of
Allegiance.

25. Except for the purpose of electing the President or the Speaker, no Senator or Member of Parliament shall sit or vote in the Senate or the House of Representatives until he has taken and subscribed before the Senate or the House of Representatives, as the case may be, the oath of allegiance in accordance with the provisions of the Promissory Oaths Ordinance or shall have made the appropriate affirmation in lieu thereof as provided in the said Ordinance.

Cap. 13.

Allowances
to Senators
and Members
of Parliament.

26. If provision is made by law for the payment to Senators or Members of Parliament of any remuneration or allowance in their capacity as Senators or Members of Parliament, the receipt by any Senator or Member of Parliament of such remuneration or allowance shall not disqualify him from sitting or voting in the Senate or the House of Representatives, as the case may be.

Privileges
of Senate and
House of
Representatives.

27.—(1) The privileges, immunities and powers of the Senate and the House of Representatives and of Senators and Members of Parliament may be determined and regulated by Act of Parliament, but no such privileges, immunities or powers shall exceed those for the time being held or enjoyed by the Commons House of Parliament of the United Kingdom or of its Members.

(2) Until Parliament otherwise provides, the privileges of the Senate and the House of Representatives and of Senators and Members of Parliament shall be the same as the privileges of the State Council and of its Members at the date on which it is last dissolved.

Staff of
Parliament.

28.—(1) There shall be a Clerk to the Senate who shall be appointed by the Governor on the recommendation of the President.

(2) There shall be a Clerk to the House of Representatives who shall be appointed by the Governor on the recommendation of the Speaker.

(3) The members of the staff of the Clerk to the Senate shall be appointed by him in consultation with the President.

(4) The members of the staff of the Clerk to the House of Representatives shall be appointed by him in consultation with the Speaker.

(5) The Clerk to the Senate, the Clerk to the House of Representatives and the members of their staffs shall, while they hold their offices as such, be disqualified for being elected or appointed as a Senator or as a Member of Parliament or for sitting or voting in the Senate or the House of Representatives.

(6) The Clerk to the Senate and the Clerk to the House of Representatives shall not be removable except by the Governor on an address of the Senate, or of the House of Representatives, as the case may be:

Provided that, unless Parliament otherwise provides, the age for their retirement shall be sixty years.

LEGISLATIVE POWERS AND PROCEDURE.

29.—(1) Subject to the provisions of this Order, Parliament shall have power to make laws for the peace, order and good government of the Island.

Power of
Parliament to
make laws.

(2) No such law shall—

- (a) prohibit or restrict the free exercise of any religion; or
- (b) make persons of any community or religion liable to disabilities or restrictions to which persons of other communities or religions are not made liable; or
- (c) confer on persons of any community or religion any privilege or advantage which is not conferred on persons of other communities or religions; or
- (d) alter the constitution of any religious body except with the consent of the governing authority of that body:

Provided that, in any case where a religious body is incorporated by law, no such alteration shall be made except at the request of the governing authority of that body.

(3) Any law made in contravention of subsection (2) of this Section shall, to the extent of such contravention, be void.

(4) In the exercise of its powers under this Section Parliament may—

- (a) amend or suspend the operation of any of the provisions of any Order in Council in force in the Island on the date of the first meeting of the House of Representatives, other than an Order made under the provisions of an Act of Parliament of the United Kingdom; or amend or suspend the operation of any of the provisions of this Order:

Provided that no Bill for the amendment or suspension of any of the provisions of this Order shall be presented for the Royal Assent unless it has endorsed on it a certificate under the hand of the Speaker that the number of votes cast in favour thereof in the House of Representatives amounted to not less than two-thirds of the whole number of Members of the House (including those not present); every certificate of the Speaker under this subsection shall be conclusive for all purposes and shall not be questioned in any court of law.

30.—(1) His Majesty, His Heirs and Successors, with the advice of His or Their Privy Council, may from time to time make such laws as may appear to Him or Them to be necessary—

Power of
His Majesty
in Council to
legislate for
the Island.

- (a) for the defence of any part of His Majesty's dominions (including the Island) or any territory under His Majesty's protection or any territory in which His

Majesty has from time to time jurisdiction, or for securing and maintaining public safety and order and supplies and services in case of public emergency; or

(b) for regulating the relations between the Island and any foreign country or any part of His Majesty's dominions or any territory as aforesaid.

(2) Any law made in pursuance of the provisions of subsection (1) of this Section may provide for the making of rules, regulations, orders and other instruments for any of the purposes for which such laws are authorised by this Section to be made, and may contain such incidental and supplementary provisions as appear to His Majesty in Council to be necessary or expedient for the purposes of the law.

(3) No law made in pursuance of the provisions of subsection (1) of this Section shall impose any charge on the revenues or funds of the Island or regulate the importation of goods into or the exportation of goods from the Island, except to give effect to any agreement to which the Government of the Island is a party.

(4) His Majesty hereby reserves to Himself, His Heirs and Successors power, with the advice of His or Their Privy Council, to revoke, add to, suspend or amend this Order, or any part thereof, as to Him or Them shall seem fit.

Introduction of Bills.

31.—(1) A Bill, other than a Money Bill, may be introduced in either Chamber. A Money Bill shall not be introduced in the Senate.

(2) In this Section and in Sections 33 and 34 of this Order, " Money Bill " means a Public Bill which contains only provisions dealing with all or any of the following subjects, that is to say, the imposition, repeal, remission, alteration or regulation of taxation; the imposition for the payment of debt, expenses of administration or other financial purposes, of charges on the Consolidated Fund or on any other public funds or on moneys provided by Parliament, or the variation or repeal of any such charges; the grant of money to the Crown or to any authority or person, or the variation or revocation of any such grant; the appropriation, receipt, custody, investment, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof, or the establishment, alteration, administration or abolition of any sinking fund provided in connection with any such loan; or any subordinate matter incidental to any of the aforesaid subjects.

In this subsection the expressions " taxation ", " debt ", " public fund ", " public money " and " loan " do not include any taxation imposed, debt incurred, fund or money provided or loan raised, by any local authority.

32.—(1) A Bill shall not be deemed to have been passed by both Chambers unless it has been agreed to by both Chambers, either without amendment or with such amendments only as are agreed to by both Chambers.

Passing of Bills.

(2) A Bill which has been passed by the Senate with any amendment which is subsequently rejected by the House of Representatives shall be deemed not to have been passed by the Senate.

33.—(1) If a Money Bill, having been passed by the House of Representatives and sent to the Senate at least one month before the end of the session, is not passed by the Senate within one month after it is so sent, the Bill may, notwithstanding that it has not been passed by the Senate, be presented to the Governor with or without any amendments which have been made by the Senate and agreed to by the House of Representatives, and shall take effect as an Act of Parliament on the Royal Assent thereto being signified.

Restriction of powers of Senate as to Money Bills.

(2) There shall be endorsed on every Money Bill when it is sent to the Senate and when it is presented to the Governor for Royal Assent a certificate under the hand of the Speaker that it is a Money Bill. Before giving his certificate the Speaker shall consult the Attorney-General or the Solicitor-General.

34.—(1) If a Bill, other than a Money Bill, is passed by the House of Representatives in two successive sessions, whether of the same Parliament or not, and,

Restriction of powers of Senate as to Bills other than Money Bills.

(a) having been sent to the Senate in the first of those sessions at least one month before the end of that session, is not passed by the Senate in that session, and,

(b) having been sent to the Senate in the second of those sessions, is not passed by the Senate within one month after it has been so sent, or within six months after the commencement of that session, whichever is the later.

the Bill may, notwithstanding that it has not been passed by the Senate, be presented to the Governor and shall take effect as an Act of Parliament on the Royal Assent thereto being signified.

(2) There shall be endorsed on every Bill, when it is presented to the Governor for the Royal Assent in pursuance of the provisions of subsection (1) of this Section, a certificate under the hand of the Speaker that the provisions of subsection (1) have been complied with and that the Bill presented for the Royal Assent is identical with the Bill sent to the Senate in the first of the two sessions in which it was passed by the House of Representatives. Before giving his certificate the Speaker shall consult the Attorney-General or the Solicitor-General.

(3) For the purposes of subsection (2) of this Section, a Bill presented for the Royal Assent shall be deemed to be the same Bill as a former Bill sent to the Senate in the preceding session, if, when it is sent to the Senate, it is identical with the former Bill or contains only such alterations as are certified by the Speaker to be necessary owing to the time which has elapsed since the date of the former Bill, or to represent any amendments which have been made by the Senate in the former Bill in the preceding sessions; and any amendments which are certified by the Speaker to have been made by the Senate in the second session and agreed to by the House of Representatives shall be inserted in the Bill as presented to the Governor in pursuance of this Section:

Provided that the House of Representatives may, if they think fit, on the passage of such a Bill through the House in the second session, suggest any further amendments without inserting the amendments in the Bill, and any such suggested amendments shall be considered by the Senate, and, if agreed to, shall be treated as amendments made by the Senate and agreed to by the House of Representatives; but the exercise of this power by the House of Representatives shall not affect the operation of this Section in the event of the rejection of the Bill by the Senate.

Certificate of
Speaker.

35. Every certificate of the Speaker under Section 33 or Section 34 of this Order shall be conclusive for all purposes and shall not be questioned in any court of law.

Assent to
Bills.

36.—(1) No Bill shall become an Act of Parliament until His Majesty has given His consent thereto.

(2) When a Bill has been passed by both Chambers or by the House of Representatives alone in accordance with the provisions of this Order, it shall be presented to the Governor, who may assent in His Majesty's name, or refuse such assent, or reserve the Bill for the signification of His Majesty's pleasure:

Provided that the Governor shall not reserve for the signification of His Majesty's pleasure any Bill which does not fall within one of the categories of Bills specified in subsection (1) of Section 37 of this Order.

(3) Every Bill presented to the Governor under this Section shall be accompanied by a certificate under the hand of the Attorney-General to the effect that in his opinion the Governor's assent may or may not be properly given thereto.

Reservation
of Bills.

37.—(1) Subject to the provisions of subsection (2) of this Section, the Governor shall reserve for the signification of His Majesty's pleasure any Bill which in his opinion—

(a) relates to the provision, construction, maintenance, security, staffing, manning and use of such defences, equipment, establishments and communications as may be

necessary for the naval, military or air security of any part of His Majesty's dominions (including the Island) or any territory under his Majesty's protection or any territory in which His Majesty has from time to time jurisdiction;

- (b) is repugnant to or inconsistent with any provision of any Order in Council relating to or affecting—
- (i) the defence of any part of His Majesty's dominions (including the Island) or any territory under His Majesty's protection or any territory in which His Majesty has from time to time jurisdiction; or
 - (ii) the relations between the Island and any foreign country or any other part of His Majesty's dominions or any territory as aforesaid
- or any provision of any instrument made under any such Order in Council;
- (c) affects the relations between the Island and any foreign country or any other part of His Majesty's dominions or any territory under His Majesty's protection or any territory in which His Majesty has from time to time jurisdiction;
- (d) affects the currency of the Island or relates to the issue of bank notes;
- (e) is of an extraordinary nature and importance whereby the Royal Prerogative, or the rights or property of British subjects not residing in the Island, or the trade or transport or communications of any part of His Majesty's dominions or any territory under His Majesty's protection or any territory in which His Majesty has from time to time jurisdiction may be prejudiced;
- (f) contains any provision which has evoked serious opposition by any racial or religious community and which is likely to involve oppression or serious injustice to any such community;
- (g) amends or suspends the operation of any of the provisions of this Order or is otherwise repugnant to or inconsistent with any such provisions.

(2) Nothing in subsection (1) of this Section shall be deemed to require the Governor to reserve for His Majesty's assent any Bill to which the Governor has been authorised by His Majesty to assent or any Bill which in the opinion of the Governor falls within any of the following classes, that is to say—

- (a) any Bill relating solely to and conforming with any trade agreement concluded with the approval of a Secretary of State between the Government of the Island and the

Government of any part of His Majesty's dominions or of any territory under His Majesty's protection or of any territory in which His Majesty has from time to time jurisdiction;

- (b) any Bill relating solely to the prohibition or restriction of immigration into the Island, and not containing any provision, relating to the re-entry into the Island of persons normally resident in the Island at the date of the passing of such Bill, which in the opinion of the Governor is unfair or unreasonable;
- (c) any Bill relating solely to the franchise or to the law of elections;
- (d) any Bill relating solely to the prohibition or restriction of the importation of, or the imposition of import duties upon, any class of goods, and not containing any provision whereby goods from different countries are subject to differential treatment;
- (e) any Bill relating solely to the establishment of shipping services or the regulation of shipping, and not containing any provision whereby the shipping of any part of His Majesty's dominions or of any territory under His Majesty's protection or of any territory in which His Majesty has from time to time jurisdiction, may be subjected to differential treatment.

(3) A Bill reserved for His Majesty's assent shall not take effect as an Act of Parliament unless and until His Majesty has given His assent thereto, and the Governor has signified such assent by Proclamation.

Enacting
words.

38.—(1) In every Bill presented to the Governor, other than a Bill presented under Section 33 or Section 34 of this Order, the words of enactment shall be as follows, that is to say:—

“ Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—”

(2) In every Bill presented to the Governor under Section 33 or Section 34 of this Order, the words of enactment shall be as follows, that is to say:—

“ Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the House of Representatives of Ceylon in this present Parliament assembled, in accordance with the provisions of Section 33 (or Section 34 as

the case may be) of the Ceylon (Constitution) Order in Council, 1946, and by the authority of the same, as follows:—

(3) Any alteration in a Bill necessary to give effect to subsection (2) of this Section shall not be deemed to be an amendment of the Bill.

39.—(1) Any law which has been assented to by the Governor, and which appears to His Majesty's Government in the United Kingdom—

Laws
relating to
Ceylon
Government
stocks.

(a) to alter, to the injury of the stock-holder, any of the provisions relating to any Ceylon Government stock specified in the Second Schedule to this Order; or

(b) to involve a departure from the original contract in respect of any of the said stock

may be disallowed by His Majesty through a Secretary of State.

(2) The provisions of subsection (1) of this Section shall also apply in relation to any Ceylon Government stock issued after the date upon which this Part of this Order comes into operation which, at the request of the Government of the Island, has been included in the list kept by the Treasury of the United Kingdom, in conformity with the provisions of Section 2 of the Colonial Stock Act, 1900, of securities in which a trustee may invest.

(3) Wherever any such law has been disallowed by His Majesty, the Governor shall cause notice of such disallowance to be published in the *Government Gazette*.

(4) Every law so disallowed shall cease to have effect as soon as notice of such disallowance shall be published as aforesaid; and thereupon any enactment repealed or amended by or in pursuance of the law disallowed shall have effect as if such law had not been made. Subject as aforesaid the provisions of Section 6 of the Interpretation Ordinance shall apply.

Cap. 2

PART IV.

DELIMITATION OF ELECTORAL DISTRICTS.

40.—(1) Within one year after the completion of every general census of the Island following the general census of 1946, the Governor shall establish a Delimitation Commission.

Establishment
of Delimitation
Commission.

(2) Every Delimitation Commission established under this Section shall consist of three persons appointed by the Governor who shall endeavour to select persons who are not actively engaged in politics. The Governor shall appoint one of such persons to be the Chairman.

(3) If any member of a Delimitation Commission shall die, or resign, or shall become, in the opinion of the Governor, incapable of discharging his functions as such, the Governor shall, in accordance with the provisions of subsection (2) of this Section, appoint another person in his place.

(4) In making appointments under this Section the Governor shall act in his discretion.

41.—(1) Every Delimitation Commission established under Section 40 of this Order shall divide each Province of the Island into a number of electoral districts ascertained as provided in subsection (2) of this Section and shall assign names thereto.

(2) The total number of persons who, according to the last preceding general census, were for the time being resident in the Province shall be ascertained to the nearest 75,000. In respect of each 75,000 of this number the Delimitation Commission shall allot one electoral district to the Province and shall add a further number of electoral districts (based on the number of square miles in the Province at the rate of one additional electoral district for each 1,000 square miles of area calculated to the nearest 1,000) as follows:—

Western Province	...	...	...	1
Central Province	...	...	...	2
Southern Province	...	...	...	2
Northern Province	...	...	...	4
Eastern Province	...	...	...	4
North-Western Province	...	...	...	3
North-Central Province	...	...	...	4
Province of Uva	...	...	...	3
Province of Sabaragamuwa	...	...	...	2

(3) Subject to the provisions of subsections (4) and (5) of this Section, each electoral district of a Province shall have as nearly as may be an equal number of persons:

Provided that, in dividing a Province into electoral districts, every Delimitation Commission shall have regard to the transport facilities of the Province, its physical features and the community or diversity of interest of its inhabitants.

(4) Where it appears to the Delimitation Commission that there is in any area of a Province a substantial concentration of persons united by a community of interest, whether racial, religious or otherwise, but differing in one or more of these respects from the majority of the inhabitants of that area, the Commission may make such division of the Province into electoral districts as may be necessary to render possible the representation of that interest. In making such division the Commission shall have due regard to the desirability of reducing to the minimum the disproportion in the number of persons resident in the several electoral districts of the Province.

(5) Notwithstanding anything in subsection (1) of this Section, the Delimitation Commission shall have power to create in any Province one or more electoral districts returning two or more members :

Provided that in any such case the number of electoral districts for that Province, as ascertained in accordance with the provisions of subsection (2) of this Section, shall be reduced so that the total number of Members to be returned for that Province shall not exceed the total number of electoral districts so ascertained.

42. In the event of a difference of opinion among the members of any Delimitation Commission, the opinion of the majority of the members thereof shall prevail and shall be deemed to be the decision of the Commission. Where each member of the Commission is of a different opinion the opinion of the Chairman shall be deemed to be the decision of the Commission.

Decisions of
Delimitation
Commissions.

43. The Chairman of every Delimitation Commission shall communicate the decisions of the Commission to the Governor who shall by Proclamation published the names and boundaries of the electoral districts as decided by the Commission, and the number of members to be returned by each such district; and the districts specified in the Proclamation for the time being in force shall be the electoral districts of the Island for all the purposes of this Order and of any law for the time being in force relating to the election of Members of the House of Representatives.

Notification
of Electoral
Districts.

44. Any re-division of the Provinces of the Island into electoral districts, effected by any Delimitation Commission established under Section 40 of this Order, and any alteration consequent upon such re-division in the total number of the Members of the House of Representatives shall, in respect of the election of Members thereof, come into operation at the next general election held after such re-division and not earlier.

Re-division
of electoral
districts.

PART V.

THE EXECUTIVE.

45. The executive power of the Island shall continue vested in His Majesty and shall be exercised, on behalf of His Majesty, by the Governor acting in accordance with the provisions of this Order.

Executive
Power of
Ceylon.

46.—(1) There shall be a Cabinet of Ministers who shall be charged with the general direction and control of the government of the Island and who shall be collectively responsible to Parliament.

Cabinet of
Ministers.

(2) Of the Ministers, one who shall be the head of the Cabinet, shall be styled the "Prime Minister"; of the other Ministers one shall be styled the "Minister of Justice" and another shall be styled the "Minister of Finance".

(3) The Prime Minister shall be appointed by the Governor. The other Ministers shall be appointed by the Governor acting on the recommendation of the Prime Minister.

(4) The Prime Minister shall be in charge of the Ministry of Defence and External Affairs and shall administer the matters relating to that Ministry in addition to such other matters as he may determine to retain in his charge. Each Minister, other than the Prime Minister, shall be charged with the administration of such subjects and functions as may be assigned to him by the Prime Minister.

Parliamentary Secretaries.

47. The Governor, acting on the recommendation of the Prime Minister, may appoint Parliamentary Secretaries to assist the Ministers in the exercise of their Parliamentary and departmental duties:

Provided that the number of Parliamentary Secretaries shall not at any time exceed the number of Ministers.

Ministers and Parliamentary Secretaries in Senate.

48. Not less than two Ministers, one of whom shall be the Minister of Justice, shall be Members of the Senate. If Parliamentary Secretaries are appointed in pursuance of the provisions of Section 47 of this Order, not more than two of them shall be Members of the Senate.

Other provisions as to Ministers and Parliamentary Secretaries.

49.—(1) Every Minister and every Parliamentary Secretary shall hold office during the Governor's pleasure:

Provided that any Minister or Parliamentary Secretary may at any time resign his office by writing under his hand addressed to the Governor.

(2) A Minister or Parliamentary Secretary who for any period of four consecutive months is not a member of either Chamber shall, at the expiration of that period, cease to be a Minister or Parliamentary Secretary, as the case may be.

(3) Whenever a Minister or Parliamentary Secretary is, from any cause whatever, unable to perform any of the functions of his office, the Governor, acting on the recommendation of the Prime Minister, may appoint a person, whether or not he has already been appointed a Minister or Parliamentary Secretary, to act in the place of the said Minister or Parliamentary Secretary, as the case may be, either generally or in the performance of any particular function. For the purposes of this Order, a person so appointed shall be deemed to be a Minister or a Parliamentary Secretary, as the case may be, as long as his appointment shall subsist.

(4) A person appointed to be or to act as a Minister or Parliamentary Secretary shall, before entering on the duties of his office, take and subscribe before the Governor the official oath in accordance with the provisions of the Promissory Oaths Ordinance or shall make the appropriate affirmation in lieu thereof as provided in the said Ordinance.

Cap. 13.

50. There shall be a Secretary to the Cabinet who shall be appointed by the Governor acting on the recommendation of the Prime Minister. The Secretary to the Cabinet shall have charge of the Cabinet Office and shall, in accordance with such instructions as may be given to him by the Prime Minister, summon meetings of the Cabinet, arrange the business for, and keep the minutes of such meetings, and convey the decisions of the Cabinet to the appropriate person or authority.

Secretary
to the
Cabinet.

51.—(1) There shall be for each Ministry a Permanent Secretary who shall be appointed by the Governor acting on the recommendation of the Public Service Commission:

Permanent
Secretaries to
Ministries.

Provided that the Governor shall communicate such recommendation to the Prime Minister and shall inform the Public Service Commission of any objection made thereto by the Prime Minister, and shall not act upon that recommendation until the Public Service Commission has considered such objection and reaffirmed or varied its recommendation.

(2) Each Permanent Secretary shall, subject to the general direction and control of his Minister, exercise supervision over the department or departments of Government in the charge of his Minister.

(3) For the purpose of this Section the department of the Auditor-General, the office of the Clerk to the Senate, the office of the Clerk to the House of Representatives and the Cabinet Office shall be deemed not to be departments of Government.

PART VI.

THE JUDICATURE.

52.—(1) The Chief Justice and Puisne Judges of the Supreme Court and Commissioners of Assize shall be appointed by the Governor acting in his discretion.

Judges of the
Supreme
Court.

(2) Every Judge of the Supreme Court shall hold office during good behaviour and shall not be removable except by the Governor on an address of the Senate and the House of Representatives.

(3) The age for the retirement of Judges of the Supreme Court shall be sixty-two years:

Provided that the Governor may in his discretion permit a Judge of the Supreme Court who has reached the age of sixty-two years to continue in office for a period not exceeding twelve months.

(4) The salaries of the Judges of the Supreme Court shall be determined by Parliament and shall be charged on the Consolidated Fund.

(5) Every Judge of the Supreme Court appointed before the date on which this Part of this Order comes into operation and in office on that date shall continue in office as if he had been appointed under this Part of this Order.

(6) The salary payable to any such Judge shall not be diminished during his term of office.

The Judicial
Service
Commission.

53.—(1) There shall be a Judicial Service Commission which shall consist of the Chief Justice, who shall be the Chairman, a Judge of the Supreme Court, and one other person who shall be, or shall have been, a Judge of the Supreme Court. The members of the Commission, other than the Chairman, shall be appointed by the Governor acting in his discretion.

(2) No person shall be appointed as, or shall remain, a member of the Judicial Service Commission, if he is a Senator or a Member of Parliament.

(3) Subject to the provisions of subsection (5) of this Section, every member of the Judicial Service Commission, other than the Chairman, shall, unless he earlier resigns his office, or is removed therefrom as hereinafter provided, or being a Judge of the Supreme Court ceases so to be, hold office for a period of five years from the date of his appointment, and shall be eligible for re-appointment.

(4) The Governor acting in his discretion may for cause assigned remove any member of the Judicial Service Commission from his office.

(5) The Governor acting in his discretion may grant leave from his duties to any member of the Judicial Service Commission, and may appoint a person qualified to be a member of the Judicial Service Commission to be a temporary member for the period of such leave.

(6) Where a person is appointed to be a member of the Judicial Service Commission, he may be paid such salary or allowance as may be determined by Parliament. Any salary or allowance payable to such person shall be charged on the Consolidated Fund and shall not be diminished during his term of office.

(7) The Governor acting on the recommendation of the Judicial Service Commission may make regulations in regard to the exercise by the Commission of any of their functions.

54. There shall be a Secretary to the Judicial Service Commission who shall be appointed by the Governor acting on the recommendation of the Commission.

Secretary
to Judicial
Service
Commission.

55.—(1) The appointment, transfer, dismissal and disciplinary control of judicial officers is hereby vested in the Governor acting on the recommendation of the Judicial Service Commission.

Appointment
to other
judicial office.

(2) Any judicial officer may resign his office by writing under his hand addressed to the Governor.

(3) Every judicial officer appointed before the date on which this Part of this Order comes into operation and in office on that date shall continue in office as if he had been appointed under this Part of this Order.

(4) The Governor acting on the recommendation of the Judicial Service Commission may, by Order published in the *Government Gazette*, delegate to the Judicial Service Commission or to the Secretary thereto the power to authorise all transfers other than transfers involving increase of salary.

(5) In this Section "appointment" includes an acting or temporary appointment and "judicial officer" means the holder of any judicial office but does not include a Judge of the Supreme Court or a Commissioner of Assize.

56. Every person who, otherwise than in the course of his duty, directly or indirectly, by himself or by any other person, in any manner whatsoever, influences or attempts to influence any recommendation or decision of the Judicial Service Commission or of any member thereof shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment for a term not exceeding one year or to both such fine and such imprisonment:

Interference
with
Judicial
Service
Commission.

Provided that nothing in this Section shall prohibit any person from giving a certificate or testimonial to any applicant or candidate for any judicial office.

PART VII.

THE PUBLIC SERVICE.

57. Save as otherwise provided in this Order, every person holding office under the Crown in respect of the Government of the Island shall hold office during His Majesty's pleasure.

Tenure of
Office in the
Public Service.

**The Public
Service
Commission.**

58.—(1) There shall be a Public Service Commission which shall consist of three persons, appointed by the Governor acting in his discretion, one and only one of whom shall be immediately before appointment, or shall have been, a public officer. The Governor acting in his discretion shall nominate one of the members of the Commission to be the Chairman.

(2) No person shall be appointed as, or shall remain, a member of the Public Service Commission if he is a Senator or a Member of Parliament.

(3) Every person who, immediately before his appointment as a member of the Public Service Commission, is a public officer shall, when such appointment takes effect, cease to hold any paid office previously held by him as a servant of the Crown in respect of the Government of the Island, and shall accordingly cease to be a public officer for the purposes of this Order; and he shall be ineligible for further appointment as a public officer:

Provided that any such person shall, until he ceases to be a member of the Public Service Commission or, while continuing to be such a member, attains the age at which he would, if he were a public officer, be required to retire, be deemed to hold a pensionable office in the service of the Crown in respect of the Government of the Island for the purposes of any written law relating to the grant of pensions, gratuities or other allowances in respect of such service.

(4) Subject to the provisions of subsection (6) of this Section, every person who is appointed to be a member of the Public Service Commission shall, unless he earlier resigns his office or is removed therefrom, hold office for a period of five years from the date of his appointment and shall be eligible for re-appointment.

(5) The Governor acting in his discretion may for cause assigned remove any member of the Public Service Commission from his office.

(6) The Governor acting in his discretion may grant leave from his duties to any member of the Public Service Commission, and may appoint a person qualified to be a member of the Public Service Commission to be a temporary member for the period of such leave.

(7) A member of the Public Service Commission may be paid such salary as may be determined by Parliament. The salary payable to any such member shall be charged on the Consolidated Fund and shall not be diminished during his term of office.

(8) For the purposes of Chapter IX. of the Penal Code, a member of the Public Service Commission shall be deemed to be a public servant.

Cap. 15.

59. There shall be a Secretary to the Public Service Commission who shall be appointed by the Governor acting on the recommendation of the Commission.

Secretary to the Public Service Commission.

60.—(1) The appointment, transfer, dismissal and disciplinary control of public officers is hereby vested in the Governor acting on the recommendation of the Public Service Commission :

Appointments in the Public Service.

Provided that appointments and transfers to the office of Attorney-General shall be made by the Governor acting in his discretion.

(2) In subsection (1) of this Section the expression " transfer " means a transfer involving an increase of salary.

61.—(1) The Governor, acting on the recommendation of the Public Service Commission, may make regulations for all or any of the following matters :—

Regulations
A.M.N. Suriyabandara
Provincial Superintendent Pharmacist
Uva Provincial Directorate of Health
Badulla

(a) the exercise by the Commission, of any of their functions;

(b) the delegation to the Commission, or to any public officer acting with or without the recommendation of the Commission, subject to such conditions as may be prescribed by the regulations, of any of the powers vested in the Governor by subsection (1) of Section 60 of this Order.

(2) In the exercise of his powers under subsection (1) of this Section the Governor shall not delegate to any public officer the power to appoint to any public office which carries an initial salary of more than three thousand two hundred rupees.

62. The provisions of Section 56 of this Order shall apply in relation to the Public Service Commission as though the reference therein to the Judicial Service Commission were a reference to the Public Service Commission and the reference to judicial office were a reference to public office.

Interference with Public Service Commission.

63.—(I) Any officer in the public service (not being an officer appointed on agreement for a specified period) who is holding office on the day immediately preceding the date on which this Part of this Order comes into operation and who was appointed or selected for appointment prior to the ninth day of October, 1945, to any office, appointment to which was subject to the approval of a Secretary of State, may, subject to the provisions of subsection (2) of this Section, retire from the public service, and on such retirement may be granted a pension or gratuity in accordance with and subject to the provisions of Article 88 of

Retirement on pension of persons holding office at the commencement of this Order.

the Ceylon (State Council) Order in Council, 1931, and the regulations made thereunder, notwithstanding the revocation of that Order by Section 91 of this Order; and those provisions shall apply accordingly subject to any Proclamation made under Section 88 of this Order.

(2) The right given by subsection (1) of this Section to an officer in the public service to retire may be exercised—

- (a) in the case an officer appointed or selected for appointment prior to the seventeenth day of July, 1928, at any time after this Part of this Order comes into operation;
- (b) in the case of an officer appointed or selected for appointment on or after the seventeenth day of July, 1928, but prior to the ninth day of October, 1945, at any time within two years after the date of the first meeting of the House of Representatives.

Preservation
of Pensions, &c.

64.—(1) All pensions, gratuities, or other like allowances which have been, or which may be, granted to any persons who have been, and have ceased to be, in the service of the Crown in respect of the Government of the Island at any time before the date on which this Part of this Order comes into operation, or to the widows, children or dependants of such persons, shall be governed by the written law under which they were granted, or, if granted after that date, by the written law in force on that date, or, in either case, by any written law made thereafter which is not less favourable.

(2) Subject to the provisions of Section 63 of this Order all pensions, gratuities and other like allowances which may be granted to persons who, on the date on which this Part of this Order comes into operation, are in the service of the Crown in respect of the Government of the Island, or to the widows, children or dependants of such persons, shall be governed by the written law in force on that date or by any written law made thereafter which is not less favourable.

Pensions, &c.,
charged on the
Consolidated
Fund.

65. All pensions and gratuities granted in accordance with the provisions of this Order shall be charged on the Consolidated Fund.

PART VIII.

FINANCE.

The
Consolidated
Fund.

66.—(1) The funds of the Island not allocated by law to specific purposes shall form one Consolidated Fund into which shall be paid the produce of all taxes, imposts, rates and duties and all other revenues of the Island not allocated to specific purposes.

(2) The interest on the public debt, sinking fund payments, the costs, charges and expenses incidental to the collection, management and receipt of the Consolidated Fund and such other expenditure as Parliament may determine shall be charged on the Consolidated Fund.

67.—(1) Save as otherwise expressly provided in subsection (3) of this Section, no sum shall be withdrawn from the Consolidated Fund except under the authority of a warrant under the hand of the Governor addressed to the Ministry of Finance.

Withdrawal
of sums
from the
Consolidated
Fund.

(2) No such warrant shall be issued unless the sum has by resolution of the House of Representatives or by any law been granted for specified public services for the financial year during which the withdrawal is to take place or is otherwise lawfully charged on the Consolidated Fund.

(3) Where the Governor dissolves Parliament before the Appropriation Bill for the financial year has received the Royal Assent, he may, unless Parliament shall have already made provision, authorise the issue from the Consolidated Fund and the expenditure of such sums as he may consider necessary for the public services until the expiry of a period of three months from the date on which the new House of Representatives is summoned to meet.

68.—(1) Notwithstanding any of the provisions of Section 66 of this Order, Parliament may by law create a Contingencies Fund for the purpose of providing for urgent and unforeseen expenditure.

Contingencies
Fund.

(2) The Minister of Finance, if satisfied

- (a) that there is need for any such expenditure, and
- (b) that no provision for such expenditure exists,

may, with the consent of the Prime Minister, authorise provision to be made therefor by an advance from the Contingencies Fund.

(3) As soon as possible after every such advance, a Supplementary Estimate shall be presented to Parliament for the purpose of replacing the amount so advanced.

69. No Bill or motion, authorising the disposal of, or the imposition of charges upon, the Consolidated Fund or other funds of the Island, or the imposition or of any tax or, the repeal, augmentation or reduction of any tax for the time being in force shall be introduced in the House of Representatives except by a Minister, nor unless such Bill or motion has been approved either by the Cabinet or in such manner as the Cabinet may authorise.

Special
provisions as
to Bills, &c.,
affecting
public
revenues.

70.—(1) There shall be an Auditor-General who shall be appointed by the Governor acting in his discretion and who shall hold office during good behaviour.

The
Auditor-
General.

(2) The salary of the Auditor-General shall be determined by Parliament, shall be charged on the Consolidated Fund and shall not be diminished during his term of office.

(3) The office of Auditor-General shall become vacant—

- (a) by his death; or
- (b) by his attaining the age of fifty-five years or such higher age as the Governor in his discretion may determine; or
- (c) by his resignation in writing addressed to the Governor; or
- (d) by his removal by the Governor on account of ill health or physical or mental infirmity in the like circumstances and subject to the same conditions as a public officer in receipt of similar pensionable emoluments; or
- (e) by his removal by the Governor upon an address from the Senate and the House of Representatives praying for his removal.

Audit of
Accounts.

71.—(1) The accounts of all departments of Government, including the offices of the Cabinet, the Clerk to the Senate, the Clerk to the House of Representatives, the Judicial Service Commission and the Public Service Commission shall be audited by the Auditor-General who, with his deputies, shall at all times be entitled to have access to all books, records, or returns relating to such accounts.

(2) The Auditor-General shall report annually to the House of Representatives on the exercise of his functions under this Order.

PART IX.

TRANSITIONAL PROVISIONS, REPEALS AND SAVINGS.

Regulations
for election
of Senators.

72. The Governor shall, before the first election of Senators in accordance with the provisions of Section 9 of this Order, make regulations prescribing the method of voting and of transferring and counting votes in any election of Senators; and such regulations shall have effect as if enacted in this Order until Parliament shall otherwise provide.

Term of
office of first
Senators.

73. For the purpose of securing that one-third of the Senators shall retire every second year, at the first meeting of the Senate under this Order, the Senate shall by lot divide the Senators into three classes, each class consisting of five elected Senators and five appointed Senators; and the term of office of the Senators of the first class shall terminate at the expiry of a period of two years, the term of office of the Senators of the second class shall terminate at the expiry of a period of four years, and the term of office of the Senators of the third class shall terminate at the

expiry of a period of six years, from the date of election or appointment, as the case may be. For the purposes of this Section, appointed Senators shall be deemed to have been appointed on the day on which elected Senators are elected.

74. Notwithstanding anything in Section 11 of this Order, the first House of Representatives shall consist of one hundred and one Members, ninety-five of whom shall be elected in accordance with the law in force relating to the election of Members of Parliament, and six of whom shall be appointed by the Governor acting in his discretion.

Number of Members in first House of Representatives.

75. Until Parliament otherwise provides, the remuneration and allowances payable to Members of the first House of Representatives, including the Speaker, the Deputy Speaker and the Deputy Chairman of Committees, shall be the same as the remuneration and allowances paid to the Members of the State Council and the aforesaid officers thereof.

Remuneration of Members of first House of Representatives.

76.—(1) As soon as may be after this Part of this Order comes into operation, the Governor shall establish a Delimitation Commission. The Governor shall fix a period within which the decisions of the Commission shall be reported to him:

Establishment and duties of first Delimitation Commission.

Provided that the Governor may, at the request of the Chairman of the Commission, extend such period as he may think fit.

(2) Notwithstanding anything in subsection (2) of Section 41 of this Order, the number of electoral districts into which each Province of the Island shall be divided by the first Delimitation Commission shall be as follows:—

Western Province	...	...	...	20
Central Province	...	...	...	15
Southern Province	...	...	...	12
Eastern Province	...	...	...	7
Northern Province	...	...	...	9
North-Western Province	...	...	...	10
North-Central Province	...	...	...	5
Province of Uva	...	...	...	7
Province of Sabaragamuwa	...	...	...	10

(3) Notwithstanding anything in subsection (2) of this Section, the first Delimitation Commission shall have power to create in any Province one or more electoral districts returning two or more Members:

Provided that in any such case the number of electoral districts for that Province specified in subsection (2) of this Section shall be reduced so that the total number of Members to be returned for that Province shall not exceed the total number of electoral districts so specified.

(4) Save as provided by this Section, the provisions of Part IV. of this Order shall apply to the first Delimitation Commission.

First register
of electors.

77. As soon as may be after the publication of the first Proclamation under Section 43 of this Order, a register of electors shall be prepared for each electoral district in accordance with the law then in force relating to the election of Members of Parliament.

Power to
discontinue
election to
State Council.

78. If the State Council is dissolved under the provisions of the Ceylon (State Council) Order in Council, 1931, at any time after the publication of the first Proclamation under Section 43 of this Order, the Governor shall not be obliged, notwithstanding anything in sub-clause (2) of Article 23 of the Ceylon (State Council Elections) Order in Council, 1931, to order a general election to be held for the purpose of electing Members of the State Council. The fact that a general election for the purpose aforesaid is not ordered by the Governor shall not affect the continuance in operation of those provisions of the existing Orders in Council which would have applied between the dissolution of the State Council and the next succeeding election of Executive Committees if a general election had been ordered.

Power to
dissolve State
Council.

79. If the State Council is not dissolved under the provisions of the Ceylon (State Council) Order in Council, 1931, before the expiration of a period of nine months from the date on which this Order is published in the *Government Gazette*, the Governor shall, as soon as conveniently may be thereafter, dissolve the State Council.

First general
election of
Members of
Parliament.

80. As soon as conveniently may be after the date on which Part III. of this Order comes into operation and after the completion of the registers of electors referred to in Section 77 of this Order, the Governor shall by Proclamation order that a general election shall be held for the purpose of electing Members to constitute the first House of Representatives under this Order.

First Standing
Orders of the
Senate and
House of
Representatives.

81. The first Standing Orders of the Senate and of the House of Representatives shall be made by the Governor. Any Standing Order made by the Governor may be amended or revoked by the Chamber for which that Order is made.

First Clerks of
Senate and
House of
Representatives
and
Parliamentary
staff.

82.—(1) The first Clerk to the Senate shall be appointed provisionally by the Governor and shall hold office until an appointment is made under Section 28 of this Order.

(2) The person holding the office of Clerk of the State Council and the persons on the staff of the State Council on the date immediately preceding the date on which Part III. of this Order comes into operation shall, on that date, be transferred to the service of the House of Representatives and shall be deemed to have been appointed respectively as Clerk to the House of Representatives and as members of his staff under Section 28 of this Order. The persons referred to in this subsection shall, until

Parliament otherwise provides, hold their appointments on as nearly as may be the same terms and conditions as those on which they were employed under the State Council.

83. The appointment of the first Permanent Secretaries shall be made by the Governor on the recommendation of the Prime Minister. Every such appointment shall be provisional until an appointment is made under Section 51 of this Order.

First
Permanent
Secretaries.

84.—(1) Each of the persons holding the respective offices of Chief Secretary, Legal Secretary and Financial Secretary shall cease to hold that office when all the subjects and functions assigned to him under the existing Orders in Council have been assumed by a Minister or other authority under this Order.

Retirement of
Officers of
State.

(2) Until the Chief Secretary, the Legal Secretary and the Financial Secretary cease to hold office as provided in subsection (1) of this Section, they shall be paid the salaries specified in the Ceylon (State Council) Order in Council, 1931.

(3) If any person ceasing to hold office under the provisions of this Section, having held such office on the ninth day of October, 1945, is not transferred to any public service outside the Island and is granted a pension or gratuity in respect of service under the Government of the Island, his case shall be treated in the computation of such pension or gratuity as one of abolition of office.

85.—(1) Articles 56 to 67, Article 70 and Articles 83 to 85 of the Ceylon (State Council) Order in Council, 1931, shall continue in force until the first day of October next following the date of the first meeting of the House of Representatives under this Order, subject to the following modifications, namely, that from the date of the first meeting of the House of Representatives—

Finance.

- (a) the functions of the State Council shall be exercised by the House of Representatives;
- (b) the functions of the Board of Ministers shall be exercised by the Cabinet;
- (c) the functions of the Financial Secretary shall be exercised by the Minister of Finance;
- (d) any function of any other Officer of State or of an Executive Committee shall be exercised by the Minister to whom the function is assigned in accordance with the provisions of this Order.

(2) Where by any Section of this Order any payment is charged on the Consolidated Fund, that payment shall, until the date on which Part VIII. of this Order comes into operation, be charged on the revenue and other funds of the Island.

Provision
for interim
legislation by
His Majesty
in Council.

86. Notwithstanding the provisions of Section 30 of this Order, His Majesty, His Heirs and Successors, with the advice of His or Their Privy Council, may, at any time between the date on which Part III. of this Order comes into operation and the date of the first meeting of the House of Representatives, make such laws as may appear to him or Them to be necessary for the peace, order and good government of the Island.

Modification
of existing
administrative
orders.

87.—(1) The Governor may, at any time before the first meeting of the House of Representatives under this Order, make such regulations as appear to him to be necessary or expedient, in consequence of the provisions of this Order, for modifying, adding to or adapting the provisions of any general order, financial regulation, public service regulation or other administrative regulation or order, or otherwise for bringing the provisions of any such administrative regulation or order into accord with the provisions of this Order or for giving effect thereto.

(2) Every regulation made under subsection (1) of this Section shall have effect until it is amended, revoked or replaced by the appropriate Minister or authority under this Order.

Modification
of existing
laws.

88.—(1) The Governor may by Proclamation at any time before the first meeting of the House of Representatives under this Order make such provision as appears to him necessary or expedient, in consequence of the provisions of this Order for modifying, adding to or adapting the provisions of any written law which refer in whatever terms to the Governor, the State Council, the Board of Ministers, the Officers of State, a Minister, an Executive Committee or a public officer, or otherwise for bringing the provisions of any written law into accord with the provisions of this Order or for giving effect thereto.

(2) Every Proclamation under subsection (1) of this Section shall have the force of law and may be amended, added to or revoked by further Proclamation within the period specified in that subsection.

Construction
of written
law.

89. Subject to the provisions of any Proclamation made under Section 88 of this Order—

- (a) every reference in any written law in force on the date of the first meeting of the House of Representatives under this Order to the Legislative Council or to the State Council shall, on and after that date and until Parliament otherwise provides, be read and construed as a reference to the House of Representatives;
- (b) every reference in any written law aforesaid to an Officer of State, a Minister or an Executive Committee shall, on and after the date of the first meeting of the House

of Representatives under this Order and until Parliament otherwise provides, be read and construed as a reference to the Minister or other authority to whom the particular power, authority or function is assigned under this Order.

90. Nothing contained in Sections 88 and 89 of this Order shall affect the passing by Parliament of any law relating to the vesting or the exercise of any of the powers, authorities or functions to which those Sections refer.

Power of Parliament to legislate on matters referred to in ss. 88 and 89 of this Order.

91. The existing Orders in Council shall be revoked on the date on which Part III. of this Order comes into operation:

Revocation.

Provided that the preceding provisions of this Section shall not prejudice or affect—

- (a) anything lawfully done under any of the Orders aforesaid or the continuance of any legal proceeding begun before the date aforesaid;
- (b) the continued operation of any law in force in the Island immediately before the date aforesaid;
- (c) the continued operation, until the date on which Part II. of this Order comes into operation, of those provisions of the existing Orders in Council which relate to the Governor or the Officer Administering the Government;
- (d) the continued operation, until Ministers or other authorities have assumed charge of the functions assigned to them under this Order, of those provisions of the existing Orders in Council which relate to the executive functions of the Governor, the Board of Ministers, the Officers of State and the Ministers;
- (e) the continued operation, until the first day of October next following the date of the first meeting of the House of Representatives under this Order, of those provisions of the Ceylon (State Council) Order in Council, 1931, specified in Section 85 of this Order;
- (f) the continuance, until a Public Service Commission and a Judicial Service Commission respectively are established under this Order, of the Public Services Commission and the Judicial Appointments Board as constituted at the date aforesaid, or the exercise by them of their respective functions.

MANUAL OF PROCEDURE.

FIRST SCHEDULE.

- The Ceylon (State Council) Order in Council, 1931.
 The Ceylon (State Council) Amendment Order in Council, 1934.
 The Ceylon (State Council) Amendment Order in Council, 1935.
 The Ceylon (State Council) Amendment Order in Council, 1937.
 The Ceylon (State Council) Amendment Order in Council, 1939.
 The Ceylon (State Council) Amendment Order in Council, 1943.
 The Ceylon (State Council—Extention of Duration) Order-in-Council, 1944.

SECOND SCHEDULE.

- Ceylon Government 5 per cent. Inscribed Stock (1960-70).
 Ceylon Government $4\frac{1}{2}$ per cent. Inscribed Stock (1965).
 Ceylon Government $3\frac{1}{2}$ per cent. Inscribed Stock (1954-59).
 Ceylon Government $3\frac{1}{4}$ per cent. Inscribed Stock (1959).
 Ceylon Government 3 per cent. Inscribed Stock (1959-64).

[Extract from the "Ceylon Government Gazette Extraordinary"
No. 9,735 of July 14, 1947.]

CEYLON CONSTITUTION (AMENDMENT) ORDER IN
COUNCIL, 1947.

At the Court at Buckingham Palace, The 3rd day of
July, 1947.

Present :

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the Ceylon (Constitution) Order in Council, 1946, (hereinafter called "the Principal Order") provision was made (amongst other things) for the establishing of a Parliament in and for the Island of Ceylon :

And whereas by the Principal Order His Majesty reserved to Himself, His Heirs and Successors, power, with the advice of His or Their Privy Council, to amend the said Order, or any part thereof, as to Him or Them should seem fit :

And whereas it is expedient to amend the Principal Order in the manner hereinafter appearing :

NOW, THEREFORE, it is hereby ordered by His Majesty, by and with the advice of His Privy Council, as follows :

1.—(1) This Order may be cited as the Ceylon (Constitution) (Amendment) Order in Council, 1947, and shall be construed as one with the Principal Order.

Short title,
construction
and
commencement.

(2) This Order shall be published in the *Government Gazette* and shall come into operation on the date of such publication.

2. Subsection (5) of section 2 of the Principal Order shall be amended by the omission of the words "the first day of October next following."

Amendment
of s. 2 of the
Principal
Order.

3.—(1) In paragraph (i) of subsection (4) of section 13 of the Principal Order there shall be substituted, for the word "or", the word "for".

Amendment
of s. 13 (4)
of the
Principal
Order.

(2) The following paragraph shall be substituted for paragraph (iv) of subsection (4) of section 13 of the Principal Order:—

"(iv) any grant to any person or body of persons for purposes mainly religious, educational or otherwise charitable or any salary or allowance payable from the public revenue or other funds of the Island to any person, not being a public officer, employed by or under any person or body of persons for any such purposes."

Amendment
of s. 29 (4)
of the
Principal
Order.

4. Subsection (4) of section 29 of the Principal Order shall be amended as follows:—

- (i.) by the omission of the letter “ (a) ”; and
- (ii.) by the substitution of a comma for the semicolon after the word “ Kingdom ”.

Amendment
of s. 61 of
the Principal
Order.

5. Section 61 of the Principal Order shall be amended as follows:—

- (i.) by the omission of the figure “ (1) ”; and
- (ii.) by the deletion of subsection (2) thereof.

Amendment
of s. 63
of the
Principal
Order.

6. The following section shall be substituted for section 63 of the Principal Order:—

“ 63 (1) Any officer holding office in the public service on the day immediately preceding the day on which this Part of this Order comes into operation (in this section referred to as “ the material date ”), being an officer—

- (a) who, at any time before the seventeenth day of July, 1928, was appointed or selected for appointment to a public office, appointment to which was subject to the approval of a Secretary of State, or who, at any time before that day, had entered into an agreement with the Crown Agents for the Colonies to serve in any public office for a specified period; or
- (b) who, on or after the seventeenth day of July, 1928, but before the ninth day of October, 1945, was appointed or selected for appointment (otherwise than on agreement for a specified period) to a public office, appointment to which was subject to the approval of a Secretary of State; or
- (c) who, on or after the seventeenth day of July, 1928, but before the ninth day of October, 1945, had entered into an agreement with the Crown Agents for the Colonies to serve for a specified period in a public office, appointment to which was not subject to the approval of a Secretary of State, and who, at the material date, either has been confirmed in a permanent and pensionable office or is a European member of the Ceylon Police Force;

may, if he elects to retire from the public service in accordance with the provisions of subsection (2) of this Section, be granted a pension or gratuity in accordance with and subject to the provisions of Article 88 of the Ceylon (State Council) Order in Council, 1931, and the regulations made thereunder, notwithstanding the revocation of that Order by Section 91 of this Order; and those provisions shall apply accordingly subject to any proclamation made under Section 88 of this Order.

(2) Election to retire for the purposes of subsection (1) of this Section may be exercised:—

- (a) in the case of an officer to whom paragraph (a) of that subsection applies, at any time after this Part of this Order comes into operation;
- (b) in the case of an officer to whom either paragraph (b), or paragraph (c) of that subsection applies, at any time within two years after the first meeting of the House of Representatives. ”

7. Section 79 of the Principal Order shall be amended by the substitution of the word “ thirteen ” for the word “ nine ”.

Amendment of s. 79 of the Principal Order.

8. Section 85 of the Principal Order shall be amended as follows:

Amendment of s. 85 of the Principal Order.

- (i) by the omission, in subsection (1), of the words “ first day of October ” and all words following thereafter to the end of the said subsection, and by the substitution therefor of the words “ date of the first meeting of the House of Representatives ”; and

(ii) by the addition thereto of the following subsection:—

“ (3) During the period beginning on the date upon which Part VIII. of this Order shall come into operation and ending on the date upon which provision for the financial year beginning on the first day of October, 1947, shall be made by a law duly enacted in that behalf under this Order, it shall be lawful for the Governor to authorise the issue from the Consolidated Fund and the expenditure of such sums as he may consider necessary for the public services of the Island. ”

9. Section 91 of the Principal Order shall be amended by the omission of the words “ the first day of October next following ” in paragraph (e) thereof.

Amendment of s. 91 of the Principal Order.

10. The following section shall be added to the Principal Order:—

Addition of new s. 92 to the Principal Order.

“ 92. If any difficulty arises in first giving effect to any of the provisions of this Order, the Governor, as occasion may require, may by Order published in the *Government Gazette* do anything which appears to him to be necessary for the purpose of removing the difficulty. ”

11. The First Schedule to the Principal Order shall be amended by the deletion of the words “ The Ceylon (State Council—Extension of Duration) Order in Council, 1944 ”.

Amendment of the First Schedule to the Principal Order.

12. Power is hereby reserved to His Majesty, His Heirs and Successors to revoke, add to or amend this Order or any part thereof as to Him or Them shall seem fit.

Power of revocation and amendment.

E. C. E. LEADBITTER.

[Extract from the "Ceylon Government Gazette Extraordinary"
No. 9,751 of August 20, 1947.]

CEYLON (CONSTITUTION) (AMENDMENT NO. 2)
ORDER IN COUNCIL, 1947.

At the Court at Buckingham Palace the 8th day of
August, 1947.

Present :

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the Ceylon (Constitution) Order in Council, 1946, (hereinafter called "the Principal Order") provision was made (amongst other things) for the establishing of a Parliament in and for the Island of Ceylon:

AND WHEREAS by the Principal Order His Majesty reserved to Himself, His Heirs and Successors, power, with the advice of His or Their Privy Council, to amend the said Order, or any part thereof, as to Him or Them should seem fit:

AND WHEREAS it is expedient to amend the Principal Order in the manner hereinafter appearing:

NOW, THEREFORE, it is hereby ordered by His Majesty, by and with the advice of His Privy Council, as follows:

1.—(1) This Order may be cited as the Ceylon (Constitution) (Amendment No. 2) Order in Council, 1947, and shall be construed as one with the Principal Order.

(2) This Order shall be published in the *Government Gazette*, and shall come into operation on the date of such publication.

2. Subsection (1) of Section 3 of the Principal Order is hereby amended in paragraph (d) of the definition of "Public Officer" by the addition immediately after the word "Secretary" of the following:—

" or a person who, having held office as a Minister under the existing Orders in Council immediately prior to the date on which Part III of this Order comes into operation, continues to hold office as a Minister at any time during the period commencing on that date and ending on the date on which Ministers or other authorities assume charge of such functions as may be assigned to them under this Order."

3. Power is hereby reserved to His Majesty, His Heirs and Successors to revoke, add to or amend this Order or any part thereof as to Him or Them shall seem fit.

E. C. E. LEADBITTER.

Short title,
construction
and commence-
ment.

Amendment
of s. 3 of the
Principal
Order.

Power of
revocation and
amendment.

[Extract from the "Ceylon Government Gazette Extraordinary"
No. 9,757 of September 1, 1947.]

CEYLON

LETTERS PATENT passed under the Great Seal of the Realm, constituting the Office of Governor and Commander-in-Chief of the Island of Ceylon and its Dependencies.

George the Sixth, by the Grace of God of Great Britain, Ireland, and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India:

To all to whom these Presents shall come Greeting!

WHEREAS by letters Patent under the Great Seal dated the twenty-second day of April, 1931, as amended by like Letters Patent dated the sixth day of December, 1941 (hereinafter together called "The existing Letters Patent"), provision is made constituting the office of Governor and Commander-in-Chief in and over Our Island of Ceylon and its Dependencies.

AND WHEREAS We are minded to make further provision for the purposes aforesaid:

Now KNOW YE that We do by these Presents declare Our will and pleasure as follows:—

1.—(1) In these Letters Patent, unless the context otherwise requires:—

"the Governor" means the Governor and Commander-in-Chief of the Island, and includes the officer for the time being Administering the Government and, to the extent to which a Deputy for the Governor is authorised to act, that Deputy;

"the Public Seal" means the Public Seal of the Island.

(2) In the interpretation of these Letters Patent, the provisions of the Interpretation Ordinance shall, subject to the express provisions of these Letters Patent, and notwithstanding any provision to the contrary in that Ordinance, apply as they apply for the interpretation of an Ordinance in force in the Island.

2. These Letters Patent may be cited as the Ceylon Letters Patent, 1947, and shall come into operation on a date to be appointed by the Governor by Proclamation published in the *Gazette*.

3. The existing Letters Patent are hereby revoked but without prejudice to any appointment lawfully made, or to any other thing lawfully done, thereunder.

A.M.N. Suriyabandara
 Provincial Superintendent Pharmacist
 Uva Provincial Directorate of Health,
 Badulla

Interpretation.

Cap. 2.

Short Title and Commencement.

Revocation of existing Letters Patent.

Office of
Governor and
Commander-in-
Chief
constituted.

4. There shall be a Governor and Commander-in-Chief in and over Our Island of Ceylon and appointments to the said office shall be by Commission under Our Sign Manual and Signet.

Governor's
Authority.

5. We do hereby authorise, empower and command the Governor to do all things belonging to his Office in accordance with these Letters Patent, such Commission as aforesaid, such Instructions as may from time to time be given to him by Us under Our Sign Manual and Signet or through a Secretary of State, and such Orders in Our Privy Council and other laws as may from time to time be in force.

Publication
of Governor's
Commission
and taking
of Oaths.

6. Every person appointed to fill the Office of Governor shall, with all due solemnity, before entering on any of the duties of his Office, cause the Commission appointing him to be Governor to be read and published in the presence of the Chief Justice or, in his absence, some other Judge of Our Supreme Court of Ceylon and of such Members of the Cabinet of the Island or, if Part V. of the Ceylon (Constitution) Order in Council, 1946, shall not have been brought into operation, of the Board of Ministers, as can conveniently attend; which being done, he shall then and there take before them the Oath of Allegiance and the Official Oath in the forms set out in the Promissory Oaths Ordinance, which Oaths the said Chief Justice or Judge is hereby required to administer.

Cap. 13.

Succession
to Government.

7.—(1) Whenever the Office of Governor is vacant, or the Governor is absent from the Island, or is from any cause prevented from, or incapable of, acting in the duties of his Office, then such other person as We may appoint under Our Sign Manual and Signet, or if there is no such person in the Island and capable of discharging the duties of the administration, then the person for the time being lawfully performing the functions of Chief Justice shall, during Our pleasure, administer the Government of the Island.

(2) Before assuming the administration of the Government of the Island any such person shall, in the form and manner prescribed in Article 6 of these Letters Patent, take the Oath of Allegiance and the Official Oath (as Governor); which being done, We do hereby authorise, empower and command such person, subject, if he is appointed as aforesaid under Our Sign Manual and Signet, to the terms of his appointment, during Our pleasure, to do all things that belong to the Office of Governor as provided in these Letters Patent.

(3) Any such person as aforesaid shall not continue to administer the Government after the Governor or some other person having a prior right to administer the same has notified that he has assumed or is about to assume the administration.

(4) The Governor or any other person as aforesaid shall not be regarded as absent from the Island or prevented from or incapable of acting in the duties of his Office for the purposes of this Article, during his passage to or from any Dependency of the Island or the Maldiv Islands or when there is a subsisting appointment of a Deputy under the next succeeding Article of these Letters Patent.

8.—(1) Whenever the Governor has occasion to be absent from the seat of Government but not from the Island, or to be absent from the Island for a period which he has reason to believe will be of short duration, or whenever by reason of illness which he has reason to believe will be of short duration he considers it desirable so to do, he may, by instrument under the Public Seal, appoint any person in the Island to be his Deputy during such absence or illness, and in that capacity to exercise and perform for and on behalf of the Governor during such absence or illness all such powers and functions vested in the Governor as shall be specified by such Instrument.

Appointment
of Deputy to
Governor.

(2) By the appointment of a Deputy as aforesaid the power and authority of the Governor shall not be abridged, altered, or in any way affected otherwise than as We may at any time hereafter think proper to direct; and every such Deputy shall conform to and observe all such instructions as the Governor shall from time to time address to him for his guidance.

(3) Any appointment under this Article may at any time be revoked by the Governor or by a Secretary of State, and, in case of absence as aforesaid, shall cease and determine upon the return of the Governor to the seat of Government or to the Island, as the case may be.

9. Subject to the provisions of the Ceylon (Constitution) Order in Council, 1946, and of any other law for the time being in force, the Governor may—

Public
Appointments.

(a) constitute and appoint in Our name and on Our behalf all such Judges, Commissioners, Justices of the Peace and other officers as may lawfully be constituted or appointed by Us; and

(b) for cause shown to his satisfaction, dismiss or suspend from the exercise of his office any person holding any public office in the Island or take such other disciplinary action as may seem to him desirable.

10. When any offence has been committed for which the offender may be tried in the Island, the Governor may, as he shall see fit, in Our name and on Our behalf, grant a pardon to any accomplice in such offence who shall give such information as shall lead to the conviction of the principal offender, or of

Grant of
Pardon.

any one of such principal offenders if more than one; and further may grant to any offender convicted of any such offence in any Court within the Island, a pardon, either free or subject to lawful conditions, or any respite, either indefinite or for such period as the Governor may think fit, of the execution of any sentence passed on such offender, and may remit the whole or any part of such sentence or of any penalties or forfeitures otherwise due to Us.

Disposal of
Lands.

11. Subject to any law for the time being in force, the Governor may, in Our name and on Our behalf, make and execute, under the Public Seal, grants and dispositions of any lands or other immovable property within the Island which may be lawfully granted or disposed of by Us.

The Public
Seal.

12. The Governor shall keep and use the Public Seal for sealing all things whatsoever that shall pass the said Seal.

Officers and
others to obey
the Governor.

13. We do hereby require and command all Our Officers, Civil and Military, and all other the inhabitants of the Island to be obedient, aiding and assisting unto the Governor.

Reservation of
power to revoke
or amend.
Letters Patent.

14. We do hereby reserve to Ourselves, Our Heirs and Successors full power and authority to revoke, add to, or amend these Letters Patent as to Us or Them shall seem fit.

In witness whereof We have caused these Our Letters to be made Patent.

Witness Ourselves at Westminster this 25th day of August, 1947, in the 11th year of Our Reign.

By Warrant under the King's
Sign Manual.

NAPIER.

CEYLON

INSTRUCTIONS passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Island of Ceylon and its Dependencies.

GEORGE R.

Instructions to Our Governor and Commander-in-Chief in and over Our Island of Ceylon and its Dependencies or other Officer for the time being Administering the Government of Our said Island and its Dependencies.

WHEREAS by the Ceylon Letters Patent, 1947, (hereinafter called "the Letters Patent"), We have ordered and declared

that there shall be a Governor and Commander-in-Chief in and over Our Island of Ceylon and its Dependencies :

AND WHEREAS certain Instructions and Additional Instructions under the Royal Sign Manual and Signet (hereinafter called "the existing Instructions") were respectively issued to the Governor on the twenty-second day of April, 1931, and the sixth day of December, 1941 :

AND WHEREAS We are minded to issue fresh Instructions under Our Sign Manual and Signet for the guidance of the Governor and any other officer who may administer the Government of the Island :

Now, THEREFORE, as from a date to be appointed by the Governor by Notice in the *Gazette*, We do hereby revoke the existing Instructions, but without prejudice to any appointment lawfully made, or any other thing lawfully done, thereunder, and instead thereof We do hereby direct and enjoin and declare Our will and pleasure as follows :—

Revocation of
the existing
Instructions.

1. In the exercise of the powers conferred on him by the Ceylon (Constitution) Order in Council, 1946, the Governor shall have full regard to the Statement of Policy referred to in the preamble to the Ceylon (Constitution) Order in Council, 1946.

General
Instruction.

2. The Governor may, whenever he thinks fit, require any person in the public service of the Island to take the Oath of Allegiance together with such oath or oaths as may from time to time be prescribed by any law in force in the Island, in the form prescribed by any such law. The Governor is to administer such oaths or cause them to be administered by any other person.

Governor to
administer
oaths.

3.—(1) Whenever there is a subsisting appointment of a Deputy to the Governor under the Letters Patent, these Instructions, so far as they apply to any matter or thing to be done, or any powers or functions to be exercised or performed, by such Deputy, shall be deemed to be addressed to, and shall be observed by, such Deputy.

Instructions to
be observed
by Deputy.

(2) Any such Deputy may, if he thinks fit, apply to Us through a Secretary of State for instructions in any matters; but he shall forthwith transmit to the Governor a copy of every despatch or other communication so addressed to Us.

4. In the making of laws the following rules shall, as far as practicable, be observed :—

Legislation.

(1) All laws shall be styled " Acts ", shall be distinguished by titles, and shall be divided into successive sections

consecutively numbered, and to every section there shall be annexed in this margin a short indication of its contents.

- (2) The Acts of each year shall be distinguished by consecutive numbers, commencing in each year with the number one, and shall be dated as of the day and numbered as of the year on and in which they become law.
- (3) Each different matter shall be provided for by a different Act without intermixing in one and the same Act such things as have no proper relation to each other. No provision shall be inserted in any Act which shall be foreign to what the title of such Act imports; and no perpetual provision shall be included in any temporary Act.

Private Bills.

5. Before assenting to any Bill (not being a Government measure) intended to affect or benefit some particular person, association or corporation, the Governor shall satisfy himself that such Bill saves rights of Us, Our Heirs and Successors, all bodies politic and corporate, and all others except such as are mentioned in the Bill and those claiming by, from or under them.

Acts to be sent through Secretary of State.

6. When any Act shall have been enacted, the Governor shall forthwith transmit to Us, through a Secretary of State, a transcript in duplicate of the Act, duly authenticated under the Public Seal and by his own signature, together with an explanation of the reasons and occasion for the enactment of the Act.

Pardon.

7. We do hereby direct and enjoin that the Governor in the exercise of the powers conferred upon him by Article 10 of the Letters Patent shall not grant a pardon, respite or remission to any offender without receiving, in every case, the advice of one of his Ministers. Where any offender shall have been condemned to suffer death by the sentence of any Court, the Governor shall cause a report to be made to him by the Judge who tried the case; and he shall forward such report to the Attorney-General with instructions that after the Attorney-General has advised thereon, the report shall be sent, together with the Attorney-General's advice, to the Minister whose function it is to advise the Governor on the exercise of the said powers.

Governor not to absent himself without leave.

8. Except for the purpose of visiting for a short period the Maldivé Islands or any Dependency of the Island, the Governor shall not quit the Island without having first obtained leave from Us for so doing through a Secretary of State.

9. In these Instructions, unless the context otherwise requires:— Interpretation.

“ the Island ” means the Island of Ceylon and the Dependencies thereof;

“ the Governor ” means the Governor and Commander-in-Chief of the Island of Ceylon and includes the Officer for the time being Administering the Government and, to the extent to which a Deputy for the Governor is authorised to act, that Deputy;

“ the Public Seal ” means the Public Seal of the Island;

“ Secretary of State ” means one of Our Principal Secretaries of State;

“ the Gazette ” means the *Ceylon Government Gazette*.
Given at Our Court at St. James's this 25th day of August, 1947, in the 11th year of Our Reign.

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