

Statutory Commissions and Their Consequences in Sri Lanka: A Legal Perspective

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Comparative to the limited number of different organizational structures in the private sector, the Sri Lankan public sector has a diverse spectrum of organizational structures such as boards, authorities, commissions, departments, funds, bureau, corporations, institutes, agencies, councils, foundations, centers etc. Similarly, even within the same category of public entities, there are drastic dissimilarities than similarities in many perspectives including their legal characteristics. Thus, such diversifications within a common category of public entities resulted many economic, social, managerial and legal consequences. This study primarily aimed to examine the said issue by selecting statutory commissions in Sri Lanka and their legal repercussions as an example. This is a qualitative study based on primarily desk research supplemented with Black Letter law where necessary. This paper specifically aims to provide a substantive legal critic on the contemporary role and consequences of statutory commissions in Sri Lanka. The findings of the study highlighted the gap between the ideal and actual roles of statutory commissions and how such deviation caused consequence on due process of law as well as public. This study also shed light on necessary legal reforms in order to narrow the said gap and to make statutory commissions more trustworthy to the public and transform them as effective public entities. Also, the findings of this study revealed an absence of systematic and coherent legal framework pertaining to formation, continuation and winding up of such public entities, especially with reference to various commissions in Sri Lanka that have diluted the strength of such structures by curbing the anticipated outcomes. Further, such structures failed to gain public trust and confidence on their findings and recommendations. Hence, this study recommends to formulate comprehensive and systematic legal framework that is applicable to all public entities to streamline and restructure them based on their legal and functional characteristics in general to make the Sri Lankan Public sector more viable, productive and effective. Further, the recommendations were made to resolve the present loopholes in statutes related to formation and function of commissions in Sri Lanka.

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