



Handbook on Cabinet Affairs

2024

Office of the Cabinet of Ministers

Government of the Democratic Socialist Republic of Sri Lanka

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Introduction

The Republic, Sovereignty of the People and Representative Democracy

Sri Lanka is a Free, Sovereign, Independent and Democratic Socialist Republic and is a Unitary State. The Sovereignty of the Republic of Sri Lanka is in the People and is inalienable. The Sovereignty includes the powers of the government, fundamental rights and the franchise.

In exercising and enjoying the Sovereignty of the People, 'the legislative power' of the People shall be exercised by Parliament, consisting of elected representatives of the People and directly by the People at a Referendum; 'the executive power' of the People including the defence of Sri Lanka, shall be exercised by the President of the Republic elected by the People; 'the judicial power' of the People is exercised by Parliament through courts, tribunals and institutions created and established, or recognized by the Constitution, or created and established by law, except in regard to matters relating to the privileges, immunities and powers of Parliament and of its members, wherein the judicial power of the People may be exercised directly by Parliament according to law.

'The fundamental rights' which are by the Constitution declared and recognized shall be respected, secured and advanced by all the organs of government and shall not be abridged, restricted or denied, save in the manner and to the extent as provided in the Constitution.

'The franchise' shall be exercisable at the election of the President of the Republic, all other elections including the election of Members of Parliament and at every Referendum by every citizen who has attained the age of eighteen years and who, being qualified to be an elector as provided by law, has his name entered in the register of electors.

Parliamentary elections are held once in every five years to ensure broad and continuous accountability to the people. Candidates could contest as independent groups or representing political parties at such elections.

The Constitution of Sri Lanka

The Supreme Law of the Democratic Socialist Republic of Sri Lanka is its Constitution.

The Constitution of 1978 which is the present Constitution of Sri Lanka, promulgated on 07th September 1978 repealing the First Republican Constitution of 1972, is the Second Republican Constitution and the Third Constitution since gaining independence within the British Commonwealth as the Dominion of Ceylon in 1948.

The powers of the people and the government and their limitations are enshrined in the Constitution. The distribution of powers among the principal institutions of the Government being the Executive, Legislature and the Judiciary as well as the Constitutional Council and Independent Commissions are detailed in the Constitution.

The Constitution guarantees the Fundamental Rights and the Language Rights of the citizens and provides for an aggrieved citizen to invoke the jurisdiction of the Supreme Court for any infringement of the said Rights.

The Constitution has also made provisions for a Parliamentary Commissioner for Administration (Ombudsman) who could investigate and report on complaints or allegations of possible infringement of fundamental rights as well as other injustices by public officers and officers of public corporations, local authorities and other like institutions.

The Legislature - Parliament

Parliament comprises of two hundred and twenty-five members elected and appointed in accordance with the provisions of the Constitution. Every Parliament shall continue for a period not exceeding five years from the date of its first meeting.

Parliament is the supreme legislative body of Sri Lanka. However, in practice, its activities are constrained in various ways through certain provisions of the Constitution and through Acts enacted by Parliament itself.

Parliament has the power to make laws and has full control over Public Finance. The Government cannot levy taxes and rates, raise loans or spend public money, unless permitted by Parliament. Further, Parliament is vested with various functions such as closely scrutinizing executive action and taking up day to day issues for debate.

The Government of the day is primarily responsible to Parliament for its day-to-day actions. This function is exercised in Parliament through various mechanisms, such as the Sectoral Oversight Committees/Ministerial Consultative Committees, Select Committees, Parliamentary questions, oral and written statements and debates.

All Administrative Districts of Sri Lanka are represented in Parliament, which provides a forum for Members of Parliament (MPs) to speak, correspond and respond on behalf of their constituents, in instances where they seek redress.

The Executive

The President

The President of the Republic of Sri Lanka is the Head of the State, the Head of the Executive and of the Government and the Commander-in-Chief of the Armed Forces.

The President is elected by the people and shall hold office for a term of five years or only for the unexpired period of the term of office of the President vacating office when the President is elected by Parliament, under Article 40 of the Constitution.

The President has the power to make the Statement of Government Policy in Parliament, at the commencement of each session of Parliament and ensure the creation of a conducive environment for the conduct of free and fair elections at the request of the Election Commission and he shall uphold and defend the Constitution. The President shall be responsible to Parliament for the exercise, performance and discharge of his powers, duties

and functions under the Constitution. Certain powers of the President are subject to the limitations imposed by the Constitution and to the powers of Parliament.

The Cabinet of Ministers

In terms of Article 43 of the Constitution, the Cabinet of Ministers is charged with the direction and control of the Government of the Republic. The Cabinet of Ministers shall be collectively responsible and answerable to Parliament.

The President is the Head of the Cabinet and the Cabinet comprises of the Prime Minister and the Cabinet Ministers appointed from among the Members of Parliament.

The Judiciary

The Judiciary which administers justice interprets and applies the law in making its decisions. It is a long-established constitutional principle that the judiciary functions independently from both the Government of the day and Parliament to ensure fair and impartial administration of justice. It is the responsibility of the Ministers of the Cabinet, other Ministers and all Public Officers to uphold the continued independence of the judiciary and particularly, not influence judicial decisions in any manner.

CHAPTER ONE

Decision Making by the Cabinet of Ministers

The composition of the Cabinet of Ministers and its responsibility

- 1.1 The Cabinet of Ministers is the central decision making body of the Government. It is a collective forum consisting of Ministers to deliberate and make decisions on Government policies, programmes, projects, administration and important matters and to focus on significant and controversial matters affecting the general public.
- 1.2 In terms of Article 43(1) of the Constitution, the Cabinet of Ministers is charged with the direction and control of the Government of the Republic and in terms of Article 43(2), is collectively responsible and answerable to Parliament.
- 1.3 The President is the Head of the Cabinet of Ministers and a member of the Cabinet. The President appoints as the Prime Minister, a Member of Parliament who, in his opinion is most likely to command the confidence of Parliament. Other Members of the Cabinet are appointed and their subjects and functions are assigned by the President in consultation with the Prime Minister. The President shall also be the Minister in charge of the subject of Defence. The President may appoint Ministers who are not members of the Cabinet of Ministers as well as Deputy Ministers, in consultation with the Prime Minister. In terms of the provisions of the Constitution, the number of Ministers of the Cabinet shall not exceed thirty (30) whereas, the number of Ministers who are not Members of the Cabinet of Ministers and Deputy Ministers shall not, in the aggregate exceed forty (40).

Principles of decision making by the Cabinet of Ministers

- 1.4 It is the responsibility of the members of the Cabinet of Ministers to determine, promote and advocate the Government policy and to answer in Parliament pertaining to the matters on Government Policy and governance. This is a process based on the collective responsibility and all members of the Cabinet are collectively responsible for all decisions taken by the Cabinet of Ministers.

The members of the Cabinet can express their views and observations on every matter that has been brought to the attention of the Cabinet and discuss and debate in reaching a final decision. The Ministers should standby with the final decision of the Cabinet, albeit the final decision taken by the Cabinet does not align with their personal opinion and even if they do not attend the relevant Cabinet meeting. Similarly, the Ministers who are not Members of the Cabinet and the Deputy Ministers are bound to abide by the principle of Collective Responsibility which applies to the members of the Cabinet.

- 1.5 The Directive Principles of State Policy stated in Chapter VI of the Constitution shall guide the Cabinet of Ministers in its decision-making process.

- 1.6 The Cabinet of Ministers shall not interfere with the duties and responsibilities assigned to any other Authority or authorities as per the provisions of the Constitution or under any other law.
- 1.7 The Cabinet of Ministers takes policy decisions as well as administrative decisions. Decisions taken by the Cabinet which are of an administrative nature, are subject to judicial review. Courts generally do not interfere with the policy decisions taken by the Cabinet. However, the Supreme Court in its recent judgments has emphasized that it has the power to intervene if arbitrary, irrational and unreasonable discretionary policy decisions are taken by the Cabinet in a way that affects the equality of the law.
- 1.8 In terms of Article 55(1) of the Constitution, the Cabinet of Ministers has the power to provide for all matters of policy relating to public officers, including policy relating to appointments, promotions, transfers, disciplinary control and dismissal. On several occasions, the Supreme Court has interpreted that this power cannot be used in relation to the matters pertaining to individuals or group of persons, except in matters affecting the public service in general.
- 1.9 In terms of Article 55(2) of the Constitution, the appointment, promotion, transfer, disciplinary control and dismissal of all Heads of Department (including District Secretaries/Government Agents) is vested with the Cabinet.
- 1.10 When taking policy decisions, it is necessary to rely on the accurate data and evidence and take all aspects into consideration. It is also required to give adequate hearing to the parties affected by the decision in choosing the most appropriate policy or administrative solution for the wellbeing of the public.
- 1.11 The Cabinet shall determine and regulate its own procedures. The President, as the Head of the Cabinet, has the power to make final decisions on the procedures of the Cabinet, including the date of the meetings of the Cabinet.

Cabinet Committees

- 1.12 Cabinet Committees help to ensure more effective performance of the process of government affairs by easing the functions assigned to the Cabinet of Ministers. The principle of collective responsibility also applies to Cabinet Committees. The Cabinet Committees provide the opportunity for detailed discussions with the relevant officials and parties, before submitting their recommendations to the Cabinet. Accordingly, the Cabinet Papers submitted to the Cabinet may be forwarded to the relevant Cabinet Committee for obtaining recommendations.
- 1.13 Cabinet Committees may be established to submit recommendations to the Cabinet pertaining to the areas such as government policies, financial matters and expenditure management, legislative matters and public service and administration.
- 1.14 Cabinet Committees derive their powers from the Cabinet. All Cabinet Committees should submit their recommendations to the Cabinet for its consideration and approval. Accordingly, the Cabinet retains the ultimate power of decision making.

- 1.15 The recommendations submitted by the Cabinet Committees cannot be implemented until such recommendations are approved by the Cabinet. However, the Cabinet, in certain exceptional circumstances, may delegate "the power to act immediately" on a clearly stated matter to "a Cabinet Committee" or a specified "Cabinet Sub-Committee" or "Ministerial Committee" appointed on a particular matter. In the event that the said Committee or Cabinet Sub-Committee or the Ministerial Committee makes a recommendation under the said power, the said recommendation could be implemented immediately. The covering approval of the Cabinet should be obtained without delay for the recommendation so implemented.
- 1.16 The structure, composition of the Cabinet Committees, the chairmanship, scope, powers and the Terms of Reference (TOR) of each Cabinet Committee shall be determined by the Cabinet upon the recommendation of the President. The Office of the Cabinet of Ministers shall provide administrative and secretarial support for the continuous functioning of the Cabinet Committees during the tenure of the Cabinet of Ministers.
- 1.17 The Cabinet may appoint the following Cabinet Committees:

(I) Cabinet Committee on Public Policy and Public Expenditure Management:

This Committee can be appointed to conduct an in-depth study on the proposals contained in any Cabinet Paper related to the public policies, effects on public expenditure, implementation of the projects financed by local and foreign funds, fiscal affairs and other economic impacts and submit appropriate recommendations to the Cabinet. Similarly, the Annual Reports and Accounts/Financial Statements of Public Corporations, State-Owned Enterprises and Statutory Boards or Annual Performance Reports can be considered in this Committee prior to granting approval of the Cabinet for the submission of the said Reports to Parliament.

The Cabinet can appoint an Officials' Committee consisting of the Secretaries to the relevant Ministries and other required officers to provide assistance to the above Committee.

(II) The Cabinet Committee on Public Service Management and Administration;

This Committee can be appointed to conduct an in-depth study on the proposals contained in a Cabinet Paper pertaining to the policy matters related to the public service, the matters assigned to the Cabinet by any law and those not assigned to any other authority, apart from the matters related to the public service which fall under the purview of the Public Service Commission and other related Commission and submit appropriate recommendations to the Cabinet.

The Cabinet can appoint an Officials' Committee consisting of the Secretaries to the relevant Ministries and other required officers to provide assistance to above Committee.

(III) Cabinet Committee on Legislation

- (a) The role of this Committee shall be as follows:
- (i) Conducting an in-depth study on the proposals contained in any Cabinet Paper pertaining to legal and legislative matters including the Concept Papers/Initial Drafts regarding the introduction of new laws as well as amendments for existing laws and submit appropriate recommendations to the Cabinet for approval;
 - (ii) Taking necessary steps to prepare the priority list for the 'Legislation Programme of the Government' as mentioned in sub section 2.2 of Chapter XXXIII of the Establishments Code and as indicated in the Chapter Two of this Handbook, prioritizing the proposals for new laws as well as amendments for existing laws and submit the said programme to the Cabinet prior to 15th February every year for consideration and approval;
- (b) The Cabinet Committee on Legislation shall appoint a panel of experts with the following composition to provide assistance in performing its functions and duties.
- * A Retired Judge of the Superior Courts - (Chairperson)
 - * The Chairman of the Law Commission
 - * The Solicitor General
 - * The Legal Draftsman
 - * Government Legislation Coordinator appointed by the Cabinet of Ministers
 - * An Additional Secretary to the Ministry in-charge of the subject of Justice nominated by the Secretary to the said Ministry (to function as the Convenor/ Secretary)

The panel of experts shall proceed as follows:

- * Assist the Cabinet Committee on Legislation in the preparation and the scrutiny of the Legislation Programme of the Government.
- * Recommend suitable amendments for the Concept Papers/Initial Drafts prepared by the Ministries, where necessary, as stated in paragraph 2.16 in Chapter Two of this Handbook.

- * Perform any other function related to the preparation of Bills assigned to the Panel of Experts by the Cabinet Committee.

Further, the Cabinet Committee may also seek the assistance of any subject expert for the above purpose where necessary.

Cabinet Sub-Committees, Ministerial Committees and Officials' Committees

- 1.18 Cabinet Sub-Committees consisting of several members of the Cabinet may be appointed as per the circumstances, for further study on a matter decided by the Cabinet as exceptional and submit recommendations to the Cabinet for approval within a specific period of time. Officers or the Officials' Committees may also be appointed to assist the Cabinet Sub-Committees. Unless prior approval has been given by the Cabinet for immediate implementation of a Cabinet Sub-Committee recommendation, the recommendations of the Cabinet Sub-Committees shall be implemented only after obtaining the approval of the Cabinet. Once the assigned task is completed, the relevant Cabinet Sub-Committee shall cease to function.

In addition to the Cabinet Sub-Committees, the Cabinet can also appoint Ministerial Committees to submit recommendations on a specific matter where necessary. The composition of the Ministerial Committees shall also consist of Cabinet Ministers, Ministers who are not Members of the Cabinet and Deputy Ministers. An Officials' Committee can also be appointed to assist the Ministerial Committee so appointed, if found necessary. After submission of their recommendations regarding the assigned task, the Ministerial Committee shall cease to function.

Similarly, the Cabinet can appoint Officials' Committees as well, to further study on a proposal or a recommendation stated in a Cabinet Paper and submit recommendations to the Cabinet through the relevant Minister.

Submission of Cabinet Papers to the Cabinet

- 1.19 The Ministers of the Cabinet, in carrying out the subjects and functions assigned to them, shall present a Cabinet Paper where found necessary and obtain approval of the Cabinet for the same. Therefore, it is the responsibility of the Secretaries to the Ministries to ensure that approval of the Cabinet is obtained, where found necessary, pertaining to the subjects and functions assigned to their ministries, other than the subjects assigned to the other Authorities/Institutions by the Constitution or any other written law or Administrative Regulations.
- 1.20 'Cabinet Paper' includes a Cabinet Memorandum, a Note to the Cabinet or any written submission presented to the Cabinet. If specific approval of the Cabinet is expected on a particular matter, a "Cabinet Memorandum" containing proposals or recommendations should be submitted. However, a "Note to the Cabinet" should be submitted, in the case where any particular matter is submitted only to apprise the Cabinet without seeking specific Cabinet approval. Further, submission of a Note to

the Cabinet would be sufficient, where information is furnished to apprise the Cabinet of additional information/progress regarding a previous Cabinet decision, without seeking a particular approval.

- 1.21 Only the President, the Prime Minister and the Cabinet Ministers can submit matters to the Cabinet through a Cabinet Memorandum/a Note to the Cabinet. In addition, the Secretary to the Cabinet could submit Notes to the Cabinet, where found necessary, to convey specific matters to the Cabinet for its consideration.
- 1.22 The responsibility pertaining to the preparation of Cabinet Memoranda as per the instructions given by the Cabinet Minister and in coordination with the Ministers who are not Members of the Cabinet and Deputy Ministers falling under the purview of the Cabinet Ministry, as the case may be, is vested with the Secretary to the relevant Ministry. The responsibility regarding the proposals or recommendations of a Cabinet Memorandum is vested with the Cabinet Minister, whereas the responsibility regarding the accuracy of the contents in a Cabinet Paper is vested with the Secretary to the relevant Ministry.
- 1.23 The Cabinet Ministers and the Secretaries of the Ministries shall adhere to the following guidelines when preparing and submitting Cabinet Memoranda to the Cabinet. The Secretary to the Cabinet of Ministers shall revise and issue guidelines regarding the preparation and submission of Cabinet Papers, from time to time, as per the direction of the Cabinet of Ministers.

Guidelines on preparation and submission of Cabinet Papers

- 1.24 **Matters for which approval of the Cabinet of Ministers should be sought:**
 - (i) All matters for which the approval of the Cabinet of Ministers should be sought as mandated by the Constitution or under any written law to be approved by the Cabinet of Ministers.
 - (ii) The following matters relating to the national policy formulation for which approval has not been granted previously:
 - (a) Formulation of new national policies or revision of existing national policies pertaining to the subjects or functions assigned to the Ministries.
- * In formulating national policies, it is required to consult experts in the relevant fields, all stakeholders and the general public. A summary containing information on the outcome of the consultation should be included in the relevant Cabinet Paper. The Ministries may conduct consultations through discussions, in writing or using digital consultation tools. It would be appropriate to take necessary action as comprehensively stated in paragraphs 1.28 to 1.33 of this Handbook when consulting other parties.

- * A Ministry should in the first instance submit the final draft of a national policy on a matter under its purview, to the Department of National Planning, for review.
 - * The Department of National Planning shall review whether the proposed national policy is in consistent with the country's economic, fiscal and development priorities, national policy framework and international commitments, and ensure that it aligns with broader macroeconomic and social objectives.
 - * The final draft of the national policy prepared following the above process should be submitted under the signature of the Minister in charge of the relevant subject and the Minister in charge of the subject of national policies, to the Cabinet as a Joint Memorandum, for consideration and approval.
- (b) Sectoral policies, strategies and plans prepared within the approved national policy.
- (c) Projects and programmes recommended by the Department of National Planning expected to be carried out in conformity with the approved national policy.
- (iii) Proposals for introducing a new law, for amendment of an existing law and for subordinate legislation prepared in terms of the provisions of existing laws which require the approval of Parliament:
- (a) to instruct the Legal Draftsman to draft Bills for the introduction of new laws or the introduction of amendments to the existing laws which have already been incorporated in the Legislation Programme of the Government, pertaining to the subjects and functions assigned to the Cabinet Ministers.
 - (b) to publish the Bills prepared by the Legal Draftsman in the Government Gazette after obtaining the clearance of the Attorney General and thereafter, present the same in Parliament, for approval.
 - (c) Amendments expected to be moved at the Committee Stage of a Bill in Parliament presented in Parliament which would not deviate from the merits and principles of the said Bill, in accordance with Article 78(3) of the Constitution (should be submitted along with the clearance of the Attorney General).
 - (d) Submission of subordinate legislation such as Orders/Proclamations/Rules/By-laws/Regulations made by virtue of the powers vested with the Ministers under various Acts, to Parliament with the approval of the Cabinet subsequent to publishing the same in the Government Gazette.

- (e) If in any particular Act, provisions are included to the effect that the approval of the Parliament should be obtained prior to any subordinate legislation such as Order/Proclamation/Rule/By-law/Regulation is published in the Government Gazette by the Minister, it should be submitted to Parliament after obtaining the prior approval of the Cabinet.
 - (g) If it appears that subordinate legislation such as Orders/Proclamations/Rules/By-laws/Regulations referred to at (d) above have a possibility of causing considerable impact on the general public or targeted parties or would give rise to a conflict of views, the said subordinate legislation, prior to publishing the same in the Government Gazette.
- (iv) Proposed Agreements/Memoranda of Understanding (MoUs) and other Documents to be entered into with Foreign Governments/International Organizations/Foreign Agencies, on behalf of the Government of Sri Lanka.

The following information should be included in the relevant Cabinet Paper in seeking approval for the proposed Agreements/Memoranda of Understanding (MoUs) and other Documents to be entered into and copies of the relevant documents should be submitted together with the Cabinet Paper, where found necessary:

- * Information pertaining to the benefits that could be accrued to Sri Lanka by entering into the proposed Agreement/MoU/Document and the responsibilities to be undertaken by the Government of Sri Lanka.
- * Information on financial commitments, if any, by the Government of Sri Lanka owing to signing the said Agreement/Document.
- * A copy of the draft Agreement/Document agreed to be entered into between the two countries at official level.
- * Whether the concurrence of the Ministry in-charge of the subject of Foreign Affairs has been received for the said draft Agreement/Document and a copy of the relevant letter.
- * If the clearance of the Attorney General has been obtained as per the Circular No.PS/EAD/Circular/16/2022 dated 2023.01.09 issued by the Secretary to the President, a copy thereof.

In the event where the document to be signed is an Agreement or a Memorandum of Understanding containing provisions that create any financial or legal obligations to the Government, it is imperative that the clearance of the Attorney General is obtained and a copy thereof attached.

- (v) Appointment of all Cabinet Appointed Procurement Committees to take action on procurements exceeding the authority limits of the Ministry Procurement Committee specifically set out in the Government Procurement Guidelines and to award the relevant procurements in accordance with the recommendations of the Procurement Committees so appointed.

The following information should also be furnished along with relevant Cabinet Paper when seeking approval for the procurements falling under the purview of the Cabinet of Ministers:

- * A copy of the Report containing the final recommendation of the Cabinet Appointed Procurement Committee.
 - * Whether the decision of the Procurement Committee has been conveyed to all the unsuccessful bidders and whether any appeals have/have not been received within the prescribed time period for submitting appeals to the Procurement Appeal Board.
 - * A copy of the Report of the Procurement Appeal Board with its recommendations pertaining to the appeals received, if any.
 - * When appeals have been received by the Procurement Appeal Board and if the Secretary to the relevant Ministry disagrees with the recommendations of the Procurement Appeal Board on the same, the views and recommendations thereon by the Secretary to that Ministry.
 - * In seeking Cabinet approval for the procurements of Public Corporations, Statutory Boards and Government owned Companies; it should be ensured that the Boards of Directors/Boards of Management of the said institutions have granted concurrence to commence the relevant procurement procedure and the said information should be stated in the Cabinet Paper.
 - * In instances where approval of the Cabinet has been granted previously to award the procurements as recommended by the Standing Cabinet Appointed Procurement Committee subject to the covering approval of the Cabinet, a Report with the information relating to the procurements so awarded should be forwarded monthly for the covering approval of the Cabinet.
- (vi) Seeking the authority to deviate from the provisions in the Establishments Code/Financial Regulations/Government Procurement Guidelines/Contemporary Guidelines on

Procurements of Public-Private Partnership Projects under exceptional circumstances in the national interest.

- (vii) Submission of Supplementary Estimates to Parliament pertaining to matters of an urgent nature of the Government, relating to the expenditure which cannot be met by transferring of financial provisions allocated through the Annual Budget or those which cannot be postponed until the next Budget.
- (viii) Revision of Limits of the Advance Accounts stated in the Third Schedule of the Annual Appropriation Act.
- (ix) All matters of policy relating to Public Officers in terms of Article 55(1) of the Constitution, excluding matters pertaining to an individual officer or a group of officers which come under the purview of the Public Service Commission or other relevant authority.
- (x) Matters pertaining to the appointment, promotion, transfer, disciplinary control and dismissal of all Heads of Department (including District Secretaries/Government Agents) by virtue of the powers vested in the Cabinet of Ministers in terms of Article 55(2) of the Constitution.
- (xi) Making relevant appointments in instances where the Cabinet of Ministers is the Appointing Authority under any other law.
- (xii) Submission of Annual Reports and Accounts/Financial Statements by Public Corporations, Government owned Companies and Statutory Boards or Annual Performance Reports, to Parliament.

When seeking approval of the Cabinet of Ministers for Annual Reports and Accounts/Financial Statements of State-Owned Enterprises (Public Corporations, Government owned Companies and Statutory Boards) or Annual Performance Reports to be submitted to Parliament in keeping with the provisions of Part XII of the Public Finance Management Act No.44 of 2024, they should be prepared in conformity with the key requirements of the Guidelines on Corporate Governance for State-Owned Enterprises issued by the Ministry in charge of the subject of Finance and submit to the Cabinet for its consideration, along with the following information, enabling to table them in Parliament within the stipulated time period as stated in the Operational Manual for State Owned Enterprises issued by the Department of Public Enterprises:

- (a) A brief Report on the performance of the institution pertaining to the relevant period.

- (b) Short term and medium term measures expected to be followed in future to enhance the performance of the institution.
 - (c) Measures already taken and expected to be taken by the Board of Directors/Board of Management/Board of Governors and the Senior Management of the relevant Institution to rectify the shortcomings pointed out in the Auditor General's Report submitted for the period applicable to the Annual Report.
 - (d) Other important matters pertaining to the Institution, which need to be brought to the attention of the Cabinet of Ministers.
- (xiii) Proposals to reach a settlement/agreement pertaining to a case or dispute before any Court of Law or any Tribunal in which the Government is a party.
 - (xiv) Proposals to submit an appeal in respect of a Court Order to which the Government is a party.
 - (xv) In circumstances where any Ministry or Department does not intend to appeal against a decision given by a Court of Law irrespective of substantial impact to the Government, financially or otherwise, the Cabinet should be apprised on information in that regard.
 - (xvi) Utmost efforts should be taken to reach a settlement/agreement for the disputes between the Government Institutions without resorting to legal procedures and the proposals or recommendations identified to reach such settlement/agreement for which Cabinet approval is required.
 - (xvii) To inform the Cabinet of any difficulty in implementing a previous decision taken by the Cabinet and submit proposals to amend such decision.

The Secretaries to the Ministries should ensure that the proposals of this nature are submitted to the attention of the Cabinet, at the earliest.

- (xviii) Recommendations of the Cabinet Sub-Committees/Ministerial Committees/Officials' Committees appointed by the Cabinet to examine various matters and submit recommendations.
- (xix) Matters likely to lead to a considerable impact on the general public or create public response or criticism to a significant extent.

1.25 Matters for which approval of the Cabinet Ministers should not be sought:

- (i) Proposals relating to the subjects assigned to other Authorities in terms of the provisions of the Constitution, any written law or the provisions of any other incidental law including the Establishments Code, Financial Regulations, Procedural Rules of the Public Service Commission, Guidelines of the National Police Commission and the Procurement Guidelines etc. (including the subjects specified in List 1 of the Ninth Schedule of the Thirteenth Amendment to the Constitution).
- (ii) Matters pertaining to the subjects assigned to other Authorities by the Cabinet of Ministers.
- (iii) Proposals directly related to a subject matter of a legal action pending before a Court of Law where the Government is cited as a party. (However, approval of the Cabinet of Ministers should be obtained in reaching a settlement/agreement with the relevant parties).
- (iv) Cabinet approval is not required to execute a Court Order. However, Cabinet should be informed of such Order prior to its execution.
- (v) Proposals inconsistent with the decisions made by the Boards of Directors of Public Enterprises, Public Corporations and Statutory Boards based on the commercial viability of the said Institutions, unless otherwise required in the national interest.
- (vi) Matters concerning the day to day management of the duties and responsibilities assigned to a Ministry.
- (vii) Proposals relating to taking or implementing statutory decisions (within the existing policy) in terms of the powers vested under various Acts.

1.26 Matters that require special attention in the preparation of Cabinet Papers:

- (i) Where it appears that the proposals or recommendations stated in a Cabinet Memorandum have an impact on the relevant subjects of any other Ministry/Ministries or functions assigned to the said Ministry/Ministries, such matters and proposals to be included in the Memorandum should be discussed with the relevant Ministry/Ministries, in the first instance.
- (ii) It would be more appropriate to submit relevant proposals to the Cabinet based on the matters agreed upon at the discussions held as per (i) above, as a joint Cabinet Memorandum under the signature of the relevant Cabinet Ministers.
- (iii) Approval of the Cabinet of Ministers should not be sought on matters falling under the purview of Institutions such as Provincial Councils, the Public Service Commission and the National Police Commission,

where power has been assigned in terms of the provisions of the Constitution and such matters should be submitted to the Cabinet for consideration, only if such Institutions are of the view that Cabinet approval is required for the same.

- (iv) When seeking Cabinet approval to amend the Agreements or to extend the validity period of such Agreements, entered into with Foreign Funding Agencies relating to financial assistance or the implementation of projects the concurrence/instructions of the Department of External Resources of the General Treasury and the relevant Funding Agency should be obtained in the first instance and the Memorandum should contain a statement on the financial and other impacts caused due to the amendment of the Agreement or the extension of the validity period of the Agreement, as proposed.
- (v) Cabinet Papers should be prepared in the three languages. However, taking into consideration the practical difficulties likely to arise in the preparation and submission of certain attachments to the Cabinet Papers in the three languages, it would be appropriate to pursue action as follows:
 - (a) Relevant attachments should be prepared in all three languages when submitting Cabinet papers pertaining to the following matters:
 - * Bills prepared by the Legal Draftsman to be presented in Parliament.
 - * subordinate legislation such as Orders/Proclamations/Rules/By-laws/Regulations to be presented in Parliament for approval, having published in the Government Gazette as per the provisions of a certain Act.
 - * A document to be published to create public awareness after receiving Cabinet approval.
 - * Documents to be used by officers at various levels, such as Policy documents prepared in relation to a particular sector.
 - * Draft Circulars submitted seeking Cabinet approval.
 - * Agreements to be submitted to Parliament after obtaining Cabinet approval.
 - * All documents stated from (a) to (d) under(xii) in paragraph 1.24 of this Handbook.
 - (b) It would be more appropriate to prepare Reports containing technical matters that may be referred only by a small group of persons, documents that may give rise to a perplexed situation

owing to certain discrepancy/mismatch among the translations in the three languages and the documents such as Procurement Committee Reports which may be challenged in a Court of Law in certain instances, only in one language and include a summary/abstract of the salient matters thereof in the Cabinet Paper.

- (c) It would be appropriate to submit the concept paper/initial draft prepared only in one language for the Legal Draftsman to base in the preparation of the Bill. However, a summary containing the basic/salient features of such document shall be submitted as a separate attachment in the three languages or in the Cabinet Paper itself.
- (d) When submitting various Committee Reports to the Cabinet, it is sufficient to present them in the same language in which they have been prepared by the said Committees and an abstract of the said Report should be included in the Cabinet Paper.
- (vi) When a particular Report is submitted in terms of a Cabinet decision previously taken, inclusion of the reference number, date and an abstract of the said decision to the Cabinet Paper submitted along with the relevant Report, would enable the Cabinet to easily comprehend the matters mentioned in the said Report.

1.27 Essential matters to be included in a Cabinet Memorandum/Note to the Cabinet and the presentation format:

Since the purpose of a Note to the Cabinet is to apprise the Cabinet, it would be more appropriate if such matters are presented in brief. However, if the said matter refers to a previous Cabinet decision, that decision should also be stated briefly and inclusion of relevant information in the Note to the Cabinet would suffice.

Since a specific approval is sought through a Cabinet Memorandum for the proposals or recommendations therein, essential information should be included in the Memorandum, enabling the Cabinet to easily comprehend all relevant information and take an informed decision in that regard.

There is no prescribed format for a Cabinet Memorandum and its format may vary depending on the matters for which approval is sought. However, when seeking approval on a particular matter, presenting the information which needs specific attention of the Cabinet, in the following order, will facilitate the Cabinet to easily comprehend the matters in the Memorandum as well as to arrive at a decision on the proposals or recommendations contained therein:

(a) Topic

The topic is expected to be short and simple denoting the objective of the Memorandum.

(b) Background

It is pertinent to briefly state the objective of submitting the Cabinet Memorandum in this paragraph and if the Cabinet has taken a decision previously on the relevant matter, it would be appropriate to give the particulars in that regard, namely, the reference number and the date of the relevant Cabinet decision.

(c) Description and Justification

The proposals or recommendations seeking Cabinet approval and justification for the said proposals or recommendations should be stated under this paragraph.

Further, information on legal issues pertaining to the relevant proposals or recommendations, if any, the expenditure to be incurred for the implementation of the proposals or recommendations, the manner in which provisions could be secured for the same, the views and concurrence of other relevant Ministries and Institutions in this regard, if available, would be more appropriate to be included under this paragraph.

(d) Proposals or Recommendations

Although the information pertaining to proposals or recommendations of the Memorandum seeking Cabinet approval is furnished under the paragraphs on Background and Description and Justification, it is imperative to state clearly and precisely the said proposals or recommendations under this paragraph, since the Cabinet decision relating to the particular Memorandum is drafted based on the proposals or recommendations stated herein.

(e) Signature and the Date

The signature of the relevant Cabinet Minister and the date should be placed at the end of the Cabinet Memorandum. In the case of a Joint Memorandum submitted by two or more Cabinet Ministers, the signatures of the relevant Ministers and the dates should be placed at the end of the Cabinet Memorandum. (If two or more Ministers place their signatures on the Memorandum, it is appropriate to ensure that different dates are not indicated). Placing the signature/signatures of the Cabinet Minister/Ministers in the original Memorandum drafted either in Sinhala or English would suffice and mentioning the name/names of the Minister/Ministers as 'Signed by' in the translated copies of the Memorandum would be adequate.

It is expected to pay special attention to the following matters as well, in preparing a Cabinet Paper:

- (i) The language used to prepare the Cabinet Paper should be simple and easy to comprehend.
- (ii) It is appropriate to limit the content of the Cabinet Paper, to about two (02) pages.

- (iii) Paragraphs and sub-paragraphs should be properly and accurately numbered and separation and numbering of paragraphs of the Cabinet Paper should be identical in the original Cabinet Paper prepared in Sinhala, Tamil and English versions as well as in the translated copies.
- (iv) The idea expressed in the language in which the original Cabinet Paper is prepared, should be correctly incorporated in the other translated versions as well.
- (v) It should be ensured not to submit Cabinet Papers with typographical errors or translation errors and special attention should be paid to the accuracy of the numerical information. It must be ensured that the numerical information is correctly incorporated in the translated versions of the Cabinet Paper as well.
- (vi) Only relevant essential documents pertaining to the matters indicated in the Cabinet Paper should be attached thereto as Annexes. Such Annexes should be numbered correctly and their reference numbers should be stated correctly in the relevant places of the Cabinet Paper. It should be ensured that the said reference numbers are identically mentioned in the translated versions as well.
- (vii) In the preparation of Cabinet Papers, the font size of the topic of a Cabinet Paper should be 14, the content font size should not be less than 12 for Sinhala and English versions and 9 for the Tamil version. The line spacing should be 1.2. The following Unicode fonts should be used when preparing Cabinet Papers.
 - * Sinhala language - “Iskoola Pota”
 - * Tamil language - “Latha”
 - * English language - “Times New Roman”
- (viii) Each page of the Cabinet Paper should contain a three (03) cm margin on the left side and a two (02) cm margin on the right side.
- (ix) The first page of the original Cabinet Paper signed by the Cabinet Minister and the first pages of the originals in the other languages of the Cabinet Paper should be printed in the official letterhead of the Ministry.
- (x) Only A4 size paper should be used for printing. The original copy of the Cabinet Paper which is signed by the Cabinet Minister and the original copies of its translations should be printed only on one

side of the A4 paper, whereas other copies should be printed on both sides of the A4 paper.

- (xi) Page numbers should be correctly indicated at the bottom of each page.
- (xii) The Secretaries to the Ministries are expected to personally ensure the following in submitting Cabinet Papers:
 - (a) that, the Cabinet Memorandum/Note to the Cabinet has been prepared, based on the guidelines laid down in this Handbook;
 - (b) that, the subordinate legislation has been prepared without any inconsistency between the provisions of the relevant Act and the proposed subordinate legislation, when submitting a Cabinet Memorandum seeking approval for the submission of subordinate legislation to be published in the Government Gazette for presenting the same in Parliament;
 - (c) in submitting proposals for introducing new laws and amending an existing law, to promptly respond to the requests of the Secretary to the Cabinet in relation thereto, so that such proposals could be promptly included in the Legislation Programme of the Government;
 - (d) that, the consultation process detailed in paragraphs 1.28 to 1.33 in this Handbook has been duly followed and that it has been specifically mentioned in the Cabinet Memorandum, when submitting a Cabinet Memorandum seeking approval for the formulation of a new national policy, introduction of new laws or amending of existing laws substantially;
 - (e) that, the original copies of the Cabinet Paper prepared in the three languages are sent to the Office of the Cabinet of Ministers along with another 20 copies; that, 03 copies of the Annual Report/Performance Report prepared in the three languages and its soft copy are submitted together with the said Cabinet Memorandum to the Office of the Cabinet of Ministers, if the said paper is in respect of Annual Reports of Public Corporations, Government owned companies or Statutory Boards or Performance Reports;
 - (f) that, the Secretary to the relevant Cabinet Ministry has personally placed his signature and the date in the covering letter submitted along with the Cabinet Paper;
Only in instances where the Secretary to the Cabinet Ministry is unable to do so, an Additional Secretary of that Ministry authorized for the purpose by the Secretary should place the counter signature in the said covering letter. The

name, designation, contact details (including mobile contact number) of the relevant senior officer who is well conversant in the subject should be mentioned in that covering letter for the purpose of obtaining further clarifications relating to the content in the Cabinet Paper.

- (g) that, since the Cabinet Papers received in the Office of the Cabinet of Ministers will be listed on the Agenda of the Cabinet meeting, only after obtaining the observations of the Minister in charge of the subject of Finance and other relevant Ministers, the relevant Cabinet Papers are submitted to the Cabinet Office with adequate time to follow the said procedure as mentioned in paragraph 1.37 of this Handbook;
- (h) that, action is taken to deliver the required number of copies of the deferred Cabinet Papers to the Cabinet Office expeditiously, in order to re-submit the same to the Cabinet, once the Office of the Cabinet of Ministers informs the relevant Ministries in respect of the Cabinet Papers so deferred by the Cabinet;
- (i) that, since Cabinet Papers and the decisions relevant thereto are treated as 'confidential documents' subject to the provisions of the Right to Information Act, No.12 of 2016, their Ministries follow the provisions in the said Act to avoid that such documents or the information contained therein do not fall into the hands of irrelevant parties.

Necessity of consultation and appropriate methods

- 1.28 Consultation is recognized as an integral part of 'evidence-based policy making' which facilitates informed and rational decision making process. Through pre-consultations, views and concerns of relevant stakeholders and policy actors can be brought into the policy process thereby strengthening participatory democracy. Ministries may conduct consultations through face to face meeting, using discussion documents or digital consultation tools.

Portfolio Consultation

- 1.29 The relevant Ministry is expected to consult all relevant parties prior to submitting Cabinet Papers for the formulation of national policies, introducing new laws or introducing substantial amendments for an existing law related to the duties and functions falling under the purview of the Ministry, matters relating to the implementation of large scale projects that can be significant or potentially controversial or that affect the portfolio interests of other Ministers.

Since almost all policy proposals, in particular, have implications on other Government Institutions, the initiating Ministry or the relevant Institution holding policy responsibility should ensure that all other relevant Ministries and all institutions affected by the policy proposals are consulted at the earliest possible stage and that their concerns are taken into consideration and reflected in the Cabinet Paper as appropriate. At times, Consultation with institutions such as the Independent Commissions stipulated in the Constitution may also be needed. Accordingly, the following consultation process is recommended:

Political Consultation

- 1.30 It is the responsibility of Ministers to ensure that consultation of affiliated political parties is undertaken in a National Government formed as stated in Article 47(4) of the Constitution.

Ministerial Consultation

- 1.31 It would be appropriate to consult the relevant Ministries in the following instances:
- (i) Consultation of the Ministry in charge of the subject of Finance pertaining to all proposals seeking additional financial allocations, proposals to impose or revise charges for certain services, levies and license fees under various Acts falling within the purview of the relevant Ministry and also all investment proposals, even those which do not affect the cash flow of the General Treasury and proposals on Public-Private Partnerships and proposals for increasing of salaries and special allowances of State-Owned Enterprises and similar institutions coming under the purview of the Ministry.
 - (ii) Consultation of the Ministry in charge of the subject of Public Administration with regard to the proposals pertaining to the Public Service Management and Administration in particular.
 - (iii) Consultation of the Ministry in charge of the subject of Foreign Affairs on all proposals relating to the sensitive matters of International Treaties, Agreements and bilateral/multilateral relations.
 - (iv) Consultation of the Ministry in charge of the subject of Justice pertaining to all proposals affecting existing laws or constitutional matters.

Statutory Consultation

- 1.32 Consultation process to be followed in circumstances where a statutory decision has to be taken by the Minister by virtue of the powers vested in him by various Acts and Ordinances, may, in certain instances, be prescribed by the said Act and Ordinances. In such instance, the Minister and the Secretary to the Ministry concerned should ensure that the required consultation has taken place prior to making the said statutory decision.

Public Consultation

- 1.33 In developing a workable and effective policy, the need for consultation with the public, subject experts and the relevant stakeholder groups and the time taken for the same should mainly be taken into account. It is encouraged to obtain views of the public pertaining to proposals on national policies, introducing new Acts and substantial amendments to the existing Acts, major development programmes and infrastructure development projects. It would be appropriate to discuss, in particular, with civil society activists, organizations of professionals, non-governmental organizations, Local Authorities or community groups. However, care should be taken in this process to avoid creating the impression that the Government is giving special consideration to the views of any organization or group or representatives or lobbyists.

Confidentiality of Cabinet proceedings

- 1.34 Meetings of the Cabinet are informal and confidential. The Ministers and officials should not disclose proposals likely to be considered at ensuing meetings, outside the Cabinet approved consultation procedures. Similarly, the officials attending the Cabinet meetings, on invitation, should not disclose or record the nature or content of the discussions or the views of individual Ministers or officials expressed at the relevant meeting, other than making reference to the formal written observations submitted by a particular Cabinet Minister. All details of the discussions of Cabinet meetings are not recorded but only the final decisions taken are included in the minutes of such meetings.
- 1.35 Meetings of the Cabinet Committees, Cabinet Sub-Committees and Ministerial Committees are also informal and confidential. The Ministers and officials should not disclose proposals and related matters likely to be considered at such meetings. The details of the discussions carried out to make recommendations of such Committees should be recorded in the minutes of such meetings as appropriate. The recommendations of the Cabinet Committees, Cabinet Sub-Committees and Ministerial Committees which are confidential should be submitted to the Cabinet for approval.

Communicating Cabinet decisions to the media

- 1.36 The Cabinet decisions are communicated to the media and the general public by way of press briefing conducted by the Cabinet Spokesman/Co-Cabinet Spokesmen appointed by the Cabinet, with the assistance of the Office of the Cabinet of Ministers and the Department of Government Information and are also published in the Web-site of the Office of the Cabinet of Ministers and the Department of Government Information.

Deadline for submission of Cabinet Papers and late Cabinet Papers

- 1.37 Cabinet Papers should be submitted to the Office of the Cabinet of Ministers ten (10) days prior to the conduct of the Cabinet meeting, enabling the Office of the Cabinet of Ministers to seek observations of the portfolio Ministers and institutions which have a direct relevance to the subject matter contained in a Cabinet Paper. Submitting Cabinet

Papers in advance ensures that other Ministers to whom the subject matter is relevant, have sufficient time to examine the said matter and submit written observations, where found necessary.

- 1.38 After preparing the Agenda of the Cabinet meeting, if a Minister intends to submit a late Cabinet Paper to the Cabinet pertaining to a matter that needs the attention of the Cabinet, the relevant Minister should seek the approval of the President, through the Secretary to the Cabinet for inclusion of such Cabinet Paper, explaining the urgent necessity for the inclusion of the said Cabinet Paper in the Agenda. The Secretary to the Cabinet will consult the President and pursue action accordingly in respect of such Cabinet Paper.

Amendments to the Cabinet Papers

- 1.39 Only minor amendments which do not affect the core substance are allowed to be made to a Cabinet Paper which has already been submitted to the Office of the Cabinet of Ministers, prior to submitting the same to Cabinet. If it is required to introduce any amendments changing the core substance of a Cabinet Paper, the Cabinet Paper already submitted should be withdrawn and a fresh Cabinet Paper with the necessary amendments should be submitted.
- 1.40 Amendments suggested by one Minister to another Minister's Cabinet Paper prior to a Cabinet meeting will not be accepted by the Office of the Cabinet of Ministers. In such instance, it is possible to propose any amendment at the Cabinet meeting where the relevant Cabinet Paper is considered or submit written observations to be considered at the said Cabinet meeting.

Withdrawal of Cabinet Papers

- 1.41 After the Office of the Cabinet of Ministers has distributed the final Agenda for the Cabinet meeting on the online system, a Cabinet Paper can be withdrawn or deferred, only at the Cabinet meeting for which it was scheduled to be taken up for discussion. The Minister who submitted the Cabinet Paper should provide a written communication of withdrawal as soon as possible to the Secretary to the Cabinet, enabling him to inform the Chair on such withdrawal.

Agenda of the Cabinet Meeting and the Agenda of the Cabinet Committee Meetings

- 1.42 The Secretary to the Cabinet prepares the Agenda and Supplementary Agenda of the Cabinet meeting in consultation with the President, where found necessary.

Similarly, the Secretary to the Cabinet prepares the Agendas and Supplementary Agendas for Cabinet Committee meetings, in consultation with the Chairpersons of such Committees, where found necessary.

- 1.43 If a Minister wishes to submit a Cabinet Paper directly to the Cabinet in exceptional circumstances or where there is a matter of national importance which requires urgent attention of the Cabinet, the prior consent of the President should be obtained in that regard. The Secretary to the Cabinet shall thereafter, take action to table the said Cabinet Paper at the relevant meeting.

Briefing the Cabinet orally on a particular matter

- 1.44 A Minister may raise an Oral Item at a Cabinet meeting or Cabinet Committee meeting, in matters pertaining to urgency or confidentiality or to apprise the Cabinet on a serious current issue, or to test preliminary support of the Cabinet to submit a proposal in future. If a Minister intends to raise an Oral Item, the Secretary to the Cabinet should be informed in that regard in advance to the Cabinet meeting, enabling him to apprise the President on the same.
- 1.45 The Cabinet decision taken pertaining to an Oral Item presented with the permission of the President will be recorded in Cabinet meeting minutes/Cabinet Committee meeting minutes under 'Any Other Business', as found necessary.

Minutes of the Cabinet Meetings and Cabinet Committee Meetings

- 1.46 The Office of the Cabinet of Ministers takes action to forward the Cabinet Papers scheduled to be taken up for discussion at the Cabinet meeting in keeping with the Agenda of the Cabinet meeting and the draft Minutes containing the decisions of the previous Cabinet meeting, on Friday prior to the Cabinet meeting, to the Cabinet Ministers.
- 1.47 Decisions approved at a Cabinet meeting should be confirmed at the next Cabinet meeting. If amendments are proposed for a particular decision, the relevant Cabinet decision will be confirmed incorporating the proposed amendments. However, decisions which need to be implemented urgently are confirmed at the relevant meeting itself with the approval of the Cabinet. Such decisions confirmed by the Cabinet are immediately notified to the relevant Secretaries to the Ministries and other relevant authorities by the Secretary to the Cabinet via fax, for necessary action.

The Office of the Cabinet of Ministers, after each Cabinet meeting, communicates the decisions of the previous Cabinet meeting that are confirmed at the Cabinet meeting as well as the Cabinet Committee decisions/recommendations approved at the same meeting as soon as possible through the online system, to the relevant Secretaries to Ministries and other relevant authorities, and distributes also in hard copies where required.

- 1.48 All details of the discussions pertaining to any Item at a meeting of the Cabinet will not be recorded in the minutes. However, only in an instance where a decision taken by the Cabinet defers from the proposals made under "approval sought" in the Cabinet Memorandum, the special reasons considered in arriving at the relevant decision may be briefly recorded.

Conducting of Cabinet Meetings

- 1.49 The Secretary to the Cabinet of Ministers, on the advice of the President, will convene the meetings of the Cabinet. Generally, the meetings of the Cabinet will be held on Mondays each week at the Presidential Secretariat. Special Cabinet meetings may be convened to discuss a particular/important matter or matters, where found necessary.
- 1.50 Cabinet Committees could meet once in two weeks or as found necessary and the Office of the Cabinet of Ministers facilitates the proper functioning of such Cabinet Committees.
- 1.51 A Cabinet Sub-Committee or Ministerial Committee appointed to examine a particular matter could meet as found necessary for its deliberations and will be assisted by the Convenor appointed as per the particular Cabinet decision.

Chairs of Meetings

- 1.52 Meetings of the Cabinet are chaired by the President. When the President is not available, the Cabinet meeting could be chaired by the Prime Minister as per the advice of the President.

The Cabinet Committees, Cabinet Sub-Committees and Ministerial Committees are chaired by the designated Chair or the most senior Committee Member present, if the Chair is not available.

Attendance of Ministers at Cabinet Meetings and Committee Meetings

- 1.53 All Members of the Cabinet should attend every meeting of the Cabinet. The Ministers are expected to inform the Secretary to the Cabinet in advance when they are unable to attend a particular Cabinet meeting due to unavoidable circumstances, enabling him to inform the President.
- 1.54 Where a matter in which a Member of the Cabinet, including the President, having a personal interest, is taken up for discussion by the Cabinet of Ministers, the President or the relevant Minister, as the case may be, after intimating the fact, shall abstain from participating in the deliberations of the particular subject matter. The said provision shall be applicable to the meetings of the Cabinet Committees, Cabinet Sub-Committees and Ministerial Committees as well.
- 1.55 The Ministers are also expected to attend all meetings of the Cabinet Committees, Cabinet Sub-committees and Ministerial Committees, of which they are members. If a Minister is unable to attend such meeting, the Secretary to the Cabinet or the Secretary/Convenor of the relevant Committee shall be informed in that regard prior to the relevant meeting. Acting in this manner enables the Chair to be informed and necessary adjustments to be made to the Agenda, where necessary.

- 1.56 A member Minister of a Cabinet Committee who is unable to attend a Cabinet Committee meeting may assign another member Minister to brief in his or her absence, on a Cabinet Paper or request for it to be deferred for another meeting.
- 1.57 When a Cabinet Committee is to discuss a matter which falls within the portfolio responsibility of a Minister, who is not a member of the Committee, the Chair may allow the relevant Minister to attend the said Committee meeting on invitation.

Quorum for Cabinet Meetings and Cabinet Committee Meetings

- 1.58 The Constitution does not specify the quorum for Cabinet meetings and the President as the Head of the Cabinet will take a decision in that regard, where found necessary.
- 1.59 There is no formal quorum for the Cabinet Committee meetings. However, it is appropriate to have the participation of at least three (03) members. The required quorum may be decided by the Chair of the Committee, taking into consideration the importance of the items under consideration, the participation of relevant Ministers, and the necessity of taking decisions even when only a few Ministers are present.

Attendance of officials and visiting dignitaries at Cabinet Meetings

- 1.60 Cabinet meetings may be attended by the Secretary to the Cabinet and an Additional Secretary or a Senior Assistant Secretary to the Cabinet to assist the Secretary to the Cabinet. Senior Public Officers/visiting dignitaries may be invited as the need arises, to seek clarifications on a particular matter or give a special presentation to the Ministers in the Cabinet.

Attendance of officials at Cabinet Committee Meetings

- 1.61 The Secretary to the Cabinet or a Senior Officer of the Office of the Cabinet of Ministers nominated by the Secretary to the Cabinet will function as the Secretary to the relevant Cabinet Committee. In addition, the Officials appointed by the Cabinet, are required to be in attendance to assist the Cabinet Committee. The permission of the Committee Chair is required for the invitees, including any officials from Ministries and institutions falling under their purview, to attend the Committee meetings.

Secretary to the Cabinet of Ministers and the Office of the Cabinet of Ministers

- 1.62 The Office of the Cabinet of Ministers is a separate office under the purview of the President, headed by the Secretary to the Cabinet of Ministers. The Secretary to the Cabinet of Ministers is a Public Officer and given the nature of the functions and duties entrusted to the position, is expected to be politically impartial.
- 1.63 The Secretary to the Cabinet of Ministers is appointed by the President in terms of the provisions of the Constitution and shall subject to the direction of the President have

charge of the Office of the Cabinet of Ministers and shall discharge and perform all duties and responsibilities as may be assigned by the President or by the Cabinet of Ministers. The Secretary to the Cabinet is directly responsible to the President for the impartial recording of Cabinet decisions and for the preparation and administration of Cabinet procedures. The Secretary to the Cabinet is collectively responsible for ensuring the confidentiality of Cabinet proceedings, along with the Cabinet of Ministers.

CHAPTER TWO

Legislation Programme of the Government

Objective of the Legislation Programme of the Government

- 2.1 Identification of priorities to introduce new laws or amend existing laws and management of the progress of the preparation process of the new laws/Amending laws accordingly are carried out through the Legislation Programme of the Government prepared annually. This Programme will be closely monitored by the Cabinet Committee on Legislation.
- 2.2 All proposed laws to be enacted by Parliament are arranged on priority basis by this programme. The Legislation Programme of the Government covers only the preparation of Bills. It does not cover the preparation of subordinate legislation such as Orders/Proclamations/Rules/By-laws/Regulations.
- 2.3 The Legislation Programme of the Government could be amended depending on the change of requirements of the Government, arisen of new issues requiring legislation and change of priorities with the passage of time. Details of the said programme and the priority accorded to each law are integral matters for the management of Government's business in Parliament.

Preparation of the Legislation Programme of the Government

- 2.4 The legislative power of Parliament is stated in Article 75 of the Constitution and the procedure applicable to the exercise of the legislative power is stated from Articles 76 to 80. The Legislation Programme of the Government is prepared in such a manner so as to successfully implement the policies of the Government, which are embodied in the decisions of the Cabinet.
- 2.5 Accordingly, the relevant portfolio Minister shall submit a list of new laws intended to be introduced and existing laws for which amendments need to be introduced, coming under the purview of each Ministry within the particular year, to the Cabinet for policy approval in the first instance, prior to the 15th of January each year through a Cabinet Paper.
- 2.6 The Cabinet, after giving due consideration to the proposals in the Cabinet Paper, shall forward the proposed new laws / amending laws to the Cabinet Committee on Legislation to take necessary action pertaining to the inclusion of the same in the Legislation Programme of the Government for the particular year.
- 2.7 The Cabinet Committee on Legislation, taking into consideration the instructions given by the Cabinet of Ministers, shall take action to prepare the priority list of the Legislation Programme of the Government for all Ministries and submit the same to the Cabinet prior to 15th of February each year.

- 2.8 In the preparation of the Legislation Programme of the Government, it is necessary to give due consideration to the policy priorities of the Government, international commitments, fiscal targets and market regulation and matters specifically indicated by the Cabinet. Further, it would be appropriate to give attention to the matters such as the Parliamentary programme as well. Similarly, the Cabinet Committee on Legislation should obtain assistance of the Panel of Experts in this regard as indicated in paragraph 1.17 (III) (b) of this Handbook.
- 2.9 The Legislation Programme of the Government should be approved by the Cabinet by 15th February each year, based on the recommendations of the Cabinet Committee on Legislation.
- 2.10 However, under exceptional circumstances, a Minister may at any time submit proposals for a new law or for introducing amendments to an existing law or seek changes to the priorities already identified in the Legislation Programme.
- 2.11 Once the priority list of the Legislation Programme of the Government is approved by the Cabinet, the Secretary to the Cabinet shall forward a copy of the Legislation Programme of the Government, enabling the Legal Draftsman to organize the activities of the Department based on the said priority list.

Monitoring the Legislation Programme of the Government

- 2.12 The Cabinet may review the Legislation Programme of the Government formally from time to time during the year and adjust priorities as found necessary. It would be appropriate for the Cabinet Committee on Legislation to report the progress of the Legislation Programme of the Government at the end of each quarter, to the Cabinet for consideration.
- 2.13 The Ministers should at all times be prepared to discuss with the other Members of the Cabinet on the progress of any draft Bill coming under the purview of their Ministries at the Ministerial Consultative Committee and other relevant Committees of Parliament.

Government Legislation Coordinator

- 2.14 The Secretary to the Cabinet should take action, with the concurrence of the Cabinet of Ministers, to appoint a member of the staff of the Cabinet Office as the Government Legislation Coordinator. The Government Legislation Coordinator should provide necessary coordinating assistance to the Cabinet Committee on Legislation in preparing, developing, monitoring and effecting changes where necessary, the Legislation Programme of the Government.

Process for preparing legislation of the Government

- 2.15 It is recommended to conduct consultations following the methods stated in sub-paragraphs 1.28 to 1.33 in Chapter One of this Handbook, in the first instance, since the consultation of the relevant parties is an essential factor in order to achieve the desired outcome through the preparation of a new law or making substantial amendments to an existing law included in the Legislation Programme of the Government.
- 2.16 After completion of the consultation process, the relevant Line Ministry shall prepare a detailed Concept Paper/Initial Draft based on the results of the said process, to facilitate the Legal Draftsman to draft a Bill for the proposed law/amending law and submit the same to the Cabinet, through the Minister by way of a Cabinet Paper.
- 2.17 In an instance where it is required to deviate from the consultation process on special circumstances with regard to the introduction of a certain new law/substantial amendment, action should be taken to include a sufficient explanation in the Cabinet Paper through which the relevant Concept Paper/Initial Draft is submitted.
- 2.18 The Cabinet Papers submitted as per 2.16 and 2.17 above, shall be forwarded by the Office of the Cabinet of Ministers for the recommendations of the Cabinet Committee on Legislation, in the first instance.
- 2.19 Once the approval of the Cabinet of Ministers is obtained for the recommendations submitted by the Cabinet Committee on Legislation, the same will be forwarded to the Legal Draftsman for drafting the proposed Bills ('Bill' means a draft to introduce a new law as well as to amend an existing law).

The role of the Legal Draftsman and the drafting process of legislation

- 2.20 The key role of the Legal Draftsman is to draft Bills to introduce new laws as well as to amend existing laws to give effect to the policies approved by the Cabinet in line with the Legislation Programme of the Government.
- 2.21 The responsibility of the Legal Draftsman is to draft Bills, subject to the provisions of the Constitution, any other law, judicial decisions and adhering to the provisions of the Establishments Code.
- 2.22 In view of the Constitutional requirements in relation to Languages, the Legal Draftsman shall draft Bills in both Official Languages (Sinhala and Tamil) and also in English which is the link Language.
- 2.23 The preliminary draft Bill prepared by the Legal Draftsman in line with the policy decision of the Cabinet as mentioned in 2.19 above, shall be forwarded to the relevant Ministries for observations, in the first instance.

- 2.24 On receipt of the confirmation by the relevant Ministry on the conformity of the said Bill with the approved policy, a copy thereof should be forwarded to the Attorney General in order to obtain the Certificate stating that the content in the said Bill is not inconsistent with the provisions of the Constitution.
- 2.25 On receipt of the clearance certificate of the Attorney General to the effect that the provisions of the final draft Bill are not inconsistent with the provisions of the Constitution, the Legal Draftsman will forward the said draft Bill in Sinhala, Tamil and English languages to the relevant Ministry. In case of amending an existing law, a Statement of Legal Effect highlighting the consequences of the amendments made to the existing law in all three Languages should be forwarded to the relevant Ministry along with the draft.
- 2.26 The Minister in charge of the subject shall submit the relevant draft Bill along with the Certificate of the Constitutionality of the Bill issued by the Attorney General, to the Cabinet and if the Cabinet considers that the relevant Bill should be further examined, it should be submitted to the Cabinet Committee on Legislation for recommendations. Otherwise, Cabinet approval shall be granted to publish the said Bill in the Government Gazette and submit the same to Parliament.
- 2.27 The Government Legislation Coordinator is required to take necessary action to coordinate all parties concerned enabling to ensure that the above process is carried out within a reasonable time period.
- 2.28. Secretaries to the Ministries may, where necessary, request the Legal Draftsman to review and finalize the drafts of subordinate legislation (Orders/Proclamations/Rules/By-laws/Regulations) as per the provisions of Chapter XXXIII of the Establishments Code, in addition to the requests for the introduction of new Acts or amendment of existing Acts. In such instances, the Ministry should furnish the relevant subordinate legislation in the three languages to the Legal Draftsman.
- 2.29 In an instance where the subject matter of a Private Member's Bill falls within the purview of the Ministry, the Legal Draftsman shall, on a request made by the Secretary to the relevant Ministry, review and certify the accuracy of the final draft Bill.

The role of the Attorney General relating to the process of preparing legislation of the Government

- 2.30 When the opinion of the Attorney General is sought by a Secretary to a Ministry pertaining to a specific legal issue relating to the preparation of a new law/amending an existing law, the Attorney General should submit his opinion subject to the provisions of the Constitution, the Establishments Code or any other written law.
- 2.31 It is the duty of the Attorney General to issue the Certificate of Constitutionality of every Bill in terms of Article 77 of the Constitution, prior to the submission of the relevant Bill for approval of the Cabinet for the presentation of the said Bill in Parliament for approval after publishing the same in the Government Gazette.

CHAPTER THREE

Ministers and Parliament

- 3.1 The Ministers are directly responsible and answerable to Parliament through written and oral questions. Their participation is essential in an urgent debate on a matter of timely importance, in informing the Parliament about the Government affairs in a general debate or in making statements to the Parliament on matters of specific public importance.
- 3.2 Standing Orders and other relevant guidelines for Ministers with regard to the participation in these processes are issued from time to time by the Secretary General of Parliament, the Office of the Leader of the House of Parliament and the Office of the Chief Government Whip of Parliament.
- 3.3 It is mandatory for the Minister concerned to be present in Parliament when Bills, subordinate legislation such as Orders/Proclamations/Rules/By-laws/Regulations coming under the purview of his Ministry are taken up for discussion and voting in Parliament and when the debates are being held in that regard.

Official Statements made by the Ministers in Parliament

- 3.4 The official statements made by the Ministers in Parliament should be confined to policy matters within the purview of their Ministry and other matters such as Bills intended to be presented based on that policy.

Answering questions that require oral or written answers

- 3.5 Questions requiring oral or written answers pertaining to any matter falling within the purview of a Ministry can be forwarded to the relevant Minister. The relevant questions are submitted through the Chief Government Whip of Parliament. When any question is listed on the Agenda for an oral answer, it is the responsibility of the relevant Minister to provide answers to the said questions.

CHAPTER FOUR

Access to Cabinet Decisions, Cabinet Papers and related documents

General matters

- 4.1 In general, Cabinet Decisions, Cabinet Papers and other related documents are considered as confidential documents. However, in terms of the provisions of the Right to Information Act, No.12 of 2016 (RTI Act), citizens have the right to access such documents, subject to the restrictions imposed by Section 5 of the said Act. Further, as per Section 5(1) of the said Act, requests made in respect of Cabinet Memoranda on which a decision has not been taken, can be rejected.
- 4.2 The possession, custody and the control of Cabinet decisions, Cabinet Papers and other related documents are vested with the Office of the Cabinet of Ministers, Ministries charged with the implementation of a certain Cabinet decision and other relevant Government Institutions.
- 4.3 If it is determined that it is not appropriate to give access to the public for information contained in a particular Cabinet Paper up to a certain period of time, subject to the provisions of the Right to Information Act, No.12 of 2016, the Secretary to the relevant Ministry should take action, with the concurrence of his Minister, to include a special note with reasons thereon, after the proposals or recommendations in the relevant Cabinet Paper.
- 4.4 If the Cabinet approves taking action accordingly, the Secretary to the Cabinet will take action to specify the limitations of disclosure to the public pertaining to such decision, in the relevant Cabinet decision.

Providing access to Ministers and officials for previous Cabinet decisions, Cabinet Papers and other related documents

- 4.5 Cabinet Ministers, Ministers who are not members of the Cabinet of Ministers, Secretaries to the Ministries, Heads of Departments including District Secretaries/Government Agents can obtain the relevant Cabinet Papers, decisions related thereto and other related documents for any official purpose from the Ministry that has submitted the original Cabinet Paper.
- 4.6 If the relevant documents are not in the possession of the said Ministry, the Secretary of the relevant Ministry shall make a request to the Secretary to the Cabinet to obtain the said documents and the Office of the Cabinet of Ministers will take measures to issue the relevant documents accordingly.
