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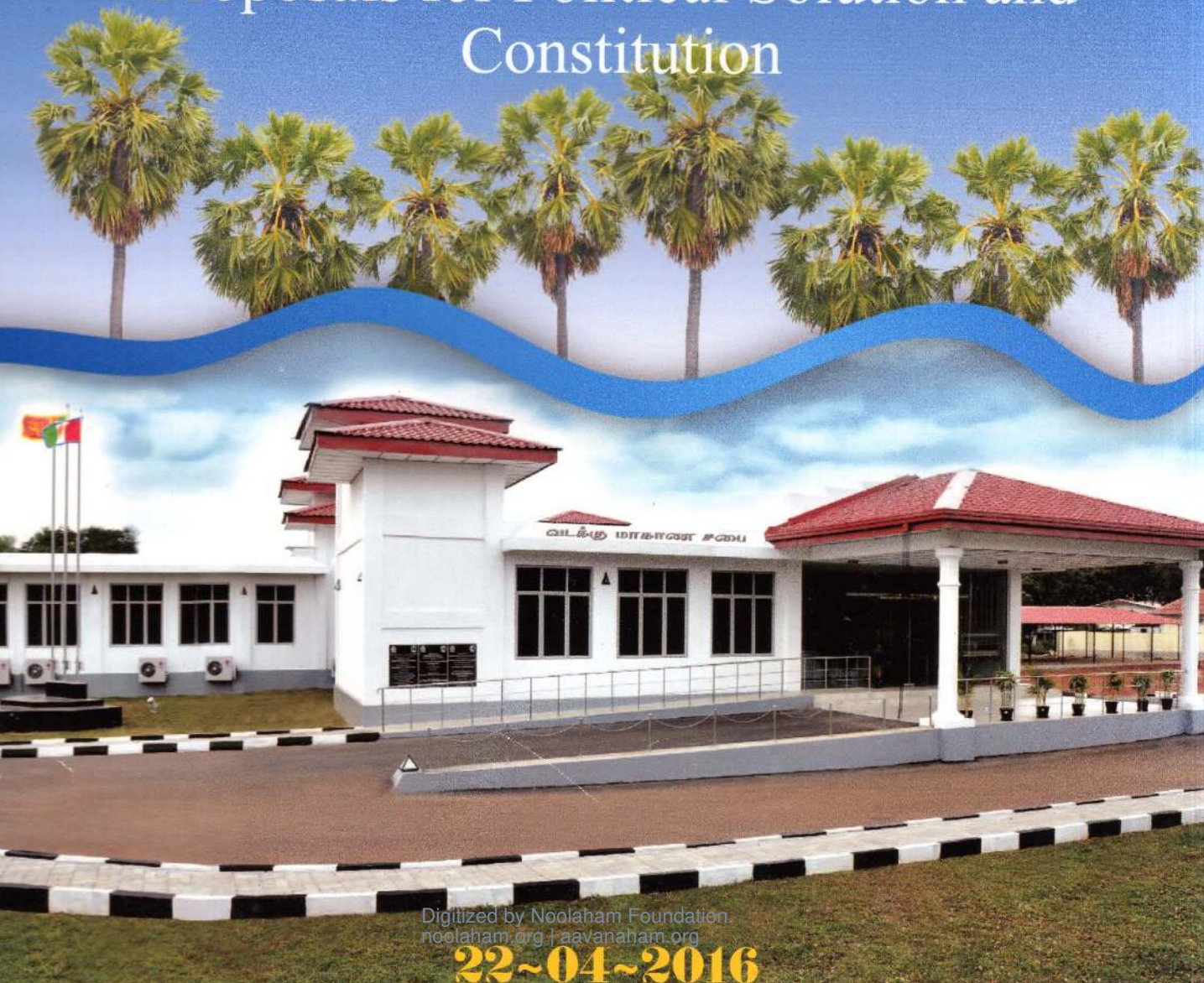


Northern Provincial Council

அரசியல் தீர்வு மற்றும் அரசியலமைப்பு
முன்மொழிவுகள்

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Proposals for Political Solution and
Constitution



Northern Province, Provincial Council

Proposals for Political Solution and Constitution

WHEREAS the Tamils of Sri Lanka constitute a separate group of People divided from the Sinhalese People by reasons of territory, language, religion and culture.

AND WHEREAS at the beginning of European conquest there were three separate Kingdoms in Sri Lanka viz - a Tamil Kingdom and two Sinhalese Kingdoms. The Tamil Kingdom fell to the Portuguese in 1619. The Dutch replaced the Portuguese in 1658, who in turn capitulated to the British in 1796.

AND WHEREAS such isolated Kingdoms administrated autochthonously as separate areas were brought together into one administrative unit by the British in 1833. This was done for reasons of administrative convenience without the consent of the Peoples of the different units in the Island.

AND WHEREAS the British thereafter imposed a common administrative system on the whole Island with English as the language of the Government. In this way they brought together two groups of Peoples who had lived separately through the ages.

AND WHEREAS prior to 1919 the British had refused to share some of their political authority with the people.

AND WHEREAS when it became clear in 1919 that the British were ready to share some of their authority with the local leaders, the conflict between the Tamils and Sinhalese came to the surface.

AND WHEREAS the Sinhala leaders Sir James Peiris and E.A.Samarawickrema on obtaining a constitution based on territorial representation in 1919 refused to

recognize the Community rights of the Tamil speaking People in the Colombo Electorate where there was a large segment of Tamils, stating that the Tamils from time immemorial were the majority community in the North and East and they need not have any benefits in the South. They thus recognized the individuality of the Tamil People in the North and East of the Island.

AND WHEREAS universal adult franchise had been introduced in the year 1931.

AND WHEREAS in 1945 when time came for the transfer of power to the Peoples of the Country the then Board of Ministers submitted their own proposals for a new constitution.

AND WHEREAS the Tamils almost in one voice rejected their proposals as they were calculated to place the minorities in Sri Lanka in a position of subordination and dependence on the majority.

AND WHEREAS the Royal Commission under chairmanship of Lord Soulbury was in Sri Lanka "in order to examine and discuss any proposal for constitutional reform in the Island".

AND WHEREAS due to the general state of apprehension and suspicion in the minds of minority communities when powers were to be transferred from 'neutral' British hands to the Peoples of this Country, the Royal Commission became alert to the need for minority safeguards.

AND WHEREAS the Commissioners therefore accepted the assurance of the Board of Ministers in the belief that the Board of Ministers consisting mainly of Sinhalese were fully aware that contentment of the minorities was essential not only to their own wellbeing but for the wellbeing of the whole Island.

AND WHEREAS British Government issued White Paper on the basis of the Commission's Report and made it clear to the Board of Ministers that any legislative action by the British would be conditional on the acceptance of their proposals by the minorities.

AND WHEREAS this acceptance by the Minorities was secured by many promises and assurances by Sinhalese leaders which subsequently proved to be deceitful.

AND WHEREAS the Soulbury Constitution in 1947 included Article 29 for the protection of minority rights.

AND WHEREAS the Tamils hopeful that the administrative unity established by the British Government could be preserved made a significant suggestion to safeguard the interests of the Tamils and other minorities viz. they suggested balanced representation that would avoid the danger of concentration of power in one community but would ensure its equitable distribution among all communities and the People as a whole. This was not granted by the Soulbury Commission.

AND WHEREAS soon after the Soulbury Constitution was passed in 1948 the discriminatory Citizenship Act and in 1949 the discriminatory The Ceylon (Parliamentary) Elections (Amendment) Act No. 48 of 1949 were passed by the Ceylon Parliament to make over a million Tamils become stateless and lose their right to vote which they enjoyed earlier.

AND WHEREAS within an year of independence when one community was trying to concentrate powers in its hands there was a demand for federal form of Government which could have been the only way of keeping together two distinct Peoples in one State. In fact the late Mr.S.W.R.D. Bandaranayake, former Prime Minister strongly advocated federalism as far back as in 1926. He said in a speech reported in the Ceylon Morning Leader of 17th July 1926 inter alia "If they consider

past history then they would see that the three Communities, the Tamils, the Low Country Sinhalese and the Kandyan Sinhalese had lived for over a thousand years in Ceylon and had not shown any tendency to merge”.

It was the Sinhalese who advocated self Government more than the Tamils. The Kandyan National Assembly advocated self Government according to the Donomoughmore Commission report 1928; They suggested 3 Constituent States; one engulfing the North – East Tamil speaking areas; second the Kandyan Sinhalese areas and third the Low Country Sinhalese areas.

AND WHEREAS despite severe opposition to the Sinhala community concentrating all political powers in its hands and the demand for a federal form of Government, the Official Language Act No. 33 of 1956 was passed which provided that Sinhala shall be the sole official language in Ceylon. A case was filed by a public servant called Mr. Kodeeswaran, who questioned the validity of the Sinhala Only Act in the light of provision section 29 of the Soulbery Constitution. This case was delayed as much as possible by the Supreme Court, then sent to the Privy Council and even after the Privy Council directed the Supreme Court to go into the validity of the Sinhala Only Act, the case was kept in hibernation until the

1972 constitution came into force preventing a valid judicial pronouncement on the legality of the Sinhala Only Act.

AND WHEREAS from 1970 University admissions to Tamil students were restricted by setting up a higher standard for the Tamil students through a process of standardization.

AND WHEREAS meanwhile Sinhala Colonization was undertaken by successive Governments. Army was stationed in the North from 1961.

AND WHEREAS new Republican Constitution of 1972 was promulgated despite very strong opposition from the Tamil speaking people. The 1972 Constitution took away even the meagre safeguards provided in the Soulbury Constitution and imposed disabilities on the non Sinhalese, non Buddhist population.

AND WHEREAS the Tamils put forward a six point formula as their minimum prerequisite to preserve the territorial, linguistic, religious and cultural integrity of the Tamils.

The SIX point formula was as follows –

- a) The Tamil language should be given the same status in the Constitution as the Sinhala language.
- b) There should be constitutional guarantee of full citizenship rights to all Tamil – speaking people who have made this Country their home. There should be no different categories of citizens and no discrimination between them, and also no power should be available to the State to deprive a citizen of his citizenship.
- c) The state shall be secular, while equal protection was afforded to all religions.
- d) The Constitution should provide for valid fundamental rights guaranteeing the equality of all persons on ethno – cultural grounds.
- e) The Constitution shall provide for the abolition of caste and untouchability.
- f) In a democratic and socialist society, a decentralized structure of government alone will make it possible for a participatory democracy where power will be People's power rather than State power.

AND WHEREAS even such an innocuous, harmless formula was frowned upon by the then Government.

AND WHEREAS on 3rd October 1972 Thanthai Chelva (Hon.S.J.V Chelvanayagam Q.C then leader of the Tamils) indulged in a historical Act. With the permission of the Chairman of the Assembly he spoke in Tamils as follows:-

“The Sinhalese Representatives, who are numerically strong in Parliament, prepared a new constitution. Such a constitution granted all rights to the Sinhalese but not to the Tamils. Yet the Government states the majority of the Tamils have accepted this constitution. We deny that Nevertheless we would like to give the government a chance to prove their statement. Let me as Leader of the Tamils’ Alliance resign my post in this House and contest again proposing my point of view and let the Government contest me putting forward its point of view and let the result be the choice of the Tamil People”

Thus Thanthai Chelva put forward two basic matters for the public to state their view and challenged the Government to contest him on those matters. One that the 1972 Constitution was not accepted by the Tamils and the other the fact that the Tamils wished to live as free citizens entitled to look after their affairs themselves.

On 3rd October 1972 he resigned his seat. The Government contested him and lost heavily. Thereby the Tamils proved beyond doubt that they did not accept the 1972 constitution and that they wished to live as free and independent citizens.

AND WHEREAS the Sinhalese leaders appear to have had throughout our recent history after Independence one objective of converting the bi national, bi lingual, multi religious state of Sri Lanka into a uni - national state with one Nation – the Sinhalese, a uni – lingual state with Sinhala only and uni - religious state

professing Buddhism and thus paving the way for social and cultural assimilation against the Tamils and others.

AND WHEREAS Tamils have been subjected to violence interalia in 1956, 1957, 1958, 1961, 1974, 1977 and 1983. In 1958, Tamils outside the Northern and Eastern Provinces were set upon by organized gangs of Sinhalese and subjected to murder, torture, rape and looting. In 1983 there was a full-fledged ethnic assault on the Tamils which sent thousands abroad and others to the North and East recognizing that North and East are the sole safe haven for the Tamils in Sri Lanka then. The Tamils were driven out during these pogroms and riots in large numbers from the Southern Provinces (South of Northern and Eastern Provinces). Number of them left their own lands in several Southern areas. No compensation was paid to any of them. Most of the wrong doers were never brought before Courts.

AND WHEREAS several pacts had been signed between the Government and the leaders of the Tamil Community to define the modalities for devolution of power including Bandaranaike – Chelvanayagam pact in July 1957 and the Dudley – Chelvanayagam pact in 1965 which offered a framework for regional devolution of powers, which were all abandoned and not implemented by the Sinhala majority governments.

AND WHEREAS frustration and disillusionment on the part of the Tamils led to the united adoption of the Vaddukottai Resolution in 1976. In the 1977 election Tamil United Liberation Front (TULF) emerged as the first Tamil Nationalist Party to run on a separatist platform. It gained a majority of the votes in the North and East, won 18 seats and became the largest opposition party in Parliament.

AND WHEREAS consequent to the pogrom of 1983 which severely affected the Tamil Community as a whole and the acts of violence directed positively towards genocide against the Tamil People led to them taking up Arms which continued for thirty years.

AND WHEREAS the armed insurrection which was a natural reaction against the hegemonic attitude of the majority community in the Island to control the Tamils without considering their opinions and feelings, expectations and aspirations was distorted as Terrorism. The Prevention of Terrorism (Temporary Provisions) Act No: 48 of 1979 was brought which continues to adorn the statute book up to date.

AND WHEREAS on the 29th July 1987 the Indo Sri Lanka Peace Accord was signed. The said Accord accepted the areas_inhabited by the Tamils in the North and East as their traditional homelands.

AND WHEREAS Northern Province and Eastern Province having been accepted as Tamil speaking regions steps were taken to merge them. In 1988 the North and East were merged and continued to be looked upon as a single unit until in 2006 the merger was declared irregular by the Supreme Court of Sri Lanka.

AND WHEREAS through the facilitation of the Norwegian Government talks were begun between the Sri Lankan Government and the Liberation Tigers of Tamil Eelam and on 22.02.2002 a ceasefire Agreement was signed. The parties agreed to explore solution based on the principal of Internal Self determination in areas of historical habitation of the Tamils speaking peoples based on a federal structure within United Sri Lanka. Following the Agreement the Liberation Tigers of Tamil Eelam submitted their proposal for an Interim Self Governing Authority (ISGA) on 31st October 2003 which was widely welcomed by the International

Community. However the Government of Sri Lanka failed to positively engage on the proposal nor did they propose any alternatives.

AND WHEREAS during the course of the period of war many Agreements were reached. The Thimpu Principles in 1985 stressed the right of self determination of the Tamil People. The Indo Sri Lanka Accord led to the formation of Provincial Councils. In December 2002 the Oslo Declaration ventured to state that a federal solution would be appropriate for the problem of the Tamils. As stated earlier in October 2003 reference was made to the formation of an Interim Self Governing Authority (ISGA). In April 2004 the TNA received an overwhelming mandate from the Tamil People winning 22 Parliamentary seats. They sought equal rights to Tamils, devolution of powers, internal self determination and other matters. But the struggles of the Tamil People for equal rights, for devolution of powers and internal self determination were all deliberately distorted by the South as well as some Countries abroad as extremism and terrorism. Thus the aspirations and articulations of the Tamils were slighted and disregarded.

AND WHEREAS with the help of several powerful Countries who were concerned about terrorism, the insurrection of Tamils were overwhelmed in May 2009 and their Military unit was destroyed. Yet the fundamental demand of the Tamils have so far not been properly examined by the Centre.

AND WHEREAS despite the absence of any form of violent political activity since May 2009 the Military are kept continuously in the Northern and Eastern Provinces giving rise to the concern of the Tamils that the Government at the Centre wants to continue to dominate the Tamils and are not quite interested in devolution. Meanwhile state colonization of traditional Tamil speaking areas with Sinhalese from outside the Tamil speaking areas continue with intent to cause demographic changes to the areas hitherto inhabited by Tamil speaking peoples.

AND WHEREAS, the Northern Provincial Council passed a Resolution on April 28, 2014, calling for Independent International Investigation for the crimes perpetrated against the Tamil people; And again passed another Resolution on September 01st, 2015 under a new Central government titled “RESOLUTION ON THE NEED FOR AN INTERNATIONAL MECHANISM” calling upon the International Community to setup an International Tribunal to try those alleged to have committed international crimes against the Tamil People in Sri Lanka, and urging the new leaders of the Sri Lankan Government to work with the International Community.

AND WHEREAS, the Northern Provincial Council passed a Resolution “Sri Lanka’s Genocide Against Tamils” on February 10, 2015 with historical proofs of systematic Genocide against the Tamil People, and asking for the UN Security Council to refer the situation to the International Criminal Court for prosecution based on war crimes, crimes against humanity, and Genocide.

AND WHEREAS, this Council believes that for any reconciliation between the Sinhalese and the Tamil Peoples to take place and to avoid any future unrest between the Sinhalese and Tamils in the Island, it is very important that justice be done to all victims of war as per the UNHRC Resolution. Also the political rights of the Tamil People must be reinstated via an equitable political solution mediated by the International Community and the UN.

AND WHEREAS the present Government led by His Excellency the President Maithripala Sirisena which has come to power on the basis of transparent and accountable good governance principles seems to have thought it fit to find out the expectations and aspirations of the Tamil speaking people and it has become necessary to set out our views on the political solution and the nature of constitution to be enacted to usher in a community of peaceful, contented Sri Lankan people in this Island.

AND WHEREAS it has become necessary for the Northern Provincial Council to set out the expectations of the Tamil speaking people of this Island and to declare their views in the formulation of a document for political settlement.

WE, THE PEOPLES' REPRESENTATIVES OF THE NORTHERN PROVINCIAL COUNCIL therefore do hereby resolve that the new constitution or proposals for political solution prepared by the Government must take into consideration the following policy proposals -

01. Much like in India where states are divided linguistically, Sri Lanka must basically and fundamentally be declared to contain two broad linguistic States, the Northern and Eastern Province consisting of Majority Tamil speaking State and the other seven Provinces consisting of Majority Sinhala speaking State. The question whether the remaining Sinhala speaking State need to be further divided internally should be decided by the Sinhalese people.
02. An autonomous of Tamil speaking Muslim unit in the North and East State and Tamil speaking Upcountry Tamils unit within the rest of the Country must be identified, recognized and accepted.
03. The greater Colombo area which is cosmopolitan must be recognized to be the Chief Metropolitan unit of the Country having a separate Administration.
04. On account of the historical background enumerated in the Recitals above and the individuality maintained by the Tamil community for centuries before the year 1833 and even thereafter, in order to ensure that no one community of people dominate other communities nor subordinate them to hold them in dependence on them, it is essential that a federal system of Government is adopted in preference to a unitary system of Government.

The fact that Tamils possessed all qualifications which entitled them to be considered as a Nation in terms of the International Law and Covenants cannot be contradicted. The necessity for each Sri Lankan citizen to feel himself or herself in no way legalistically inferior to another, must be ensured. Mere majority in numbers of his or her communities should not grant any person an undue advantage over others from a legal standpoint.

05. Within the Tamil speaking regions of the North and East of Sri Lanka synchronizing with the present Northern and Eastern Provinces there shall be a Muslim autonomous Regional Council. The situation, extent and jurisdiction of this autonomous region need to be discussed among the Tamil and Muslim Peoples' Representatives. The Tamil speaking North Eastern linguistic State will constitute the North Eastern State Parliament.
06. Similar arrangements for the Upcountry Tamils need to be formulated within the Sinhala linguistic State.
07. Representatives to Parliament of the entire Country should avoid the danger of concentrating power in one community and ensure equitable distribution of powers among all communities.
08. In any event, laws passed by the Central Federal Parliament which affect the North Eastern State and/or Muslim autonomous region and/or the Upcountry Tamil autonomous region shall not come into effect unless approved by the respective State or autonomous Regions concerned.
09. North Eastern State Parliament, North Eastern Muslim Regional Council as well as the Upcountry Tamil Regional Council should have full powers of devolution to attend to their own affairs. Adequate self rule must be provided to these State Government and Regional Councils. The canton

system prevailing in Switzerland, a Country smaller in extent and population than Sri Lanka could be examined for adoption with necessary changes. The representative of the Federal Government in the Tamil speaking State representing the Centre will not be entitled to any Executive powers which will entirely be vested with the Council of Ministers of the State.

10. The Official and National languages of Sri Lanka shall be Sinhala and Tamil and English shall be the link language. All Transactions, records and court proceedings in the North Eastern State shall be in the Tamil language with translations kept in Sinhala and English. So too all records kept and Transactions conducted in the rest of the Island barring Upcountry Tamil Regional Council shall be in the Sinhala language with translations kept in Tamil and English. At the Upcountry Tamil Regional Council records shall be kept and transactions conducted in Tamil with translations kept in Sinhala and English. For financial and other reasons if keeping translation in local language and English appear not feasible translations in English could be kept throughout the Island subject to the local language being used for official purposes in areas of their jurisdiction.

11. In the formulation of a new Constitution the deliberate actions hitherto resorted by successive Central Governments to undermine peripheral administrations must be done away with.

Such undermining have come about

- (i) by the continuation of political and administrative Authorities such as Mahaweli Authority constituted in 1979 which have been allowed to transcend the Provincial boundaries and resort to activities not approved by the local Provincial authority elected by the People.

(ii) by the Transfer of Powers (Divisional Secretaries) Act No: 58 of 1992 which took Government Agents and Divisional Secretaries outside the purview of the Provincial Administration thus creating a dual administrative set – up.

(iii) by the setting up of concurrent jurisdiction between the Centre and the periphery wherein the Centre dominates undermining the Provincial Administration. No concurrent jurisdiction should hereafter be formulated, only State and Federal.

12. Self rule of every State Government and autonomous Regional Council must be recognized and ensured by the Federal Government.
13. The principle of equality among all citizens whatever their languages, religion, caste, creed or region must be stressed and weight age to all communities must be given in the political, administrative, educational, economic and other fields including employment. Equal opportunities of employment to all citizens in Federal Government Service must be ensured.
14. Steps must be taken to make it compulsory for every student to be proficient in the National Languages and English, the Link language.
15. The flag of the Republic must do away with sectarian depictions. National Anthem should be sung in Sinhala or Tamil or in both languages as the occasions demand.
16. Sustained propaganda against the Tamil speaking peoples through distorted Government approved school text books must be done away with. Sri Lankan history must be correctly depicted in line with International standards, not bowing down to sectarian or parochial demands.
17. Land within the State limits must come under the control and purview of the State Government. The Federal Government should not use any power

over such lands except with the consent and concurrence of the State Government or Regional Council where the land is to be used for the benefit of the people of such unit.

18. Full Police powers must be given to State Government. The Federal Police shall look after the implementation of the Federal Laws.
19. The Prevention of Terrorism (Temporary) Provisions Act must be repealed and the general civil law of the Country be brought back.
20. The new constitutional arrangement must ensure community of interest among all communities irrespective of race, religion, language, creed, caste and culture, promoting respect for the rule of law and rights and freedoms of individual citizens and pursuing positive ideals of parliamentary democracy.
21. Due to the modern methods of surveillance and communication the need for any occupying Military Force in the North and East subsequent to the ending of the war, becomes redundant. A process of Disarmament, Demobilization and Reintegration (DDR) regarding ex-combatants must be undertaken to reintegrate former combatants into civilian life.
22. In view of the makeup of the Constitutional Council directed to formulate a constitution which consists members of the majority community in large numbers, in order to ensure that a permanent and sustainable solution to the National problem could be arrived at, an initial Agreement between the present Government and the Tamil leaderships must be entered into recognizing the Tamil speaking Peoples' right to their individuality in the areas of their continued historical habitation viz the North and East of Sri Lanka. The Agreement must reiterate in the event of the unilateral abrogation of the submissions made by the leaders of the Tamil speaking peoples by the numerically strong Sinhala Members of Parliament, it

should be possible for the Tamil People to hold a referendum in their areas of historical habitation to decide on their political status. Such an Agreement must be underwritten by the United Nations and/or other friendly countries. The process of initial negotiation between the Sri Lankan Government and the Tamil Leaders shall be with the participation of US, India, EU, Japan and other Countries mutually agreed upon.

While ending the broad policy framework recommendation at this stage, certain details of other matters that should be taken into account, are set out herein in Appendices.

Appendix I sets out significant statements from the Indo Sri Lanka Pact 1987 and Oslo Declaration 2002.

Appendix II sets out the general expectations of our People vis a vis our constitution

Appendix III details the power sharing process.

Subject on which the Legislative Power is vested with the Federal Government and the State Government are sets out in Schedule I and II respectively.

Appendix – I

Text from the Indo-Sri Lanka Pact (1987)

- a) 1.2 Acknowledging that Sri Lanka is a "multi-ethnic and a multi-lingual plural society "consisting inter alia of Sinhalese, Tamils, Muslims (Moors) and Burghers
- b) 1.4 Also recognizing that the Northern and the Eastern Provinces have been areas of historical habitation of Sri Lankan Tamil speaking peoples, who have at all times hitherto lived together in this territory with other ethnic groups
- c) 2.1 Since the government of Sri Lanka proposes to permit adjoining provinces to join to form one administrative unit and also by a referendum to separate as may be permitted to the Northern and Eastern Provinces.

Text from Oslo Declaration – December 2002

“The parties have agreed to explore a political solution founded on the principle of internal self determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka”

Appendix – II

What we expect in the new Constitution

1. Sri Lanka to be a free and sovereign democratic Republic, called the Federal Republic of Sri Lanka
2. The Republic is to be a Union of States
3. Every State and autonomous Regions within such State shall be similar Cantons in Switzerland.
4. Sri Lanka shall be a Secular Federal Republic
5. The Republic shall function in the Parliamentary Democratic System of government
6. The President of the Republic shall be elected by an electoral college system (Refer Articles 54 & 55 of the Indian Constitution)
7. There shall be a Parliament for the Republic which shall consist of two Houses, to be known respectively as the House of Representatives and the Senate.
8. The number of Ministers shall not exceed twenty percent of the total number of members of House of Representatives
9. Members of the Senate shall be elected with weighted representation to Tamils and Muslims
10. Supremacy of the Constitution: The Constitution should be supreme and no laws can be passed contrary to the provisions of the Constitution
11. Judicial Review: The Constitutional Court shall have the power to interpret the constitution and to declare any law or order of the legislature or any executive action void, if it finds them in conflict with the Constitution of Sri Lanka. The makeup of the Constitutional Court shall reflect the linguistic proportion of the Island's population.

12. Minority Protection Provision (like article 29 of the Soulbury Constitution) shall be provided in the Constitution. Such a provision shall be formulated as an entrenched provision which cannot be changed even by 2/3rd majority in Parliament.
13. There shall be a mixed form of elections with a clear demarcation of Parliamentary and State electorates and the wards in respect of local authorities
14. The Constitution shall provide for the implementation of all International Conventions, Covenants and Treaties and that of the UN and its Agencies in regard to the matter of Fundamental and Human Rights and other rights mentioned therein.
15. The provisions of the Nineteenth Amendment with regard to the Independent Commissions shall be retained in the new Constitution. There shall be an independent State Constitutional Council similar to the one established under the 19th Amendment.
16. The Constitution shall ensure the rule of law with a clear separation of powers.

Appendix - III

Power Sharing

States

01. There shall be Federal and State forms of Government. One among the States shall be the North - East State inclusive of the Muslim autonomous Region. The other State consisting of seven present Provinces other than the North and East shall include the Up Country autonomous Tamil Region. They shall be subject to the provisions of paragraphs 1 and 3 of the Policy Proposals above.
02. States shall function according to the Parliamentary Democratic system

State Government

01. Every State Government shall have a State Parliament and a Council of Ministers.
02. The State Parliament shall have exclusive right to make laws on subjects as mentioned in Schedule – II here under
03. The Federal Representative in the State shall be appointed by the President on the advice rendered jointly by the Constitutional Council and Chief Minister of the State concerned.
04. The State Parliament shall be elected for a term of five years.
05. Chief Minister of the State shall be the head of the State Government and the Council of Ministers. The Council of Ministers shall be collectively responsible and accountable to the State Parliament.
06. Number of State Ministers shall not exceed twenty percent of the State Parliamentary seats.

07. The Federal Representative in the State shall exercise the power to summon, prorogue or dissolve the State Parliament on the advice of the Chief Minister.
08. The State Parliament shall safeguard, promote and nourish rights guaranteed in the Constitution for any section of people, who are numerically less in number in the State concerned.
09. Elections to State Parliament shall take place within three months of the notified date of dissolution of the State Parliament.
10. Before any bill is passed by the State Parliament, it shall be referred to the State Constitutional Court for it to express its opinion.
11. The opinion shall be given within three weeks of the receipt of the bill by the State Constitutional Court.
12. Parliament shall not pass any law pertaining to a subject to which power is devolved on the State Government exclusively.

Finance

- I. There shall be separate Consolidated Funds for the Republic and the States.
- II. There shall be a Contingency Fund for each State.
- III. The State can borrow funds domestically with the security of the Consolidated Fund of the State
- IV. Any proposal for International borrowing on the part of any State Government shall be with the concurrence of the Federal Minister of Finance.
- V. There shall be a National Finance Commission which shall be responsible for the recommendation of the Quantum of funds to be allocated to each State. In determining the quantum of funds the Commission shall decide the criterias in consultation with the states.

- VI. Each State will have the right to determine the cadre requirements and the allocation of provisions to Recurrent and Capital expenditure within the State

State Finance

- a) The Chief Minister shall lay before the State Parliament during the last month of the year, a budget containing the available income and proposed expenditure for the ensuing year, which shall be approved by the State Parliament after due consideration.
- b) No moneys out of the State Fund of a State shall be withdrawn except under a warrant issued under the hand of the Chief Minister

State Public Service Commission

- I. Subject to the provisions of any other law, the appointment, transfer, promotion, dismissal and disciplinary control of officers of the State Public Service of each State is hereby vested in the State Public Service Commission.

State Police Service

- I. There shall be Federal Police Force and State Police Force
- II. The State Police force shall be headed by the State IGP who shall be responsible and accountable to the State Government through the Minister in charge of Law and Order.
- III. Such State IGP shall keep Federal Inspector General of Police and the State Police Commission informed of relevant administrative matters.

State Judiciary

There shall be Primary Courts, Magistrate Courts, District Courts, State High Courts, State Court of Appeal and a State Constitutional Court in each State. The state court of appeal shall be the highest court as regards the state Laws are concerned. The Federal Supreme Court of the country shall be the highest court as regards the Federal Laws and concerned.

Schedule – I:

Subjects over which legislative power would exclusively rest with the Federal Government

1. National Security Affairs
2. National Financial Affairs – Monetary and currency policy, foreign exchange; fiscal policies and measures.
3. External Affairs – But States shall have the right to appoint one of their representatives to office the Embassies and High Commissions of the Federal Government
4. Economic Affairs
5. International and Inter State Air Traffic Control, Federal Railways, Federal Highways and International Maritime traffic
6. Postal and Telecommunication; National Media
7. Regulation and Control on drugs, poisons and narcotics
8. Generation of Atomic power
9. Inter State Affairs.
10. Administration of Justice and Courts.
11. Territorial Water, Inter- State rivers and Irrigation with the concurrence of the States.
12. National Census and Statistics
13. National Archives
14. Federal Prisons

Schedule-II

Subjects over which the legislative power exclusively rest with the State

1. State Public Administration
2. State Law and Public Order
3. Local Government
4. Rural Development
5. Land and Land Development
6. Provincial Public Service
7. Finance : all those matters not mentioned in Schedule – I
8. State Consolidated Fund
9. State Police, Law and Order
10. Co-operative and Co-operative Development
11. Health
12. Education (including Universities, Vocational Training Institutions)
13. Agriculture and agrarian services
14. Irrigation within the State
15. Animal Husbandry
16. Housing and Construction
17. Fisheries within the territorial water

18.Coast conservation

19.Forests wild life and protection of environment within the State

20.Industries and Industrial Development

21. Energy: All matters other than atomic power

22.State Harbors, Ports and Domestic Airports

23.Transport

24.Roads and waterways within the State

All riparian States shall have equal rights to common waters, and shall follow internationally accepted principles. The upper riparian States shall undertake any project that affects the lower riparian States in consultation and concurrence with the lower riparian States

25.Urban planning and implementation

26.Trade and Commerce

27.The regulation of cultural activity and the promotion of of Development of Arts, Literature and Cultural education and activists within the State

28.State Media

29.Relief, rehabilitation and reconstruction and social services

30.Tourism

31.Social Security

32. State Prisons, Borstall and reformatory institutions

33.Sports

34.Incorporation regulations and judicial winding up of Corporation with subjects confined to the State

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

36.State Archaeological sites and remains

37.Domestic and International borrowing, the regulation and promotion of foreign direct investment, international grant, and development assistance to the State

38.State Audit

39.State Census and Statistics

40.Registration of civil documents

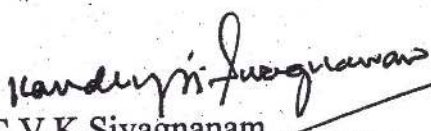
41.Transfer of property, registration of deeds

42.Taxes, levies and fees imposed on the State matters.

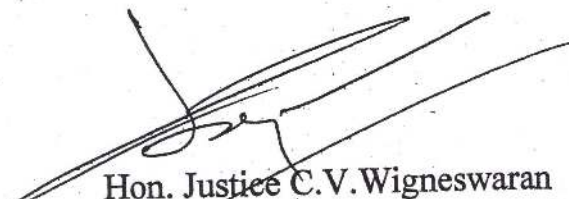
Conclusion

Any enactment of legislative or executive activity by any governing authority at the Central or in States endangering the basic rights and interests of any community as guaranteed in the Constitution, shall be prohibited.

Resolution, adopted by the Northern Provincial Council at its 51st sittings held on 22nd April 2016.


Hon. C.V.K. Sivagnanam
Chairman
Northern Provincial Council

C.V.Kandiya Sivagnanam
Chairman
Northern Provincial Council


Hon. Justice C.V. Wigneswaran
Chief Minister,
Northern Provincial Council

Justice C.V. Wigneswaran
Chief Minister
Northern Provincial Council
Jaffna

