

Public Administration Circular No: 2 /2004

My No: E/9/3/98
Ministry of Public Administration
and Home Affairs
Independence Square
Colombo 07.
15th June, 2004

Secretaries to Ministries
Chief Secretaries of Provincial Councils
Heads of Departments and
Chairmen of Public Corporations/
Statutory Boards/Government Owned Companies

Political Victimization
from December 2001 to April 2004

The Cabinet as a matter of policy has decided to set up Political Victimization Investigation Committees at the Ministry level under the Chairmanship of the Deputy Minister of the relevant Ministry to investigate allegations of political victimization with regard to appointments, promotions and transfers etc. from December 2001 to April 2004 with a view to granting redress and making recommendations to the Cabinet to those who are confirmed as politically victimized.

02. The committee should include two other members selected by the relevant Minister, one of whom should be a Lawyer. The committee is assigned the task of investigating into the complaints of political victimization made by those who are employed in the relevant Ministry and the Departments and Public Corporations/Statutory Boards/Government Owned Companies under it and making recommendations to the relevant Minister.

03. The committee should by a notice or a Ministry circular notify the employees who have been subjected to political victimization to submit a complaint in writing to the Political Victimization Investigation Committee within one month, setting out allegations and the grounds on which such complaint is based together with the supporting documents, if any, indicating the relief/redress sought. A specimen of the complaint/application form that may be submitted by a complainant is given in Annex-1. The committee should take steps to ascertain whether the complainant has been subjected to political victimization and forward **within three (3) months** its reports on those who are confirmed as politically victimized, containing its findings and recommend redress together with reasons to the Minister in charge of the Ministry for necessary action, taking into consideration the following -

(a) **Employees of the Ministry and the Departments under it, other than Heads of Department**

The powers of appointment, promotion, transfer, disciplinary control etc have been vested in the Public Service Commission. Therefore, if the committee recommends any appointment, promotion, transfer or acquittal from disciplinary charges as a redress to an employee who has been confirmed as politically victimized, such recommendations should be submitted to the Minister separately. The Cabinet may refer such reports to the Public Service Commission to consider appropriate action.

In the alternative, if the committee recommends to award only a monetary compensation to a public officer who has been identified by the committee as politically victimized, such recommendations should be submitted separately. The Cabinet can take appropriate decisions on such recommendations without referring them to the Public Service Commission.

(b) **Heads of Department**

The powers on their appointments, promotions, transfers and disciplinary control have been vested in the Cabinet of Ministers who can exercise such powers after ascertaining the views of the Public Service Commission. Therefore, reports of the committees recommending redresses regarding their complaints/appeals on political victimization should be referred to the Minister to enable him to submit them to the Cabinet for appropriate action.

(c) **Employees of the Public Corporations/Statutory Boards/
Govt. Owned Companies.**

The committee should submit its reports to the relevant Minister containing its findings and recommended redresses together with reasons, to enable the Minister to submit them along with his recommendation for consideration of the Cabinet. The Cabinet, considering the relevant recommendations will take action to forward those to the Boards of Directors of respective institutions for appropriate action.

Institutions such as Securities and Exchange Commission of Sri Lanka, Public Enterprise Reforms Commission and the Sri Lanka Telecommunication Regulatory Commission would also be subjected to the same conditions and such recommendations will have to be forwarded to the respective Commissions. The Commissions referred to in the Schedule to Article 41 B of the 17th Amendment to the Constitution are excluded in this regard.

(d) **Police Officers**

Recommendations of the relevant Committee in respect of the Police Officers should be referred to the National Police Commission for its consideration as explained in 3 (a) above. The provisions of Chapter XVIII A of the 17th Amendment to the Constitution are applicable in this regard.

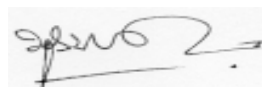
In the alternative, the recommendations of the Committee only to pay a monetary compensation should be submitted separately to enable the Ministry to take appropriate action without referring them to the National Police Commission.

04. Political victimization covers action, such as (a) dismissal from offices (b) denial of promotion (c) demotion (d) transfer (e) disciplinary action and (f) down-grading the promotions, privileges and facilities etc. on political rounds. (g) The employees who have not been allowed to enter their work places should also be considered for redress by the Committees.

05. When determining whether a political victimization has taken place, the committee may take into consideration the following:

- (i) The number of years of service of the complainant.
- (ii) The nature and type of the services of the complainant.
- (iii) The relevance of the available evidence including documentary evidence submitted in proof of such victimization.
- (iv) The reasons for the inability to obtain the supporting documents to prove such victimization.
- (v) The monetary and personal losses and damages caused as a result of such victimization.
- (vi) The monetary and personal gains and benefits caused to any other person discriminately as a result of such victimization.

06. This circular is not applicable to public officers in the Provincial Public Service. The Provincial Governors will make necessary arrangements in respect of them.



S.C.Mannapperuma
Secretary
Ministry of Public Administration
and Home Affairs

APPLICATION FORM

Complaint on Political Victimization

1. Name of the Complainant :
2. Address (a) Official : Phone No.
(b) Private : Phone No.
3. Date of Birth: Age:
4. Your Service, Post and the period (with dates)
5. i) Nature of Victimization (Belongs to which category)
eg: a) Dismissal from the post (d) Transfer
b) Denial of promotions (e) Disciplinary action
c) Demotion (f) Down-grading the positions,
privileges and facilities
ii) Indicate the year and month of the
alleged victimization:
6. Briefly state the details to establish the
injustice caused:
7. Documents in support of the aforementioned
incidents of political victimization:
8. If the documents referred to at 7 above cannot be
forwarded give reasons :

9. Briefly state financial or any other losses, if any, caused to you consequent to this victimization:
10. i) Have you previously make a complaint before the Court of Law, any other Tribunal or Public Petitions Committee in this regard ?
- ii) If your answer is yes, please give details -
- i. Name of the Court of Law or the Tribunal
- ii. Date of the complaint:
- iii) Order of Court, Tribunal or Public Petitions Committee:
11. (a) Have you previously made any appeal to the Public Service Commission/Administrative Appeals Tribunal in this regard ?
- (b) If your answer is yes, please quote the reference number and the decision:
12. The relief you are claiming as a result of the alleged political victimization:

I certify that the foregoing facts are true and accurate.

Signature of the applicant

Date: