

CHAPTER XXVIII

**INTERIM COUNCIL FOR
THE NORTHERN AND EASTERN REGIONS**

243. (1) There shall be an Interim Council for the Northern and Eastern Regions set out in Part C of the First Schedule, with effect from the commencement of the Constitution, and shall continue for a period of five years from that date and such Interim Council shall be deemed to have been dissolved at the end of that period

Interim Council.

(2) The Interim Council shall consist of such number of members as is equal to the total number of members entitled to be returned, in accordance with the determination made by the Commissioner of Elections under section 3(3) of the Provincial Councils Elections Act No.1, of 1988, from the several administrative districts of the Northern and Eastern Provinces to the North-Eastern Provincial Council established under the 1978 Constitution.

(3) The President shall appoint the members of the Interim Council, so however, that the President shall appoint such members for each administrative district of the Northern and Eastern Regions, the number of members appointed for each such administrative district being equal to the number of members that each such administrative district was entitled to return to the North-Eastern Provincial Council in accordance with the determination referred to in paragraph (2) of this Article .

(4)(a) Recognized political parties and independent groups shall nominate, from among persons ordinarily resident in the Northern and Eastern Regions, persons for appointment as members of the Interim Council, for each administrative district of the Northern and Eastern Regions.

(b) The President shall appoint members of the Interim Council from among the persons nominated under subparagraph (a) of this paragraph for each administrative district of the Northern and Eastern Regions, having regard to the ethnic composition of the Northern and Eastern Regions as well as to the ethnic composition of such administrative district.

(5) The members appointed by the President to the several administrative districts of the Northern and Eastern Regions shall together constitute the Interim Council for the Northern and Eastern Regions.

(6)(a) A member of the Interim Council may, resign from the Council by writing addressed to the President and such resignation shall take effect from the date on which the President accepts such resignation in writing.

(b) The President shall remove a member of the Interim Council from office on the recommendation of the recognized political party or independent group nominating such member for appointment to the Council.

(7) Whenever a member of the Interim Council dies, resigns or is removed from office, the President shall appoint in place of such member, a person nominated by the recognized political party or independent group which had nominated the member who has died, resigned or was removed from office.

(8) An act or proceeding of the Interim Council shall not be, or be deemed not to be, invalid by reason only of any vacancy in the Council or any defect in the appointment of a member of the Council.

Board of
Ministers.

244. (1) There shall be a Board of Ministers for the Northern and Eastern Regions consisting of Chief Minister, two Deputy Chief Ministers and six other Ministers.

(2) The Governor shall appoint as Chief Minister of the two Regions, the member of the Interim Council who is best able to command the support of a majority of the members of the Council.

(3) Where the Chief Minister is from one of the three major communities in the two Regions, the two Deputy Chief Ministers shall be from the other two major communities in the two Regions.

(4) (a) The Governor shall appoint as Deputy Chief Ministers, the members respectively, of the Interim Council who are best able to command the support of a majority of the members of the Interim Council belonging to the respective communities of which they are members.

(b) Every Deputy Chief Minister shall be entitled to participate in meetings of the Chief Ministers Conference but shall not be entitled to vote at such meetings.

(5) Of the six other Ministers, at least one shall be from second major community in the two Regions and where there is only one other Minister from such community, such Minister shall be from a recognized political party or independent group other than the recognized political party or independent group of which the Deputy Chief Minister from that community is a member.

(6) (a) The Governor shall assign the following subjects and functions to the Chief Minister and the two Deputy Chief Ministers –

- (i) the Chief Minister – Regional Planning, Finance, Law and Order, Public Investment and Local Government;
- (ii) the Deputy Chief Minister from the second major community – Health, Social Services, Rehabilitation and Islamic Culture;
- (iii) the Deputy Chief Minister from the third major community- Archaeology and Museums, Buddhist Culture, Transport and Highways, Housing and Urban Development.

(b) The Governor shall assign subjects and functions, other than the subjects and functions assigned under sub-paragraph (a) of this paragraph to the Chief Minister, Deputy Chief Ministers and the other Ministers of the Board of Ministers, on the advice of the Chief Minister.

245 (1) Subject to the provisions of this Chapter, the Governor of the Northern and Eastern Regions, the Interim Council and the Board of Ministers appointed under this Chapter shall exercise and perform, the powers and duties conferred and imposed respectively on, and discharge the functions assigned respectively to, the Governor of a Region, a Regional Council and the Board of Ministers of a Region, by this Constitution, and all the provisions of this Constitution relating to the Governor of a Region, Regional Councils and the Board of Ministers of a Region shall, save as expressly provided in this Chapter, apply respectively, to the Governor of the Northern and Eastern Regions and to the Interim Council and Board of Ministers appointed under this Chapter.

Powers of Interim Council and Board of Ministers.

(2) The Governor, Interim Council and the Board of Ministers shall exercise their respective powers with rigorous impartiality on behalf of all the people in the two Regions, recognizing the diversity of their identities and traditions, and such exercise shall be founded on the principles of full respect for the equality of the civil, political, social, religious and cultural rights of those people and of the freedom from discrimination for all citizens, and on parity of esteem and equal treatment for the identity, ethos and aspirations of all communities in the two Regions.

246. (1) The following shall require the votes of a majority of the members of the Interim Council, present and voting, as well as the votes of a majority of the members of the Interim Council belonging to the second and third major communities in the two Regions, present and voting -

Legislative powers of the Interim Council.

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- (a) any decision relating to—
- (i) the election of a Speaker;
 - (ii) the adoption of standing orders of the Council; and
- (b) the passing of a draft Statute declared by the Speaker as having a vital bearing on —
- (i) the manifestation of any religion in worship, observance, practice and teaching;
 - (ii) the security of the two Regions and its inhabitants;
or
 - (iii) economic opportunities in the two Regions,

upon a motion to that effect being presented to the Speaker signed by not less than thirty per centum of the total number of members of the Interim Council and the Speaker being satisfied that such draft Statute has such a vital bearing.

(2) A declaration made by the Speaker under sub-paragraph (b) of paragraph (1) of this Article shall be conclusive for all purposes.

(3) (a) Every Statute passed by the Interim Council shall come into force upon the Statute receiving assent as hereinafter provided.

(b) Every Statute passed by the Interim Council shall be presented to the Governor for assent forthwith on the making thereof, and the Governor shall either assent to the Statute or may as soon as possible after the Statute is presented to the Governor for assent, return the Statute to the Interim Council together with a message requesting the Council to reconsider the Statute or any provision thereof and in particular, requesting the Council to consider the desirability of introducing such amendments as may be recommended in the message.

(c) Where a Statute is returned to the Interim Council under sub-paragraph (b) of this paragraph, the Council shall reconsider the Statute having regard to the Governor's message and may pass such Statute with or without amendments and present the Statute to the Governor for assent.

(d) Upon presentation of a Statute to the Governor under sub-paragraph (c) of this paragraph, the Governor may assent to the Statute or reserve the Statute for reference by the President to the Supreme Court within one month of the passing of the Statute for the second time, for a determination that the Statute is not inconsistent with the provisions of the Constitution.

(e) Where, upon such reference, the Supreme Court determines that the Statute is consistent with the provisions of the Constitution, the Governor shall, on receipt of the Court's determination, assent to the Statute, but where the Supreme Court determines that the Statute is inconsistent with the provisions of the Constitution, the Governor shall withhold assent to the Statute.

(4) There shall be an Executive Committee for each Ministry in charge of a Minister of the Board of Ministers and the provisions of this Constitution relating to Executive Committees of Ministries in charge of Ministers of the Board of Ministers of a Region shall, *mutatis mutandis*, apply to such Executive Committees.

247. (1) There shall be a Public Service Commission and a Public Service for the Northern and Eastern Regions. Public Service.

(2) Subject to paragraph (3) of this Article, the provisions of this Constitution relating to a Regional Public Service Commission and a Regional Public Service shall, *mutatis mutandis*, apply to such Commission and such Service.

(3) The Public Service Commission of the two Regions shall make appointments to posts in the Public Service of the Regions in accordance with criteria relating, *inter alia*, to eligibility and merit prescribed by the National Public Service Commission, but shall ensure, as far as practicable, that appointments to all categories of posts in such Service at the regional level reflect the ethnic composition of the Regions, and that appointments to posts in such Service at district level, reflect the ethnic composition of the district.

248. (1) There shall be a Police Commission and a Police Service for the Northern and Eastern Regions. Police.

(2) The provisions of this Constitution relating to a Regional Police Commission and to a Regional Police Service shall, subject to paragraph (3) of this Article, apply to such Commission and such Service.

(3) The National Police Commission shall, during the period of office of the Interim Council, recruit officers to all posts in the Police Service of the two Regions.

(4). The Board of Ministers of the two Regions shall assist the Central Government in the decommissioning of weapons unlawfully possessed by armed groups.

Finance.

249. (1) The Interim Council shall expend the funds granted annually by the Central Government for the use of the Northern and Eastern Provinces, in accordance with guidelines issued by the Finance Commission.

(2) The guidelines issued under paragraph (1) of this Article shall include, *inter alia*, guidelines for the expenditure of funds in local authority areas with a view to eliminating or reducing disparities in development prevailing in such local authority areas.

(3) Where funds are allocated by the Interim Council for the development of a local authority area, the Interim Council shall ensure that such funds are not applied in such manner as would discriminate against minority communities living in concentrations in such local authority area.

Rehabilitation
and
Resettlement.

250. The Interim Council and the Board of Ministers shall take such measures as may be necessary –

(a) to rehabilitate and resettle, persons who have been displaced in the Northern and Eastern Regions, after January 1, 1983;

(b) to enable such persons to recover possession of property lost by such persons; and

(c) where such recovery is not possible, to ensure that such persons received adequate compensation for the loss of such property.

Cultural
Committees.

251. (1) (a) There shall be a Cultural Committee for each of the three major communities in the Northern and Eastern Regions.

(b) Every Cultural Committee set up for a community shall consist of the members of the Interim Council belonging to such community.

(c) The members of each Cultural Committee shall elect a Chairperson of the Committee from amongst the members.

(d) The Chairpersons of local authorities established for local authority areas within the Regions may attend meetings of a Cultural Committee but shall not be entitled to vote at such meetings.

(2) A Cultural Committee may exercise and perform such powers and duties as may be conferred and imposed on such Committee by Statute and may make recommendations to the Interim Council on measures for the promotion of the culture of the community in respect of which the Committee has been set up.

(3) The Interim Council shall allocate adequate funds annually to every Cultural Committee set up under this Article and it shall be the duty of such Committee to apply such funds for the promotion of the culture of the community in respect of which the Committee has been set up.

252. (1) There shall be an Equality Commission consisting of three members appointed by the President from the three major communities in the Northern and Eastern Regions.

Equality
Commission.

(2) It shall be the function of the Equality Commission to monitor measures taken by the Interim Council and the Board of Ministers of the Regions—

(a) to promote equality of opportunity for all communities in the two Regions in matters such as employment and access to public services; and

(b) to promote parity of esteem amongst all communities in such Regions,

and may, for the purpose of discharging of such function, inquire into complaints relating to such matters made against public bodies functioning in such Regions.

(3) The Equality Commission shall report to the President as often as may be necessary.

253. (1) There shall be an Interim Regional Council for the Northern and Eastern Regions set out in Part C of the First Schedule for the period commencing on the date of dissolution of the Interim Council established under the provisions of Article 243, and ending on the last of the dates fixed for the referendum referred to in paragraph (2) of Article 127.

Interim Regional
Council.

(2) The Interim Regional Council shall consist of such number of members as is equal to the total number of members appointed to the Interim Council increased by two.

(3) The election of members to the Interim Regional Council shall be from the several administrative districts of the Northern and Eastern Regions and the provisions of the Provincial Councils Elections Act, No. 2 of 1988 shall, *mutatis mutandis*, apply to such election.

(4) The provisions of Articles 244, 245, 246, 247, 248, 249, 250, 251 and 252, other than the provisions of paragraph (3) of Article 248, shall, *mutatis mutandis*, apply to the Interim Regional Council established under this Article.

(5) (a) If for some unforeseen reason the Referendum referred to in paragraph (2) of Article 127 cannot be held prior to the expiration of a period of ten years from the commencement of the Constitution, two Interim Regional Councils shall be deemed to have been established respectively for the Northern and Eastern Regions set out in Part C of the First Schedule, for the period commencing on the date of expiration of the ten year period and ending on the last of the dates on which such Referendum is subsequently held, and the provisions of the Constitution relating to Regional Councils shall, *mutatis mutandis*, and unless the context otherwise requires, apply to each such Council.

(b) Upon the holding of the Referendum referred to in sub-paragraph (a) of this paragraph, the relevant provisions of paragraph (2) of Article 127 shall apply.