

**PARLIAMENT OF THE DEMOCRATIC SOCIALIST**  
**REPUBLIC OF SRI LANKA.**

**PROVINCIAL COUNCILS ACT. NO. 42 OF 1987**

**(Certified on 14<sup>th</sup> November, 1987)**

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L.D. - O. 62/87

AN ACT TO PROVIDE FOR THE PROCEDURE TO BE FOLLOWED IN PROVINCIAL COUNCILS ; FOR MATTERS RELATING TO THE PROVINCIAL PUBLIC SERVICE ; 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 Provincial Councils Act, No. 42 of 1987, and shall come into operation in respect of all or any of its provisions, on such date or dates as the President may appoint, by Order published in the Gazette, not being a date or dates prior to the coming into operation of the Thirteenth Amendment to the Constitution.

Short title  
and date of  
operation.

## PART 1

### MEMBERSHIP OF PROVINCIAL COUNCIL

2. Where a Provincial Council is established for a Province by virtue of Article 154 A of the Constitution, the President shall, by order published in the Gazette, assign a name to such Council and specify the number of members such Provincial Council shall consist of. In specifying such number, President shall have regard to the area and population of the Province for which that Provincial Councils is constituted.

Name and  
membership  
of  
Provincial  
Council.

3. No person shall be qualified to be elected as a member of a Provincial Council or to sit and vote as a member of such Council.

Qualification  
for  
membership  
of  
Provincial  
Council.

- (a) if such person is subject to any of the disqualifications specified in paragraphs (a), (c), (d), (e), (f) and (g) of Article 91 (1) of the Constitution ;
- (b) if such person is under any law, disqualified from voting at an election of members of to a local authority ;
- (c) if he is a Member of Parliament ;
- (d) if he is a member of any other Provincial Council or stands nominated as a candidate for election for more than one Provincial Council ;
- (e) if he stands nominated as a candidate for election to a Provincial Council, by more than one recognized political party or independent group.

4. No member of a Provincial Council shall sit or vote as such member until he has taken or subscribed the oath, or made or subscribed the affirmation, set out in the Fourth Schedule to the Constitution.

Oath  
affirmation by  
members.

5. (1) If a member of any Provincial Council
- (a) becomes subject to any disqualification mentioned in section 3; or
  - (b) resigns his seat by writing under his hand addressed to the Chairman ,

his seat in the Provincial Council shall thereupon become vacant.

- (2) If for a period of ninety days a member of the Provincial Council is without permission of the Council absent from all meetings thereof, the Council may declare his seat vacant :

Provided that in computing the said period of ninety days, no account shall be taken of any period during which the Council is prorogued for more than four consecutive days.

6. If a person sits or votes as a member of a Provincial Council before he has complied with the requirements of section 4, or when he knows that he is not qualified, or that, he is disqualified, for membership thereof, he shall be liable in respect of each day on which he so sits or votes to a penalty of one hundred rupees to be recovered as a debt due to the State.

Penalty for sitting and voting before making oath when disqualified.

## **PART 11**

### **MEETINGS AND CONDUCT OF BUSINESS OF PROVINCIAL COUNCILS.**

7. (1) Every Provincial Council shall, as soon as may be, choose two members of the Council to be respectively Chairman and Deputy Chairman thereof and, so often as the office of Chairman or Deputy Chairman becomes vacant, the Council shall choose another member to be Chairman or Deputy Chairman, as the case may be.

Chairman and Deputy Chairman

(2) A member holding office as Chairman or Deputy Chairman of a Provincial Council.

(a) shall vacate his office if he ceases to be a member of the Council ;

(b) May at any time by writing under his hand addressed, if such member is the Chairman, to the Deputy Chairman, and if such member is the Deputy Chairman to the Chairman, resign his office ;

(c) May be removed from his office by a resolution of the Council passed by a majority of the whole number of members of the Council (including those not present)

Provided that whenever the council is dissolved, the Chairman shall not vacate his office until immediately before the first meeting of the Council after the dissolution.

(3) While the office of Chairman is vacant, the duties of the office shall be performed by the Deputy Chairman or, if the office of Deputy Chairman is also vacant, by such member of the Council as may be determined by the rules of procedure of the Council.

(4) During the absence of the Chairman from any sitting of the Council, the Deputy Chairman, or, if he is also absent, such person as may be determined by the rules of procedure of the Council, or, if no such person is present, such other person as may be determined by the Council shall act as Chairman.

(5) There shall be paid to the Chairman and the Deputy Chairman of the Provincial Council such salaries and allowances as may be fixed by the Provincial Council, by statute and, until provision in that behalf is so made, such salaries and allowances as the Governor may, with the approval of the President, by order, determine.

8. (1) At any sitting of the Provincial Council, while any resolution for the removal of the Chairman from his office is under consideration, the Chairman, or while any resolution for the removal of the Deputy Chairman from his office is under consideration, the Deputy Chairman, shall not, though he is present, preside, and the provisions of subsection (4) of section 7 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Chairman or, as the case may be, the Deputy Chairman is absent.

Chairman  
or Deputy  
Chairman  
not to  
preside  
while  
Resolution  
for his  
removal  
under  
discussion.

(2) The Chairman shall have the right to speak in, and otherwise to take part in the proceedings of, the Provincial Council while any resolution for his removal from office is under consideration in the Council and shall, notwithstanding anything in section 10, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equally of votes.

9. (1) Subject to the provisions of this Act and to the

Powers

rules and standing orders regulating the procedure of a Provincial Council, there shall be freedom of speech in every Provincial Council, there shall be freedom of speech in every Provincial Council.

and  
privileges  
of  
Provincial  
Councils.

(2) No member of the Provincial Council shall be liable to any proceedings in Court in respect of anything said or any vote given by him in the Council or any Committee thereof, and no person shall be liable in respect of the publication by, or under, the authority of such Council, of any report, paper, votes or proceedings.

(3) The provisions of subsections (1) and (2) shall apply in relation to persons who by virtue of any written law have the right to speak in, and otherwise to take part in, the proceedings of, a Provincial Council or any committee thereof as they apply in relation to members of that Council.

10. (1) Save as otherwise provided in this Act, all questions at any sitting of the Provincial Council shall be determined by a majority of votes of the members present and voting other than the Chairman or person acting as such.

Voting  
in  
Council.

(2) The Chairman or person acting as such shall not vote in, the first instance but shall have and exercise a casting vote in the case of an equality of votes.

(3) A Provincial Council shall have the power to act notwithstanding any vacancy in the membership thereof, and any proceedings in any such Council shall be valid, notwithstanding that it is discovered subsequently that some person who was not entitled to do so, sat or voted or otherwise took part in the proceedings.

(4) The quorum to constitute a meeting of a Provincial Council shall be one third of the total number of members of the Council. Where one-third of the number of members is an integer and fraction, the integer immediately higher to that integer and fraction shall be deemed to be the one-third of the numbers for the purpose of this section.

(5) If at any time during meeting of a Provincial Council there is no quorum, it shall be the duty of the Chairman, or person acting as such, either to adjourn the Council or to suspend the meeting until there is a quorum.

11. A Provincial Council may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business.

Rules of  
procedure.

Provided that the Provincial Council shall, after consultation with the Chairman of such Council and with the approval of the President, make rules.

- (a) for securing the timely completion of financial business.
- (b) for regulating the procedure of, and the conduct of business in, the Provincial Council in relation to any financial matter or to any statute for the appropriation of moneys out of the Provincial Fund of the Province ;
- (c) for prohibiting the discussion of, or the asking of questions on, any matter which affects the discharge of functions of the Governor in so far as he is required by the Constitution or this Act, to act in his discretion.

12. (1) The validity of any proceedings in a Provincial Council shall not be called in question on the ground of alleged irregularity of procedure.

Court not  
to inquire  
into  
proceedings  
of  
Provincial  
Council.

(2) No officer or member of a Provincial Council in whom powers are vested, by or under this Act, for regulating the procedure, or the conduct of business, or for maintaining order, in such Council shall be subject to the jurisdiction of any Court in respect of the exercise by him of those powers.

13. The property of the State shall, save in so far as

Exemption

Parliament may by law otherwise provide, be exempt from all taxes imposed by or under any statute made by a Provincial Council.

of State  
property  
from  
taxation.

14. (1) A statute pending in a Provincial Council shall not lapse by reason of the prorogation of such Council.

(2) A statute pending in a Provincial Council shall lapse on a dissolution of the Council.

15. (1) The Governor shall make rules for the allocation of business among the Ministers in so far as it is not business with respect to which the Governor is by, or under, the Constitution required to act in his direction.

(2) Save as otherwise provided in this Act, all executive action of the Governor, whether taken on the advice of his Ministers or otherwise, shall be expressed to be taken in the name of the President.

(3) Orders and other Instruments made and executed in the name of the President, shall be authenticated in such manner as may be specified in rules to be made by the Governor, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument, made or executed by the President.

16. (1) All contracts entered into in the exercise of the executive power of the Governor of the Province, shall be entered, into and performed, in the name of the Provincial Council constituted for that Province, as if such Provincial Council were a body corporate.

Contracts  
and  
suits.

(2) All actions in relation to the exercise of such executive power shall be brought by, or against such Provincial Council, as if such Provincial Council were a body corporate.

17. (1) A Provincial Council shall have its own secretarial staff.

Secretariat

(2) A Provincial Council may, by statute, regulate the recruitment, and conditions of service of persons appointed to its secretarial staff.

18. Subject to paragraph (4) of Article 154 B of the Constitution, no discussion shall take place in a Provincial Council with respect to the conduct of the President or the Governor or a judicial Officer or a Member of Parliament.

Restriction  
on  
discussion  
in Provincial  
Council.

## **PART 111**

### **Finance**

19. (1) There shall be a Provincial Fund for each Province into which shall be paid -

Provincial  
Fund of  
Province.

- (a) the proceeds of all taxes imposed by the Provincial Council of that Province ;
- (b) the proceeds of all grants made to such Provincial Council in respect of the Province, by the Government of Sri Lanka ;
- (c) the proceeds of all loans advanced to the Provincial Council from the Consolidated Fund of Sri Lanka ; and
- (d) all other receipts of the Provincial Council.

(2) No moneys out of the Provincial Fund of a Province shall be appropriated except in accordance with, and for

the purposes, and in the manner, provided in this Act.

(3) No sum shall be withdrawn from the Provincial Fund of a Province except under a warrant under the hand of the Chief Minister of the Province.

(4) No such warrant shall be issued unless the sum, has by statute of the Provincial Council, been granted for services for the financial year during which the withdrawal is to take place or is otherwise lawfully charged on the Provincial Fund of the Province.

(5) The custody of the Provincial Fund of a Province, the payment of moneys into such Fund, and all other matters connected with, or ancillary to, those matters shall be regulated by rules made by the Governor.

20. (1) There shall be established a Emergency Fund to the nature of an impact to be entitled "Emergency Fund of the Province" into which shall be paid from and out of the Provincial Fund of the Province such sums as may, from time to time, be determined by statute made by the Provincial Council, and such Fund shall held by the Governor to enable advances to be made by him out of such Fund.

Emergency  
Fund of the  
Province.

(2) No advances shall be made out of the Emergency Fund of the Province except for the purposes of meeting unforeseen expenditure pending authorization of such expenditure by the Provincial Council under appropriations made by statute under sections 26 and 27.

(3) The Governor may make rules regulating all matters connected with, or ancillary to the custody of, the payment of moneys into, and the withdrawal of moneys from, the Emergency Fund of the Province.

21. (1) The Minister in-charge of the subject of finance may give guarantees in respect of loans raised by a Provincial Council.

Government  
guarantee for  
loans.

(2) Immediately after a guarantee is given under subsection (1), the Minister in charge of the subject of Finance shall, lay a statement of such guarantee before Parliament.

(3) Any sum required for the fulfillment of a guarantee given under subsection (1) shall be paid out of the Consolidated Fund of Sri Lanka.

(4) Any sum paid out of the consolidated Fund of Sri Lanka in fulfillment of a guarantee given under subsection (1) shall be repaid, together with interest thereon, at such rate as may be determined by the Minister in charge of the subject of Finance, by the Provincial Council, in such manner and over such period, as the Minister in charge of the subject of Finance may determine.

(5) A provincial Council may not, without the consent of the Minister in charge of the subject of Finance, raise any loan if there is still outstanding any part of a loan which has been made in respect of a Provincial Council out of the Consolidated Fund of Sri Lanka or in respect of which a guarantee has been given subsection (1).

22. Foreign aid negotiated by the Government for a project or scheme in a Province, shall be allocated by the Government to such project or scheme.

Foreign  
aid for  
provincial  
projects.  
Audit.

23. (1) Article 154 of the Constitution shall apply to the audit and accounts of the Provincial Fund of a Province.

(2) A copy of the Auditor-General's report

relating to the accounts of the Provincial Fund of a Province shall be submitted to the Governor who shall cause it to be laid before the Provincial Council.

24. (1) A statute in relation to any subject with respect to which the Provincial Council has power to make statutes, shall not be introduced into, or moved in, a Provincial Council except on the recommendation of the Governor, if such statute makes provision for any of the following matters namely :-

Special procedure as to statutes relating to financial matters.

- (a) the imposition, abolition, remission, alteration or regulation of any tax ;
- (b) the amendment of the law with respect to any financial obligations undertaken, in respect of the administration of the Province ;
- (c) the appropriation of moneys out of the Provincial Fund of the Province.
- (d) the declaring of any expenditure to be expenditure charged on the Provincial Fund of the Province or the increasing of the amount of any such expenditure ;
- (e) the receipt of money on account of the Provincial Fund of the Province or the custody or issue of such money.

(2) A statute shall not be deemed to make provision

provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body, to local purposes.

(3) A statute which, if enacted and brought into operation would involve expenditure from the Provincial Fund of a Province shall not be passed by the Provincial Council of the Province, unless the Governor has recommended to that Council the consideration of the statute.

25. (1) The Governor of a Province shall in respect of every financial year, at least five months before the expiration of such financial year, cause to be laid before the Provincial Council of that Province, a statement of of the estimated receipts and expenditure of the Province for that year in this Part referred to as the "annual financial statement" .

Annual  
Financial  
statement.

(2) The estimates of expenditure embodied in in the annual financial statement shall show separately -

- (a) the sums required to meet expenditure described by this Act as expenditure charged upon the Provincial Fund of the Province,
- (b) the sums required to meet other expenditure proposed to be made from the Provincial Fund of the Province,

and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure

charged on the Provincial Fund of the Province :-

- (a) the emoluments and allowances of the Governor ;
- (b) the charges payable in respect of loans advanced in respect of the Province from the Consolidated Fund of Sri Lanka including interest, amortization payments, and other expenditure connected therewith ;
- (c) the salaries and allowances of the Chairman and the Deputy Chairman of the Provincial Council ;
- (d) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal, entered against the Provincial Council ;
- (e) any other expenditure declared by the Constitution or by law made by Parliament, or by statute made by the Provincial Council, to be so charged.

26. (1) So much of the estimates as relates to expenditure charged upon the Provincial Fund of the Province shall not be submitted to the vote of the Provincial Council, but nothing in this subsection shall be construed as preventing the discussion in the Provincial Council of any of these estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Provincial Council, and the Provincial Council shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand, subject to a reduction of the amount specified therein.

Procedure  
in Provincial  
Council with  
respect to  
estimates.

(3) No demand for a grant shall be made except on the recommendation of the Governor.

27. (1) As soon as may be after the grants under section 26 have been assented to by the Provincial Council there shall be introduced a statute to provide for the appropriation out of the Provincial Fund of the Province of all moneys required to meet -

Appropriation statute.

- (a) the grants so made by the Provincial Council ; and
- (b) the expenditure charged on the Provincial Fund of the Province but not exceeding in any case the amount shown in the statement previously laid before the Council.

(2) No amendment shall be proposed to any such statute in the Provincial Council which will have effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Provincial Fund of the Province and the decision of the person presiding as to whether an amendment is inadmissible under this subsection, shall be final.

(3) Subject to the other provisions of this Act, no money shall be withdrawn from the Provincial Fund of the Province except under appropriation made in accordance with the provisions of this section.

28. (1) The Governor shall -

- (a) if the amount authorized by any statute made in accordance with the provisions of section 27 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year ; or

Supplementary grants.

- (b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year,

cause to be laid before the Provincial Council, another statement showing the estimated amount of that expenditure or cause to be presented to the Provincial Council with such previous approval, a demand for such excess, as the case may be.

(2) The provisions of sections 25, 26 and 27 shall have effect in relation to any such statement and expenditure or demand and also to any statute to be made authorizing the appropriation of moneys out of the Provincial Fund of the Province to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the statute to be made for the authorization of appropriation of moneys out of the Provincial Fund of the Province to meet such expenditure or grant.

(29) (1) Notwithstanding anything in the foregoing provisions of this Part, the Provincial Council shall have power to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion within a period of four months of the making of the grant of the procedure prescribed in section 26 for the voting of such grant and the passing of the statute in accordance with the provisions of section 27 in relation to that expenditure and the Provincial Council shall have power to authorize by statute, the withdrawal of money from the Provincial Fund of the Province for the purposes Province for which the said grant is made.

Votes on  
account.

(2) The Provisions of sections 26 and 27 shall have effect in relation to the making of any grant under subsection (1) or to any statute to be made under

that subsection as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the statute to be made for the authorization of appropriation of moneys out of the Provincial Fund of the Province to meet such expenditure.

30. Notwithstanding anything in the foregoing provisions of this Part, the Governor may authorize such expenditure from the Provincial Fund of the Province as he deems necessary for a period of not more than six months beginning with the date of the constitution of the Provincial Fund of the Province, pending the sanction of such expenditure by the Provincial Council.

Authorization of expenditure pending sanction by the Provincial Council.

#### **PART IV**

##### **PROVINCIAL PUBLIC SERVICE COMMISSION**

31. The President shall appoint the Chief Secretary of each Province, with the concurrence of the Chief Minister of that Province.

Chief Secretary

32. (1) Subject to the provisions of any other law the appointment, transfer, dismissal and disciplinary control of officers of the provincial public service of each Province is hereby vested in the Governor of that Province.

Provincial public service.

(2) The Governor of a Province may, from time to time, delegate his powers of appointment, transfer, dismissal and disciplinary control of officers of the provincial public service to the Provincial Public Service Commission of that Province.

(3) The Governor shall provide for and determine all matters relating to officers of the provincial public service, including the formulation of schemes of recruitment and codes of conduct for such officers, the principles to be followed in making promotions and transfers, and the procedure for the exercise and the delegation of the powers of appointment, transfer, dismissal and disciplinary control of such officers. In formulating such schemes of recruitment and codes of conduct the Governor shall, as far as practicable, follow the schemes of recruitment prescribed for corresponding officers in the public service and the codes of conduct prescribed for officers holding corresponding offices in the public service.

33. (1) There shall be a Provincial Public Service Commission for each Province which shall consist of not less than three persons appointed by the Governor of that Province. The Governor shall nominate one of the members of the Commission to be Chairman.

(2) No person shall be appointed or continue as a member of a Provincial Public Service Commission if he is a Member of Parliament, a member of a Provincial Council, a public officer, a judicial officer or officer of a provincial public service.

(3) Every member of a Provincial Public Service Commission shall hold office for a period of five years from the date of his appointment, unless he earlier resigns his office by a writing under his hand addressed to the Governor of the Province or is removed from office by such Governor for cause assigned, but shall be eligible for re-appointment.

(4) The Governor may grant leave from his duties to any member of a Provincial Public Service Commission and may appoint a person qualified to be a member of such commission to be a temporary member for the period of such leave.

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

(6) A Provincial Public Service Commission shall have power to act withstanding any vacancy in its membership and no act or proceeding of such Commission shall be, or deemed to be, invalid by reason only of any such vacancy or any defect in the appointment of a member.

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

(8) The Governor of a Province shall have the power to alter, vary or rescind any appointment, order of transfer or dismissal or any other order relating to a disciplinary matter made by the Provincial Public Service Commission of that Province.

34. Every person who, otherwise than in the course of duty, directly or indirectly by himself or by any other person, in any manner whatsoever, influences or attempts to influence, any decision of a Provincial Public Service Commission or any member

Interference  
with Provincial  
Public  
Service  
Commission

thereof shall be guilty of an offence and shall on conviction by the High Court after trial without a jury 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 imprisonment :

Provided that nothing in this section shall prohibit any person from giving a testimonial or certificate to any applicant or candidate for any office in the Provincial Public Service.

35. A person appointed to any office in the Provincial Public Service shall not enter upon the duties of his office until he takes and subscribes the oath. or makes and subscribes the affirmation, set out in the Fourth Schedule to the Constitution.

Oath or affirmation.

36. If any difficulty arises in giving effect to the provisions of this Act, and, in particular, in relation to the constitution of a Provincial Council for a Province, the President may, by Order, take such action, not inconsistent with the provisions of this Act, as appears to him to be necessary, or expedient for the purpose of removing such difficulty.

Power of President to remove difficulties.

37. (1) (a) The President may by Proclamation declare that the provisions of this subsection shall apply to any two or three adjoining Provinces specified in such Proclamation (hereinafter referred to as "the specified Provinces"), and thereupon such provinces shall from one administrative unit, having one elected Provincial Council, one Governor, one Chief Minister and one Board of Ministers, for the period commencing from the date of the first election to such Provincial Council and ending on the date of the poll referred to in subsection (2) of this section, or if there is more than one date fixed for such poll, the last of such dates.

Interim provision.

(b) The President shall not make a Proclamation declaring that the provisions of subsection (1) (a) shall apply to the Northern and Eastern Provinces unless he is satisfied that arms, ammunition, weapons, explosives and other military equipment, which on 29<sup>th</sup> July, 1987, were held or under the control of terrorist militant or other groups having as their objective the establishment of a separate State, have been surrendered to the Government of Sri Lanka or to authorities designated by it, and that there has been a cessation of hostilities and other acts of violence by such groups in the said Provinces.

(2) (a) Where a Proclamation is made under the provisions of subsection (1) (a), the President shall by Order published in the Gazette, require a poll, to be held in each of the specified Provinces, and fix a date or dates, not later than 31<sup>st</sup> day of December, 1988, for such poll, to enable the electors of each such specified Province to decide whether -

(i) Such Province should remain linked with the other specified Province or Provinces as one administrative unit, and continue to be administered together with such Province or Provinces; or

(ii) such province should constitute a separate administrative unit, having its own distinct Provincial Council, with a separate Governor, Chief Minister and Board of Ministers.

(b) The President may, from time to time, at his discretion, by subsequent Orders published in the Gazette, postpone the date or dates of such poll.

(3) Where at the poll held in each of such specified Provinces, the decision of the electors in each such

Province is that such Province should remain linked with the other specified Province or Provinces, such specified Province shall continue to form one administrative unit, having one elected Provincial Council, One Governor, One Chief Minister and One Board of Ministers and the provision of any written law relating to Provincial Councils shall be construed as if such specified Provinces were one Province.

Provided that if as such a poll in the Province, the decision of the electors of such Province is that such Province should remain linked with the Northern Province, a poll shall not be required in the Northern Province, and accordingly such Provinces shall form one administrative unit, having one elected Provincial Council, one Governor, One Chief Minister and one Board of Ministers.

(4) (a) Where two or more Provinces are specified in such Proclamation, and decision of the electors of one such Province is that such Province should constitute a separate administrative unit, having its own distinct Provincial Council, with a separate Governor, Chief Minister and Board of Ministers, the Provinces specified in the Proclamation shall forthwith cease to form one administrative unit and separate Provincial Councils, with a separate Governor, Chief Minister and Board of Ministers shall be deemed to have been established and constituted for each such Province with effect from the date on which the result of such poll is declared; and the President shall thereupon by Order published in the Gazette cancel the poll in the other specified Province or Provinces, if such poll has not already been held.

(b) The President may, by Order published in the Gazette, make such provision as may be

necessary for the distribution of the property of such specified Provincial Councils, and with respect to the officers and servants of contracts entered into by, and actions instituted by, and against, such Councils during the period when the such Provinces formed one administrative unit.

(5) Such poll shall be conducted by Commissioner of Elections, and the President may make regulations under this subsection providing for all matters relating to the conduct of such poll.

(6) The electors of a Province shall be deemed to have decided in favour of a proposal submitted to such electors at such poll if such proposal has been approved by an absolute majority of the valid votes cast at such poll.

(7) Every such poll will be monitored by a committee of three persons consisting of the Chief Justice, who shall be the Chairman thereof, and two other persons appointed by the President, who shall report to the President. Provided that whenever the Council is dissolved, the