

**LOCAL SELF-GOVERNMENT IN  
SRI LANKA**

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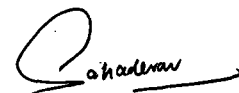
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We recommend that this dissertation may be placed before the examiners for evaluation.



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## **PREFACE**

Sri Lanka is one of the historically rich and culturally diverse countries in the Indian Sub-Continent. It has a long history of Administration and citizen participation in political process. However, the modern Sri Lanka appears to have been facing a stiff-necked problem of regional imbalance due largely to lack of people's participation and devolution of powers. It is in such a context, that this research paper tries to focus upon the working of Local Self-Government institutions in Sri Lanka. Specific attention is paid to the evolution of the Local Self-Government Institutions in modern era, particularly after independence.

The proposed study is strictly carried out on the enlightened three assumptions.

1. People's participation at the grass-root level institutions will ensure economic emancipation and political empowerment of people.
2. The grass-root level democracy in Sri Lanka could not achieve desired results because of lack of decentralization of power and inadequate financial resources. And
3. The proper and regular elections can provide strong foundation to the Local Self-Government institutions and help them become vibrant.

To achieve the set task, this dissertation is divided into four main chapters each focusing upon a distinctive theme as proposed in assumptions.

The first chapter discusses various theories of democracy and their relevance to Decentralisation and people's participation. Its main focus lies in the analysis of participatory theories of democracy and their linkage to the success of Local Governing Institutions. While the effectiveness of, and in fact, the conducive atmosphere for the working of Local Self-Government bodies would be possible only in democracies; the success or the failure of any democracy is also intrinsically linked with people's participation at the grass-root level. Therefore, the first chapter in its entirety tries to

analyse the causal relationship between these two institutions, viz.: democracy and Local Self-Government.

The second chapter will bring out an overview of the nature of Sri Lankan Polity and Development of Local-Self Government in the post-Independent era. Such an overview will definitely help the reader to know about the political developments of post-independent Sri Lanka in the context of Local Self-Government institutions and their growth.

The third chapter deals mainly with various kinds of Local Self-Governing organizational patterns that came into existence for the last five decades. It will further examine their effective functioning and powers granted to them.

The fourth chapter pays specific attention to the functioning of Local Self-Government Institutions as the promoters of grass-root level democracy. It also makes an assessment of financial constraints and administrative hurdles that come in the way of the effective functioning of Local Self-Government Institutions in Sri Lankan Society.

Like any conclusive part, the dissertation is concluded by suggesting suitable measures to ensure people's participation in the affairs of Local Self-Government in Sri Lanka. It therefore fulfills its obligatory analysis and conclusive rhythm of hypothetical findings and remedial measures.

Given the nature of the proposed study, the analytical and descriptive method has been innovatively applied in the preparation of the dissertation.

*Local Self-Government: A Theoretical  
Approach*

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*Chapter – 1*

## **LOCAL SELF-GOVERNMENT: A THEORETICAL APPROACH**

### **INTRODUCTION**

Local self-government is a basic mechanism, which ensures people's participation to make a democracy successful. Nothing much can be achieved without the effective involvement of people. Development through democracy is now becoming important. Thus people need to be motivated and encouraged to participate at every level of democratic process. Democracy provides an opportunity to people to play an active role in politics, as one would like to perform a variety of roles in the society. The most rational political theory tells us that democracy is a system of government that allows citizen to take part in the government in an institutionalised way where the fundamental decisions are taken for their welfare.

In no-way democracy cures all social evils. At the same time, it would also be wrong to assume that democracy works without any problem. Obviously, democracy is an efficient political system compared to authoritarian regimes in so far as it can tackle a variety of social, economic and political problems of the society without resorting to force. The route to democracy lies in institution building, especially for the purpose of articulating public demands and creating a credible, legitimate and unchallenged pattern of authority. It is in this process, that there exists a close linkage between democracy and local government.

Local self-government implies the management of local affairs such as, water supply, drainage, primary education, maintenance of roads etc. The goal at is betterment or welfare of every citizen. It ensures two-way communication between the state government and local self-government. Local self-government contributes to resilience, strength and richness of democracy by promoting diversification of political experience, and by setting itself up as yet another center of creative activity through democratic action. The notion of local self-government has gained considerable attention in recent years. Broadly speaking, the term local self-government is connected with mainly two aspects: - decentralisation and people's participation.



Decentralisation is one of the most important dimensions of today's political system. It means transfer of power to the grass-root level units of government. It is for this reason that decentralisation is more effective in getting the consent of the governed in policy matters and bringing the administration closer to the people at the grass root level.

Local government is conceived as an instrument for creation of conducive environment for the widest possible participation of people in governmental activities and decision-making processes. In this system, the fundamental importance of an individual and the humanitarian concept of society are preserved, so that people's participation may be more effective for uninhibited democratic exercise in a society. Though democracy is certainly a primary condition for people's participation, it remains vague as long as necessary conditions are not created for such participation involving larger strata of society in governance.

### **Democracy and Local Self-government**

The starting point for the theoretical framework of this dissertation is to analyse the link between democracy and local self-government. The common dictionary meaning of democracy denotes "Self-government" or "rule by the people". Power is derived from the authority of the people. Seymour Lipset was one of the political scientists to provide a definition of democracy by giving a special emphasis to procedure. He defines it as a procedure guaranteeing majority rule and minority rights. Democracy (in a complex society) is defined as a political system, which supplies regular constitutional opportunities for changing the governing officials. It is a social mechanism for the resolution of the problems of societal decision-making among conflicting interest groups. It permits the largest possible part of the population to influence these decisions through their ability to choose among alternative contenders for political office (Lipset 1959:71).

According to Sisk, "Democracy is in many ways a system of managing social conflicts that arise from community diversity using a set of agreed social rules. In a democracy, disputes arise, are processed, debated and reached to an agreeable, if not

an absolute solution". In short, democracy operates as a conflict management system (Sisk 2001: 10).

However, as democracy is often understood and practiced as the rule of numerical majority, it leaves open certain disputed questions which include minority representation in a government run by a dominant group giving rise to ethnic conflicts and violence. Numerically weak minorities resent the majoritarian essentialism inherent in this understanding of democracy (Uyangoda 2000: 9). Horowitz stressed the link between democracy and minority representation by stating, "Democracy is about inclusion and exclusion, about access to power, about privileges that go with inclusion and the penalties that accompany exclusion" (Horowitz 1993 :18).

Democracy or what Robert Dahl terms "Polyarchy" denotes a system of government that meets three essential conditions. "Meaning and extensive competition among individuals and organised groups (especially political parties) for all effective positions of government power, at regular intervals and excluding the use of force; a highly inclusive level of political participation in the selection of leaders and policies, at least through regular and fair elections such that no major social group is excluded; and a level of civil and political liberties freedom of expression, freedom for the press, freedom to form and join organisations sufficient to ensure the integrity of political competition and participation" (Dahl 1971: 3-20).

Mayo identified four principles for a system to be democratic: 1.Popular control of policymakers.2.Political equality.3.Effectiveness of political control or political freedoms and 4.Majority rule. He defines a democratic polity as "one in which public policies are made on a majority basis, by representatives subject to effective popular control at periodic elections which are conducted on the principle of political equality and under conditions of political freedom" (Mayo 1960: 3).

Schumpeter says, "The democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote". The role of the people in a democracy is to produce a government or else an intermediate body, which in turn will produce a national executive or government. He says, what distinguishes

democracy from other forms of government is not what rulers are supposed to do or how they come to be rulers. The crux of the matter is the selection of the supreme makers of law and policy. It is easier to discover whether rulers get their authority by competing for the people's vote than to discover whether they use it to give effect to the people's will. The competition must, he says, be "free competition for a free vote" (Schumpeter 1950:269).

In the opinion of Planenatz, There is democracy where rulers are politically responsible to their subjects. There is political responsibility where two conditions hold: where citizens are free to criticise their rulers and to come together to make demands on them, to win support for the policies they favour and beliefs they hold: and where the supreme makers of law and policy are elected to their offices at free and periodic elections. The criteria for determining whether these conditions hold, is not easily defined (Plamenaz 1973: 13).Democratic institutions serve a channel of transmitting and receiving messages and feedback from the general population and governing elites. Institutions come into existence as concrete manifestation of needs and desire of the population.

David Held argues that the effective participation of equally free citizens who engage in public life to form their likes and preferences, to express reason for supporting one action rather than another and to debate them in the appropriate public arena constitutes one of the basic institutional requisites of democracy. Further enlightened understanding of the processes and events of the political life with adequate and equal opportunities along with all the knowledge needed to examine and affirm their choices on any matter creates another condition for the better functioning of the political system. Citizens should also have the authority to decide what matters to be put on the public agenda, subject to conditions and constraints imposed by the public law. It also required that every citizen should be assured that his/her judgment will be counted as equal in weight to the judgments of other citizens at the decisive moments of collective decision-making. In addition the political processes should ensure that all citizens are secured with equal rights in the society along with the right to vote and contest any post open to the electoral process (Held 1995: 207-210).

G.D.H. Cole points out “Democracy is nothing unless it means, in the last resort, letting the people have their own way, not only in the mass, by means of an aggregate vote in a nation-wide scale, but also in their lesser groups and societies of which the greater societies are made up, and through which it is made articulate in such away that the less clamorous voices can be heard” (Cole 1974: 64).

The above definitions show that, democracy is widely perceived as a suitable system to manage diverse social interests and inherent conflicts in a non-violent manner. Compared with authoritarian systems, where existing social tensions are often suppressed, democratic systems transform conflicting issues into communicative process that can help to prevent violent conflict escalation.

To institutionalise these communicative conflict management mechanisms and to develop conflict transforming capacities within the political system, specific arrangements of democratic structure, procedures and political culture are necessary, considering the fact that intra-state violence has often proven to be a jeopardising factor in the process of democratic liberalisation of the society. It becomes especially important to look into aspects of consolidating democracies through institutionalising suitable agencies, issues, structures and procedures as well as a political culture, which supports non-violent conflict management. People’s participation is also essential to make democracy successful.

Quite logically, therefore, the success or failure of a democracy can appropriately be measured according to failure or success of local self governments. It is therefore seen as the very foundation of higher quality of enduring democracy. Local government is an essential ingredient of a dynamic democratic society and establishing force. It becomes pretty clear that there exist a close linkage between local government and democracy.

### **Local self-government**

Local institutions, commonly called as Local Self-governments, are defined by different scholars in different ways. As per the Encyclopedia Americana, “The work of government is divided between the central authorities and official in local districts, and the general character of the government as a whole is affected solely by the

system of local government; the principles involved in the system of local government are more complicated than are often realised". Similarly Encyclopedia Britannica defines "Local Institutions as an authority to determine and execute measures within a restricted area inside and smaller than the whole state. The variant local self-government is important for its emphasis on the freedom to decide and act" (Encyclopedia Britannica; 261-62).

V. Vankata Rao points out that "Local governance is that part of the government which deals mainly with Local affairs, administered by authorities subordinate to the state government but elected independently of the state authority by the qualified residents" (Venkata Rao 1965: 1).

A more appropriate definition of local self-government has been given by K. Venkatarangaiya, according to him, "local self-government is the administration of a locality-a village, a city or any other area smaller than the state-by a body representing the local inhabitants, possessing a fairly large amount of autonomy, raising at least a part of its revenue through local taxation and spending, its income on services which are regarded as local and, therefore, distinct from state and central services" (Venkatarangiya and Pattabhram 1969:1).

Professor W.A. Robson opines that "local government may be said to involve the conception of a territorial, non-sovereign community possessing the legal right and the necessary organisation to regulate its own affairs. This in turn presupposes the existence of local authority with power to act independently of external control as well as the participation of the local community in the administration of its own affairs" (Robson: 574).

G.M. Harris defines local self-government as a "government by local bodies, freely elected, while subject to the supremacy of the national governance; are endowed in some respect power, discretion and responsibility, which they can exercise without control over their decisions by the higher authority. The extent of power, discretion and responsibility, which the local bodies possess, is a matter of degree, which varies considerably in the various countries (Harris 1948:5).

The study of various definitions of local government given above reveals that local government is a combination of various aspects and there is no single definition, which includes all of them. These aspects are: a local body, local inhabitants electing and ultimately controlling that body, autonomy of that body in the sense of freedom from the control of higher authorities within at least a limited sphere, recognition of the distinction between local and non-local services and the local taxation. In other words, a local government institution has many attributes. Apart from possessing a fixed territory and a population, it possesses a governmental organisation, which is responsible and responsive to the needs and wishes of local community. Its powers and jurisdiction are limited and it functions within the limits laid down in the law of the state government, and within such jurisdiction, it has complete autonomy.

As the national economy is being pushed by global forces towards centralisation of a global scale, there is a need for governments throughout the world to decentralise as much powers as they can for the protection of national industry and national interests. In a socially diversified population, the central government's action will certainly have uneven levels of impact upon the lives of various sections of society. There is a growing recognition that people can secure basic public goods and services only if they are locally available. The emerging critique of statism of the social thought of centralised planning, arguing in support of a need for the articulation of grass-roots concerns, has reopened the fundamental discourse on democratic decentralisation.

Since communication between the centre and local governments is not smooth as it is with countries having adequate infrastructure, one needs a measure of local autonomy to run local affairs, if only to avoid delays in decision-making. Similarly, the diversities existing among the people and places are not conducive for central governance to provide directives for everything. It is not always possible for the centre to run local operations. Hence, decentralisation becomes an imperative. There is no alternative to decentralisation; the only question is how to go about it.

They have to be vested with the authority to exercise them fully which requires concordant changes not only in the appropriate rules, manuals, government orders and circulars governing development administration, but also in the conventions, practices and even, the value premises of the government agencies. Decentralisation does not

mean deconcentration, where a subordinate is allowed to act on behalf of the superior without a real transfer of authority or delegation, where powers are formally conferred on a subordinate without any real transfer of authority. It implies devolution where real power and authority are transferred to enable autonomous functioning within the defined areas.

### **Decentralisation**

The term “Decentralisation” in the first sense signifies a relaxation of control from time by the higher authorities through, the downward flow of power and gradual simplification and administrative process. It is a means for improving national planning and implementation by delegating the power to the local level. The central theme of decentralisation is delegation of power operated in a system of socio-political organisation. It is concerned with to what extent authority is dispersed to subdivision of the state after creating the political and administrative institutions in the area.

The term Decentralisation is understood differently by different individuals or groups. Decentralisation can be broadly defined as “ The transfer of planning decisions-making or management function from the central Government and its agencies to field organisations, subordinate units of government, semi-autonomous public cooperation, area wise regional development organisation, specialised –functional authorities or non-government organisation (Rondineli 1981:5).

According to L.D. white (1931) “Decentralisation embraces the process of conferring authority legislative, executive and judicial to the lower branches of the government. It is a converse of centralisation”. Henry Maddick (1975) defines decentralisation as “embracing both process of deconcentration and devolution”. Wainggi (1985) defines decentralisation as the vesting of authority by the central public apparatus to the hands of national territories on a geographic basis by devolution, decencentration and semi vertical decentralisation for the discharge of specified or residual functions (Pant 1989:29).

The decentralisation is an administrative device, a shift in administration from the national to the state or city government from central to the field or local communities. The need for decentralisation is not just an option, but as a way of good governance. It is increasingly being necessitated by circumstances both national and international. National pressure for decentralisation stems from the openness of the polity that is being increasingly adopted throughout the world. Rural democracy requires the people themselves to be involved in shaping their own lives. Following are the objectives of decentralisation:

- Decentralisation may be considered as important instrument for generating people's participation at the grass-root level.
- Decentralisation has been seen as a way of increasing the effectiveness of rural development programmes by making them more relevant and responsive to the local needs and conditions, allowing greater flexibility in their implementation and providing means of co-ordination to various agencies involved at the regional or local level.
- Decentralisation is regarded as a means to improve government responsiveness to the public and also as a necessary condition for social, economic and political development.
- Decentralisation is often seen as away of increasing the ability of central government officials to obtain better and less suspect information about local or regional conditions, to plan local programmes more responsively and to react more quickly to unanticipated problems that inevitably arise during implementation.
- Greater participations in development planning and management supposedly promotes national unity by giving groups in different regions in a country a greater ability to participate in planning decision making and thus increase their state in maintaining political stability(Rondinelli and Cohen 1981).

Decentralisation is necessary for, i) Maintaining National Security ii) National unity and economic growth, iii) Redistribution of benefits of development among the masses and iv) Making an impact on the people below the poverty line (Widmalm 2005:35).



Since the ultimate objective of decentralisation is “development” of the people who mostly live in the villages, it is considered necessary to find out the ways and means to ensure the direct participation of the people in planning and implementation of decentralisation. The concept of decentralisation also refers to the process of deconcentration and devolution of power.

### **Deconcentration, Delegation and Devolution**

The word Decentralisation is often confused with delegation, deconcentration and devolution, which is not correct. Delegation is not a transfer of authority but it is simply an assignment of authority to a lower body by higher level of government. It is merely a technique of administration or management while decentralisation deals with deep urgencies of democracy, like delegation. Deconcentration denotes assignment of certain functions to its agencies or staff. It is thus clear that delegation, deconcentration and devolution are simply the technical methods of efficient administration (Singh and Bhanwar1997:177).

To make the distinction more clearly local self-government is an example of decentralisation. In India, state governments demanding for more powers, amount to devolution. The district collector, being vested with authority over development department in the district is an example of deconcentration. The commissioner of police delegating powers to permit holding of public meeting to the Assistant Commissioner of the concerned area is an example of delegation (Singh and Bhanwar 1997:177).

### **Separation of Power and Division of work**

The word Decentralisation is again confused with separation of power and Division of work, which is also not correct. All sovereign governments do have decision of work i.e. Ministries, departments, boards, corporate bodies, and all democratic governments do have the principle of separation of powers that set forth the legislative function to make laws, the executive to enforce laws and the judiciary to interpret laws and punish the violators of laws. It is usually arranged by the constitution. Both separation of powers and the decision of work are, in a sense, decentralisation and a check and balance procedure each being needed for the other and being independent in their areas of work, “Their influence is felt through direct decisions and through indirect

forces resulting from a selection of means and degree of enforcement” (Pant 1989:29). In general the present concept of decentralisation is quite different from the principle of separation of power and division of work. The first one is related with the local unit of organisation, while the second one is related with the central organisation of government.

Transferring of administrative power inherent in high-level offices to lower level offices is called Decentralisation. Decentralisation is also a process, which goes on changing continuously. There is no limit of it. We cannot stop it at a certain point nor can we fix the boundary for it. In the words of Faster “The issue of decentralisation is more complex in practice than generally acknowledged” (Faster 1965). It has been conceived basically as an aspect of intra-organisational differentiation. It is also approached from the organisational decision making point of view (Pant 1989:36).

Decentralisation means the real transfer of authority and responsibility where people involve absolutely in the governance of the country at the grass-root level. It is a tool that has a potential of bringing about a rapid economic growth with chances of wider participation of the people. It is related to the transfer of government functions and powers from centre to field level political as well as administrative agencies (Tulsi 1982:68).

Sharing the prerogatives of power, choosing and deciding between the capital city and different regions of the states is the way to empower the grass-roots people by enlisting their participation in the development process. It is commonly argued that through decentralisation efforts, local government, being closer to the people, can make optimal use of local resources to address their basic needs and demands (Dahaldev 2002:57-58).

The meaning and scope of decentralisation are much wider and deeper. It is a process of democratisation of political power and thereby aiming at achieving democratic values in practice. Decentralisation aims at widening the area of people’s participation in decision-making, micro level political authority and autonomy through transfer of specific powers to people’s representatives institutions at the bottom. It is obvious that the meaning and practice of participatory theory is intertwined with the theory of

decentralisation. The former deals with crucial element of people participation without which delegated power and authority will remain in dead letters.

### **Participation**

Participation basically means taking part or sharing. In development process it goes further, with implications as to who shares, with whom, and in what context and opinions differ as to what is participation. The term Participation is very often used to cover all the forms of action by which citizens 'take part' in the operations of administration. In the broad sense, it refers to the role of members of the general public as distinguished from that of appointed officials, including civil servants, in influencing the activities of government or in providing directly for community needs.

According to democratic theory, participation represents the process by which goals are set and means are chosen in relation to all sorts of social issues. The assumption is that through participation the goals of the society are set in away to maximise the allocation of benefits in a society to match the needs and desires of the people. Participation has also been defined as an educational device through which 'civic' rules are learned. In this sense participation has more than instrumental value and becomes an end in itself. Law of ability to participate can even be termed as lack of full-membership within the system (Stuart 1858: 493).

Participation implies giving a citizen every chance to show his willingness to carry out constructive public work to demonstrate his good citizenship by means other than participating in vote. In a restricted sense participation would consist of a specific action by which the citizen participates for a limited purpose (Peabody 1965:32).

The peasants charter of the food and Agriculture organisation argues for participation in the following manner: Participation by the people in the institutions and systems which govern their lives is a basic human right and also essential for realignment of political power in favour of disadvantaged groups and for social and economic development. Rural development strategies can realise their full potential only through the motivation, active involvement and organisation at the grass roots level of rural people with a special emphasis on the least advantage in conceptualizing and designing policies and programmes and in creating administrative, social and

economic institutions, including co-operative and other voluntary forms of organisation for implementing and evaluating them (Samaranayake 1996: 47).

There are different types of 'citizen participation' such as the dichotomy between traditional and modern notions of participation, the populist and elitist cleavage, and participation for whom and participation for what. The traditional view that initiative for participation remains with citizens is no longer valid in developing society. The experience of the latter demonstrates that the much needed individual initiative and voluntary action are not forthcoming. In view of the lack of time, energy and resources of the modern citizen and the heavy demand for his participatory activities in development, the modernising nations have to promote institutional participation and the state has to play a critically strategic role in the promotion of it (Bhambhri 1975: 338). Participation which signifies the degree of influence exercised by citizens on the decision-making process in government and administration can assume different types of participation. The major types are: Democratic, Administrative and social.

### **Democratic Participation**

Democratic or political participation is the mark of democracy and political modernisation, i.e. political development. In traditional society, government and politics are the concerns of narrow elite. On the contrary the more advanced nations have accepted the principle of active citizenship.

It does not include: i) Citizen's attitudes, perceptions or knowledge or interest in politics and ii) The activities of professionals (those whose primary calling is politics or governments) such as government officials, party officials, political candidates etc. on the other hand, political participation includes. I) The activities designed to influence the decisions of government through pressure or persuasion to attain ends such as: retaining or replacing the existing decision makers; II) Electoral activities such as voting, campaigning individually or collectively III) Protests, strikes, demonstrations, resort to violence, irrespective of whether they are successful or not and whether they are designed personally by the actor himself (autonomous participation) or designed by others (Arora 1971:841).

### **Social participation**

The system analysis would say that all types of participation-political, administrative and economic would fall within the ambit of social participation in as much as they involve members of society in varying degree and bring consequences to the social system as a whole. Citizens are the building blocks of social, economic and political development. Development of the nation and society are closely interlinked. People's participation for development can come mainly through these voluntary bodies and non-governmental agencies. Since they are close to the people and have the ability to motivate them and provide them opportunities (Bava 1984:27).

Sometimes social participation takes the form of social protests such as demonstrations, strikes and dharnas. The poor and the downtrodden have quite often no easy access to the centers of authority to influence the decision-making process. Daniel Monyhan argues that the administration which is desirous of bringing about social change by arousing the poor has a goal to get the poor involved in all stages of programme development and implementation and to teach and encourage them to use all the democratic technique such as forums, discussions, electioneering and similar activities (Monyhan 1969: 90-97).

### **Administrative participation**

Administrative participation is meant what the policy scientists call "programme participation" and sociologists call "community development". It is used synonymously with citizen participation in the Administrative programme process. Community development is the process by which the efforts of the people themselves are combined with those of the government authorities with a view to improving the economic, social and cultural life of the communities, to integrate these communities with the national mainstream and to enable them to contribute fully to national progress.

In modern times, people's participation in developmental programmes may be conceived as the active involvement of citizens in initiating, planning and executing social welfare and rural development schemes meant for overall betterment of the community. The term, people's participation is generally interpreted in a very narrow sense, embodying people's contribution in the form of cash and material gifts.

We seek to achieve four things in a local government through the mechanism of local participation. First, the ordinary local citizen should feel that he is not just an inert subject of an arbitrary government, but a person whose views must be considered since the local government belongs to him and the ruler exists for his benefit and not the other way round. Second, the choice as to what rules them should be made by the local people themselves as they are likely to choose the one who cares for their interests. Third, the local leader should bear in mind the need to be sensitive to their needs so that he may continue to enjoy their local support. Fourth, local participation should provide the momentum for faster development through the harnessing of local resources. None of these benefits can be attributed either to nominated local governance or to the bureaucracy representing a distant government (Meenakshi 1999: 59).

The participation is the very essence of democracy. In other words, a democratic society is a participant society. The process of evolution of democracy is an ideology and institution and of participation as a process of strengthening democracy. The highest form of participation appears to be self-organisation/ self-government, self-government, self-responsibility and self-actualisation, which result in empowerment of the people concerned. Participation also means as an essential part of human growth. That is, the development of self-confidence, pride, initiative, creativity, responsibility and co-operation. Such development allows a process whereby people learn to take charge of their own lives and find solutions to their problems. Such participation by the people builds up the essence of development, which leads towards self-development governance.

A democratic form of government must be sustained by a system of vigorous local self-governing institutions. This becomes necessary to encourage and foster initiative, independence, and enterprise on the part of the people.

Emphasizing the importance of local self-government Laski says, "Local self-government offers the best opportunity to the people to bring local knowledge, interest and enthusiasm to bear on the solution of their problems" (Laski 1961:412).

The importance of local government has also been expressed by T. Appa Rao, According to him, "The local government fulfills all the domestic needs of civilised community. It creates among the citizens personal interest in their common affairs and throws the field open for their constructive and creative activities. It serves as a tool for an expression of political consciousness and as a means of political education and renders the citizens fit for their civic duties and responsibilities, by enabling them to participate in public affairs. It also generates in people and aesthetic sense that makes them beautiful and adorn the land they inhabit. It provides the best opportunity to men and women to bring their local knowledge and enthusiasm to bear on the solution of there peculiar problem (Rao 1973:11).

De Tocqueville says, "The local assemblies of citizens add to the strength of free nations". "Town meetings are to liberty what primary school is to science; they bring it within the people's reach, they teach men how to use and how to enjoy it. A nation may establish a free government, but without municipal institutions it cannot have the spirit of liberty (Tocqueville 1953: 61). Lord Bryce regards local government as the best school of democracy and the best guarantee of its success W.A. Robson opines "Democracy on the national scale can function in a healthy manner only if it is supported and nourished by democratic local government (Robson: 575).

In practical life, the term democracy cannot have a real meaning and cannot achieve its intended goal unless it reaches the doorstep of every individual. Local self-governments are regarded as the agents of democracy at the local level, which enable the local people to enjoy and exercise democracy at their door-steps. There are different categories of local self-government to reaches every part of the world. It's a foundation for a new human society where they can finally take charge of their own destiny. These are briefly discussed here under:

**a) Federal decentralised system**

These Federal systems decentralise much authority to the regional governments that compose the federation and tend to be the nations that allow a broad range of discretionary authority to local government. This is of course not true of all systems that are called federal, but only of those with actual decentralisation. Australia, Canada, Germany, Switzerland and the United States are the best examples of federal decentralised systems.

**b) Unitary decentralised system**

In this category, unitary governments offer a considerable degree of decentralisation of autonomous power to local bodies, despite supervision by the central government. Great Britain and the Scandinavian countries fall in this category.

**c) Napoleonic perfect system:**

In this system, the central government places agents in sub-regions of the nation to oversee, and if necessary to countermand, suspend or replace local governments. France, Southern Europe and Latin America generally follow this pattern.

**d) Communist System:**

In communist countries, local government generally represents a demonstration of authority rather than devolution of powers. That is, a local government unit is, in reality, an agency of the Central government and it functions as an integral part of the hierarchical administrative system of the state.

**e) Post-Colonial System**

In this system, the legacy of colonialism is still omnipresent. Thus the pre-existing system of local government, closely supervised by colonial officials and native subordinate administrators, often remains as the general pattern of local-central government relationship (Siddiqui 1984:4).

Local self-government is essential for the empowerment of the people by giving them not only the voice, but also the power of choice as well in order to shape the development, which they feel appropriate to their situation. It implies maximum decentralisation of powers to enable the elected bodies to function as autonomous units with adequate power, authority and resources to discharge their basic responsibilities of bringing about "economic development and social justice". It is not only enough to formally transfer powers and responsibilities to the LSGIs and but also the basic principles such as autonomy, role-clarity, complementarity, accountability are provided according to the need. The basic principles are:



**I. Autonomy:-**

The LSGIs need function freely and independently. Government Supervision must be limited to only in development matters, national and state priorities and general guidelines can be given in term of decision making, autonomous functioning and so on. Autonomy has three basic aspects viz., 1.Functional autonomy. 2. Financial autonomy and 3. Administrative autonomy. The local governments should have autonomy in all without which the mere autonomy only in a particular branch would be of less effective. LSGIs have to be assigned clear functional areas with the required resources staff and administrative infrastructure so as to enabled them to raise resources and to take independent decisions and implement them.

**II. Subsidiarity:-**

It means that what can be done best at a particular level should be done at that level and not at a higher level. If this principle is applied, the process of transferring functions and powers from the level of the Gram Sabhas and wards Committees and go up to the Union government.

**III. Role-clarity:-**

This would govern the exercise of autonomy. Decentralised development implies unity of vision and diversity of means. There must be clarity at the conceptual and operational level about what each tier of local self-government can be in each area of development. It means there must a functional clarity. Only this can facilitate proper devolution of powers, their creative exercise and a meaningful monitoring of the whole process.

**IV. Complementarity:-**

The functions cannot be overlapping and repetitive. LSGI would be consistent with local needs and priorities and would converge into an integrated local plan.

**V. People's Participation**

It is necessary to involve the people fully particularly those sections hitherto excluded from the development process. Participation cannot be limited. It would reach the level of empowering the people to take their own decisions based on their own analysis of their situation.

**VI. Accountability:-**

The LSGIs are accountable to the people within their jurisdiction and in certain respects, to the whole nation. The accountability to the people is not to be left to the election alone to be settled. The accountability to the nation can be assured through objective audit, both concurrent and post-facto.

**VII. Transparency:-**

Every decision taken has to be based on norms and criteria evolved on the basis of social consensus and the rationale behind each decision has to be made public. Economic independent has to be provided in all the occasion like introducing new schemes and to spend the money (Thapa 1998: 2-6).

In following these principles, local self-government will achieve the strength and richness of democracy. By promoting diversification of political experience it will set itself up as a creative centre of activity through democratic action.

**CONCLUSION**

This introductory chapter has outlined the theoretical background of local self-government and also emphasised the importance and principles of Local self-government. It also outlines the theories of decentralisation and people's participation theory in local government perspective.

If democracy at the local level is not practiced, the whole democracy will decline. We cannot achieve local democracy by simply having adult franchise and periodical election alone. At times, people think that Local self-government means community government, which coordinates the activities that are concerned with the local community. However, this concept limits its scope; Local self-government means the administration of the affairs of locality either urban or rural by the people through their elected representatives. It may be described as government by popularly elected bodies charged with the administration and executive duties in matters concerning the inhabitants of a particular district or place and vested with powers to make bye-laws for such empowered administration.

The practice of local self-government reveals that it is not just about local services; rather, Local institutions of villages, towns, districts, provinces, countries etc are the sole foundations, which can protect and promote the interest of a locality. A local body represents not only the local opinion but also helps the central government to formulate genuine policies for the betterment of the locality, and in turn the nation as a whole.

The local institutions depend for their successful working, not on the formal arrangements but on the degree of participation and cooperation of citizens. Local government is founded with an ostensible objective of ensuring people's participation in its programmes. Unlike other higher level of government, the Local governments, being closer to the people have maximum contact and a strong communication with the citizens, which help them in devising ways and means of serving the needs and aspirations of local community living with in their jurisdictions. The local government thus provides an important forum for serving the needs of local population in accordance with their wishes.

It is only with the active involvement and participation of people in local government that the latter can justify its existence and serve as instrument of promotion of welfare of people.

*Political System and Development of Local  
Self-Government*

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*Chapter – 2*



## **Political system and Development of Local Self-Government**

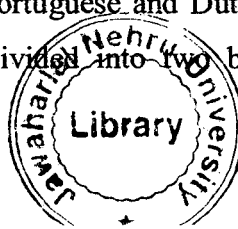
### **Introduction**

Once known as “Ceylon”, Sri Lanka came to be regarded as “The Republic of Sri Lanka” from May 22<sup>nd</sup> 1972. Situated at the extreme southern tip of the Indian sub-continent with an area of 65,610 square kilometers, the Island nation stands separated from India by Palk Strait which is as narrow as only twenty-two miles (35.4 kilometers) wide. From ancient times, Sri Lanka has been a place by many foreigners who came from different parts of the world as this island is geographically located at the centre of the ancient sea-route from the east to the west and vice versa.

Sri Lanka got independence in 1948 after nearly four and a half centuries of colonial rule, first by the Portuguese, then by the Dutch and finally by the British. As it is often found in many Colonies, the nature, organization and functioning of the Sri Lankan administrative system has been influenced by the colonial powers to a great extent. Infact, the colonial rulers created an efficient and highly centralized system of administration.

The government in Sri Lanka is based on principles of democracy. This comprises of partnership system both at the national and the local levels. At the center, the President is bestowed with the executive powers. At the local level the democracy is practiced through a system of local government comprising four types of Local Authorities.

Infact, the development of local self-government in Sri Lanka can be traced to ancient times. The Mahawansa, a great chronicle of Ceylon, makes a reference to the reign of king Pandukabaya who established Anuradhapuram as the capital of Ceylon as having shown keen interest in the affairs of the local Government in his kingdom as early as the fifth century B.C. when the Aryans came to Ceylon, they introduced the system of Gram Sabha at village level and “Rata Sabha” at district level. The Gram Sabha comprising of all the village elders who controlled the affairs of a village. However, Gram Sabhas declined under the rule of the Portuguese and Dutch after the British occupation. In this context, this chapter is divided into two broad sections viz.,



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“Political system in Sri Lanka” and “local self-government development in Sri Lanka.”

## **Political History**

### **The colonial period**

The first Europeans to arrive in Ceylon were the Portuguese in the beginning of the 16<sup>th</sup> Century. Their main object was trading, so they established a factory-trading centre at Colombo in 1505. When the Portuguese came to Ceylon, there were three kingdoms - The Tamil kingdom of the north, the Kandyan kingdom of the central highland and the kingdom of Kotte comprising the low-land area of the west and the south-west (Saran 1982:16).

By the end of the 16<sup>th</sup> Century there were only two powers in Sri Lanka the Portuguese and the Kandyans. The Dutch were invited to Ceylon by the able and ambitious king of Kandy, Rajasinha II (1635-85). The coming of the Dutch was followed by a long period of warfare between the Portuguese and the Dutch, who took possession of Colombo and Jaffna in 1656 and 1658 respectively. The Dutch codified customary law and introduced Roman Dutch law where local law was insufficient. Their code is still the basis for much of the legal system (De Silva 1953: 13-14), but their monopolisation of profitable trade, unduly harsh and restrictive laws, and the growth of corruption and in efficiency in the administration and rigid religious intolerance provoked a growing hostility in the people. The collapse of Dutch rule at the British initiative in 1796 is not to be wondered at

In March 1796, the government of Madras rested the chief of the British troops with a “discretionary authority civil as well as Military in the Island of Ceylon”. For more than two years of military rule, the Government of Madras was responsible for the Government of Ceylon, with the peace of Amiens of 1802, because Ceylon was a part of the British Empire; it was made a crown colony.

The first phase of British rule in Ceylon ended with the appointment by the Crown of a Governor of Ceylon. The administration of Ceylon was carried on by the Governor, advised by a Council, which consisted of the commander of the troops, the colonial

secretary and the Chief Justice. The independent Kingdom of Kandy was subjugated in 1915. The British undermined important elements of the traditional feudal system and laid the base for an Island-wise administration under the rule of law. Indeed, the British judicial system, even though it was administered in a foreign language, brought the Island protection from arbitrary rule and a sense of equitable justice that is widely respected to this day. New economic modes of commerce and exchange developed. The estate pattern for large-scale production of export products also came with British rule (Wriggins 1960: 14-15).

There was a change in the way Ceylon was governed in 1833. Firstly, the whole of Ceylon was brought under a unified system of administration. This unified administration or government was in the hands of a Governor, an Executive Council to help him in executive matters and a legislative council to advise him in making laws. Governor was still the person responsible to the British government for the administration of Ceylon (Wearawandana and I.D.S: 105). From 1833 to 1912, the most significant constitutional development was the gradual increase in the legislative and financial powers of the legislative council on the lines of settled colonies in other parts.

### **The constitution of 1912-1924**

The 1912 constitution, the officials continued to be in majority and the reforms did not make any significant development so far as the actual administration was concerned. Therefore, the reforms of 1912 did not satisfy the political aspirations of the Ceylonese, whose number was increasing in the civil service, in the professions and in business. The nationalist movement was also gaining strength. The local intelligentsia desired similar British institutions in their country and they also wanted the administration progressively colonised. These attitudes produced a unity of outlook culminating in the formation of the Ceylon National Congress in 1919. Progressive reforms and gradualism in constitutional development characterised the demands of the Ceylonese Nationalists (Wilson A. J. 1975: 125).

The Legislative Council was reconstituted in August 1920. A new constitution was enforced in the year 1924, under which the legislative Council consisted of 12 official

members and 37 non-official members. The Governor was ex-officio chairman of the Legislative Council and he could preside at the meetings. Its life was fixed at five years until dissolved earlier by the Governor (Tyagi and Bhardwaj 1970: 25).

The constitution of 1924 did not work well. It had provided for an irresponsible legislature. To replace this, a new commission was appointed under Donoughmore and on the recommendations of the commission, and Ceylon obtained the famous Donoughmore constitution of 1931.

### **The Donoughmore Constitution of 1931**

Under this constitution, the former executive and Legislative Councils were abolished, and in their place a new body called the state Council was endowed with both functions-legislative and executive. The constitution granted universal suffrage by allowing every Ceylonese above twenty-one the right to vote. It abolished the communal representation. As fifty members of the State Council were to be elected on the basis of universal suffrage, it meant a significant democratization of administration (Tyagi and Bhardwaj 1970: 29).

The Donoughmore constitution had mixed results in the distribution of communal power. The minorities had proportionately fewer representatives than under previous constitutions. The communal tensions were exacerbated during the period of the Donoughmore constitution (1931-47), because the Sinhalese desired further change and utilised the power they had obtained to improve the conditions of the Sinhalese electorate, while the minority groups, especially the Ceylon Tamils were neglected.

### **The Soulbury constitution of 1946**

The Report of Lord Soulbury Commission criticised, some of the provisions of the Donoughmore scheme especially the system of executive committees. The new constitutional scheme provided for a cabinet possessing full collective responsibility in all matters of internal administration. A bicameral legislature consisting of a House of Representatives with 81 nominated and 95 elected members, elected on the basis of universal adult suffrage and a senate consists of 30 members (Saran. P. 1982: 21-22).



However, Soulbury constitution did not formulate the principles of Westminster's model of Government. The supreme legislature and independent judiciary were not paid attention too. The Soulbury constitution was concerned with the protection of minorities. But it lacked interest in framing guidelines for economic and social decision in the country. However, it showed no involvement in the building of new nation.

Great Britain and other colonial powers had agreed to assist their colonial peoples to attain self-government. In June 1947, the Secretary of state for the colonies announced that Ceylon should be given responsible status within the British Commonwealth as soon as the necessary agreements had been concluded. Consequently, Ceylon's leaders had duly signed in November 1947. Soon after the independence in 1948 new constitution was created. The conventions of British cabinet government had been defined in detail by the terms of the Soulbury constitution, which was in turn based on the 'Ceylonese Ministers' draft of 1944 (Saran 1982: 23-25).

The 1948 Constitution was based on Soulbury constitution. But some fundamental substitutions and special agreements related to particular affairs were added. Despite this the constitution set the framework for politics in Sri Lanka. It gave legitimacy to parliamentary democracy as the primary outline of the governance. The concept of supreme judiciary and unitary parliament were established. This would address the problem for solving the political discourse.

The SLFP- led United Front government elected in 1970 was dedicated to changing the structure of government to fit the Sri Lankan society more effectively than the alien Soulbury government. It was under SLFP rule that in 1972, a new constitution was promulgated. The new constitution was carefully drafted by members chosen through the parliamentary election. Since the United Front had large majority in the Parliament, the coalition got a free hand in making major changes in the constitution. Abolition of Senate, Provision for special status to Buddhism in Sri Lankan society and affirmation of role of Sinhala in governmental actions were some of the important changes introduced in the 1972 constitution.

### **The constitution of 1972**

Under this constitution, President was the head of the state, but he was a constitutional figurehead. His term of office was four years, but he could be removed from office of a resolution to that effect was moved by the Prime Minister in the National State Assembly and was adopted by it (Cooray 1973: 207-225). The President appoints as Prime Minister one from among the members of the national state assembly who in his opinion is likely to win the confidence of the house. The President appoints ministers and deputy ministers on the recommendations of the Prime Minister. The constitution provided for a unicameral legislature known as "The National State Assembly." The Assembly is elected for a period of six years after which it gets dissolved and re-elected. The new constitution also provided for a constitution court consisting of five members appointed by the President on the recommendations of the Prime Minister for a term of four years. Elaborate provisions are made for the independence of judiciary (The constitution of Sri Lanka 1972: 20-21).

The 1972 Constitution held up the sovereignty of the people and made the national state assembly as the Supreme decision-making body leaving little scope for separation of powers in conventional sense of the term. However, we can still find a functional separation of powers envisaged in the constitution. The National state assembly acting as the supreme law-making body, the President and the prime-minister carrying out the decisions of the assembly and the judiciary overseeing the strict implementation of the constitution, the three branches of the government operated in their own sphere. Tamil demand for federation and protection of minority rights were ignored. The constitution gave Buddhism an elevated position within the country. The Sinhala language was made the official language of the nation.

The constitution was opposed by the United National Party (UNP), whose leaders refused to give the document their final approval. The Leaders of UNP further asserted that the republican constitution failed even to provide those rights, liberties and privileges which have been granted under 1946 constitution drafted by the British. Vesting unlimited power in the hands of political executive and subordination of judiciary to the national state assembly etc. are some of the important features of 1972 republican constitution, which saw criticism from various quarters.

In the general elections of July 21 1977, the UNP under the able leadership of J.R. Jayewardene secured a thumping majority by winning 135 out of 165 total seats in the national assembly. As expected, under the rule of UNP, a controversial Bill on Sri Lanka's new constitution was passed by Parliament on 9 August 1978, with the required two-thirds majority, 137 voting for and 7 against. The 1978 constitution is noteworthy on account of several key features such as an elected President for a period of 6 years, introduction of Proportional Representation, and the Referendum Principle. These constitutional changes have transformed the political system in a significant way. The first and the most significant feature of the 1978 constitution is the establishment of an Executive Presidential style of government modeled on the Fifth French Republic. Although the parliament was retained, the locus of power shifted from parliament to the elected President who was endowed with wide ranging powers (Jayasuriya 2005:16-17).

In the 1978 constitution, the President was not only head of the Government but also head of the state. The President was empowered with extensive powers such as: a) To make the statement of government policy in parliament at the commencement of each session. b) To preside at ceremonial sittings of parliament. c) To receive and recognize and to appoint, and accredit, ambassadors and diplomatic agents. d) To keep the public seal of the republic, and to make and execute under the public seal the acts of appointment of the Prime Minister and other high ranking officers. e) To declare war and peace. It also provides a Cabinet of Ministers, charged with the direction and control of the government of the republic, which is collectively responsible and answerable to parliament. What is apparent is that the new constitution has been framed on the Presidential pattern. However, one can still find a principle of parliamentary pattern as the President is supposed to have some sort of mutual relationship with the legislature.

The constitution has provided for a unicameral legislature consisting of 196 elected members. Its term is fixed at six years, and can be dissolved early but cannot be extended in any circumstances. Elaborate provisions have been made for an independent judiciary in the country. The Supreme Court (SC), the Court of Appeal

(CA) and The High Court (HC) have been instituted for the administration of justice for people. The Supreme Court and the Court of Appeal are superior courts of record and have all the powers of such court including the power to punish for contempt of itself (Sri Lankan, political system: SAF).

The main objectives of the 1978 constitution makers were to provide political stability by having a strong executive head, free from the whims and fancies of parliament. It paved the way for authoritarianism. Due to this, the essence of liberal democracy, free press, independent judiciary, rule of law, free and fair polls, etc were lost. There was no separation of power under the constitution. The president is not merely the head of the republic but also the head of the executive of the government.

The unicameral legislation system existed in Sri Lanka could not address the issues of people from various background. This was the major drawback of the unicameral legislature. If bicameral legislature would have been followed, the representation could be all and sundry. The legislation has only law making powers. It can't abdicate or delegate its power to any other authority. Moreover, there is no provision for impeachment of the president as there in the American constitution. Overall, one can call it as a weak legislation.

Though there is no independent judiciary, the present constitution allows judicial review, which provides freedom to question against the constitutional provisions and its ill functions. This judicial review is considered as one of the best systems compared to earlier constitutions of Sri Lanka. However, it lacks the complete freedom of questioning as in the independent judiciary.

### **Political system and decentralization**

The year 1931 can be considered as the revival in Sri Lanka. The Donoughmore commission report which became the constitution later gave a shape to decentralization and democratization at both provincial and district level. This attempt of giving a new shape to the constitution was a point of departure during the British rule compared to the other provisions, which were ineffective. Bandaranaike, the Minister of Local Self Government in pre-independent Sri Lanka, was a principal

advocate of the system of provincial council which was the model of British Provincial council. Indeed, in 1940, the state council gave its formal approval to the principal of establishing provincial council. But the legislature required for this purpose was never presented for debate in the state council.

The general elections held in Ceylon in April 1956 resulted in a decisive defeat for the ruling UNP. It lost 40 of the 54 seats, which it had held in the previous parliament. People's United Front, Mahajana Eksath Permaura (MEP) led by Solomon Bandaranaike, the former leader of the opposition, won the absolute majority. He was the proponent of democratization and decentralization who became the Prime Minister of Sri Lanka in 1956. During his Prime Ministership, the devolution of power to the regional units of administration became one of the key issues. Two attempts- a scheme of provincial council, 1957 and the establishment of council at the district rather than provincial level, 1968 were failed because of the strong opposition from the Sinhalese. The failure of these efforts of institutionalizing decentralization gave an impetus and led to the same end (Wriggins 1960:366).

In the next general elections held in Ceylon on 19 March 1960, the ruling party was defeated, but no single party succeeded in obtaining a majority, every government of this period except the short lived UNP government of March-July 1960 and the SLFP government of July 1960 to June 1964 was a coalition government. By the middle of 1964 the SLFP reached an understanding with the Marxist parties on a coalition of ideological interests. The Lanka Sama Samaja Party (LSSP) entered a coalition with the SLFP in June 1964. Although this alliance was defeated in parliament when a faction within the SLFP crossed over to the opposition and voted against the government in a crucial no-confidence motion in December 1964, it continued through the general election that followed the defeat of the government, and the UNP led coalition in March 1965. In this period, the government undertook the implementation of major agricultural programmes. Under this programme, the government agent (the head of the bureaucracy at the district level) was appointed to co-ordinate the activities of government departments. In fact, this allocation of power at the district level is one of the initiatives of decentralization.

In the early 1970s, Sirimavo Bandaranaike's coalition designed some programmes as an initiative to decentralize the responsibility for formulating and implementing district and village development plans and also to obtain popular participation. The programmes are: Divisional Development Council (DDC), Decentralised Budget (DCB) and District Political Authority (DPA). The DPA was implemented in 1973. The DDC failed in almost all its objectives. Thus, Sri Lanka couldn't implement the major policies related to decentralization. Possibly, it was quite difficult to implement or formulate such concepts in a multilingual society like Sri Lanka. On 2 September 1975 the LSSP was expelled from the government, and its three representatives in the cabinet were removed from office. The Communist Party (CP) remained in the government till February 1977 by which time the UF coalition had collapsed, and the SLFP faced the electorate on its own at the general election of July 1977. The general elections of July 1977 gave the UNP such lopsided victory, it won 140 seats out of 168 (De Silva K.M., 1993:30).

If the results of the 1977 general elections appeared to have herald a major change of direction in Sri Lankan politics, the Presidential elections in October 1982 provided confirmation of this. By winning the presidential elections of 1982, J.R. Jayewardene became the first Sri Lankan head of government to win two consecutive terms of office. It was also for the first time since 1952 that the same ruling party happened to be elected in the subsequent general elections.

The Referendum of December 1982 marked the beginning of Sri Lanka's decade of troubles or the anti-Tamil riots of July 1983. In return, it paved a way for certain dynamic happening that took place in Sri Lanka. The Thirteen Amendments to the constitution, following the Indo-Sri Lanka Accord of July 1987, was a significant step taken for the introduction of devolution of powers in the island. The thirteenth Amendment in the series introduced a provincial council system, which got entangled into serious difficulties in later days of its implementation. The provincial council of the North-East had only a short life of seventeen months, November 1988 to March 1990 (Suryanarayan 1999:247).

It was on September 1988 that President Jayewardene made a public announcement that he would not seek a third term, and as promised, on 4 October, to hand over the leadership of the party to the Prime Minister R. Premadasa, whose selection as the UNP candidate for the forthcoming Presidential election was secured without opposition. In the same year on 19 December, Premadasa was elected as the president by winning 50.4% of total votes. LTTE and JVP boycotted the election. The parliamentary elections of 15 February, 1989 the first under the proportional representation saw the UNP securing 125 seats in 225 member parliament.

Securing a comfortable majority in the parliamentary elections of 1994, President Kumaratunga announced her devolution scheme on 3<sup>rd</sup> August 1995. Her package took cognizance of all major grievances of the Tamils i.e., the question of language, land settlement, law and order and the overall issue of regional autonomy. In her six-year tenure, she released three other documents, which have largely dealt with the problems of Tamil speaking people and their regional autonomy within Sri Lankan control. All the documents issued under her tenure have been a clear indication of political determination to the establishment of a parliamentary type of government and a federal autonomy.

The first document issued on 3 August 1995 stood for the devolution of powers to the constituent units of the Sri Lankan state. The second document issued on 16 January 1996 was a large draft of the constitution incorporating the essence of the debate that the parliamentary select committee over the basic ideas for devolution had. The third document issued on 14 October 1997 was a compilation and an exhaustive blue print for an alternative constitution for Sri Lanka. And the fourth document of 3 August 2000 was in the form of a bill aimed at replacing the 1978 constitution (Ghosh 2003: 159).

However, due to lack of cooperation from the UNP and strong opposition from the Sinhalese right from the beginning, the bill could not be tabled in the parliament. Soon the Parliament was dissolved and the general elections to the house were declared.

It is in this context, that I am intended to read the devolution of decentralization in the light of Local Self-Government. This chapter will focus on the decentralization as a concept and its initiation, implementation and devolution keeping the Local Self-Government as a prime illustration.

### **Evolution of local self-government in Sri Lanka**

Local self-government has a long history almost to the period of Sinhalese kings dating back to the fourth century. The oldest chronicle of Sri Lanka, Mahawansa (sixth century) mentions that local administration was carried out by the Nagara Guttika (City Mayor), village level organizations called Gam Sabhas functioned under village leaders who enjoyed powers to administer local affairs and also performed judicial functions such as dealing with petty cases, and so on. During Ancient and Medieval periods, there was also a local government system in the form of village councils or Gram Sabha in some places and Regional Councils or Rata Sabha in certain areas of the country. These Councils used to carry out administrative and judicial functions. Since they were rural in character, they were supposed to promote agriculture and irrigation. These councils were traditionally not subject to any central direction. Instead, the major decisions of the Gram Sabha were accepted and acted upon by the village Community. This kind of arrangement continued until the advent of modern colonialism in Sri Lanka (Siddiqui 1995: 194).

This system of local administration survived the Portuguese (1505-1658) and Dutch (1658-1796) occupation of the country and even continued to function during the early years of British-rule over the maritime provinces of Sri Lanka. It was for the first time in 1815 that the whole of Sri Lanka became subject to a single rule of the British Government. Subsequently, several traditional practices have undergone a drastic change after 1818 proclamation. The impact of such radical change was felt even in the centuries old local administration (Mendis 1976:1-2).

Infact, the proclamation of 1818 shows that power of self-government was taken away from the people, particularly in the matter of administration of village Communities. This proclamation ordered that no chief who is vested with authority or rank from this sovereign source is entitled to obedience or respect; and that without



powers derived from government, no one can exercise jurisdiction of any kind or inflict the slightest punishment. As a result, the village council had ceased to receive recognition.

Sir Hercules Robinson, one of the ablest British colonial administrators of the Century, strongly felt the need for a local self-government in Sri Lanka. In the sphere of national government, there was a vociferous agitation going on at the time for the reform of the legislative council. The economic prosperity experienced by the country in the sixties and seventies of the last century prompted the Governor to embark on a vigorous policy of rural upliftment provision of roads, schools etc (Kanesalingam. V 1971: 9).

In the sphere of judicial administration, certain reforms had already been introduced. Following the recommendations of the Cameron Commission on Judicial Administration in the Island (1832), the old system of judicial administration comprising a number of diverse types of courts with civil and criminal jurisdiction had been abolished and in their place District Courts had been set up with civil and criminal jurisdiction and a Supreme Court with original jurisdiction. The new system of courts had also “deprived the people of the power of their self-government which had nominally been left to them for centuries together” (Kanesalingam 1971: 10).

Infact, for over four decades following the year of the proclamation, there is no local government institutions existed in the country. It was in the latter half of the last century that the government took steps to revive the old system of local administration thereby establishing new units of local administration to meet the needs of cities and towns. The success of Governor Robinson’s experiments in local democracy depended, of course, on the existence of an educated and alert citizenry. The liberal educational policy followed by the Government provided the much-needed impetus to the development of the new system of local government. This can said to be the beginning of “modern” local government in Sri Lanka.

The British promulgated ordinance No. 17 of 1865 for establishing Municipal Councils in the urban Sector, under which Colombo, Kandy and Galle Municipalities came into existence with a majority of elected members. In later days, more

municipalities were constituted. The council consisted of elected and nominated members, of whom at least one half had to be elected. The chairman was appointed by the Governor, except for Colombo. The chairman of the Colombo Municipal Council was always a member of the Ceylon civil service. All executive powers were vested in the chairman (Siddiqui 1992: 195).

The British rulers abolished the Gram Sabha, but the village councils were resurrected to some extent as a result of two developments. Firstly, the promulgation of the irrigation ordinance in 1856 entrusted them with certain powers to enforce rules relating to irrigation and cultivation, as well as authority to dispense limited punishment for violation of certain rules. Secondly, with the enactment of the village council's ordinance 1871, the Gram Sabha was reconstituted as a village council. The village councils consisted of not less than six persons elected by the people of the area. The council elected one of its members as chairman. The term of office was 3 years. Along with the councils, village tribunals were set up with minor judicial functions. Thus councils, which functioned under the overall supervision of the Government Agent (GA), were empowered to realise rates and taxes and maintain irrigation works through Compulsory/obligatory communal labour.

The Sanitary Board was a non-elective body. The Sanitary Board Consisted of a Government Agent (the Board's Chairman), the senior district level officers of the public works and medical departments and not more than four but not less than two members nominated by the government. The Board utilised its funds for its own development. The main functions of the Board were Sanitation, public health, conservancy, lighting, latrines and markets. It also controlled dangerous and offensive trades, places used for sale of food and drink, dairies and laundries etc. But the Sanitary Board was not able to meet the demands of the small towns. It was later felt that many new small towns were coming up and that the organisation of the village committees was not suitable to administer the local affairs of such towns. To meet these changing needs a new organisation for local administration was created in 1892 by the enactment of a "Small Towns-Sanitary Ordinance". Under this ordinance, a Sanitary Board was established for each revenue district to administer all the small towns in the district (Kanesaligam 1971:11-13).

A Special Local Authorities was created in each town under the ordinance No.13 of 1898, which made provision for the establishment of Local Boards, the Constitution of which differed from that of the Sanitary Board. Each Local Board consisted of three official members, one of who were the Government Agent and three elected un-official members. Elections to Local Boards were held biennially. More or less, these local Boards were expected to function as the sanitary boards.

The nineteenth century didn't see any major developments in the sphere of Local Self Government. During this century, the British who were in ruling introduced centralized system which couldn't survive longer than it was expected. Therefore, they introduced entirely new pattern of Local Self government in the model of their own (British) Government with certain restricted powers and functions. The new model of LSG also lacked coherence and unified central control. This is precisely because the village committee and tribunal were under the Government Agent. But the sanitary board and local board didn't have any central authority for their guidance, advice and control. Traditionally grama sabha was neglected.

In 1916 the government appointed a commission under the chairmanship of Mr. L.G. Fraser to inquire and report upon the existing local government system and to advise as to what steps should be taken for their improvement. The commission presented its report to the government in 1918 as a result of which a new legislation was introduced in the legislative council on November 1919. The new legislation enacted in 1920.

### **The Local Government Reforms of 1920**

The new reform provided for the establishment of a Local Government Board as a central authority to exercise general supervision and control over three types of district councils, which the commission had proposed. Urban District Councils, General District Councils, and Rural District Councils have been constituted through the legislation based on the categorical recommendations of the commission (Mendis, M.W.J.G 1976:3).

Two thirds of members of Urban District Council were elected. The General District Council was constituted on a pattern similar to that of the Urban District Council. The Rural District Council had four to eight members nominated by the governor. But half of them were to be non-official members. The existing village committees working for so long now come under the dual control of district council and the Government Agent or Assistant Government Agent of the district (Siddiqui 1992:197).

These three types of councils were entrusted with several functions such as, administration, regulation and control of all matters relating to public affairs, public health services and general local needs and interests. The councils were expected to function under the control of the Local Government Board. They were allowed to make bylaws subject to the approval of the Local Government Board and the Governor in executive council (Kanesaligam 1971:20).

This type of council to be established in respect of each local area was to be determined by the stage of development of the area, the density of its population and other such conditions. The establishment of the councils and the if operations required the consent of the people who were resident in a local authority area. Therefore, the councils could not be established in areas where the people opted against or did not apply for their establishment.

So, the progress made to establish these new local government institutions were thus extremely slow. Infact, no Rural District Councils or General District Councils were ever established anywhere in the island. In addition to this, by the end of 1928, only eight towns had applied for Urban District Councils and taken for consideration.

These councils served for a considerable period of time, but eventually proved to be ineffective in mitigating the growing demands of the local inhabitants of the island, mainly for lack of adequate funds. Given the urgency of the matter, and to better meet growing demands of the people, considerable changes in local government system were effected by the famous Donoughmore constitution of 1931 and subsequent legislation.

### **Donoughmore Commission Reforms**

The famous Donoughmore commission under the chairmanship of Lord Donoughmore was appointed in 1927 to inquire into the constitution of the country; the scope of which included local government as well. In reviewing the existing local government system, the commission examined such questions as the powers and functions granted to the local governing institutions, their number, nature and style of functioning. The Commission recommended for the creation of an executive committee of local administration and the bureaucratic participation in local council was replaced by that of elected functionaries. The urban councils took the places of urban district councils (siddiqui 1992:198).

This system of unified control was the main factor, which contributed to an acceleration of the pace of extension and development of local government in the decades of the Donoughmore constitution. The department of local government and the Executive Committee of Local Administration were proposed to be the central nodal agencies to guide and maintain the local government administration.

The Donoughmore Commission observed that the system of local government prevailing at the time needed "drive" at the centre and "demand" at the circumference, clearly indicating a desire to delegate authority vested in the central government in order to generate a greater enthusiasm among the people to participate in the local administration. The year 1931, in which the constitution came into existence, was an important year in the history of local government in Sri Lanka. The institutional framework of the present day local government administration also came to be introduced during this year.

### **The Pre Independence Period 1940-1947**

The Urban Councils ordinance No. 61 of 1939, enacted in November 1939 and brought into force from 1<sup>st</sup> January 1940, mainly dealt with the establishment of "New local authorities, to be known as Urban Councils, in urban areas where hitherto Urban district councils had been constituted. Certain provisions contained in the new Ordinance include: (a) provision to extend the franchise for election of members to urban councils, to include women; (b) two of the members of each council were to be

nominated by the governor; (c) The Government Agent or Assistant Government Agent was no longer to be an ex-officio member of the councils; and (d) the use of coloured ballot boxes was introduced into elections for councils (Kanesalingam 1971: 58-59).

In 1946, the Sanitary Boards and the Local Boards were suppressed and a new Town Councils ordinance was passed. The powers and duties of these Town Councils were almost the same as the urban councils; the main difference being that of the number of its elected members and the limitation on its amount of rating on immovable property. The enactment of the Town Councils ordinance in 1946 completed the task of democratisation and reform of the institutions of local self-government, which began, with the grant of a new constitution to the Colombo Municipal Council (Mendis 1976: 4).

The Executive Committee on local Administration decided in 1946 to transfer the control of village committees to Regional Assistant Commissioners of the Department. Accordingly, the Local Government (Administrative Regions) ordinance No. 57 of 1946 was enacted, and a provision for defining the areas for which Assistant Commissioners of Local Government appointed was made. Such Assistant Commissioners were enabled to exercise, discharge and perform within limits of the areas aforesaid, certain powers, functions and duties of a government agent and of the commissioner of local government. Under the provisions of this ordinance, Ceylon was divided into fourteen administrative regions for local government purposes; each region was placed in charge of an Assistant Commissioner of local government (Weerawardana & IDS: 194-195).

Another significant measure of reforms introduced in the same year was related to the law regarding elections to local bodies and the establishment of the department of elections to Local Bodies. The Department was placed under a commissioner to be in charge of elections of members to all local councils in the Island. Consequently, ordinance No. 53 of 1946, entitled the Local Authorities Election Ordinance was enacted. The provisions of the Local Authorities Election Ordinance were far-reaching nature in so far as besides the establishment of the Department of Election

(Local Bodies), it abolished the system of coloured ballot boxes and in its place, introduced a system of ballot papers based on symbols rather than colours. These changes had the effect of reducing to a minimum trafficking in ballot papers and impersonations in the exercise of franchise (Kanesalingam 1971: 68-70).

Apart from the process of democratisation of Local-Self governments brought about by various constitutional measures, this period of eight years (1940-47) witnessed certain other developments which helped to consolidate the measures taken since 1931 towards the development of a robust and efficient system of local self-government.

The Local-Self government systems of pre-independent era have undergone two major developments. First was the enactment of the Local Government Service Ordinance, it provided for the unification of the local government service and the establishment of the Local Government Service Commission on 1<sup>st</sup> April, 1946 to manage the unified service. Second was the enunciation by government of its policy regarding the terms on which financial assistance would be given to local government authorities

Quite remarkably, for the first time in the history of local government in Ceylon, the principle of payment of block grants to these bodies in aid of their general revenue was accepted. These two developments were of first importance in the evolution of the present system of local government.

#### **Local Government of post-independent Era**

As early as 1948, the framework of local government comprised four types of local authorities, namely, the Municipal councils, Urban councils, Town councils and the Village Committees. The control and supervision of these local authorities were carried out by a Ministry of local government with department of local government under it, the latter being served by the fourteen Assistant Commissioners. In this period, Sri Lanka faced two basic problems via: The inadequacy of finances to which reference has been made earlier and, the need to enlarge the powers of local authorities, especially those of the village committees which had felt that the control

exercised over them in the earlier years by the Government Agents (Minister of Local government, housing and constitution report. 1982: 173).

An attempt to find a solution to the problems concerning finance was made seriously and a committee on Local-Government Finances was constituted. However, no final decision could be arrived at on the recommendations of the official committee as Mr. S.W. R.D Bandaranaike, in charge Cabinet Minister, resigned his post in July 1953, just few days after the proposals were placed before the Cabinet committee.

It was in 1953 that, the "Choksy Commission on Local Government" was appointed to examine and report on the nature and scope of local government, the functions of local government authorities, the way and means of providing more revenue to them etc. The report showed that the powers previously exercised by the Government Agents and Assistant Government Agents over village committees were handed over to the newly appointed Regional Assistant Commissions of local government. The transfer of powers of supervision of rural local authorities was made in pursuance of government's new policy. Under this arrangement the Regional Assistant Commissioners were, until 1952, called upon to assist and supervise and closely to work with village committees. For instance, Central government grants given for village works were held by the Assistant Commissioners and work contracts, etc. were entered into between them and the providers of the services. That is, the channeling of Government funds was mainly carried out through these Assistant Commissioners. The administrative controls exercised by the central government were not limited to village committees alone.

For that matter, the Choksy Commission was guided by the conviction that, there was a need to give more flexibility and freedom of action to the local government authorities. The commission was emphatic that, "The enactment of various laws giving powers, functions and duties of a wide character to the different local authorities were not the beginning and end of the duty of the centre, a system of graded laws for local authorities standing at different levels only provides the framework within which they are to function" (Kanesalingam 1971: 73 – 75).



It was felt that each type of local authorities must be duly provided with the ways and means and an adequately trained and equipped staff, so that it can build up a group of services and amenities at a level appropriate to its grade and of a character suited to the distinctive needs, growing population and varied stages of development of each different area. In a way, these observations made in 1955 were indicative of the attitude of the centre in the matter of its responsibilities in fostering changes in the system of local government to adapt it to the needs of a changing socio-political context.

The report of the Choksy Commission was submitted to the government in 1955. Following the dissolution of parliament and a general election, a new government assumed office in April 1956. The new government made no serious attempts in its first year to implement the recommendations of the commission. But it would appear that they received some consideration in the following year. According to the commissioner of local government, the most controversial recommendations of the Choksy commission was about the setting up of Regional councils and the enlargement of the functions of local government authorities.

Though the recommendations of this commission were subsequently placed before a cabinet committee, only some of them were pursued thereafter. Another committee under the chairmanship of Mr. V.C. Jayasuriya, appointed in 1969 to advise on the methods of increasing revenue in local authorities, also recommended the appointment of a local Government Boundaries Commission "To examine and make recommendations on the re-definition of Local Authority areas with a view to making them economically viable units of administration. However, the recommendations of this committee have also not been fully pursued (Warnapala 1993: 8).

In June 1969, the original Local Government Service Ordinance was replaced by a new local government service Act No. 18 of 1969. The new act too provided for a local government service and a local government service commission, but altered the strength and composition of the commission. It also removed the link of the commissioner of local government had with the commission, since the original

ordinance of 1946 in which the commissioner was both a member and the chairman of the commission (Mendis 1976: 6).

The post-independent period turned out to be a sad panorama in the sphere of Local Self Government. There was much disappointment in its progress. Due to this sad state it didn't match the advancement at the national level towards the full independent status. LSG authorities had larger limitation of powers and functions. Due to the lack of financial resources they were unable to play a significant role in the administrative development of the nation. Various committees and commissions recommended multiple reforms after examining the system of LSG. But the central Government was not in a position to accept the reforms. Similarly, LSG in the rural area didn't constitute adequate machinery for the wider scope of people participation.

The change of government in May 1970 brought about a new phase in the local administrative system of the country. The new Minister of Public Administration, Local Government and Home Affairs, has expressed the need for comprehensive reforms in local government. He has dissolved several local councils and placed them under the direct control of the department of local government through the appointment of special commissioners to administer the affairs of those councils. In addition, other types of councils were also being closely supervised by the Ministry. The events such as these clearly represented manifestations of the fundamental defects which called for urgent reforms.

Under this renewed enthusiasm, the new Local Government services Law No. 16 of 1974 has been established. This law has abolished the Local government service commission and instead established a new department of Local Government service within the Ministry of local government. It has also provided for the setting up of a Local Government services, Advisory Board and a Local Government Services Disciplinary Board (Gunewardena 1987: 17-18). These reforms have been initiated to bring the Local Government service in line with the framework of the state service of the central government.

Because of the development planning and management, people tend to demand the decentralisation. The new constitution adapted in 1978, to some extent, tried to address this need. It was in the middle of 1979 that the government also turned its attention to decentralisation of administration, which the Tamil leadership had long regarded as an essential ingredient in any political settlement, which they could support. On 10 August 1979 a ten member presidential commission was appointed to report on decentralisation of administration through the device of district development councils.

The Presidential commission was expected to complete its work within three months of its appointment. However, considering the limited nature of its terms of references this was not so unrealistic. The report was ready in February 1980. The core of its recommendations was contained in the seventh chapter of its report, a chapter entitled "District Ministers and Development Councils".

The Development Council was composed of any person holding a variety of political opinions and drawn from a diversity of social groups within a district, who will be the collective voice of the district. The District Minister system was strengthened by this institution of a development council for it made it possible to ensure popular participation in the development of each district (Desilva. K.M 1993: 109-110).

District Development Council had two major merits- Decentralising the administration in every district which contributed to the development of the district and enabling the local people participation which also helped to take part in the implementation and planning of the development projects. DDC innovation added new dimension to the history of LSG abolishing both Town and Village councils. The result of such abolition led to the initiation of two institutions- Pradeshiya Mandalayas (Divisional bodies) and Gramodaya Mandalayas (Village Bodies) to ensure the people participation in rural areas. None of them was in the contrroll of any of the authorities and hierarchical nature. Due to overpoliticisation, DDC lost its prime motif of decentralization. As a result, it could last only for about six years until the establishment of Pradeshiya Sabha Act, 1987.

In 1987 the United National Party (UNP) government brought about Thirteenth Amendment to the Constitution, according to which substantial powers have been devolved to the newly created nine Provincial councils. This devolution was intended primarily to satisfy agitating ethnic minority of Tamils. The Amendment Act has provided for transfer of local government from the centre to the provincial governments (Wijesinha 2005: 86).

The Gramarajyaya – village government – was advanced by a group of people in the government with the introduction of Pradeshiya Sabha. It was motivated by the need to establish an effective system of local government institutions in the rural areas, and this was made necessary in the context of the devolution of powers on a provincial basis. According to the 13<sup>th</sup> Amendment to the constitution under which the devolution of power scheme was established, local government was made a 'Provincial Subject', and the establishment of local government institutions, the supervision of its administration and the conferment of powers came within the purview of the provincial council (Slater, Richard 1997: 254).

With the passing of the Pradeshiya Sabha Act No. 15 of 1987, the Ministry of local government, housing and construction issued an order constituting 257 Pradeshiya Sabhas to cover the area outside the 51 municipal and urban councils in the country. It was declared that the new councils were to take office on 1<sup>st</sup> January 1988, and therefore nominations were called on 12 June 1987. The date for the poll was fixed for 15 August 1987. However, the unexpected political turmoil that began to take place after the Indo-Lanka Accord of July 1987 created a climate not a conducive for the conduct an island-wide poll. Though an attempt was made to resuscitate the traditionally powerful and useful local government structure of the country through the creation of a network of Pradeshiya Sabhas in 1987, the failure to hold elections and the virtual importance of these institutions because of the widespread political violence created a severe crisis in local government structure in Sri Lanka (Warnapal, W.S. Wiswa 1993: 18-19).

In May 1991 elections were held to 194 Sabhas along with the elections to 10 Municipal Councils and 33 Urban Councils in seven out of 9 provinces. However,

elections to local government institutions could not be held in north and eastern provinces due to prolonged civil unrest there. Elected Sabhas have been functioning in a large part of the country since then.

The Act of Pradeshiya Sabha is another significant attempt made by the independent Sri Lankan Government for the purpose of decentralization. The people participation in Pradeshiya Sabha promotes decision making in the implementation and planning of various projects and development activities in rural area. It generates its own revenue by collecting taxes. It is also taking aid from Provincial Council and the Government. If this Act functions in a fruitful manner, there is a possibility of converting it into a planning Council.

### **Conclusion**

Sri Lanka gained independence from the British in 1948 and formed the Democratic system of government. It is a Republic ruled under the unitary form of government. While the Parliament is composed of the peoples' representatives elected on party basis, the president, who is the real head of the state, is directly elected by the people. There is a provision for independent judiciary, which normally looks after the judicial administration, but controlled by the executive.

In the post- independence scenario, the constitution of Sri Lanka has been promulgated thrice in 1946, 1972 and 1978. It was after much relinquishment that thirteenth Amendment act provided for power sharing between the central government and other levels of government within the system of republican government.

Largely due to the little efforts of the Colonial rule, local self-governance could not develop in Sri Lanka in the initial stages of the modern period. Though the Local Self government in Sri Lanka was evolved way back in the year 1931, over a period of time, it could not become efficient as the powers granted to the local authorities were very limited while their functions kept on increasing day-by-day. Increasing rate of population, high migration of rural population to urban towns, increasing needs of sanitation and public health posed a great challenge to the local administration.

The development of the system of local government during the period 1931-46 constituted a major stride on the road to progress in the sphere. The creation of the urban councils and town councils were other important institutional developments in the local self-government. The urban councils were established following the enactment of the urban council's ordinance of 1939. This Act also extended the voting rights for the election of the members of urban councils. Town councils were created for small towns, replacing the sanitary boards and local boards that existed since 1892 and 1898 respectively. All councils have their process of establishing these elected councils with substantial powers and functions.

One of the basic constraints in the proper functioning of the Local-Self government system in Sri Lanka relates to lack of adequate financial resources available to the local units. It was at this juncture that the local government service commission was set-up. It was the significant change in the history of local government. It held to ensure the security of finance of local government employees, to improve their career prospects and to boost the morale of the service. Sri Lanka achieved its independence under the soulburry constitution in 1948. It was a unitary state system, under which, the local government system came under the sphere of the central government.

There were many reasons why the local government system was at doldrums after independence. As the policy framers gave much importance to Central planning at the neglect of devolution of resources and management of local needs, the Local-Self Government system in post-Independence Sri Lanka had to undergo a serious constrains. This became a policy of impediment especially from mid-1950s.

However, such an outlook should not lead us to wrongly conclude that Local-Administration in Sri Lanka was all too defective. And at the same time, it did not necessarily mean that the local government system, established after independence, in terms of expansion in numbers, elevation in status, popular participation, were all-too much efficient. The services and guidance rendered by the ministry to facilitate the functions of the minister and the ministry, the department of local government created

with a Commissioner and Assistant Commissioners and their professional services were immensely useful to this date.

In the history of Local-Self government System in Sri Lanka, the period between 1981 and 1987 was a period of vacuum and distortion. The Pradeshiya Sabha Act that came into effect in 1987 has devolved substantial powers and functions to the local government institutions concerned with development work. This Act states the objective as provision of larges opportunities to the people for participating effectively in decision-making process related to governmental administration and developmental abilities at the local level.

The committee system of governance, the backbone of the local government system in Sri Lanka, is not functioning properly for a long period of time at present. There is an undesirable tendency for the local government institutions to blindly follow national politics and image of the national parliament with government opposition confrontation.

The Local self-government can play a vital role in building of a healthy society and prosperous nation. Especially, a developing country like Sri Lanka, with a lot of regional imbalances and social upheavals, can make an effective use of the instruments of local self government in resolving many contentious issues. Such an effort if taken with care and caution would prove fruitful for it involves people at the grass route level who are always made objects of conflict by the groups of vested interests.

# *Local Self-Government Structures*

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*Chapter – 3*



## **LOCAL SELF-GOVERNMENT STRUCTURES**

### **Introduction**

After the attainment of independence in 1948, the political development process began to grow in scope, pace and intensity in Sri Lanka. Major political parties are coming into power and periodically forming the Government, tended respectively to give distinctive political orientation to these processes. One significant move was growing recognition of the need for administrative decentralisation, so as to satisfy common people's demand for opportunities for participation in decision-making and public affairs at local levels. Participation was also envisaged to improve efficient and coordinated implementation of policies and programmes at sub-national and local levels. These changes have brought about certain modification in district administration as well as in local self-government.

Initially, many local authorities emerged in Sri Lanka. All these local authorities are directed and controlled by the Department of Local Government which replaced the Local Government Board. With the introduction of the Donoughmore constitution, bureaucratic participation in Local Council was replaced by that of elected functionaries. Urban Councils took the place of Urban District Councils while Town Councils (a tier below urban councils) came to replace the Sanitary Boards.

There was Municipal Councils (12) constituted for large towns under the Municipal Councils ordinance. Urban Councils (38) for smaller towns, operating under the Urban Councils ordinance, Town Councils (86) operating under the town councils ordinance and Village Councils (549) governed by the village council ordinance. Thus four types of local authorities existed in Sri Lanka until 1980. In the middle of 1980, the Development Councils were established at the district level with the establishment of development councils, the town councils and village councils lost their legal status and functions. It was vested with local government functions to widen the process of decentralisation in the politico-administrative system of Sri Lanka. With the abolition of town councils and village councils there appeared a void, which resulted in the creation of two separate institutions, namely Pradeshiya Mandalayas and Gramodaya Mandalayas.

Over politicisation of the DDC system did not go in favour of genuine decentralisation. It lasted for about six years until the establishment of Pradeshiya Sabhas at the sub-district level. Pradeshiya Sabhas cover more than 85% of the total land area and include the former town council areas and pockets of built up areas under the former village councils. This Sabhas was designed to achieve decentralisation objectives and securing people's participation in development and so on.

Keeping the changing scenarios in mind, this Chapter is designed to deal the legal, composition, election and power of each local authority. Finally, this Chapter will also have a special focus on the rapid changes in the electoral systems at the local level.

#### **Municipal Councils:**

The Municipal council's ordinance No.20 of 1947 was passed to amend and consolidate the law relating to Municipal councils. Section 2 of the ordinance empowers the Minister by order published in the gazette to a) declare any area to be a Municipality b) define the limits of the Municipality so declared and c) assign a name and designation to the Municipal councils to be constituted for the Municipality so declared. It's the premier form of Local government in Sri Lanka. It has been created to cater to the needs of big cities like Colombo, Kandy, Jaffna etc.

Each Municipal Council shall consist of the Mayor and Deputy Mayor and such number of other councillors, who may be elected directly by the people of various wards. In determining the number of councillors, the Minister shall have decisive authority in regard to the area and population of the Municipality. The Mayor acts as a Chairman of the Council. As a Chairman, he is responsible to the Municipal-Council for civil administration of the city. He presents before the council an annual budget and an annual statement of receipts and expenditure of the Municipality for approval. He ensures that a seven days' notice is issued to the members before the budget is presented to the Council. The Mayor is assisted by the Municipal Commissioner in discharging his duties. The Municipal commissioner is a public servant appointed by

the central government. He acts as the executive officer of the Municipal Council (Tyagi 1970: 150-151).

A general election is held in accordance with the provisions of the local authorities elections ordinance, it is for the purpose of electing the first councillors of the council. In case of any general election held subsequent to the first general election on the first day of January next succeeding date of election or such other date will announced by the Minister. Each member is elected for a period of three years from various wards into which the Municipal area of the city is divided (Municipal Councils Ordinance 1987:3-5).

Municipal Councils meet time-to-time, and are conducted by the Mayor. For purposes of continuous supervision and formulation of policies, the Municipal Council elects various standing and special committees. The Financial Committee does have predominance in over all supervision of various standing committees. The financial committee examines all the financial proposals before they are presented to the Council. The other issues such as: sanitation and markets, housing and town improvement, public works, traffic and transportation are looked after by their respective standing committees. As and when circumstances require, the Council may also appoint such other standing committees to look after the matters of importance (Tyagi 1970: 150).

Section 40 of the Municipal Council Ordinance lists the general powers of Municipal Councils. These include general administrative powers, such as recruitment of officials, acquisition of assets, licensing, instituting legal actions, budgeting and supplementary budgeting. The Municipal Councils are empowered to take decisions on matters of unauthorised constructions and the power to demolish unauthorized buildings. To some extent, the local authorities are provided with substantial powers to meet the needs of local people. As it is always important, the local-bodies have been provided with power to facilitate and regulate markets in their area of supervision. These councils facilitate public infrastructure and provide necessary authorisation to acquire land for public purposes (Municipal council ordinance 1987:11).

**Urban Councils:**

The Local Government Councils ordinance issued in 1920, which was based on the recommendations of the Local Government Commission, had for the first time, laid foundation for setting up of Urban Councils in Sri Lanka. Though the ordinance provided for the establishment of three types of Local Government bodies, it was only the District Urban Councils which saw birth in the island. However, in a short span of time, the District Urban Councils were converted into Urban Councils.

Each Urban Council shall consist of a chairman, vice-chairman and such other members as may be elected or act as ex-officio as required. The chairman is the chief executive officer of the Council. All executive functions of the council are performed in his name. However, in most of the times, unless otherwise committed, the chairman shall have to act in conformity with the resolutions, which may be passed from time-to-time by the Council. Election procedure is same like Municipal Council (Urban Council Ordinance 1987: 6 to 10).

The powers of urban councils are enumerated in a separate ordinance: the Urban Council Ordinance. Their general powers and duties are not very different from the Municipal councils. The duties of urban councils, as given in section 35 of the ordinance, are almost similar to the corresponding section of the Municipal Council Ordinance.

The Urban Council constituted for each town shall, subject to the powers reserved to or vested in any other authority by this ordinance or by any other written law, be the local authority within the administrative limits of the town, charged with the regulation, control and administration of all matters relating to the public health, public utility services and public through fares, and generally with the protection and promotion of the comfort convenience and welfare of the people and the amenities of the town (Urban Council Ordinance 1987: 2).

The critics of the Municipal and Urban council are: The Municipalities are created in 1865. It was an outcome of the desire to implant British democratic institutions in Sri

Lankan soil. The existing Municipal and Urban Councils were created and developed mainly between 1931 and 1946 in order to govern the urban areas, accelerate the process of urbanisation and function in areas with a high density of population. As compared to Urban Councils, the Municipal Councils are more autonomous and more adequately funded and equipped and have more qualified technical man-power. Both Municipal and Urban Councils consist of members elected directly on the basis of Proportional Representation. This means these two councils have a multi-member constituency and the political parties or independent groups are allowed to submit lists of nominated candidates. The councils have Mayors and Deputy Mayors. Both are elected from among candidates obtaining the highest number of votes in the election. Despite the theoretical framework under which various powers have been granted to the Local-Bodies, most of the Municipal councils have failed to improve the economic lot of the average Sri Lankan citizen.

**Town Council:**

In keeping with the decisions of the donoughmore commission, the government decided in 1941 to do away with the sanitary boards and the local boards. Abolition of the sanitary boards and local boards led to the creation of a new type of local authority called the "Town Council". Under the Town Council Ordinance No.3 of 1946, any area which by reason of its development or its amenities is Urban in character may, under the town Councils Ordinance, be declared as a town by order of the Minister and the same is published in the gazette (Report on the first one day general election 1995: 9).

The council shall consist of chairman and vice-chairman. The mode of election of the chairman and vice-chairman is similar to Urban Councils election. The chairman is the executive officer of the Council, and all executive acts and responsibilities which are by any enactment directed or empowered to be done or discharged by the Council may be done or discharged by the chairman (Cooray 1973: 424).

These town councils were charged with the regulation, control and administration of all matters relating to public health, public utility services and public thoroughfares and generally with the protection and promotion of the comfort, convenience and

welfare of the people and providing the amenities of the town. The powers and duties of town councils were almost on par with those of the urban councils. The main difference was the number of members was limited to not less than 3 and not more than 8. Its power of local taxation was that strictly limited so as to permit only a rate on the annual value of immovable property, not exceeding 9% (Report of the first one day general election 1995:9).

**Village Councils:**

The Village Councils in Sri Lanka are structured almost on the pattern of Village Panchayats in India. Local Authorities' Election Ordinance No.53 of 1946 elevated the village committee to the same status as other local bodies with regard to the elective principles. It elects one of its members to be the chairman and other to be a vice-chairman. It is elected for a term of three years. The strength of the members of each village council varies from three to fifteen. The term of office of each members of a village committee elected in a general election, expires on the last day of June of the 3<sup>rd</sup> year, but the Minister could extend the term of office by order published in the gazette (Report on the first one day general election 1995:7-8).

These Councils are fundamentally intended for the needs of the rural population such as: water supply, lighting of public streets and buildings, markets, provision of housing for the poor. The communal fund is spent for the conduct of experiments in agriculture and the branding of domestic animals and relieving public distress, due to famine, epidemic diseases and any other such cases. The audit of the accounts of village committee is a statutory responsibility of the auditor general. The state council has given more power to the village committees regarding taxation, levying of rates and expenditure of their funds on the relief of distress, social welfare and such other matters.

The Village Committee Ordinance No.60 of 1988 was enhanced. Under this ordinance, the powers functions and duties of village committee are increased in the realm of taxation, levying of rates, distress relief, etc. The franchise was limited to power domiciles in Sri Lanka and the eastern labourers were not given the right to

vote on the basis as they had no community interest with the rural population (Mendis 1976: 18).

The critics held that the Village council has their origins in the ancient rural institutions. It did not to suit with the changing conditions. Hence, the separate Department was established in 1946 to provide guidance and policy adherence to the Local bodies. The supervisory functions vested in the government agent were then transferred to the Assistant Commissioner of Local Government as a step to ensure more autonomy of local authorities. In 1952, with the local authority enlargement of power Act, there was a transfer of powers to the local councils, which had earlier been vested in the Minister in charge. During the years 1952-1980, more powers was granted to local authorities.

However, in contrast to the above development, the powers of grass root level local bodies began to be devolved from 1981. The first ever step in this regard was taken in 1981 resulting in the establishment of District Development Councils based on the recommendations of Tennakoon commission. With the commencement of the District development councils in July 1981, both the village and town councils, which represented almost 85% of the population, had to leave behind the curtain. Bifurcation of powers among the General District administration and District development administration which came into effect with the commencement of District Development Council was another undesirable effect in the Local-Administration (De silva 1993: 109-111).

### **District Development Council**

By the Development Councils Act No.35 of 1980, the provision was made for the establishment of a Development Council for each administrative district. By an order of this act published in Government Gazette Extraordinary No.133/7, the President constituted development councils in respect of each of the districts specifying the names of the councils and the number of members to be elected. This act has had the far reaching effects of abolishing the town councils and village councils. All village councils and town councils ceased to function from 01.7.1981. These councils were expected to handle the responsibility for development as well as service function of

ordinary local authorities (Report on the first one day general election: 1995:9-10).

The council comprised both elected and ex-officio members. The number of members elected was determined according to an order issued by the president. The ex-officio members comprised Members of Parliament. They constituted a small majority in the council. The district government agent served as part-time secretary of the DDC. The DDC executive committee comprised district minister as head, and the chairman of the DDC as an ex-officio member and two other members nominated by the district minister in consultation with the DDC chairman (Wriggins 1981:175-6).

The members were elected for a term of 4 years on the basis of Proportional system of voting. The candidate who got the highest number of votes becomes the chairman of the council. He conducted deliberations of the councils. As an ex-officio member of the council's executive committee he played a substantial role in preparation of district plans as well as direction and supervision of this implementation (Khanna 1999:221).

The committee prepared the draft annual development plan for the district in accordance with guidelines and directives received from the DDC and the government. The district minister and the district secretary (GA) played a primary role in functioning of the executive committee. The DDC included in its guidelines any acceptable proposals received from the Pradeshhiya Mandalaya. It also prepared the draft budget. Both the draft district plan and budget were sent to the council for discussion and approval. The committee also had the responsibility for execution of approved plan through various district offices of government departments. It monitored progress of plan executions, provided corrections, and carried out evaluation. It kept the council informed of these matters (Khanna 1999:122).

The district councils possessed certain specific administrative duties. Their law making powers are limited and not particularly controversial, with emphasis on control over industrial and agricultural development in their areas. However, they



control over local budget and taxation, and actively involve in welfare, cultural and educational projects (Matthews 1982:112).

With the creation of District development Councils DDC, both the planning and development began to be controlled by dual authority. District Councils Regulation Act No. 45, 1981 provided for the replacement of village and town Councils by a new organization namely, the Gramodaya Mandalayas and Pradeshiya Mandalayas.

### **Pradeshiya Mandalayas and Gramodaya Mandalayas**

The local void created by the abolition of 86 town councils and 549 village councils was expected to be filled by establishment of Pradeshiya Mandalayas (PM) and Gramodaya Mandalayas (GM) at the district level (sub-district) and gram sevaka Areas level (cluster of village) respectively in their place (Shastri 1994: 219). Gramodaya Mandalayas are the components of Pradeshiya Mandalayas. A Pradeshiya Mandalaya consisting of several Gramodaya Mandalayas came as a replacement for the then existing Government agent who was previously having the administrative control over the specified area.

Its non-official members consisted of chairmen of 26 officially recognized organisations functioning at the local level. Some of these organisations are: rural development society, coöperative society, school development society, women societies and community centre. The decisional level coordinating committee of GMs elects one of their members as the chairman. (Abeyawardana 1996: 260).

The chairman of the Gramodaya Mandalaya is elected by members from among themselves. There are also non-voting official members comprising government officers working in the Gram Sevakas areas. A special service officer appointed by the government act as GM secretary (Khanna 1999:224).

The members are expected to identify and discuss local needs of the people in the area. The local proposals formulated by them after agreement are sent to Pradeshiya Mandalaya which after scrutiny and effecting any changes, send these to the district development council. In this way, it was expected that the district plans would reflect village needs and priorities realistically. However, actually there was no guarantee

that the proposals of GM would receive due consideration by the District Development Council as there was no institutional link between the Pradeshiya Mandalayas and the councils.

The DDCs had not only laid down the statutory framework for the DDCs through the DDC Act of 1980 but also approved regulations made by the Ministry of local government. Most importantly, by-laws made by the DDC in respect of its functions were subjected to Parliament approval. The audit reports about the working of the DDC were presented in the parliament for discussion.

The Minister of local government had the power to remove the DDC chairman or members on grounds of mismanagement or default in duties. He had the authority to dissolve the DDC on specified grounds as mentioned in the DDC Act, 1980. The department of local government conducted inspections in regard to working of the councils through regional assistant commissioners. It might also send directives or instructions to the DDC on certain matters. The governmental control, both internal and external over the DDC, tended to constrain their reasonable autonomy as self-governing institutions.

### **Pradeshiya Mandalaya**

The next local government organisation established at the Assistant Government Agent (AGA) level, was the Pradeshiya Mandalaya. From 1982 till the enactment of the Pradeshiya Sabha Act No. 15 of 1987, these councils at the divisional level operated as non-elected bodies. The Pradeshiya Mandalaya, like the village committee, embraced an AGA's division and consisted of the chairman of Gramodaya Mandalaya in the particular AGA's divisions. This meant that the members of the Pradeshiya Mandalaya were recruited from the base organisation in the village. It failed in so far as there was no adult franchise system.

AGA in the Division served as ex-officio secretary of PM. The chairman was elected by the non-official members. Largely on the basis of suggestions received from GM it made proposals to the DDC for consideration of local needs. The composition of the Mandalayas, the necessity for monthly meetings, and the procedures involved in

voting on issues were provided for by regulation in Act 45, 1981(Matthews 1982: 1122).

In short, it can be said that the Gramodaya and Pradeshiya Mandalaya were intended to provide representation to organisations and voluntary units catering to rural and village needs to ensure that there is no conflict or duplication of effort. However, the critics are of the view that GM was a poor substitute for village councils which were abolished. The group or the association superseded the individual citizen in making choice of the schemes and activities of people's welfare. There is no automatic procedure linking the Mandalayas to the DDCs. Under such circumstances, a political vacuum could be seen. However, the main features of the Mandalayas should not be lost sight of that is, their objective was to enlist democratic participation at the grass-root level.

Over a period of time, DDC did not become much satisfactory. DDCs were needless superimposition that neither brought the people closer to government decision-making nor improved government efficiency. The greater harm was the unfortunate involvement of the DM in the DDC, as the head of its executive committee, thereby giving him the status as the representative of the central government in a local body. What had earlier been a decentralising role was transformed unwittingly into a centralising one. As a result, the Pradeshiya Sabha became another experimental institution on the track of decentralisation of Sri Lankan local administration. The Pradeshiya Sabha was more or less acted as an official committee constituted to ensure people's participation in administration and development planning. The Pradeshiya Sabha act was debated in detail by the parliament before it became an act on April 15<sup>th</sup> 1987.

### **Pradeshiya Sabha (PS)**

New form of local bodies called "Pradeshiya Sabha" was introduced by Pradeshiya Sabha Act no.15 of 1987. This was followed by local authorities elections (Amendment) act no.24 and 25 of 1987 for the conduct of elections to all local bodies.

The Sabha comprises directly elected members. This is unlike the DDC which had members of Parliament as ex-officio members. The minimum number of members to be directly elected has been fixed as 9 while the maximum is determined by the government keeping in view population and socio-economic conditions. The PS elects a council by popular vote conducted by the commissioner of election for a period of four years.

The chairman and, in his absence, the vice-chairman presides over meetings of the Sabha. He functions also as "Chief Executive" of the Sabha. All executive functions and responsibilities as legally stipulated for the Sabha are to be undertaken by him. He may, however, delegate any of powers, duties or functions vested legally in him, to vice-chairman or Sabha secretary or any other Sabha officer.

Pradeshiya Sabha provides greater opportunities for the people to participate effectively in the decision-making process related to administration and development activities at a local level. The body corporate status permits a PS to act within the ambit of the law. It is obvious that the powers of government in regard to supervision and control over the sabha are extensive and may tend to constrain its autonomy. No time limit has even been laid for period of suspension or dissolution of the sabha as ordered by the Minister.

The sabha during 1990-92 had the Assistant Division Agent (ADA) as an ex-officio to secretary. He worked only on a part-time basis as secretary as he had other administrative duties under the direction of central and provincial government. Now, there is a whole time secretary appointed by the government. He assists the sabha and its chairman in their function. He directs the administrative staff in the sabha for implementation of its decisions, approved programmes and budgetary provisions.

There is a hierarchy of administrative personnel in the sabha. Several of them belong to the unified local government service and some are recruited by the sabha itself according to governmental prescribed rules. Under the administrative directions of the secretary, they are responsible for general and financial administration, delivery of health services, water supply as well as other utility and public welfare services. In

1992, an act of Parliament upgraded the division administration and empowered its administrative head, the division secretary, to be responsible not only for increased administrative functions allocated by the provincial government and the central government but also for supervising and supporting working of the sabhas and urban councils (Khanna 1999: 230).

There is thus a need for a suitable legal safeguard as well as for conventions to ensure an appropriate balance between local autonomy and governmental control. This would tend to strengthen the local authorities, there by contributing to the process of democratisation and also to political stability in the country. When these ordinances were promulgated, the central government was to supervise the functioning of local authorities. However, with the 13th Amendment to the Constitution this power has been transferred to the provincial councils. Similarly, processes of inquiry and oversight of local authorities have been transferred to provincial councils. These powers have been granted provincial councils to check the excesses of individual municipal and urban councils, where Mayors and Chairperson considered themselves above the law as elected representatives of the People. However, certain recent judgments show that deliberate harassment has been caused to some of the Chief Executive Officers, Chairperson and Mayors that might have been based on political conflicts, questioning the objectivity of the provincial council members. Political parties have taken a keen interest in local authority elections, injecting politics in the decision making of the development process. One negative impact of such behaviour is the neglect of development needs of a local authority that is in hands of the people who do not have the same political affiliation. This is particularly of concern in Pradeshiya Sabhas and has degraded the standards at the local level. Although such criticisms can be leveled against local authority administrations, on the whole, the concept to think and act locally at the local authority level has not been shelved.

As a consequence of the Provincial Council (PC) system, the following sub-national institutions are now operating in each province:

1. Provincial Councils at the level of province.
2. Pradeshiya Sabha at each AGD District level.
3. Gramodaya Mandalaya at the village level.

4. Municipal and Urban Councils in the urbanised and semi-urbanized areas.

**Electoral System in Local Self-Government**

In this variety of local authorities consisting of Municipal Councils, Urban District Councils, Town Councils, village committees, there were three different kinds of membership. Some members like the Government Agent, Colombo were appointed by the Governor. He was the chairman of the first Municipal Council Colombo. This system lasted till 1931 with the introduction of Universal Adult Franchise under the Donoughmore Constitution.

These local authorities enjoyed different terms of offices but on an average most of them were limited to a three-year period. In the case of Municipal, Urban and Town Councils whose term of office commenced at the beginning of a year, elections had to be conducted within three months, prior to such date. Invariably such polls were conducted in the month of December of the preceding year. In the case of village committees whose normal term of office commenced mid-year around July, the elections were held in the preceding months April to June (OHCHR 2005:10).

The Local authorities election ordinance No: 53 of 1946 was enacted. Important provision of this ordinance was the appointment of a commissioner of Election (Local Bodies), and the commission assumed overall charge of elections to all local bodies including village committees. In accordance with the practice of decentralization of other Central government functions, the Government Agents and Assistant Government Agents were appointed election officers for their respective districts. All powers and duties connected with local elections were given to officers of this new Department. It was responsible for conducting elections to local bodies.

By the time that Sri Lanka gained independence in 1948, the structure of Local Government was four-fold, 7 Municipal Councils 36 Urban Councils, 34 Town Councils and 401 village committees. The village committees of the good old days were renamed as village councils in recognition of their more election and participatory character (Report on the first one day General Selection 1995: 19).

Another change occurred later was the vreation of Department of Parliamentary Elections and the Department of Elections (Local Bodies) which were functioning as dependent organizations and were amalgamated with effect from October 1, 1955; to constitute a new department designated as the Department of Elections (Parliamentary and Local Bodies). In consequence, at district level, Assistant Elections officers were placed in charge of all work in connection with parliamentary as well as local authorities' elections under the general direction and control of the Government Agents.

This provision of amendment and amalgamation of the two departments bringing about as much uniformity as possible is the law and practice of elections to both parliament and local government authorities. In effort of achieving greater uniformity, further amendments were made by Act of 1965 to the local authorities elections ordinance. The main provisions of the act, related to alteration in the residential qualifications for registration as a voter from a qualifying period to a qualifying date, prevention of the inclusion of a person's name as a voter in the electoral lists of more than one word and recognition of political parties for the purpose of local elections (Kanesalingam 1971:126-27).

In the 40 year period between 1947 and 1987 the degree of representation at local level increased both on account of the creation of new local authorities as well as the increase in the membership of some council due to an increase in the number of wards per such council. The member of councils increased on the following basis.

Local authorities	1947	1981	1987
Municipal councils	7	-	12
Urban councils	36	-	39
Town councils	34	92	-
Village councils	401	645	-

Source: (Report on the first one day general election 1995:20).

**Proportional Representation (PR) system:**

The Second Republican Constitution of Sri Lanka introduced the PR system in 1978. This resulted in a major difference in the system in relations to Local Authorities as well. The main difference occurred consequent to the introduction of the PR System of elections. This system abolished the ward structure of Local Council which was considered as the electoral area. Instead of the nomination of individual candidates to wards list of candidates, they are to be nominated by political parties and independent groups, to seek a mandate from the people for the administration of the Council during a specific period of time. Priority of candidates on this list system is left to the discretion of the party or the group. The choice before the voter is therefore limited to the parties and groups and has not extend to the candidates.

In this PR System of elections the local elector realized, for the first time, that his is a common endeavour along with all other electors of the entire council area, to choose a party or a group to administer their services, as against choosing individual candidates to represent the individual wards. Local authority elections are held under the local authority election ordinance. The district secretaries conduct elections in their capacity as election officers in the district. Their duties are limited to the preparation and certification of electoral registers and the conduct of the poll. The commission of election also decides the number of seats each party will get based on the election results (UNESCAP 2002: 4).

The first ever election under this system was held in 1979. However there elections were confined to the 121 Municipal Councils and 39 Urban Councils and elections to the village and Council areas were not held due to the fact that councils were to undergo a transformation. Shortly, thereafter a new system was introduced by the Development Councils Act of 1980. This act created Development Councils, at the rate of one Council for an Administrative District. There were 25 Councils were established in 1981. The areas of the Municipal and Urban Councils were also included in the DDCs. Elections to these DDCs are also based on the PR System of elections.



The elections to local Authorities held in 1983 followed the system of PR. Since the establishment of DDCs, the Local Elections of 1983 by their own very nature was confined to 12 Municipal Councils and 39 Urban councils. The next round of election came around 1987 at the expiry of the four year term to which they were elected in 1983. By this time however several other developments had taken place to change not only the character of the Local Authorities but also the nature of the election system itself. Hence the unexpected developments caused a surprised postponement of these 1987 Local Election (LORC : 3).

Respective political parties or independent groups nominate the Chairperson or Mayors, which do not appear to be a very democratic process. However, more democratic means of elections of heads of local authorities have created problems of local administration. One of the main issues arising has been the relationship between the Chairperson/Mayors with the local authorities. There have been cases where councillors revolted against such relationship with the heads of local authorities, causing embarrassment to political parties. On the other hand, some argue that over-dependence of local authority heads on councillors would create situations that are more damaging to their general administration.

Lack of representation of poverty-stricken populations in the composition of local authority membership has affected even the composition for committees, especially that of the municipal councils. The law provides for appointment of various committees to assist the administration of local authorities. Since political input has been uppermost in the minds of the politicians in power at municipal councils, adequate representation has not been the case in sectional committees, even though the opposition groups or members deserved representation. Therefore, the difficulties faced by the poorer groups have increased. In case of the Pradeshiya Sabhas the law provides for the appointment of committees. These could include residents of the areas. While appointed, the opportunities given to the political opponents and the disadvantaged groups were minimal.

Significance of the PR System of local government election is: the elector system is proportional that it permits an elector to give his/her preference to a political party or an independent group. The elected members have no allegiance to the micro level. Moreover, under the previous composition minorities, including small political parties were finding it difficult to be elected due to limitations in the number of elections in each ward. However, under the presence electoral system minorities can become a block vote and gain a place as a member or councilors. Such opportunity makes the minority members and councilors concentrate on their block vote by developing the occupational basis. The combined effect of the PR System with a one-day election was the conversion of these local selections from a status of local concern to a status of national Significance. This system of a PR election on a single day has enabled the established political parties make an impact on the local election process.

Though the minorities have gained substantially form the new electoral system, not with standing these factors, there are clear-cut disadvantages inherent in the system. Primarily, the number of members and councillors are not so large to ensure service to a large number in a geo-graphically vast area, especially in base of Pradeshiya Sabhas, creating under representation. There have been cases where some smaller villages could not go to the chairpersons or Mayors due to various socio-political reasons. Besides minority populations mostly inhabited in villages they were left out.

### **Conclusion**

The structure of administrative institutions of any country reveal a lot about the distribution of power and the extent to which decentralization of power is practiced there. This, in turn, sheds light on the extent to which people of that country are given access to power and the degree of their participation in decision making embedded within the institution of local self-government.

Sri Lanka has various types of local authorities embedded within the institution of local self-government. They are namely the Municipal Councils at the large city level, Urban Councils at city level, Town councils for towns and Village council at village level. In this system, every local authority has separate legal, composition and powers.

Between the different types of local authorities, there is no clearly defined division of legal powers. Certain powers can be devolved or delegated to small authorities such as village councils and town councils. The village Council or committee has their origins in the ancient rural institution while Sanitary Boards, local Boards and Urban district councils are innovations intended to suit changing conditions. The enactment of various laws giving powers and duties of a wide character to the different local authorities is not the beginning and end of the duty of the centre.

Accordingly, in 1987 there were 86 Town councils and 549 village councils at the grass root level in this country. With the establishment of Development Councils in 1980 under the Development Councils Act of 1980, the town and village council were abolished. This reduced the structure of Sri Lanka Local Government to two tiers in place of four, namely the Municipal and Urban councils. But the purpose is not fulfilled, because the Development Councils were chiefly introduced for the purpose of decentralising the administration and increasing general public participation in the administrative decision making processes. The three tier structure of the DDC was formulated for this purpose, this system comprised of Gramodaya Mandalayas; Pradeshiya Mandalayas were situated at the grass root level.

There were several defects in the system of DDCs. So, the system ceased to function after 1987 with the enactment of the Pradeshiya Sabhas Act 1987. With the new constitution, the electoral system was changed into proportional representation (PR), which did not make much sense in respect of the local government system. For the local government system, the ward system was much better than the PR system which adversely converted the whole local government areas into one electorate among other changes.

And also, the elections held under the PR system have not proved to be suitable for the local governance where there is a clear need for representatives based on wards rather than political parties.

# *Functions of Local Self-Government*

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*Chapter – 4*

## **FUNCTIONS OF LOCAL SELF-GOVERNMENT**

### **Introduction**

The Local Self-Government Systems evolved as the main centers of problem-solving machinery in modern times all over the world. With the imperialistic expansion of Europe to other parts of the globe, administrative innovations began to be experimented in most parts of the world. This large scale phenomenon includes the experimentation of Local Self-Government System. The Britishers carried their pattern of administration to everywhere they established their colonies. It is in this background that the Local Self-Government systems in most parts of the world, especially in Asia, had their modern evolution.

What is to be noted is that the Local Self-Government system as it is existing today is a replacement of its predecessor, which was ancient in nature. The introduction of Local Self-Government has not produced the same results everywhere at every time. Partly because of the complex conditions under which the Local Self-Government system is to be administered, and partly because of the changing scenario of Central Government policies, the Local Government System can be said to have not achieved its desired goal. But the causes for its failure are not always the same.

One of the contentious issues of the developing countries is the fair allocation of resources among vastly expanded population. When it becomes highly difficult for the Central Government to ensure the equal distribution of local resources, people's participation gets due consideration. When it comes to achieve a massive and effective public support, then arises a need for the creation of local-based governing bodies, the same being applicable both to rural and urban areas.

Monitoring these facts reveals that various problems may arise one after the other at any point of time in the management of Local affairs. Knowing the functions of local government authorities could be of great help in solving the problems and in promoting the effectiveness of the authorities.

This chapter will mainly focus on functions of local self-government. Categorically, this chapter is divided into three parts each part dealing with a specific aspect in full compliance with functional perspective. The first part deals with the functions of local self-government and how each branch of local unit is functioning within given administrative arena. The second parts will analysis the financial aspects that are often useful but hardly paid little attention to the governance of Local self Institutions. The third parts will analysis the centre-local relation and people's participation and how Local self-government Institutions, through their effective functioning, can create harmony for their working.

### **Functions of local authorities**

The functions of local authorities in Sri Lanka are mentioned in the principal ordinances i.e. the Municipal Council Ordinance, Urban Council Ordinance, Town Council Ordinance and Village Council Ordinance. In addition, the functions of Local-Authorities have also got frequent mention in various other orders and acts. e.g. Auctioneers and Brokers Ordinance, Burial Ground and Cemeteries Ordinance, Butcher Ordinance, Performance Ordinance, Rest Houses Act, Town and country planning Ordinance, Housing Town Improvement Ordinance etc.

### **Functions of Municipal Councils**

General functions of the Municipal Councils are mentioned in Municipal council ordinance section 46, which can be read as follows:

- Maintaining and clearing of all public streets and open spaces which come under the purview of the Council's administration.
- Enforcing the proper maintenance, cleaning and repairing of all private streets;
- Supervising and providing growth and development by planning and widening of streets, reservation of open spaces and execution of public improvements;
- Establishing and maintaining public utilities for the welfare, comfort and convenience of the public; and
- Promoting public health, welfare and the development of sanitation and amenities (Municipal council ordinance 1987:11).

### **Functions of Urban Councils**

- Maintenance and safety of public infrastructure kept under its purview;
- Enforcement of cleanliness measures on private streets;
- Formulation of plans, their Supervision, execution and proper surveillance for the improvement of public infrastructure in Urban governance;
- Widening of streets, reservation of certain places for the purposes of public entertainment, establishment of public utility centres such as, water tanks, power projects, public parks and educational institutions;
- The maintenance of sanitary activities, arrangement of health-care centres, making necessary provisions for scavenging facilities, town maintenance services and prevention of unhealthy practices in urban areas, all lie in the control of Urban Councils.

### **Functions of Town and Village Councils**

The Town Council has functions, powers and duties which are substantially similar to that of Urban Councils, the main difference being that it cannot impose and levy a rate of more than nine percent (cooray 1973:424).

The functions of Village Councils are fundamentally intended to meet the needs of the rural population. These generally include: water supply, lighting of public streets and buildings, markets, provision of housing for the poor. The communal fund is spent for the conduct of experiments in agriculture and the branding of domestic animals and relieving public distress in famine, epidemic diseases and any other such cases (Mendis 1976: 18).

### **Functions of District Development Councils**

The Councils have the statutory allocation of two types of functions, Civic and Socio-Economic in nature. While the first category include functions such as, public health and environmental sanitation, and public utility services, the second list of Socio-Economic subjects cover: agriculture and agrarian service, animal husbandry, cooperatives, employment, rural development fisheries, irrigation, small and medium industries, land use and settlement, food, education, health services and housing and

cultural affairs. For any other subject the council wishing to include in its list permission of the minister concerned has to be obtained (Wijeweera 1989: 294).

### **Functions of Gramodaya Mandalaya and Pradeshiya Mandalaya**

The Gramodaya Mandalaya is responsible for the formulation of policies relating to public amenities such as: the construction of village roads, water (storage) tanks for irrigation, water supply schemes and wells. However, it should formulate such policies only after the due consideration of available resources falling under its administrative area. The Gramodaya Mandalayas are also supposed to assist Pradeshiya Sabhas in the implementation of their plans, programmes and projects. One of the welcoming development, as per the Gramodaya Mandalaya Fund Act, is that a provision has been made enabling Gramodaya Mandalayas to undertake works which would contribute to strengthening the village economy (Khanna 1999: 232).

The Pradeshiya Mandalaya (PM), created at the Assistant Government Agent level, was empowered to monitor the recommendations of the Gramodaya Mandalaya and suggests priorities to DDCs. It was based on the recommendations of the PMs that the DDCs were to take decisions for the inclusion of agenda items in the annual development plan. And on another direction, the PM was also to inform the GMs about various developmental activities being pursued by DDCs. Therefore in the overall scenario, the PM was acting as a middle-agent between GM and PM. PM was also made responsible for carrying out the survey of local resources. It was based on those surveys that the decisions were to be arrived at with regard to involving the local population in project preparation and execution. In a way, this dimension widened the hopes of the government to achieve more effective use of resources which in turn, greatly reduced the waste of resources by various departments and institutions (Siddiqui 1992: 205 - 207).

### **Functions of Pradeshiya sabha**

The main functions of Pradeshiya Sabha include:

Issuance of Licenses and their regulation; Price control and rental regularization; Other governing normative functions such as: Water supply, facilitation of Marketing yards, implementation of social Schemes, maintenance of electricity, providing sanitation services and facilitation of drinking water etc. It serves as a nodal



organization for planning and advisory body for plan execution. It undertakes developmental activities which include: Agricultural services, establishment of minor and major irrigation, development of tourism and productive industries, fisheries and livestock improvement; and management of social welfare amenities such as hospital, schools etc (Abeysinghe 1989:43).

A careful observation of various functions and powers of the Local self Governing Institutions in Sri Lanka leads us to admit the fact that the Local self-government institutions in the Island have not always been independent. Several functions have been directly performed by certain boards and corporations on which the Local self Governing Institutions hardly have any influence. Therefore, the Local Self-government is more or less dependent upon these independent governing institutions which are directly controlled by the Central Government. The National Water Supply and Drainage Board, the Ceylon Electricity Board, the Common Amenities Board, the National Housing Development Authority and the Urban Development Authority are some of the organizations owned and managed by the government, but serving the electorate directly or through local authorities. Kept under the direct surveillance of the Central Government, these institutions often tried to satisfy the nationally elected representatives rather than local aspirations. For instance: the Ceylon Electricity Board has taken over electricity supply, NWSD has developed and administered water supply schemes and UDA and NHD have developed housing schemes for the urban poor. In the same context, it would also be appropriate to state that people prefer the broader centrally sponsored institutions like water supply board to locally elected representatives. This is partly because these organizations have been much efficient than the locally run machinery as these have been directly operated by the central government. Therefore, greater influence has been wielded on such organisations by the elected representatives of Parliament than the Mayor or Chairperson of a local authority. Though the subsequent constitutional provisions have provided much autonomy and broader scope for local self-governing institutions, such provisions could hardly have any practical shape in their implementation. Local bodies have often been facing many stereotyped problems both in their management and resource allocation. It is in this context that the hurdles facing these local-bodies would be worth-examining.

### **Functional problems**

One of the initial problems lies in the lack of clear-cut division of powers assigned to local-bodies. When a close examination of authoritative allocation between hierarchically different local-bodies is made, it ironically comes to be known that several important powers and functions have been overlapped. Two tiers of administrative units are allocated the same functions became a general phenomenon that, over a period of time, proved to be an unhealthy practice.

### **The problem of decentralization**

Infact, the route cause for this trivial problem in the Island starts with the establishment of a British Colony which favoured a strong unitary system granting more powers to Central Government for their Colonial interests. However, even after six decades of independence, this system seems to be heading incremental centralisation in actuality. For example, almost in the mid-80s, the Central Government made serious efforts to transfer certain important power from Mondal level to Municipal bodies, thereby favouring incremental centralisation. Quite pathetically, even the higher levels of institutions also often tried to avoid the plans and proposals of the lower-level representative bodies. Such an action did not go only against the local population and their interests but also became an anti-democratic principle.

### **The problem of administrative decentralization**

Rural poor, who are victims of illiteracy, ill-health and superstitions and in whose name the development drama being enacted, could not have any real participation in development activities of their own other than receiving money. Such a mere grant of monitory assistance was also from politicians and bureaucrats. Obviously therefore, this seems to be the palpable reason for failure to achieve the projected goals of rural developments.

### **The problems of taxation**

Financial stringency in collection of local government revenue and incurring expenditure is the most potent means of improving social deliveries. For procedural and other reasons, most of the local government revenues are not collected directly by the local government authorities. More over, poor people are unable to afford revenue

payment. For instance, house tax, water tax, construction fee, which need to be paid by the average citizens, are often ill-aid, and it has led to inefficiency of treasury. In particular, house-taxes, which are the major sources of tax revenue, have created a major problem as people will not be willing to be the regular taxes payers. Hence, certain sanitation functions such as, garbage collection, construction of sewage system or for that matter even village lighting could not be undertaken in time.

### **Finances of Local Authorities**

As it is always true, every developmental measure requires adequate finances to meet the set goal. This inescapable principle is applicable even to the developmental programmes of the local self-government system. Recognising this need, each piece of legislation enacted for the purposes of Local self-Government in Sri Lanka, has sought to create fund for each task. In addition, these legislation have also empowered local authorities to take necessary steps to ensure that revenue generation is carried out according to the wishes of the local authorities. However, such a sympathetic provision often depended largely upon political obligations.

Following are some of the prominent sources of revenue for local bodies

- All rates, taxes, duty fees and other charges levied by the local councils;
- The amount of all stamp duties, fees and all fines levied and penalties received under the authority of the local council's ordinance.
- All sums realised by sales, leases or other transaction of the local councils.
- All revenue derived by councils from any property vested in the local areas or by the administration of any public service.
- All sums and all revenues regularly appropriated or transferred to the local councils by parliament.
- All grants allocated to the local councils and.
- All sums accruing to the councils in the course of the exercise of its powers and duties (Municipal Council Ordinance 1987: 97).

In the broader scense, three types of sources can be identified as the income generators for Local-Bodies, viz., income from local taxation, central government grants and loans. Property tax has been one of the important sources of income to the local

bodies in Sri Lanka. Infact, the income sources are wide in scope and can meet the needs of local population if properly assessed.

There were many commissions appointed to improve the financial condition of local level bodies. Financial relations commission in 1924, the study by the select committee of the legislative council in 1926, the financial relations settlement by the boards of ministers in 1946, the investigation by an official committee in 1949, the choksy commission study in 1955, the official committee investigation of 1962, and the V.C. Jaya Suriya committee study in 1970 have followed their suit and submitted their reports/recommendations. And most recently, the Government also appointed a committee headed by Mr. S.S. Sittampalam to report on the issue of local government finances. The sittampalam Report has been submitted to the Government, and it is yet to be made public (Mendis 1976: 41).

It is evidently clear therefore that the central government on several occasions has drawn its attention to the financial conditions of the Local authorities. Most promptly, the financial relations between local Self-Government institutions and the central government have been subject to periodical investigation ever since the establishment of local government institutions in Sri Lanka. However, despite these structural adjustments in place, there appears no improvement in the financial condition of the Local self-government system in the Island.

As it is specifically mentioned in the Municipal Councils Ordinance, the Mayor of each Municipal Council shall, after consultation with the several standing committees, on a date to be fixed by him/her in each year, submit to the Council a budget containing an estimate of the available Municipal income and details of the proposed expenditure for the ensuing financial year. Every budget of the Municipal Council shall be circulated among the Councillors at least seven days prior to the date referred to in section 211; and be open to inspection at the Municipal office or at such other place as the Mayor may determine.

Every Municipal Council shall finally consider the budget at a special meeting to be called in the last month of the financial year. The Mayor may at any time prepare a supplementary budget and cause it to be laid before the Council. Every supplementary

budget shall be circulated among the Councillors at least seven days prior to the meeting of the Council before which it is laid; and be open for public inspection. It shall be in the discretion of the Municipal Council to pass, modify, or reject all or any of the items in any budget or supplementary budget or to add any item thereto. According to section 215.A., When the Council does not pass a budget or supplementary budget within two weeks after it is resubmitted, notwithstanding that it has not been passed by the Council, it is deemed to be the duly adopted by the Council. The Mayor may, in case of necessity, during any year reduce or increase the expenditure under any head of the budget or of any supplementary budget, or may transfer the money assigned under one head of expenditure to another head (Municipal council ordinance 1987:112-115).

The authority for expenditure conveyed by any budget or supplementary budget passed by a Municipal Council, or deemed to be the duly adopted budget or supplementary budget of such Council, shall expire at the end of the financial year to which such a budget relates to.

It is observed that all local authorities are dependent on the government grants disbursed by the Finance Commission through the provincial councils. Therefore, the provincial councils have always been playing a middleman role in the disbursement of Central budget to Local bodies. Over a period of time, the provincial Councils began spending the central Government funds for other purposes rather than specified targets thereby neglecting the Local developmental activities and their representative bodies. Such an uncountable and irresponsible attitude of the provincial councils left certain projects completely unbudgeted.

The allocation of funds through the decentralized district budget is another indirect way of granting Central Government grants to Local authorities. Hereto it is not the local representatives but the members of parliament who decide on how much capital is to be spent and on what projects. While deciding on priorities, they may be receptive to citizen groups, but not necessarily to elected representatives of local authorities. This is particularly true in case an opposition party controls the local authority. Allowing Members of Parliament to allocate capital development funds through the district budgets has had other negative impacts as well. Often, Members

of Parliament are keen on the construction of new facilities such as markets, playgrounds, roads etc. However, the district budget does not provide for maintenance of such facilities.

District and divisional secretaries who are supposed to be neutral more than often come under sharp criticism of members of parliament. As in no way the direct budgetary allocation is possible to the Local authorities, considerations other than development often take precedence in decision making at provincial council level.

Under these circumstances, the dependency of the local authorities on the government grants through the Provincial Councils has been very high. Therefore, the central assistance to local authorities does not appear to be much vibrant.

On the other hand, inefficient management of records, lack of adequate and qualified staff, political favouritism and lack of proper system in place for the effective identification of resources and collection of taxes, altogether contribute to the financial illness of the Local self -Government System as a whole in Sri Lankan Society. The political parties, on grounds of elective motives, often post phone hike in taxes, whereas the local needs exceedingly increase, which require more finances.

At the time of elections, the basic services such as, water supply, drainage maintenance and power supply, which can easily be maintained by the Local bodies in urban areas, are taken over either by provincial councils or Central Government directly for attracting the public mood for their electoral gains. On such abnormal considerations purely motivated by political ends, not only the unnecessary spending increase but most alarmingly, the local authorities become oversimplified in the sight of people.

Considering the above contentious points as the basic criteria, one can attribute three characteristic features to the financial status of the Local government institutions in Sri Lanka. Firstly, the Grant in aid is the fundamental component for getting finances to meet the local requirements. There is an increasing assumption in recent times that this source of income to the Local self- government institutions, often ill-distributed, is in sharp decline. Secondly, only 10-to15% of the total revenue is allocated to the

local bodies. The rest is directly controlled by the central government. This meager amount too is highly complicated as its distribution gets passed through several hands before reaching the Local bodies. And thirdly, the chief revenue resources are retained with the Central Government.

Given such a grim picture of financial adequacy, we find the Local-Authorities in Sri Lanka are becoming less confident about their own resources. On the other hand, they, neither have any future perspective on how to best use the available resources nor ever try to improve the ways and means for resource innovation and resource sophistication.

Since taxation and fee levying are controversial issues, they are more or less unpopular and far from peoples' support. Quite astonishingly, the increase of taxes and fees at least once in five years is not receiving popular support in Sri Lankan society, leaving a dreadful impact on the financial conditions of the Local self-government institutions.

Despite the visible fact of lack of adequate resource allocation by the central Government to the Local Authorities, there also appears no serious attempt by local authorities themselves on their self reliability and sufficiency. This is creating functional crisis in the effective administration and management of local bodies. And also, this particular attitudinal tradition of Local representatives of Sri Lankan Local authorities has in a way led to the Re-Centralisation of administration for the last twenty years.

#### **Personnel System in Local Self-Government**

It would be far from practical grounds for any governing institution to carryout its decisions by itself. Whether in the case of Central government or Local authorities, there is always a need for personnel with various skills. In Sri Lanka, before 1946 all local government servants were appointed by the local authorities themselves. Its inception became imperative due to widespread complaints about in-efficiency, mal-practices, corruption and arrogance in administration of Local Authorities. It is a common service for the Urban/Municipal Councils.

This practice has become absolute from 1946 with the issuance of an ordinance thereby establishing a unified local government service commission. The Local Government Service Commission was a body having perpetual succession and a common seal. The Commissioner of local government was its ex-officio chairman. The commission was composed of 8 members, 4 of whom were appointed by the Minister of Local Government in his discretion and another 4 members were appointed by him from a panel of names submitted by the local authorities (Cooray 1973: 434).

This Commission has powers to recruit all officers other than minor and daily paid employees, to fix their scales of pay to decide on their conditions of service, to control promotions and transfers, and to be in charge of disciplinary matters regarding these officers. The Commission may also provide training for the officers already appointed (Kanesaligam 1971: 88).

Given such a complex functioning, the Commission is supposed to act in consultation with the Local authorities. For instance, the Commission is not supposed to fill a vacancy in a local body without consulting that body. Moreover, Local authorities have been given the power to recommend names to the Commission when vacancies occur in middle-grade posts. They also have power to transfer officers to posts within the local body so long as this does not affect the officers adversely. They have been given certain powers of a disciplinary nature over their officers, although only the Commission can dismiss an officer or levy a fine exceeding a week's pay, or stop, defer or reduce an increment for a period of more than one year (Weerawarden and IDS : 195).

By the end of 1969, a new local government service act was passed. It increased powers of the Minister of Local Government in regard to control of local government service. The size of the Local Government Service Commission (LGSC) was cut down to 4 members and one chairman appointed by the minister in his discretion. The highest posts were excluded from the coverage of the reorganized local government service. Five years later in 1974 another Act was enacted. It provided for the abolition of the Commission LGSC and created in its place local government advisory board and local services disciplinary board. The former board was to advise the minister



regarding recruitment, promotion and terms of employment and the latter about the disciplinary matters concerning the service.

In the mid 1980's amendments were made in the local government service act, resulting in revival of 4 member local government service commission headed by chairman. The act also provided for delegation of powers of appointments and disciplinary control with regard to local government service partly to the Director of the department of local government and partly to Mayors/Chairman of Municipalities/Urban Councils and partly to District Secretaries. Powers of appointment and control with regard to minor grade posts is vested in the hands of the Mayors and chairman of Municipalities and Urban Councils. As it is widely felt, these changes have tended to improve efficiency of the local services and reduce their politicisation (Fernando: 5).

The induction training for all island services is undertaken by the Centre while others are mostly trained on the job. Some Provincial Councils, such as those of the central and north western provinces, have their own training centre for local government employees. There are other central organisations, such as the Sri Lanka Institute of Development Administration, that undertake training to meet the administrative requirements. In the Ministry of local government, the Local Government Management Unit assists Provincial Councils with the training of civil servants. The world Bank-sponsored Municipal Management Programme has been responsible for giving many training opportunities to local authorities, their officials and political heads. At present, the Urban Development Sector Project (UDSP) implemented by the Ministry of Housing and Construction is assisting 17 selected Urban Local Authorities to increase their institutional capacity by way of providing facilities and training (UNESCAP 2002: 11).

In short, the Local Government Service Commission exercises greater authority in the administration of local government servants than the local bodies themselves. It has many advantages. Firstly, it reduces bribery and corruption in appointment and promotions. Secondly, it enables the Commission to maintain minimum educational standards in recruiting officers, and it makes the service a more efficient one. Thirdly,

Local government officers can hope to perform their duties honestly, impartially and without fear of political interference.

The Provincial Councils Act, 42 of 1987 provides for a Provincial Public Service (PPS). The appointment, transfer, dismissal and disciplinary control of the officers of the PPS are vested in the Governor of the Province. The Governor may delegate his powers to a Provincial Public Service Commission (PPSC) for that province. The Governor of the province appoints the PPSC. The PPSC functions as an independent body, and any attempt to influence its decisions is made an offence punishable by the High Court. The establishment of a provincial public service and an independent PPSC seeks to secure functional autonomy of a PC in respect of staffing and personnel management. However, it is important to note that as the President appoints the Governor, there is an indirect Central control over the PPS.

### **Central-Local Relations**

Local government institutions were constituted from 1865 onwards on a partnership basis with the central government. In those years, however, the central-local relationship was maintained directly through the governor himself. Subsequently, with the adoption of the consecutive constitutions, proposed by Cole-brooke, Donoughmore and Soulburry, the constitutional functions associated with the central government relationship with local authorities were gradually passed on to a broader system of executive authority involving not only the governor but also the minister in charge of local administration. In principle however, central government and local government have not acted as two water tight compartments.

The Minister and the Department of local government had powers to exercise all forms of control over the local bodies, the powers enjoyed by the minister included making regulations enumerated in the local authority ordinances, approval of bye-laws, holding of inquiries and investigations and directing and acting in case of default. Above all, the minister had the final authority to remove chairman or members and dissolve local councils. The Minister had the power to remove the mayor from office, dismiss any of the councillors, or even dissolve the Municipal council after a judicial inquiry constituted for the purpose. After dissolution of the

council the Minister appointed a special commission to discharge the functions of the council, and he would continue to function until a new council was constituted.

The Ministry of local government also controlled the administration of the Gramodaya Mandalaya fund and the development plans of the development councils. The power to dissolve the District Development Councils and remove its members was exercised by the President and in the case of the Municipal and Urban Councils by the minister of local government. When the elected members of the district councils were removed by the district minister the other functionaries (MPs) also ceased to function. Thus, the powers and functions of the development councils were mainly exercised by the District Minister until the Minister of local government directed to hold new elections to the councils (Siddigui 1992: 220: 223).

The above pattern shows that the functional affairs of Local self Governing institutions depend almost on the Central Government. Such dependency was both for daily administration and financial support. This became a potent form of central control.

In 1987, several significant changes took place in the local government system in Sri Lanka. Nine Provinces were created, each to be ruled by an elected Provincial Council; the Pradeshiya Sabha an elected local government body, was established at the AGA level in place of non-elected Pradeshiya Mandalaya; and at the same time the District Development Council was abolished. The 1987 changes were brought about by the thirteenth amendment of the constitution and the passing of the Pradeshiya Sabha Act.

The government was not only providing grants-in-aid and technical support to the Sabhas for their increasing number and diverse activities but was also exercising suspension over their working in order to ensure that their decision and actions are in conformity with Pradeshiya Sabha Act and general public interest. The Minister of local government may issue orders or directives to a Sabha if he finds it defaulting in performance of any of its legally stipulated duties or functions. He can also dissolve the Sabha on specified allegations relating to incompetence, abuse of powers and

defiance of official directions and mismanagement and recommendations issued by the ministry or commissioner of local government (Khanna 1999: 235: 236).

Through the Thirteenth constitutional amendment (1987), control and supervision of the local authorities have been transferred to the provincial governments.

The minister in Provincial Councils on local Government was made more responsible to the law than earlier. The provincial Commissioner of local Government, on his part, becomes the key official in advising the Minister to effect his/her powers. With the devolution of powers taking a practical shape, in a renewed system, there were eight Commissioners appointed to look after the local governmental affairs.

Irrespective of all these changes, Local Government Institutions in Sri Lanka could not become operative along real democratic lines. Provincial Councils acted as masters over these small units of administration. Though the Minister on Local-Government has often acted as catalyst on local-Administration, his authority was never challenged.

Various key officials within the provincial Councils are directly appointed by the central Government. As loyalty to their appointing authority, these personnel act in compliance with the directives of the Central Government rather than on the interests of the provincial Councils. Moreover, the salaries and allowances of the personnel appointed by the Central Government are borne by the budget of the finance commission. All these became means of direct control by the central government over both the provincial and local self-government.

As a logical explanation, the Central Government explains it to be necessary to control in disciplined and unnecessary recruitment.

Moreover, in recent times, central government is under constant pressure to reduce public and local government service cadres. Therefore, the Salaries and Cadres Committee has restricted its work to determine the salary of local authorities in keeping with national policies.

In such a divided incoherent process, the Local self-government Institutions in Sri Lanka now find it to be difficult to comply with the provincial administrative procedures on one hand and national policies on the other hand. Therefore, it seems to be appropriate that the dividing line between policy and administration are to be sorted out between the centre and the province with little or no involvement of the Local Authorities.

Though the Commissioner of elections conducts elections and maintains political membership, it is often national issues that influence local elections more than local interests. Moreover, in addition to their own electorate and the provincial councils, local authorities are answerable to Parliament through the auditor general and the Public Accounts Committee. This becomes particularly important for funds made available to local authorities by the Parliament through the provincial councils.

At the same time, it would also be not correct to conclude that provincial councils can fully restrict the local-governments. It is often lack of expertise of administration and financial resources that become impediments for local-Government system to function effectively rather than the restrictive policies of provincial Councils. To a large extent, this has retarded the progress of these institutions to a great extent.

### **People's Participation**

Of the many important aspects of local self-government, the participation of people in the governance process is considered to be very significant and crucial for the development and sustainability of grassroots level institutions. One of the main objectives of establishing local authorities is to give the public more opportunities to participate in the decision-making process in regard to the management and development of their respective council's areas. But people's participation in local government began declining with the abolition of the town and village councils; the attempt was made to introduce Gramodaya Mandalas (Village Development Councils) as people's forums on village level.

The Gramodaya Mandalas were set up from 1981 onwards. However, this proved in practice, that they were unable to provide community service at the village level, which the government expected them to do. As the performance of the Development

Councils was unsatisfactory, the Pradeshiya Sabha system was developed as official committee with the purpose of facilitating people's participation in administration and development. The Pradeshiya Sabha should be the individual level development authority not only for the physical but also for the economic and social development of the people (Abeyawaradana 1996: 275).

As a result of these changes, more than 80 percent of the people voted in both local government elections held in 1991 and 1997. However, it is some times disheartening to note that popular participation ends after elections, making way for the traditional stronger member participation, in which decision-making either takes parochial trends or is influenced by vested interest. In 1991, out of 4,382 members, there were only 55 women. In 1997 election, only 39 women were elected. This shows that there is a decline in women's participation. Although women account for 50 percent of the total population, their representation in the local authorities is totally inadequate (UNESCAP 1997: 14). This situation can be attributed to several reasons including their reluctance to compete with men of different political parties, expensive nature of the present system of proportional representation and cultural background where women are reluctant to be involved in conflicting political situation.

Under the present system, members of local authorities are not responsible for any particular ward. They are elected for the whole local authority area. However, proposals have already been made to develop a system in future which will maintain closer links between the wards, the ward committees and the members. Under the present system of Proportional Representation, interests of minority groups are well protected.

**Conclusion:**

All local authorities have different types of functions to meet various needs. It must be noted that they are no more than catalogues of activities which the local authorities could engage in for the welfare of the local communities. It does not follow that the local authorities engage in all those activities, because what they do depends to a large extent on the resources they have. But each local authority is always an independent corporate body in law, created by its respective ordinance.

If Local self-government is to be a success in Ceylon, it is necessary that Government should take note of its financial relations with local government authorities. There must be a clear line of distinction between the powers and functions of the national and local governments. The Central Government should not expect much from all institutions which have not still out-grown the weakness of infancy. The same government should reserve to itself full liberty to make grants to such local government authorities which in the central-governments view deserved such aid, with regard to their financial difficulties and their own efforts to counter these difficulties. The local authorities also would need support to improve their existing revenue collection system and to find new avenues for revenue collection using the rational and social resource base of their region.

The objectives for the establishment of a Unified Local Government service are indeed laudable. How far these objectives have been fully realized, is a debatable issue; it may be argued that, so far as the employees are concerned, although uniform and national standards of remuneration and conditions of service have been realized, there is still genuine ground for dissatisfaction among them. But this is not a problem manifested in the local government service alone; it is more universal, arising partly from the absence of a national wage policy.

From the central –local relation point of view, local bodies are controlled by the Central Government in all aspects. Through legislation the government determines the structure, composition, functions and responsibilities of the local bodies. In addition, the government formulates detailed rules relating to the powers of the elected members, assessment of the taxes and the many important regulations made by the local bodies which are subject to government approval. Financially the government prescribes, in detail the sources of income, the powers of taxation, maintenance of amounts etc.

With regard to people's participation, there is provision in the local authority laws to appoint committees and facilitate people's participation. The provision has not been used meaningfully in the past. The people's participation in local government decision-making is so far not much developed. It is rather limited to voting during the elections. PS is not yet open to public participation and people have no idea of their

rights and duties to participate in local governance. Besides voting at the elections, another provision is that people are allowed to observe the council meetings. In practice this is hardly taking place, as in many cases, local authorities do not announce their monthly meetings to the public and people do not know about their rights.

Self-government in any country cannot be a success unless it is based on a system of sound and efficient local self-government. Development of the country is ensured by close co-operation and collaboration between the central government administration and the local authorities.



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*Conclusion*

## CONCLUSION

Sri Lanka local self-government has a long tradition. However, most of the characteristic features including power have been modified during the British rule. Therefore, the present system of local government in Sri Lanka is in away a continuation of the past with certain characteristics introduced by the British.

Sri Lanka in the post-independence period has strong centralized democratic process. This democratization neglected rural affairs. As a result, there was a lack of mobilization of human and material resources, which help for the benefit of people. Due to this, local government institutions have often failed in performing their legitimate functions.

Later, provincial councils were created for devolution of powers. It did not bring any positive result in the sphere of local government. Through subsequent presidential directive, the existing councils and some town councils were converted into what came to be known as "Pradeshiya Sabhas". However, this too could not bring the expected positive outcomes in terms of efficiency and effectiveness of local government.

The Pradeshiya Sabha was created at the level of the former AGA divisions. But it was directly put under the control of Provincial Councils (PCs). Still, the power rests with the central government. The existing system of local authorities does not enjoy autonomous power. There is lack of cooperation and coordination of development work between the local authorities and the divisional secretariat. Hence they seem to be some duplication of activities.

The proposed study began with three assumptions: a) People's participation at the grass-root level will ensure economic emancipation of the people. b) The Grass-root level democracy has not achieved the desired results because of the lack of decentralisation of powers and inadequate financial support. c) Regular and Periodic elections tend to make the local government institution vibrant and strong.

In Sri Lanka, people's participation in local government is much limited to voting during the election. The elections were not held for a long time. Therefore one can say that, local government authorities have not given any space for people's participation even in the public forms.

Only people's participation can address the diverse needs in the local government. It also ensures the economic emancipation and reduces various inter-group tensions and political conflict. Therefore, people's participation needs to be strengthened in local government to have healthy discussions and to solve the problem in the political manner. It can be created only by educating the people in political rights.

The powers of local authorities are limited in Sri Lanka. One can hardly speak of a devolved system. Sri Lanka has been characterized by an increasing trend towards centralisation, despite constitutional changes pointing to more devolution. The sub-national levels of governance are kept under the control of the centre.

There are three formal levels of state administration in Sri Lanka viz. at the centre: the President, Prime Minister and Cabinet of Minister. Province: Provincial councils, Divisions-Divisional Secretary, Pradeshiya Sabha, Urban Councils and Municipal Councils. But the Government administration is centralised at the divisional level. This is to ensure that all operational activities presently performed by the line ministries of the Central Government, provincial councils and the district administration.

The government has since 1987 introduced a number of new administrative, budgeting and institutional changes with the intention of promoting decentralisation and people's participation in planning and development interventions. From the decentralisation point of view, the establishment of DDC and Pradeshiya Sabha and Divisional Development limits could be viewed as a delegation of responsibility to area-wide authorities.

The lack of autonomy of the local authority is sure when one looks into the financial resources. Generally, the revenue collection is very poor especially in rural areas. Due to inefficient management, lack of proper revenue collection procedures and the

lack of supervision of the revenue collection by the provincial council, the contributions to the low revenue of the local authorities remain low.

The decentralized Budget is channeled via the Member of Parliament of the respective district, who decides the amount of money and where and how much they want to invest in the capital funds. While deciding on priorities, they may be receptive to citizen groups, but not necessarily to elected representatives of local authorities. It leads to the fact, that only those local authorities that have good contacts to a Member of Parliament from the same party can get a share of the decentralised Budget.

Another aspect is that the central development funds are channeled through the Provincial councils to the local authorities, which often lead to the situation that funds are used for other purposes and are not reaching the local authorities, leaving some planned development projects without funds.

The local authorities are not self-confident with regard to their own resources and there is no discussion as how to make use of local resources and ways and means to increase the revenue. They always refer to the central government that should provide them with more funds or to the Member of Parliament, who provide decentralized funds for the area.

After the introduction of the PR system, the local government elections were postponed after 1977 and no election for any council was held until 1981. By that time a new system of district councils had been introduced in place of village councils and Town councils to be abandoned again within six years. A major reform and positive changes only came after the Pradeshiya Sabha Act of 1987.

The Proportional Representation system permits an elector to give his/her preference to a political party or an independent group. More over under the previous composition minorities including small parties were finding it difficult to be elected due to limitations in the number of electors in each ward.

But, the elections held under the PR system have not proved to be suitable for the local government .The PR system which adversely converted the whole local

government areas into one electorate. So the ward system was much better than the PR system.

It is agreed that local government institutions need to grow. Members of such bodies do not appear to make proper use of their rights. While some are enthusiastic about their responsibilities and functions, some others are apathetic. There is sufficient experience of local government system in Sri Lanka. It has contributed to the development of the political system and provided a training ground for politicians at different levels.

The improvement of Sri Lankan Local Self-Government is an important one. It should cover the aspects of people's participation as well as financial stability and regular elections. To make local self-government meaningful, efficient, effective to serve the community at the local level, it should adopt a new vision of local governance. The following are the key issues to strengthen the local self-government.

Firstly, the government should start with strengthening of financial resource base of local authorities. The local authorities would need support to improve their existing revenue collection system and to find new avenues for revenue collection, using the natural and social resource base of their region. This requires training of respective officers, who advise the local authorities on options for improvements as well as regular supervision by the provincial council. Generally, there should be a re-distribution mechanism by the central government to assist the resource poor areas with additional funds, while the richer areas can sustain on their own.

Secondly, there is a need to create more space for people's participation. It is important that the local authorities engage more in public awareness raising, informing citizens on the functioning of the local councils and the rights of citizens. To create more transparency in the public oriented department the announcement is to be made with the newspapers and public notice boards. In the east, people's participation in the decision-making and development process is very weak. It is especially important to bring people back into the political and development process. This could be done through the implementation of rehabilitation schemes or development projects at the local level.

Thirdly, extension of devolution process by granting greater autonomy to local authorities. The most important step would be to continue the devolution process by granting more autonomy to local authorities, bringing the elected local authorities into the center stage of the local political system. This would require granting more financial powers to the local councils as well as a clear task of distribution among the democratic institutions and the administration (Divisional Secretariat). The Provincial Council need to be strengthened to play a more constructive role as supervisors and capacity building service wait for the local authorities. Other agencies operating at the local level should be made obliged to collaborate or at least to inform the local authorities about their activities. Decentralized budget and other funds should be channeled directly through the local authority, thus allowing the local government to be the nodal agency to make decisions on resource allocation for specific projects.

Fourthly, there is a need to improve the responsiveness of local government towards local needs. Generally, the responsiveness, effectiveness and transparency of the local government system need to be strengthened, through training and supervision. The introduction of participatory planning methods for need assessment would be a starting point to improve responsiveness. The accountability would be improved via affection communication and dissemination of information and integrating a feedback into the development work of the Pradeshiya Sabha.

Fifthly, Human Resource Management needs to be improved. The supervisory functions of the Provincial Council towards the local authorities need to be strengthened as well as the training for the elected representatives would need to be extended. They could even be required to have a minimum knowledge in administrative matters by undergoing training. Training could be used to bring the elected representatives and public servants together to create awareness for the role of the other. The training institutions could also organize collaborative seminars in the local government areas, bringing together elected representatives and administrative staff, to discuss areas of cooperation and improvements of local governance.

Lately, the development roles of the local Self-Government to be strengthened. The Pradeshiya Sabha is the elected body closest to the local people. It has the potential to

become the most effective and relevant institution in the local context not only to address diverse needs of the peoples but also political conflicts. If certain sections of the local people perceive, it to be biased towards certain groups of the local population. Some corrective measures are to be taken. There is a need to focus attention on the local government authorities and explore ways and means of revamping it in order to make it a truly democratic institution with adequate resources and capacity. This will enable it to become the focal point of achieving in local level development and public welfare.

The study has outlined the major obstinate to function the local self-government in Sri Lanka. It reveals that at present the local self-government is not yet suitable to contribute for reconciliation at the local level. However, due to operational requirements local government is, to a large extent, influenced by provincial councils and the central government, through finances and legal provisions, should take steps to strengthen local administration.

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## *References*



## References

### Primary Sources

Government of Sri Lanka (1982), *Development 1931-1981*, Colombo: Ministry of plan implementation.

Government of Sri Lanka (1985), *Report on the First One Day General Election Held on 11-5-1991*, vol: 1, Colombo: Election Commission.

Government of Sri Lanka (2002), *Municipal Council Ordinance-1987*, Colombo: Ministry of Local Government, Housing and Constructions.

Government of Sri Lanka (2002), *Urban Council Ordinance (Chapter 285)-1987 (incorporating Amendments up to 16<sup>th</sup> April, (1987))*, Colombo: Ministry of Local government, Housing and construction.

The constitution of Sri Lanka (Ceylon) 1972, Colombo: The Department of Government Printing.

### Books

Abeyawardana H. A.P (1996), "Decentralisation and local self-governance in Sri Lanka: The field experience", in Abdul Aziz, David D Arnold (eds.) *Decentralised governance in Asian Countries*, New Delhi: Sage Publications.

Abeyasinghe, Ariya (1989), *Devolution of Power & the Provincial Council system: A Historical cum Politico-Administrative perspective*, Colombo: Centre for society and Religion.

Appleby, Paul H (1984), "Some Thoughts on Decentralised Democracy" in Chaturvedi T.N and Abhijit Datta (eds.) *Local government*, New Delhi: The Indian Institute of Public Administration [IIPA].

Bava, Noorjahan (1984), *People's Participation in Development Administration in India*, New Delhi: Uppal publishing house.

- Baxter, Craig. et al. (1993), *Government and Politics in South Asian*, USA: West views Press.
- Cole, G.D.H (1974), *Local and Regional Government*, London: Cassell and Co. Ltd.
- Cooray, Joseph. A. L (1973), *Constitution and administrative law of Sri Lanka (Ceylon)*, Colombo: Hansa Publishers limited.
- Dahal, Robert (1971), *Polyarchy: Participation and Opposition*, New Heaven: Yale University Press.
- Dahal, D. R., Uprety, Hari et al. (2002), *Good Governance and Decentralization in Nepal*, Kathmandu: Center for Governance and Development Studies.
- De Silva, Colvin. R. (1953), *Ceylon under the British Occupation: 1795-1833*, Colombo.
- De Silva, K. M (1995), "Democracy and the Democratic System: The Sri Lankan Case" in Devendra Raj Pandey, Anand Aditya (eds.), *Democracy and Empowerment in South Asia*, Kathmandu: Nepal South Asia Centre.
- Desilva K.M. (ed) (1993), *Sri Lanka: Problems of governance*, New Delhi: Konark Publishers Pvt. Ltd.
- Desilva. K.M (1995), "Decentralization: The Sri Lankan Case", in Devendra Raj Pandey, Anand Aditya (eds). *Democracy and Empowerment in South Asia*, Kathmandu: Nepal South Asia Centre.
- Diamond, L (1999), *Developing Democracy towards Consolidation*, Baltimore: Maryland.
- Encyropaedia Britannica, vol. 14, London.
- Encyropaedia of Social Science, Vol. 9, New York: The Macmillan Company.

- Ghosh, Partha. S (2003), *Ethnicity versus Nationalism: The Devolution Discourse in Sri Lanka*, New Delhi: Sage Publications.
- Gokhale. B.K. (1972), *The Constitution of Indian*, Bombay: Sheth and Company.
- Gunapala, G.D. Cyril (2001), "Governance and Administration in Sri Lanka", in Harnat Abdul Hye (ed) *Governance: South Asian Perspectives*, New Delhi: The university press Ltd.
- Gunewardena, Victor (1987), *Local Government in Sri Lanka*, Colombo: Sri Lanka Foundation Institute.
- Held, David (1995), *Democracy and the Global order*.
- Jayasuriya, Laksiri (2005), *The changing face of Electoral Politics in Sri Lanka (1994-2004)*, Sri Lanka: Sarasavi Publishers.
- Kanesalingam, V (1971), *A Hundred years of Local Government in Ceylon (1865-1965)*, Ceylon: Modern Plastic works.
- Khanna B. S. (1999), *Rural Local Government in Indian and South Asia*, New Delhi: Deep and Deep Publications Pvt. Ltd.
- Laski, Harold (1961), *A Grammar of Politics*, London: George Allen and Uncoin.
- Meenakshi Sundaram S.S (1999), "Decentralisation in Developing Countries" in S.N. Jha and P.C. Mathur (eds.) *Decentralisation and local Politics*, New Delhi: Sage publications.
- Mendis M.W. J.G (1976), *Local Government in Sri Lanka*, Colombo: Apothecaries co. Ltd.
- Monyhan, Daniel. P (1969), *Maximum feasible Misunderstanding*, New York: Free Press.

- Mayo, Henry (1960), *An Introduction to Democratic Theory*, New York: Oxford University Press.
- Oberst, Robert. C (1985), *Legislators and Representation in Sri Lanka: The Decentralization of development Planning*, Boulder, Colombo: Westview press.
- Panandiker, V.A Pai. et al. (1987), *People's Participation in Family Planning*, New Delhi: Uppal publishing house.
- Pant, Shastradutta (1989), *Aspect of Decentralisation in Nepal*, Pulchavk: Sajha Prakasha Publication.
- Peabody. R.L (1965), "Public Bureaucracies" in J.C. March (ed) *Handbook of organisations*, Chicago: MC Nally College Publishing.
- Phadnis, Urmila (1976), *Religion and Politics in Sri Lanka*, New Delhi: Manohar Publication.
- Plamenatz, John (1973), *Democracy and the Illusion*; Longman Groups Ltd.
- Samaranayake, Mallika (1996), "Significance of Participatory Approaches in Empowering People for Sustainable Development' in Sunil Bastian and Nicola Bastian (eds.) *Assessing Participation: A Debate from South Asia*, NewDelhi: Konarl Publishers Pvt LTD.
- Sanchdeva, Pradeep (1993), *Urban Local Government and Administration in India*, Allahabad: Kitab Mahal.
- Saran, P (1982), *The government and Politics of Sri Lanka*, New Delhi: Metropolitan book co. (put). Ltd.
- Schumpeter, Joseph (1950), *Capitalism, Socialism and Democracy*, New York: Harper and Brothers Publishers.

- Shastri, Amita (1994), "The provincial council system in Sri Lanka: A solution to the ethnic problem?", in Sunil Brian (ed), *Devolution and Development in Sri Lanka*, New Delhi: Konark Publishers Pvt. Ltd. and International centre for Ethnic Studies – Colombo.
- Siddiqui, Kamal (ed) (1992), *Local government in South Asia: A comparative study*, Dhaka: University Press Ltd. reprinted 1995.
- Siddiqui, Kamal (1984), *Local government in Bangladesh*, Dhaka: University Press Limited.
- Singh. A.K and Majumdar Bhanwar (1997), *Decentralisation of Power politics in India*, New Delhi: Radha Publication.
- Sisk. T. D. et al (2001), *Democracy at the local level*, The International IDEA Handbook on Participation, Representation, Conflict Management and Governance, Stockholm.
- Suryanarayan, V (1999), "Devolution Proposals in Sri Lanka: A critique" in Nancy Jetly (eds,) *Regional Security in South Asia- Ethno-sectarian Dimensions*, New Delhi: lancer's books Publication.
- Tulsi N, Shrestha (1982), *Nepalese Administration: An image*, New Delhi: Sajha Prakash Publication.
- Tyagi A.R. and K.K. Bhardwaj (1970), *The Working of Parliamentary Democracy in Ceylon*, Delhi: Sultan Chand and Sons publication.
- Uyangoda. J (2000), *Sri Lanka's Ethnic Conflict: Context and options*, Colombo: Consortium of Humanitarian Agencies.
- Venkata Rao. V (1965), *A Hundred years of Local self-government in Assam*, Calcutta: Baniprakash Mander.
- Venkatarangiya and Pattabhiram (eds.) (1969), *Local Government in India: Selected Readings*, Bombay: Allied publishers.

Warnapala, W.A. Wiscon (1993), *Local Politics in Sri Lanka*, New Delhi: South Asian Publishers Pvt. Ltd.

Weerawardana M.I and IDS ( ), *Ceylon and her citizen*.

Widmalm, Sten (2005), "What are Decentralisation and Panchayati raj Reforms and who likes them?" in Jain L.C, *Decentralisation and Local Government*, New Delhi: Orient Longman Private Ltd.

Wijesinha, Rajiva (ed), (2005), *Political Principles and their practice in Sri Lanka*, New Delhi: Foundation Books Pvt. Ltd.

Wilson, A. J (1974), *Politics in Sri Lanka: 1947-1973*, London: Macmillan.

Wriggins, W. Howard (1960), *Ceylon: Dilemmas of a New Nation*, New Jersey: Princeton University Press.

### Article

Arora, Satish. K. (1971), "Political Participation: Deprivation and Protest," *Economic and political weekly*, Annual number (January): 841.

Bhambhri, C. P. (1975), "Administration and Citizen in India: An Analytical and Prescriptive Profile", *Indian Journal of Public Administration*, xxi (July-September): 338.

Fester, J. W (1965), Approaches to the understanding of Decentralisation, *Journal of Politics*, xxvii (August).

Horowitz, D. L (1993), Democracy in Divided Society, *Journal of Democracy*, 4 (4).

Mathews, Bruce (1982), "District Development Councils in Sri Lanka", *Asian Survey*, 14 (11): 1117-1134.

Maxtin Lipset, Seymour (1959) "Some Social Requisites of Democracy: Economic Development and political legitimacy," *American political Science Review*, 53 (March): 71.

Rao, T. Appa (1973), "Municipality: It's Significance." *Civic Affairs*: II.

Rondineli, D. A (1981), "Administrative Decentralisation and Economic Development the Sudan Experiment with Devolution", *Journal of modern African Studies*, 9 (August).

Slater, Richard (1997), "Approaches to strengthening Local government: lessons from Sri Lanka", *Public Administration and Development*; 17: 251-265.

Warnapala, W.A.Wiswa (1970), "Kachcheri system of District Administration in Ceylon," *Indian Journal of Public Administration*, XVI (4).

Wijeweera B. S (1989), "policy developments and administrative change in Sri Lanka: 1948-1987," *Public Administration and Development*, 9(3): 287-299.

Wriggins, W. Howard (1981), "Sri Lanka in 1981: year of Austerity, Development Councils, and communal disorders", *Asian Survey*, 22(2): 171-179.

### Internet

Fernando,Laksiri ( ), An introduction to the local government study in Sri Lanka: changes and key issue, [online: web] Accessed 6 April 2007, URL: <http://lore.ryukoku.ac.jp/docs/prof.fernando.060610.pdf>.

Bigdon. Christine (2003), "Decentralization, Federalism and Ethnic conflict in Sri Lanka", [online: web] Accessed 2 Aug, 2006URL: <http://www.sai.uni.heidelberg.de/abt/SAPOL/HPSACP.htm>.

UNESCAP (2002), "Local government in Asian and the Pacific: A comparative study country paper Sri Lanka", [online: web] accessed 5 Aug 2006 URL: <http://www.unescap.org/huset/igstudy>.

Hettige. S.T. (2003), "Local government and conflict management in Sri Lanka", [online: web] Accessed 2 Aug 2006 URL: <http://www.sai.uni.heidelberg.de/colombo>.

UNESCAP (1997), "Local government in Asia and Pacific: A comparative study-country paper: Sri Lanka" [online: web] accessed 10 August, 2006 URL: <http://www.unescap.org/huset/lgstudy/srilanka.html>

LORE ( ), An introduction to the local government Study in Sri Lanka: Changes and Key Issues, [online: web] Accessed by 6 April 2007, URI: <http://lore.rgukoku.ac.jp/docs/prof.fernado.060610.pdf>.

ODCHR (2005), Report on the sub-regional seminar on minority rights: cultural diversity and development in South Asia, [online: web], Accessed 6 April 2007, URL: <http://www.obchr.org/english/issues/minorities/docs/2005.wp.6-engodoc>