

Chapter 2

Local Government System in Sri Lanka: A Historical Overview

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2.1 The Concept of Local Government

For the purpose of this chapter the term “local government” embraces all types of popularly elected local level governmental authorities dealing with matters concerning the inhabitants living within the areas delineated to them, whose interests cannot be served directly by the central government. Today these government authorities are treated as the local level power bases representing legally recognized sub national level governmental entities such as States, Provinces, Districts and Regions or community level local authorities elected for Cities, Towns, Municipalities, Boroughs, Communes and Villages.

Under modern circumstances the benefit of establishing local institutions elected by the local people to administer local affairs has been described in many different ways. Some have argued that these institutions facilitate the management of local affairs in conformity with the ethics of local communities by promoting the cultural and economic life of the ethnic, religious and cultural groups that make up the local population. From the point of view of citizenship, the local government institutions facilitate the right of citizens to have a sub national government to govern themselves in matters of purely local concerns. Since the local government institutions exercise the right to pass local laws or ordinances handling the local affairs, the widely held view is that the local government facilitates the local home rule for the local people.

As such these entities continue as protectors of local autonomy for the distribution of public goods and services at the local level. Thus, the right of self-determination is at the very heart of local government system. It offers the right to determine how local affairs should be addressed to the local level communities.

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Under the local home-rule principle these institutions are permitted to act promptly to deal with immediate problems and opportunities as well as find tailor solutions fitting to the local needs. Furthermore, it avoids the delay in waiting for the decision or sanction of the central government as the officers in these institutions receive greater authority to make their own decisions. Finally we could argue that home rule deters central government interference in local affairs. Thus it is an obstacle to the central authorities' attempt to penetrate into the culturally defined civil spaces at the local level.

2.2 Devolution and Local Government

The most popular academic approach to understand the granting of powers to the local authorities in the modern state is provided by the conceptual focuses on "devolution of government power" which is identified in the literature simply as political decentralization. Under devolution "the central government establishes regional governments with legally conferred legislative and executive powers in designated fields of policy and administration" (Sherwood 1969, 60–87). Therefore these devolved authorities may function within these fields as "autonomous regional units of governance outside the command structure of the central authority" (Sherwood 1969, 60–87). Further "the center relinquishes its formal authority over these functions, which have been accredited to the regional governments, and keeps little control or no direct control" (Rondinelli 1984, 133–145). Therefore through devolution the central authority can offer substantive regional autonomy for regional population for the protection of their regional identity and the development of the areas they live.

As noted by Yoram Dinstein, "regional autonomy denotes self-government (and) established in delineated portion of the territory of a state and relates to all the inhabitants within the area (Dinstein 1981, 291–303). According to Lous B. Sohn, "the concept of self-government implies that for important political or economic reasons a particular area will remain within the territorial jurisdiction of another political entity but will possess political freedom to regulate certain of its own affairs without any interference by that entity except in the case of powers which are in the common interest of both entities" (Sohan 1981, 5–22).

According to Arthur MacMahon devolution can be instituted by legislation or by the constitution. He provides two individual terms to identify the legal status of these two types of devolution: "Statutory Devolution" and "Constitutional Devolution" (MacMahon 1969, 20). In this analysis "constitutional devolution covers federalism in its many applications. It describes a situation in which power is divided between central government and territorially defined constitutional units of self-government under an agreement (the constitution) which cannot be altered by the ordinary law making procedure (MacMahon 1969, 20). Brian C. Smith in *Decentralization*, the territorial dimension of the state also discussed such federal implications in devolution and observed "it is possible for a unitary state to devolve

substantial powers to provincial government, so that a quasi-federal arrangement exists” (Smith 1985, 14). Benjamin Neuberger calls this “*devolutionary federalism*” focusing on the initiatives taken by the Nigerian central government to transform a state which had in theory been ruled as a single unit into federal state with several regional governments (Neuberger 1979, 171–188).

Leonardo Romeo notes that “regional autonomy is not effective if the system cannot facilitate regional governance which has three components, namely, Performance, Partnership and Participation (3Ps). Performance refers to the management capacity of the administrative organization and its personnel. Partnership refers to the institutional and non-institutional means facilitating partnership between public, private and non-profit sectors. Participation refers to the avenues provided for the people to participate by themselves in the formulation of public programs and their implementation” (Romeo 2000, 2–3). As such, the administrative capability (Sapru 1994, 20) provided for the regional government is much more important as the real benefit of the two components, namely, “partnership” and “participation”, are highly dependable on the “performance” of administrative organization; i.e., the competence and commitment of the administrators.

With this understanding of the concept of local government and devolution and its related dimensions, the researcher will be examining briefly the historical development of modern system of local government in Sri Lanka with special emphasis on the historical survey of devolution of government in pre and post independent Sri Lanka in the next section.

2.3 Historical Overview: Pre-independence Period

2.3.1 *Local Authorities as Managers of Local Utility Services*

It was during the British colonial period that the local government institution focusing on facilitating the representative government and the local self-rule was first established in Sri Lanka. The demarcation line for distinguishing between the establishment of local institutions to undertake the local utility services and the provision for representative institutions for local self-rule was the Constitution of 1931, which granted Universal Franchise to the people of Sri Lanka and offered partial responsibility to the national leaders.

However, the rudimentary forms of local government institutions were introduced before 1931. The objective of introduction of such institutions was administrative convenience, not local self-rule. In 1829 the Colebrook Commission which was responsible for transforming the colony into a “Colonial State” (Navaratna-Bandara 2013, 471–485) to facilitate the foreign investment in the Island recommended the formation of village committees to undertake some of the functions undertook by the traditional Gam Sabhava, the village level entity consisting of elders in the villages that existed before the arrival British rule.

The Commission found the usefulness of Gam Sabhava in order to receive the views of village elders for affairs such as the resolution of civil disputes and the handling of ordinary lawbreakers (Mendis 1956, 69–323). However, this was not implemented immediately. Some 23 years after the submission of Report of the Colebrook Commission, in 1856 the passage of Paddy Lands and Irrigation Ordinance facilitated the formation of village committees to organize certain activities relating to irrigation and cultivation, but not as envisaged by the Commission.

The Island had the experience of Municipal Councils when the Colonial government established Municipal Council of Colombo (1865), Kandy (1865) and Galle (1866). These Municipal Councils were established with legally delineated Municipal boundaries under the Municipal Council Ordinance of 1865. The establishment of these Municipal Councils became a necessity as a result of emerging issues related to health and sanitation, maintenance of streets, markets, drainage systems and law & order in the big cities.

After the establishment of these three Municipal Councils the government introduced the Village Committees Ordinance in 1871 in order to establish Villages Committees participated by village leaders on voluntary basis. Also it empowered the Governor and the Legislative Councils to establish Rural Courts, which became the lowest rung of the judiciary system. In 1861 the government implemented the Road Committees Act and established the Provincial Road Committees and the District Road Committees to administer public roads. The Sanitary Boards were established in 1892 to tackle the sanitary issues in small towns with the participation of local residence. However, these local bodies were not popularly elected representative institutions. These institutions, including the three Municipal Councils, constituted of government officials and unofficial members nominated by the Government Agents or Assistant Government Agents. The local elites were invited to the village and small town level institutions as representatives of inhabitants, while the government officials playing the dominant role.

In the 1920s the colonial government brought a new legislation to establish elected Urban District Councils, Rural District and General District Councils similar to the District Councils in England. The government established two Urban (District) Councils in 1922 and another 6 in 1926, but other bodies were not established. Later they were identified as Urban Councils, the secondary institutions to the Municipal Councils.

The above survey of historical development demonstrates that the local bodies came into being during pre-Donoughmore era, with the aim of easing the burden of central government by providing or maintaining local utility services such as water, sanitation, roads, streets and markets. Initially the solicitation of local participation by inviting the local elites into these institutions was in line with the government policy to work with the traditional elites. Later the elected principle was introduced parallel to the upgrading of limited franchise offered to the national elites to represent their interest at the Legislative Council. Therefore, the local government system that existed in the beginning cannot be identified as a mechanism for offering the local self-rule.

The Donoughmore Commissioners had visualized the expansion of participatory government to the sub national level. They presented a special chapter in their reports on Local Government. They identified the establishment of Provincial Councils at the provincial level as an apex body of the Municipal and Urban Councils and the Village Councils. The Commission wanted to elect the existing local authorities by the adult voters. The establishment of Provincial Councils was proposed as the intermediate body between the central government and these third tier governmental institutions such as Municipal Councils, Urban Councils and Village Councils (Donoughmore 1928, 152). The development of representative institutions, both, at the national and sub national levels, was recognized as a crucial element in promoting not only democracy but also national integration. They held the view that the Provincial Councils would provide the minority communities which are majority in the provinces to take part in government at the provincial level. The Commissioners recommended that the State Council to be established by the new constitution should formulate the policy framework and other modalities for the establishment of Provincial Councils (Donoughmore 1928).

The new executive arrangement created by the Donoughmore Constitution made the local government a ministerial portfolio assigned to the national leaders. Thus an Executive Committee of Local Government was established in the State Council to decide the policy program, prepare the budget estimates and take day to day decisions of the newly established Executive Department (Ministry). Mr. SAWRD Bandaranaike was elected by the Executive Committee as the Minister of Local Government. The new minister had the past track record of propagating the federal idea and proposing to have a federal system of government for Low Country Sinhalese, Kandyan Sinhalese and Tamils, identifying them as separate races. He in 1936 initiated an ambitious program by establishing the Sinhala Maha Sabha to become a national leader in future Sri Lanka. With this political background it is understandable that SWRD provided leadership to the Executive Committee of Local Government to introduce the Village Committee Ordinance in 1937, the Urban Council Ordinance in 1939 and the Town Council Ordinance in 1946 and a report on the establishment of Provincial Councils in 1940 to the State Council.

The Village Committees Ordinance was initially reserved by the Governor as it had the wording that appeared to be discriminative against the Indian Tamils living in the estate plantations as it wanted to exclude them from becoming the voters of Village Councils (Weerawardana 1951, 87). However, the compromise formulation was found in the end by removing the word "Indian Tamils" as both sides agreed to put "the persons who live in the houses provided by the plantation management". As such, the Village Committees Ordinance of 1937 was the first legal instrument which disfranchised the Tamils of recent Indian origin (or Up-Country Tamils) in Sri Lanka. The exclusion of Up-Country Tamils living in the estate plantations allowed the British Plantation Raj to keep the workers in the plantation out of local politics. The legacies of this system still appeared in the local politics even though there were measures to accommodate these people who lived inside the estates into the local representative institutions, as well as the local administration represented by the "GramaNiladari".

In 1940 the members of State Council discussed the proposal submitted by the Minister of Local Government to establish Provincial Councils as proposed by the Donoughmore Commission to supervise the third tier local authorities already established and coordinate their activities to have an integrated regional development (Hansard July 10, 1940, Col: 1366). However since the majority of members were of the view that the Province is too large to administer, in the final resolution the State Council requested the Minister to establish District Councils and not Provincial Councils, identifying the District as the unit of devolution for the second tier government. The debate surfaced issues relating to the expansion of elected local authorities and also the centralized system of decision making at national level. Some members pointed out that due to the rampant corruptions prevalent in the local authorities the Minister should be careful when providing the revenue powers to the District Councils. The opinion of one member was that “the local authorities are hopelessly corrupted.” (Hansard July 10, 1940, Col: 1366). It is worth to note that the members wanted from the Minister to avoid what they thought “the side effects of the new introduction”; namely, the overlapping of functions between the local authorities and the District Councils, since the unnecessary expansion of public service that would put a heavy financial burden on the tax payers (Hansard July 10, 1940, Col: 1366). There were allegations that the Ministers in the Donoughmore system had become “Petty Hitlers” by concentrating power in their hands. Some members wanted to take more functions from the Ministers and hand them over to the Provincial Councils (Hansard July 10, 1940, Col: 1369–1370). Many members identified the new body as an instrument to curb the powers exercised by the colonial bureaucracy settled at the “District *Kachcheri*” headed by the Government Agents (Hansard July 10, 1940, Col: 1362–1365). Therefore, one would argue that the debate on the establishment of Provincial Councils in 1940 was based on the actual experience drawn from the ground situation by the elected members to the legislature (State Council).

During 1930–1947 as the ministers were involved in intense political competition to get the upper hand in national politics, it was SWRD who really benefitted from the reforms introduced to the local authority system as he became the leading figure at the annual conferences held by the Urban Councils and Village Council leaders. Later when he formed his own political party in 1951 many Chairmen and members of local government bodies joined his new party and work for his victory in 1956. The other leaders of government had the suspicion that SWRD was expanding his political support base through the expansion of local government system. It was evident that it was due to this continuing political contest that the draft bill submitted to the Cabinet in 1947 to establish the District Councils, according to a former Minister, “was set aside” (Hansard 1940, Col: 1267). The period 1931–1947 was identified as the planting of seeds of participatory democracy. The elections of members of local authorities, as well as the national legislature, were based on the principles of ‘Universal Franchise’ and ‘Territorial Representation’. Therefore, the emergence of both “formal democracy” and “participatory democracy” became one of the legacies of constitution reforms taking place during colonial rule. The national leaders and the colonial government had the

ability to consider the need for a second-tier government purely on rational grounds. Nonetheless the political rivalries surfaced in the first cabinet of 1947 between certain individual politicians worked against its introduction before independence. In 1951 SWRD Bandaranaike identified the non implementation of his proposal to establish Provincial Councils as one of the principle issues which influenced him to resign from the government to form the Sri Lanka Freedom Party (Bandaranaike 1963, 147–149).

2.4 Historical Overview: The Post Independent Period

2.4.1 The Failed Attempt on “Statutory” Devolution

After independence the local authorities namely, Municipal Councils, Urban Councils, Town Councils and Village Councils, became the training schools for the future national political leaders and the grassroots level political power bases for organizing the vote banks for the political parties. When SWRD Bandaranaike resigned from the United National Party government and formed the Sri Lanka Freedom Party (SLFP) in 1951, many of his party leaders and organizers came from local authorities. Consequently the local authority elections became the trial battle grounds for the political parties competing for the capturing of power in the central government.

However, the ground reality was the need to reform the hierarchical arrangement between the central government and the local authorities by establishing an authority to have a coordinated district development. Although the draft District Council bill was set aside in 1947, the central government established the District Coordination Committees (DCCs) to fill the vacuum in 1950. The DCCs were consisted with the Members of Parliament, Chairpersons of Local Authorities and the Heads of Departments comprising Senior Public Officers in the District. The DCCs became the coordinating body of projects undertaken by the government at District level. The major objectives of establishment of DCCs were to bring the people’s representatives in touch with the public bureaucracy and weaken the Kachcheri System of Administration.

The Local Government Commission appointed by the government led by Sir John Kotalawela in 1955 (widely known as Choksy Commission) recommended the establishment of Regional Councils as an apex body of local authorities within the Region (a sub division of District). The Bandaranaike government which came to power in 1956 issued a Gazette notification outlining the proposal to establish Regional Councils when the Commission published its report in 1957. The Choksy Commission wanted to have indirect representation to these bodies by appointing the Members of Parliament and the Chairmen of local authorities to the Regional Councils. However, the nature and structure of Regional Council soon received new shape as it became the central focus of Bandaranaike-Chelvanaykam Pact (B-C Pact) signed in 1957. The B-C pact was signed as a compromise settlement with the

Federal Party which was about to launch a Satyagraha campaign in the North against Sinhala only Act. The B-C Pact proposed to establish elected Regional Councils and make special arrangements to establish one such council for the Northern Province and two or more councils to the Eastern Province (De Silva 1986). The real objective was to allow the Tamil majority council in the Eastern Province to join with the Northern Regional Council. Thus, there was a special clause promising to add a new provision to the draft bill allowing the Regional Councils to join together beyond the provincial boundaries subject to the approval of Parliament. Both parties agreed to grant the Regional Councils the power to select the allottees of colonization schemes and use Tamil as the language of administration in the Northern and Eastern Provinces (De Silva 1986).

The B-C pact created a political controversy as the United National Party, the main opposition party and the organizations representing the majority community and the several leading Buddhist Monks protested and organized a campaign against the agreement arguing that it would lead to the division of country. They further argued that this would allow the Tamil leaders to have a clear geographical identified institutional structure to bolster their claim for the Northern and Eastern provinces as the homeland of Tamil speaking people and a separate state for those areas in the near future. The main opposition party condemned the agreement identifying it as a betrayal of Sinhalese and blamed that it would undermine the implementation of the Official Language Act which declared Sinhala as “the sole official language of the country” (Daily News, 27 July 1957). Finally the Prime Minister, without consulting the other party, decided to abandon the agreement surrendering to the pressure came from the leading Buddhist Monks. Meanwhile other signatory to the B-C pact, the leader of Federal Party was arriving in Colombo after receiving an approval to the agreement from his party congress identifying it as “...an interim adjustment” (Silva, Managing Ethnic Tensions in Multiethnic Societies 1986).

The political controversy that erupted against the B-C pact became a turning point as it made the idea of creating second-tier government a tough issue for the government in Colombo. Consequently the successive governments just paid lip service to the idea of devolving power, though most of them gave a promise to establish District Councils at the Throne Speeches (the Policy Statements of government) from July, 1960 to 1965. The minority UNP government of 1965, which first time made the Federal Party a partner in a coalition government, brought a white paper in 1968 to establish District Councils (Proposal 1968). Meanwhile a newspaper published by a left party disclosed that there was a secret promise given to the Federal party offering a regional government to the Northern and Eastern provinces. The government faced stiff opposition from political opposition, as well as the Sinhala Buddhist nationalist forces, though the proposed system did not have powers similar to the proposed Regional Councils in 1957. The main opposition party claimed that the proposal would lead to establish a federal system as Dr N. M. Perera, leader of a Left Party stated that “we are for District Councils but not for federal District Councils” (Hansard 19 July, 1967). Finally the government abandoned the District Council proposal and the Minister

of Federal Party submitted his resignation though the FP did not withdraw its support to the government. These continuing controversies created a fear psychosis among the majority community by identifying devolution as a mechanism for dividing the country.

The devolution of government or federal system of government became one of the important focuses of the Constitutional Assembly, which approved the first Republican Constitution inaugurated in 1972. The new Constitution declared Sri Lanka as Unitary State, indirectly rejecting the federal proposal submitted by the Tamil leaders since independence. This particular legal formulation in the Constitution virtually outlawed the idea of “federal state” promoted by the Tamil leaders since 1948. The response of the Tamil leaders was the formation of Tamil United Liberation Front (TULF) in 1974 which declared the establishment of Tamil Eelam—an independent state in the Northern and the Eastern Provinces—as the ultimate political goal of Sri Lankan Tamils.

As such, after 26 years of independence when the country became a Republic severing the constitutional relationship with Britain, the political leaders of the principle minority community took refuge in ethnic secessionism which facilitated the political ideology for the emergence of Liberation Tigers of Tamil Eelam (LTTE) which brought the thirty years long civil war that ended in 2009. The constitution which was inaugurated in 1978 transforming the country’s system of government from cabinet system to a semi-Presidential system further strengthened the constitutional framework of ethnic dominance system established by the 1972 constitution.

However, the attempts to introduce devolution through a legislation approved by Parliament did not end after declaring Sri Lanka a Unitary State by both the constitutions of 1972 and 1978. In 1980, the government after having an understanding with the TULF established an elected District Development Councils (DDCs) with the MPs in the district also as ex-officio members who received the majority status in the council. The District Minister appointed by the President was given powers to appoint an executive committee from the Council and implement the development programs identified in the development plan approved by the DDC. The DDCs received funds for their development programs directly from the Decentralized Budget approved by Parliament. The functions earlier carried out by more than 300 Village Councils and Town Councils were transferred to the District Development Councils as they were abolished with the inauguration of DDCs. However, in the end the DDCs evolved as an apex body controlled by the majority of MPs in the Council. The funds received from the district decentralized budget were allocated to the projects identified by the MP within their electorates. The public utility services handled by the Village Councils and the Town Councils were neglected and the people were alienated from the decisions made for their local matters. The DDCs ceased to exist after the establishment of Provincial Councils (PCs) in 1988 by the 13th amendment to the Constitution.

The events unfolded since independence point to the fact that the process started in 1940 by diluting the original proposal for the establishment of Provincial Councils re-emerged in 1957, 1967 and 1980 with a territorial unit smaller to a

Province. These “statutory devolutions” identified the “Region” in 1957 and the “District” in 1967 and 1980 as the territorial unit of devolution. The adoption of the District as the territorial unit of devolution in 1967 and 1980 was in agreement with the Sinhala nationalist argument raised in 1957 that a unit of devolution based on Province would provide the political and administrative framework for the Tamil nationalists’ claim for the Northern and Eastern Provinces as the traditional homeland of Sri Lankan Tamils.

2.4.2 The Introduction of Constitutional Devolution

The establishment of Provincial Councils in 1988 was the first experiment of “statutory devolution” for the citizenry of Sri Lanka. It was a direct outcome of the Indo-Lanka accord signed in 1987 by President J.R. Jayawardane and Indian Prime Minister Rajiv Gandhi. The accord was an attempt by India and Sri Lanka to find a settlement to the ethnic problem in Sri Lanka by creating a ceasefire between the LTTE and the security forces of GOSL. The Indo-Lanka Accord was a mutual understanding between two governments regarding the burden emanating from the security concerns of both countries.

The 13th Amendment went back to the original territorial unit proposed by the Donoughmore Commission recognizing the Province as the unit of devolution. The change of territorial unit from the District to the Province took place during 1983-87 when India mediated between the GOSL and the Tamil Groups. The government of President J.R. Jayewardene was forced to accept both the Province and the temporary merger of Northern and Eastern provinces. This happened due to the tremendous pressure exerted by India which had established itself as the mediator in the conflict between the leaders of the Sri Lanka Tamils and the Government of Sri Lanka (GOSL) (Navaratna-Bandara 2010).

As such the 13th Amendment was a product of the geo-political environment in which India played the role of regional security manager and it was not the domestic actors but Sri Lanka’s Big Neighbour—India, for the sake of her national interest that played the key role in shaping the idea of Provincial Councils which became part of the Constitution of Sri Lanka. The present writer has argued elsewhere that finding a compromise solution to the Sri Lanka’s Tamil self-determination conflict became the preferred policy option for the Indian policy makers as secession and military suppression of Tamil political movement—the extreme political options in the conflict were not acceptable to them (Navaratna-Bandara 1995). This has now become an entrenched element of the Indian policy towards Sri Lanka’s ethnic conflict. Even today the strengthening of the 13th Amendment is the way out for the ethnic conflict in Sri Lanka for the Indian policy makers, though the ending of war annihilated the entire Liberation Tigers of Tamil Eelam (LTTE) leadership in 2009. On the other hand, the political resistance that emerged in 1987 against intervention and political manipulation by India in domestic politics still continues in different guises. This could be attributed

to the indifference shown by the successive governments in implementing the 13th Amendment.

However, the 13th amendment somewhat changed the constitutional landscape of local authority system that evolved in the past. The amendment provided three lists of powers similar to the Indian system to rearrange the subjects between the central government and the PCs. The Provincial List identified the subjects assigned to the PCs, the Reserved List identified the subjects reserved for the central government and the concurrent list provide the subjects that can be assigned to the PCs, but the central government also can exercise its authority though they have been assigned to the PCs. Since the devolutionary arrangement was prepared very carefully to keep the unitary nature of state intact the PCs did not receive direct authority to exercise the subjects assigned to them. The PCs have to implement the laws passed by Parliament by detailing out their implementation in the Province by passing the Statutes. That is the only way to acquire legal authority to exercise executive powers over the territory assigned to them. The government had to make practical arrangement to hand over the subjects devolved to the PCs. If it is not done by the center, the PCs cannot take the functions into their hands. On the other hand, the PCs have to use their legislative authority to pass statutes for the subjects devolved to them in order to exercise the legal authority according to their wishes. However, the PCs still lacks necessary administrative capacities to draft statutes. Consequently, for the last 27 years the PCs have produced not more than 200 statutes though a minimum of 300 statutes per PC was expected in the beginning. The tax base provided for the PCs is insufficient to maintain the recurrent expenditure of PC administration, let alone the undertaking of development functions emanating from the 36 subjects assigned to the PCs by the Constitution. The PCs are dependent on the treasury funds to be channelled through the allocations to be made in the annual appropriation bill (Amarasinghe 2010). The provincial public administration is headed by the Governor and the Chief Secretary appointed by the President and, all the administrative units are headed by the members of All Island Services which are under the control of central government institutions. The selection of All Island Services was a deliberate move as the politico-administrative leadership thought that these serviced personnel would maintain the unitary nature of the Sri Lanka State (Committee 01 October, 2001).

2.4.3 Local Authority System After the Establishment of Provincial Councils

The establishment of Provincial Councils has changed the landscape of the local authority system as the central government decided to handover the supervisory control of local authorities to the PCs following the devolutionary arrangement in the 13th Amendment. The government abolished the Local Government Administrative Service and absorbed the members of local government service into the Sri Lanka Administrative Service.

The 13th amendment to the constitution has identified the local government as a subject to be devolved to the PCs. One of the initial steps taken by the government to activate the PC system was to hand over the supervisory functions of local authorities to the PCs. Consequently the powers exercised by Minister of Local government of the Central government mainly as per the judiciary interpretations were automatically handed over to the Provincial Minister of Local Government. In 1992 the government introduced the new local authority body, the Pradesheeya Sabhas, to fill the vacuum created by the abolition of Village Councils and Town Councils in the 1980s. One of the special features that came into operation with the establishment of new institution was the new electoral system based on the Proportional Representation system introduced by the Constitution of 1978. The old electoral system facilitated the election of members from a single member constituencies (Wards) based on the simple majority system. With the new arrangement multimember constituencies were created and the election was based on Proportional Representational system. For the first time in the history of local government system in Sri Lanka the Pradesheeya Sabha received the powers to plan and implement the development programs in the area. The Local Government Institutions at the village level, which since the colonial days have been assigned the only responsibility of undertaking the utility services, now received the responsibility of handling development programs. The Chairperson of the Pradesheeya Sabha became the only Chairperson in the Local Government system who received the status of Chief Accounting Officer. A Commissioner is appointed by the Minister of Local Government at the Municipal and Urban Councils as the Chief Accounting Officer; thus the Mayors of Municipal Councils and Urban Councils are not personally handling the public funds.

2.5 Conclusion

The modern system of local government institutions is a colonial heritage. It evolved from the supportive institutions of Central government and gradually became the institutions that facilitate local self-rule. The post-independent history was dominated with the tense situations created by the attempt to establish second-tier government or sub-national level government as the issue became an integral aspect of polemic between the political leaders that belonged to the ethnic divide since 1957. The introduction of Proportional Representation into the local government institutions made the members of Local Government bodies as representatives of political parties though they were elected by the people.

When the Provincial Councils came into being without the whole hearted support of Central political leadership, the local bodies at the village level were used by the Central political leaders as a countervailing mechanism to restrict the powers of Provincial Councils. For example, the Ministry of Economic Affairs that existed until 2015 allocated funds for rural development strait to the Chairpersons of Pradesheeya Sabha who were the Chief Accounting Officers even by passing the

Ministry of Local Government. The Provincial Councils which is the supervisory body of these local government institutions become silent onlookers. The assigning of the responsibility of undertaking of development programs in their areas to the Pradesheeya Sabhas indirectly helped the central government to manipulate these lower level rural institutions against the Provincial Councils. The activities of these rural level local government institutions in the recent past is far from satisfactory as they remind us about the statement made by a member of State Council in 1940 ‘hopelessly corrupted’.

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