

CHAPTER XXII

DEFENCE, NATIONAL SECURITY AND LAW AND ORDER

215. (1) Defence, national security and the raising, establishment and maintenance, as provided for by law, of regular, special and para-military forces shall be subjects reserved exclusively for the Central Government. Matters pertaining to Defence, National Security, Law and Order &c.
- (2) Law and order including public order and the exercise of police powers shall —
- (a) be reserved exclusively for the Central Government in the Capital Territory and in cases expressly provided for in the Constitution; and
- (b) subject to sub-paragraph (a) of this paragraph, be devolved in the Regions.
- (3) (a) The nature, type and quantity of firearms, ammunition, explosives, armaments and other equipment for all Regional Police Services shall be determined by the National Police Commission after consulting the Regional Police Commissions as to the requirements of the respective Regional Police Services, and uniform standards and principles shall be applied for all Regional Police Services.
- (b) It shall be the responsibility of the Central Government to procure and issue such firearms, ammunition, explosives, armaments and other equipment determined under sub-paragraph (a) of this paragraph.
216. (1) (a) There shall be a National Police Service headed by the National Police Commissioner, and including the National Deputy Police Commissioners, Senior Superintendents of Police, Superintendents of Police, Assistant Superintendents of Police, and other ranks recruited at the national level. National Police Service and National Police Commission.
- (b) There shall be a National Police Commission consisting of five members appointed by the President on the recommendation of the Constitutional Council and the President shall appoint one of the members as the Chairperson of the Commission, so however that the three major communities shall be represented on the Commission.
- (c) Notwithstanding anything in Chapter XX, the National Police Commission shall be responsible for recruitment, promotion, transfer, disciplinary control and dismissal

of officers in the National Police Service and for the transfer of officers of a Regional Police Service from one Region to another in consultation with the relevant Regional Police Commissions.

- (d) The National Police Commission may delegate the powers of the Commission relating to disciplinary control of any category of officers of the National Police Service, to any officer of the police service not below the rank of a Senior Superintendent of Police.
- (e) The provisions of paragraphs (2), (4), (5), (6), (7), (9) and (10) of Article 194, paragraphs (2), (3) and (5) of Articles 196 and Articles 197, 198 and 199 shall, *mutatis mutandis*, apply to the National Police Commission.
- (f) The National Police Commissioner or a National Deputy Police Commissioner may transfer a national police officer subject to confirmation by the National Police Commission within one month of the order of transfer.

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

- (a) any offence against the Republic;
- (b) any offence relating to the National Police, Army, Navy and Air Force;
- (c) any offence relating to elections;
- (d) any offence committed against the President;
- (e) any offence committed against the Prime Minister, the Speaker of Parliament, a Minister of the Cabinet of Ministers, a Deputy Minister or a Member of Parliament;
- (f) any offence committed against a Judge of the Supreme Court or the Court of Appeal, a member of the Constitutional Council, a member of any of the Commissions specified in the Schedule to Article 123 and persons holding any of the offices specified in the Schedule to Article 124, a member of the National Police Commission, the Secretary-General of Parliament, a member of the President's staff, a member of the Prime Minister's staff, or a member of the staff of Parliament;

- (g) any offence prejudicial to national security or the maintenance of essential services;
- (h) any offence relating to coins, currency and Government stamps;
- (i) any offence relating to property belonging to the Republic or a public corporation, company or establishment, the whole or part of the capital whereof has been provided by the Republic;
- (j) any offence in respect of which courts in more than one Region have jurisdiction;
- (k) any international crime;
- (l) any offence under any law relating to any matter in the Reserved List; and
- (m) any offence committed within the Capital Territory.

(3) All specialized agencies of the Sri Lanka Police existing immediately prior to the commencement of the Constitution shall form part of the National Police Service.

(4) The National Police Service shall be responsible for the prevention, detection and investigation of all offences committed within the Capital Territory and offences, the investigation of which is reserved exclusively to the National Police Service by paragraph (2) of this Article, and the institution of prosecutions in the relevant courts, other than prosecutions on indictment presented by the Attorney-General, in respect of such offences.

(5) Save as otherwise expressly provided in the Constitution, all officers in the National Police Service shall hold office at pleasure.

217. (1) (a) There shall be a Regional Police Service for each Region headed by a Regional Police Commissioner who shall be appointed by the Regional Police Commission with the concurrence of the Board of Ministers of the Region .

Regional Police
Service and
Regional Police
Commission.

(b) (i) There shall be a Regional Police Commission for each Region consisting of five members, of whom two members shall be appointed by the Chief Minister of the Region and three members representing the three major communities of the Region shall be appointed by the Governor of that Region upon being nominated by the Constitutional Council acting in consultation with the Board of Ministers for that Region.

(ii) The Governor of the Region shall, in consultation with the members of the Regional Police Commission, appoint one of the members as the Chairperson of the Commission.

(c) (i) Subject to the succeeding provisions of this sub-paragraph the Regional Police Commission shall be responsible for the recruitment, promotion, transfer, disciplinary control and dismissal of officers of the Regional Police Service.

(ii) The Regional Police Commission in exercising its powers under this Article may, if it deems it appropriate, adopt any criteria specified by the National Police Commission in respect of matters referred to in sub-paragraph (c) (i).

(iii) The Regional Police Commissioner or a Regional Deputy Police Commissioner may transfer a regional police officer within the Region, subject to confirmation by the Regional Police Commission within one month of the order of transfer.

(d) The provisions of paragraphs (2), (3), (4), (5) of Article 200 and of paragraphs (3), (4), (5) and (6) of Article 202 shall, *mutatis mutandis*, apply to a Regional Police Commission.

(2) The Regional Police Service shall consist of the Regional Police Commissioner, Regional Deputy Police Commissioners, Regional Senior Superintendents of Police, Superintendents of Police, Assistant Superintendents of Police, Chief Inspectors, Inspectors of Police, Sergeants and Constables and other ranks recruited to the Regional Police Service of a Region or seconded to the Region.

(3) Save as otherwise expressly provided in the Constitution, all officers in the Regional Police Service shall hold office at pleasure.

(4) The Regional Police Commissioner shall be responsible to the Minister of the Board of Ministers in charge of the subject of law and order in respect of the exercise of powers by the Regional Police Service.

(5) The Regional Police Service shall be responsible for the prevention, detection and investigation of all offences (except the offences specified in paragraph (2) of Article 216) committed within the Region and the institution of prosecutions in the relevant courts, other than prosecutions on indictments presented by the Attorney-General, in respect of such offences.

218. (1) Where the Chief Minister of a Region seeks the assistance of the National Police Service to preserve public order within the Region, the National Police Commissioner shall deploy such personnel as are necessary for the purpose.
- (2) Notwithstanding anything to the contrary in this Chapter but subject to sub-paragraph (b) of this paragraph -
- (a) it shall be the duty of every officer of the National Police Service or Regional Police Services to take all measures for the prevention, detection and investigation of all offences;
 - (b) where an offence is required to be investigated exclusively by a police service of which the police officer to whom a complaint is made is not a member, the measures taken in pursuance of such complaint shall be communicated without delay to the relevant Police Station or specialized agency having authority to investigate such offence; and
 - (c) it shall be the duty of every police officer of the National Police Service or a Regional Police Service to assist the police officer having lawful authority in the conduct of an investigation in relation to any offence and any steps taken in the proper discharge of this duty shall be deemed to have been lawfully taken.
- (3) It shall be the duty of the National Police Service to make available, upon request, the service of specialized agencies and technical assistance to any Regional Police Service.

Co-operation
between National
and Regional
Police Services.