



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

POLICE COMMISSION
ACT, No. 1 OF 1990

[Certified on 23rd January, 1990]

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L.D.—O. 22/89

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL POLICE COMMISSION; A PROVINCIAL POLICE COMMISSION FOR EACH PROVINCE; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Police Commission Act, No. 1 of 1990, and shall come into operation on such date as the President may appoint by Order published in the *Gazette*.

Short title
and date of
operation.

2. (1) There shall be a National Police Commission consisting of—

National
Police
Commission.

(a) the Inspector-General of Police who shall act as Chairman of the Commission;

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

(c) one person nominated by the Chief Justice.

(2) No person shall be nominated, or continue, as a member of the National Police Commission if he is a Member of Parliament, a Member of a Provincial Council or a Member of a Local Authority.

(3) Where a nominated member of the Commission is by reason of illness, absence from Sri Lanka or other cause is temporarily unable to perform the duties of his office the Nominating Authority may nominate some other person to act in his place.

(4) Every member of the National Police Commission nominated under paragraph (b) or paragraph (c) of subsection (1) shall hold office for a period of three years from the date of his nomination, unless he earlier resigns his office by writing under his hand addressed to the Public Service Commission or the Chief Justice, as the case may be.

(5) Every member of the National Police Commission nominated under paragraph (b) or paragraph (c) of subsection (1) who prior to his nomination as a member of the Commission, was a public officer or judicial officer shall, with effect from the date of nomination, cease to hold such office and shall, so long as he is a member of the Commission, cease to engage in any occupation, profession trade or business which is likely to prejudicially affect, the discharge by such member, of his functions as a member of the Commission.

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

(7) There shall be a secretary to the National Police Commission who shall be appointed by the Commission.

(8) The quorum for any meeting of the Commission shall be two members.

(9) Subject to the provisions of subsection (8), the National Police Commission shall have power to act notwithstanding any vacancy in its membership and no act or proceeding of the Commission shall be, or deemed to be, invalid by reason of any such vacancy or any defect in the appointment of a member.

(10) For the purposes of Chapter IX of the Penal Code a member of the National Police Commission shall be deemed to be a public servant.

Appointment
of Officers
of the
National
Division
vested in
Commission.

3. Subject to the provisions of Appendix 1 of List 1 of the Ninth Schedule to the Constitution, the appointment, transfer, dismissal and disciplinary control of Police Officers of the National Division of the Sri Lanka Police Force is hereby vested in the National Police Commission.

Delegation
of powers.

4. The National Police Commission may delegate any of its powers of transfer, dismissal and disciplinary control of Officers of the National Division of the Sri Lanka Police Force to any Officer of the National Division.

5. The National Police Commission shall provide for and determine—

Functions of
National
Police
Commission.

- (a) all matters relating to the formulation of schemes of recruitment and codes of conduct for Officers of the National and Provincial Divisions of the Sri Lanka Police Force ;
- (b) all matters relating to the principles to be followed in making promotions and transfers within or between those Divisions (including promotions from a Provincial Division to the National Division) ; and for the purpose of securing uniformity of standards in the Sri Lanka Police Force, the standards to be attained by Officers of each rank to qualify for promotion ;
- (c) all matters relating to the procedure for the exercise, and the delegation, of its powers of appointment, transfer, dismissal and disciplinary control of Police Officers of the National Division of the Sri Lanka Police Force ;
- (d) the nature, type, quantity of firearms, ammunition and equipment that may be carried by the several ranks of the National Division of the Sri Lanka Police Force ;
- (e) after consultation with the Provincial Police Commission, the nature, type and quantity of firearms and ammunition that may be carried by the several ranks of each Provincial Division of the Sri Lanka Police Force.

6. (1) Cadres of Police Officers of all ranks of the National Division shall be fixed by the Government of Sri Lanka in consultation with the National Police Commission. The Cadres of Officers and other ranks of each Provincial Division shall be fixed by the Provincial Administration with the approval of the President, having regard to—

Cadres and
training of
Police
Officers.

- (a) the area of the Province ;
- (b) population of the Province ; and
- (c) such other criteria, as may be agreed to or prescribed.

These principles shall be uniformly applied to all Provincial Divisions.

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

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

(4) The Government of Sri Lanka shall be responsible for the training of, all recruits to, and of members of, the National and Provincial Divisions of the Sri Lanka Police Force in consultation with the National Police Commission. The President may, where he considers it necessary, provide for alternative training for members of any Provincial Division.

Appeal.

7. Any Police Officer who is aggrieved by any order of transfer or dismissal or any other order relating to a disciplinary matter made by an Officer of the National Division to whom the National Police Commission has delegated its powers under section 4, shall have a right of appeal to the National Police Commission:

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

Powers of Commission on appeal.

8. The National Police Commission shall have the power to vary or rescind any order of transfer or dismissal or any other order relating to a disciplinary matter made by an Officer of the National Division to whom it has delegated any of its power under section 4.

9. (1) There shall be a Provincial Police Commission for every Province, with effect from such date as may be appointed by the President by Order published in the *Gazette*. Different dates may be appointed in respect of different Provinces.

Provincial
Police
Commission.

(2) The Provincial Police Commission of a Province shall consist of—

- (a) the Deputy Inspector-General of the Province, who shall act as Chairman of the Commission;
- (b) a person nominated by the Public Service Commission, in consultation with the President;
- (c) a person nominated by the Chief Minister of that province.

(3) Where a nominated member of the Commission is by reason of illness, absence from Sri Lanka or other cause is temporarily unable to perform the duties of his office the Nominating Authority may nominate some other person to act in his place.

(4) No person shall be nominated to, or continue, as a member of a Provincial Police Commission if he is a Member of Parliament, a Member of a Provincial Council or a Member of a Local Authority.

(5) Every member of a Provincial Police Commission nominated under paragraph (b) or paragraph (c) of subsection (2) shall hold office for a period of three years from the date of his nomination, unless he earlier resigns his office by writing under his hand addressed to the Public Service Commission or the Chief Minister of the Province, as the case may be.

(6) Every member of a Provincial Police Commission nominated under paragraph (b) or paragraph (c) of subsection (2) who prior to his nomination as a member of the Commission, was a public officer or judicial officer or held office in a Provincial Public Service shall, with effect from the date of nomination, cease to hold such office and shall, so long as he is a member of the Commission, cease to engage in any occupation, profession, trade or business which is likely to prejudicially affect, the discharge by such member, of his functions as a member of such Commission.

(7) A member of a Provincial Police Commission shall be paid such allowance as may be determined by the Provincial Council for that Province. The allowance payable to any such member shall be charged on the Provincial Fund of the Province and shall not be diminished during his term of office.

(8) There shall be a Secretary to every Provincial Police Commission who shall be appointed by the Commission.

(9) A quorum for any meeting of a Provincial Police Commission shall be two members.

(10) Subject to the provisions of subsection (9) a Provincial Police Commission shall have power to act notwithstanding any vacancy in its membership and no act or proceeding of any such Commission shall be, or deemed to be invalid by reason of such vacancy or any defect in the appointment of a member.

(11) For the purposes of Chapter IX of the Penal Code a member of a Provincial Police Commission shall be deemed to be a public servant.

Powers of
Provincial
Police
Commissions.

10. Subject to the provisions of Appendix I of List I of the Ninth Schedule to the Constitution, the appointment, transfer, dismissal and disciplinary control of Officers of the Provincial Division of a Province and Officers of the National Division seconded to the Provincial Division, of the ranks of Superintendent of Police, Provincial Assistant Superintendent of Police, Chief Inspector, Inspector, Sub-Inspector, Sergeant and Police Constable is hereby vested in the Provincial Police Commission of that Province.

Delegation.

11. (1) A Provincial Police Commission shall be entitled to delegate such of its powers as may be prescribed by the Minister, to such other person or authority as may be prescribed by the Minister.

(2) Any Officer of the Provincial Division of a Province aggrieved by any order of transfer or dismissal or any other order relating to a disciplinary matter made by an Officer to whom the Provincial Police Commission of that Province has delegated its powers under subsection (1), shall have a right of appeal to such Provincial Police Commission.

12. 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 decision of the National Police Commission or a Provincial Police Commission or of any member of any such Commission shall be guilty of an offence and shall on conviction by a High Court after trial without a jury, be liable to a fine not exceeding five thousand rupees or to imprisonment for a term not exceeding one year or, to both such fine and imprisonment.

Interference with National or Provincial Police Commission.

13. (1) A Provincial Division of the Sri Lanka Police Force shall be responsible for the prevention, detection and investigation of all offences, other than offences specified in the Schedule to Appendix I of List I of the Ninth Schedule to the Constitution, within the Province, and subject to the powers of the Attorney-General under the Code of Criminal Procedure Act, No. 15 of 1979, the institution of prosecutions in the relevant courts in respect of such offences :

Investigations of offences.

Provided that any such offence may be investigated by the National Division of the Sri Lanka National Police—

(a) where the Chief Minister of the Province requests that the investigation of such offence be conducted by the National Division ; or

(b) where the Inspector-General of Police is of the opinion that investigation of such offence by the National Division is necessary in the public interest and directs, after consultation with the Chief Minister of the Province and with the approval of the Attorney-General, that such offence be investigated by the National Division.

(2) The National Division of the Sri Lanka Police Force shall be responsible for the prevention, detection and investigation of all offences specified in the Schedule to Appendix I of List I of the Ninth Schedule to the Consti-

tution, and subject to the powers of the Attorney-General under the Code of Criminal Procedure Act, No. 15 of 1979, for the institution of prosecutions in the relevant courts in respect of such offences.

(3) It shall be the duty of the Deputy Inspector-General of a Province to notify the Inspector-General of Police, of prosecutions instituted in any court, by the Provincial Division of that Province, in respect of any offence other than an offence specified in the Schedule to Appendix I of List I of the Ninth Schedule to the Constitution.

National
Division
to assist
Provincial
Division
in investi-
gations.

14. Where the Chief Minister of any Province so requests, the Inspector-General of Police shall direct any unit of the National Division to assist the Provincial Division of that Province in the prevention, detection and investigation of any offence not specified in the Schedule to Appendix I of List I of the Ninth Schedule to the Constitution.

Metropolitan
Police Force.

15. The provisions of this Act shall not affect the exercise, performance and discharge of police powers, duties and functions in respect of the territorial limits specified by Order made under Item I of List I of the Ninth Schedule to the Constitution, which shall continue to be exercised, performed and discharged by Officers of the Police Force established under the Police Ordinance.

The
exercise of
powers by
Provincial
Division
outside the
Province.

16. (1) The Provincial Division of a Province may, with the approval of the Inspector-General of Police, exercise its powers and jurisdiction in any other Province, where the Provincial Council established for such other Province, has, by resolution authorized such Provincial Division so to do, subject to any such limitations as may be specified in such resolution.

(2) An Officer of the Provincial Division of a Province may, for the purposes of—

(a) arresting without warrant any person whom he is authorized to arrest without a warrant, pursue and arrest such person in any place in Sri Lanka;

(b) making any investigation in respect of an offence committed wholly or partly within the Province to which such Officer is attached, exercise his powers and jurisdiction in any other Province, with the prior approval of the Inspector-General of Police who shall issue appropriate directions to the Deputy-Inspector General of that Province.

17. Upon the declaration of an emergency in a Province the Provincial Division of that Province shall assist the National Division in the investigation of offences, when required to do so by the Inspector-General of Police.

Provincial Division to assist National Division.

18. The Inspector-General of Police may give such administrative directions, not inconsistent with the provisions of any written law, as appear to him to be necessary or expedient for the purpose of removing any difficulties that may arise in the implementation of the provisions of this Act. It shall be the duty of any public officer to whom a direction has been issued under this section to comply therewith.

Powers to issue directions.

19. The Chief Minister of a Province shall, in relation to the Deputy Inspector-General of that Province exercise such powers as are not in excess of the powers that the Minister may exercise in relation to the Inspector-General of Police :

Powers of chief Minister in relation to Deputy Inspector-General of the Province.

Provided however that, where in the exercise of any such power the Chief Minister gives a direction to the Deputy Inspector-General of Police of a Province, such direction shall be in writing.

20. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in the event of inconsistency.

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