

Local Government in Sri Lanka: More State, Less Democracy

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B. Skanthakumar delves into the role and functions of local authorities, also arguing that the local administrative system of divisional and district secretariats is disabling of the former. He takes note of the existing opportunities for people's participation in the *pradeshiya sabhas*, unlike in other local bodies, but is doubtful that it can be more meaningful without restructuring the state, its relationship with the regions and with citizens.

1. Introduction

Local government according to Uyangoda has been a site of debate for competing ideas of the “post-colonial state, public administration, development, state-citizen relations and institutional organisation of state power” since the 1930s (2015: 150). Those committed to a unitarist view of the state have been most interested in the decentralisation of administration as a countervailing ideology to those demanding federalism and the self-government of the regions.

Beyond the legal-constitutional debate on state reform in Sri Lanka, the interest of powerful actors in local government should be situated within broader shifts in the global and national political economy of states. Harriss, Stokke and Tornquist relate the interest of powerful actors including government, international development agencies and international non-governmental organisations in local government reform to current development discourses “that emphasise local partnerships between actors in state, market and society. The common assumption is that mutually enabling relations between decentralised state institutions, local businesses and civil associations will generate economic growth, poverty alleviation and good governance” (2005: 3).

Sri Lanka, since the late colonial era, has had parallel structures to deliver public services to local communities. In this article the framework and functions of the District (and Divisional) Secretariat, as well as the *Pradeshiya Sabha*, are outlined. It is argued that elected local authorities are undermined in power and influence by the local administrative structure. Local democracy (as distinct from local government or its neoliberal cousin, local governance) is therefore a chimera; and will remain so until there is increased autonomy of units presently on the periphery of the polity, matched by a political economy supportive of the democratic organisation of local communities.

1. Local Administration

The older and stronger governmental structure at local-level is the institution of the District Secretary (also known as Government Agent—GA) at district-level; and its sub-unit, the Divisional Secretary (formerly Assistant Government Agent—AGA) at the divisional-level of each district. These officials are career civil servants, appointed by central government and subject to transfer to other parts of the island. To support their work within each division, there is another state official known as the *Grama Niladhari* (GN—village officer); of whom there should be one in each of the 14,022 GN divisions across the country.

The central government thereby ensures that its writ extends to the very smallest of administrative units (the GN division), through a chain of command that originates from central government in Colombo. Leitan (1996:

- has observed that following limited self-government in 1931, the formation of a Board of Ministers with individual departmental briefs fostered “a system of vertical departmentalism, with almost every department whose functions made it necessary to operate in the field, creating its own vertical line organization downwards from Colombo, sometimes to the level of the villages”.

The lineage and endurance of this structure reflects the strong centralisation of power and authority in national-level institutions and mechanisms, as inherited from the British colonial administration and enhanced by the post-colonial state.

1. Local Authorities

Meanwhile, the directly elected local government authorities in rural and urban areas form the more recent and weaker political structure. Historically, “local government was viewed”, by the colonial administration, “as the initial training ground for the establishment of democratic institutions at the national level” (Marga Institute: 2011: 4). This is argued to underscore the potential role of local government authorities in democratising the political and public administrative system.

An alternative reading would be to understand local authorities as a ‘spring-board’ or ‘nursery’ for ambitious individuals seeking higher office. Consequently, these individuals are likely to be disinterested in pushing for enlargement of the powers of local government bodies which implies curtailing the authority of central and provincial government and therefore of provincial and national politicians – potentially including themselves in the future.

The decision-making body of these authorities is composed of politicians fielded by national and regional political parties as well as from independent lists. However, the chief administrative officer¹ of these bodies – responsible for the daily operations of the respective authority – is appointed by, and answerable to, the Ministry of Provincial and Local Government Affairs. Through this office, the central government exerts its influence, and indeed direct authority, over matters and institutions of local government bodies without being visibly interventionist in their affairs.

1. District and Divisional Coordinating Committees

Further, a direct role for central government has been reintroduced through the device of District and Divisional Coordinating Committees chaired by powerful politicians with vote-banks in those areas. The Divisional Secretariat as well as the *Pradeshiya Sabha* is represented on this committee, sometimes along with a couple of international and national non-governmental organisations engaged in local development projects.

National politicians who might have been expected to favour local government representatives of the same political colour by-pass the *Pradeshiya Sabha* and prefer to use the Divisional Secretariat bureaucracy instead. Uyangoda (2012: 375) explains that, “this is primarily because of the fact that local councils have only a limited capacity to dispense public resources and favours due to their narrow mandate and thin resource base.”

Ostensibly, a mechanism for the ‘coordination’ of inter-related measures for community uplift, in reality, these Coordinating Committees allow for national-level politicians in government, the opportunity to intervene and direct local government administration and expenditure plans according to their preferences. Outside of the formal administrative and elected system of local

government, in fact, it is in these Committees where key decisions affecting local communities are being made; but neither accessible nor accountable to those communities nor often their local representatives.

In addition, parliamentarians can use their decentralised development budget to finance local projects that interest them (for a variety of reasons) and to benefit local groups of importance to them. As observed by Gunatilaka (2000: 125), “incumbent regimes at each level of government routinely divert infrastructure development funds to localities within their jurisdictions that supported them at the elections, and withhold them from localities that supported the opposition”.

1. 13th Amendment

The *Pradeshiya Sabha* or Divisional Council was created in 1987, subsequent to the 13th Amendment to the Constitution of Sri Lanka. By this amendment the supervision of the administration of local authorities, that is whether municipal councils or urban councils or *Pradeshiya Sabhas*, is brought under the purview of Provincial Councils.

However, the *Pradeshiya Sabhas* only began operating after local government elections under the proportional representation system, were conducted in 1991 (Warnapala 1993: 18-19). The spatial limit of the *Pradeshiya Sabha* corresponds to that of the Divisional Secretariat in that area, excluding any Urban Councils and Municipal Councils that may exist within the Division. The objective is to harmonise the jurisdiction of central government and local government structures within the same geographical area. As of 2018 there are 276 such Divisional Councils (in addition to 40 Urban Councils and 24 Municipal Councils).

It is widely admitted that instead of strengthening local government, as the original proponents of provincial government had assumed, there has been further weakening of local bodies because of the particular scheme of devolution adopted in the 13th Amendment to the Constitution.

The powers of Provincial Councils over local government are subject to two caveats: namely, that the constitution, form, and structure, of local authorities shall be determined “by law”, that is, the will of the national legislature; and that they may not reduce the powers of local authorities, while being free to add to those powers.⁴

The purpose of the first clause is clearly to emphasise the supremacy of central government over provincial government in the matter of the establishment and/or merger and/ or boundary delimitation of local bodies (of particular significance in the context of Tamil claims for self-determination). The object of the second clause is to restrict provincial authorities from expanding their powers over local administration, while being at liberty to devolve some of its own powers to local bodies. However, there is no evidence of such benevolence by Provincial Councils in past decades. Further, local government institutions are supervised by the Provincial Commissioner of Local Government based in the provincial capital, who is herself/himself under the control of the central government appointed Local Government Commissioner in Colombo.

The preceding discussion has outlined the current administrative system and the inter-relationship between its components, as well as the relatively limited ambit of authority of local government, while drawing attention to the thrust towards centralisation of power by the national-level government. The section below turns to examination of the local arms of the state, that is the Divisional Secretariat and the *Grama Niladhari*, before returning to the *Pradeshiya Sabhas* by way of contrast.

1. Divisional Secretariats

The Divisional Secretariat is headed by a Divisional Secretary who is the senior administrative officer in charge of that Division. Following the introduction of the regional or provincial tier of government, the Divisional Secretary is now responsible for local-level implementation and management of subjects devolved to the Provincial Councils, as delegated by Provincial statutes or by the Governor of the Province⁵ (who is a nominee of the President and therefore central government).

At the same time, the Divisional Secretary continues to be the local agent of the District Secretary based in the District Secretariat (*kachcheri*) – on non-devolved subjects that are under the control of the central government – as was the situation prior to the establishment of Provincial Councils. Therefore the Divisional Secretary has a “dual reporting line” (Slater 1997: 255): to the central government for programmes initiated and funded from Colombo, and to the provincial council for programmes under its direction.

The core functions of the Divisional Secretariat (DS), as set out by its line ministry in central government upon its establishment, are to:⁶ (1) take responsibility for service delivery at the divisional level; (2) provide and facilitate service delivery at the divisional level, without visiting of district, regional or national institutions;

- increase accountability to the people; and
- take action to implement national and provincial policies at the divisional level. The fourth listed role underlines that the DS is the local mechanism for the central government.

The Divisional Secretariat (DS) is the key local institution for the planning, implementation, and monitoring of development projects within the division (Jayatunga 2004: 234). It coordinates, or attempts to, the activities of government officers, community-based-organisations, and non-governmental-organisations, engaged in socio-economic development work. The DS is the source of social assistance to low-income households through food stamps, cash-transfers (*samurdhi*), housing and sanitation materials. In times of disasters and emergencies (droughts, floods, landslides, cyclones etc.), it is the DS office that provides dry food rations, arranges temporary shelter and other immediate assistance to the affected and displaced.

Many of these services and roles are delivered by field officers, who unlike other colleagues permanently based within the Secretariat, are expected to be present and active in the community. These officers face a number of constraints including the range of their duties, the geographical spread of the division, the modest travelling or fuel allowance received for their activities, and the requirement to be at the Secretariat office at least two days a week including the ‘Public Day’ (Wednesday), when a walk-in service to any member of the public is in operation.

The DS has three main sources of revenue: (i) national budget allocations; (ii) funds from national and international non-governmental organisations for development projects and programmes; and (iii) fees from issue of permits (for e.g. for transport of timber); and licenses (for e.g. registration of vehicles, driver’s license, births and marriages etc.).

Appointment to the position of Divisional Secretary was once made within the civil or administrative service, as is desirable when it is assumed that public officials should be selected on the basis of merit and competence.

Subsequently this authority was arrogated by the government through the Cabinet of Ministers, directly politicising the selection and transfer (either as a favour or a punitive action) of the Divisional Secretary or DS. One former senior public administrator claims that this had made the DS more subservient to the local governing party parliamentarian or even provincial or local

government representative, who is able to influence the decision-making in the Cabinet (Devendra 2004: 67).

1. Grama Niladhari

The *Grama Niladhari* (GN) is the representative of the central government at local level.⁷ Therefore, this individual may be the state official with whom most citizens have the greatest regular interaction, especially in *Pradeshiya Sabha* divisions. The office was created in 1962 replacing the post of 'Village Headman'. As a public officer, appointments are not hereditary or by status as was the case with the Headman, but rather through an open and competitive examination. Also unlike the Headman, the GN does not necessarily originate from his/her place of posting; which is thought to offer greater fairness in conduct and independence of action.

A prerequisite is that the candidate should be over 21 years and under 30 years of age, and have three Advanced-Level examination passes. Initially a male-only preserve, it was only as late as 1986 that women began to be appointed as *Grama Niladharis*, and they remain few in number. Once selected, GNs receive three months of training before appointment including two weeks at a district secretariat and six-weeks at a divisional secretariat.

The *Grama Niladhari* is the link between the citizen and the divisional secretariat. S/he will have the official forms that need to be completed and attested by her/him when registering births and deaths. Her/his letter confirming one's identity and former address in that locality is required when applying for or replacing important documentation such as the national identity card or passport; or in seeking to change one's electoral registration to a different district; or in applying for certain public and private sector jobs; or prior to registration for foreign employment. The acquisition of private land by the state, or authorisation for use or occupation of state lands by private individuals may be through this public official. The *Grama Niladhari* is expected to maintain peace and order in the community and to mediate and resolve disputes that occur (de Almeida Guneratne and Pinto-Jayawardena 2012).

Such power – with only appeal to the Divisional Secretary as recourse to its alleged abuse – is therefore accompanied by claims irrespective of region, ethnicity and religion, of political favouritism (rewarding supporters of local politicians or of the governing party at the centre) in the distribution of state relief; the solicitation of gifts or cash in return for signed letters and receipt of application forms for benefits; and sexual bribes as gratification for certification of eligibility for social welfare goods and services to women-headed-households and authorisation of the Family Background Report as precondition for out-country migration of women with young children.

1. Pradeshiya Sabhas

The *Pradeshiya Sabha* is the most recent of Sri Lanka's local government institutions; replacing the Development Councils and *Pradeshiya Mandalas* created after 1980 in an earlier and failed attempt at power-sharing between the State and the regions.⁸ The functions, composition and structure of the *Pradeshiya Sabha* are discussed below.

The purpose of the *Pradeshiya Sabha* in the language of its statute of establishment, is 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 all amenities within such area".⁹

The revenue streams available to *Pradeshiya Sabhas* are:

- Rates i.e. household assessment tax;

- Rents i.e. on buildings constructed with public funds to be let to private individuals (e.g. traders);
- Assigned Revenues e.g. Stamp Duty fees; trade and business taxes; entertainment tax; licenses;
- Borrowings;
- Government Transfers.

The first three sources are of local origin and the remainder are external. However, virtually all local authorities are unable to operate on the revenues that are self-generated and depend on central government for transfers. On average, as much as sixty percent of their budgets originate from the central government and are necessary even for recurrent expenditure such as the payment of salaries and wages of staff. There is relatively little available for capital investment including development projects.

Pradeshiya Sabhas, unlike the Divisional Secretariat which coexists within the same administrative area, comprise directly elected members. Members serve in an honorary capacity, that is, they receive a modest allowance and not a salary. As they continue to be engaged in their own occupations, they are not present in the PS secretariat at all times. In addition to the monthly 'general assembly' of all members, they are expected to attend the (monthly at most) meetings of standing committees, and the weekly 'Public Day' when their constituents can meet them at the secretariat.

No official disaggregated data is available on the ethnic and gender composition of the members of *Pradeshiya Sabhas*. Women are grossly under-represented in all institutions for democracy in Sri Lanka despite comprising a numerical majority of the population. In 2011, out of a total of 4,466 members in local authorities, only 90 (that is, 2.01%) were women (Kodikara 2012: 8). While there was a quota for the nomination (as distinct from representation) of youth – defined as anyone between the ages of 18 and 35 – such that this group should constitute at least 40 percent of the party list, there was none for women until the electoral reforms of 2016-2017.¹⁰

The commonly cited barriers to increased women's participation in electoral politics, including at the local level, are: opposition from male kin (husband/father/son); campaign finances; lack of enthusiasm and support from political parties; political violence; and the social stigma attached to women's activity in traditionally male spaces (Leitan and Withanachchi 2012: 308).

The key member of the *Pradeshiya Sabha* is the 'Chairman', who is the nominee of the political party that commands the support of most members. Among those elected to the *Pradeshiya Sabha*, the view is that its Chairmanship should be conferred on the individual who receives the highest number of votes. However, the political party that controls the Council generally makes the decision based upon its own rationality which can include patron-client relationships with top and regional-level leaders of the party; as well as a host of local considerations (ethnicity, religion, caste etc.). The stipulated term in office is four years but local body elections have often been postponed, such as after 2015 when their term ended and until the February 2018 poll.

In principle, the Chairman may delegate any of her/his powers or authority to the Vice-Chairman or the Secretary or other public official of the Council. In practice, the Chairman being the "chief executive officer"¹¹ is a power to himself; and more or less the sole decision-maker provided he enjoys sufficient support within the governing group. As the preparation of the annual budget of the *Pradeshiya Sabha* is undertaken by the Chairman in his capacity as the chief accounting officer of the council, his authority and influence is paramount.

7.1 Participatory Administration and Development

The preamble to the *Act* observes that the purpose of *Pradeshiya Sabhas* is *inter alia*, “to provide greater opportunities for the people to participate effectively in decision-making process relating to administrative and development activities at a local level”. As promising as this sounds, more than 25 years later, it is doubtful whether it is even an aspiration for the public officials involved to achieve people’s participation in local government, outside of as electors to the councils and/or as beneficiaries of welfare and livelihood assistance.

Further, the promise of participatory development is belied by the objective reality that the planning functions of local government institutions have been assumed by the Urban Development Authority which is a department of central government (and under the previous government a subject of the Ministry of Defence). The principle of ‘subsidiarity’, where plans should be formulated at the level of its remit, for instance divisional development plans at the divisional level, is not followed (Woiwode 2009: 81-82).

7.2 Standing and Ad-Hoc Committees

Under the enabling enactment, four committees shall be constituted to advise the *Pradeshiya Sabha* on matters of (1) Finance and Policy Planning; (2) Housing and Community Development; (3) Technical Services; and (4) Environment and Amenities.¹² The committee on Finance and Policy Planning is seen as the most prestigious as it deliberates on budgeting and development plans. It is therefore chaired by the *Pradeshiya Sabha* chairman.

Membership of these committees may either consist solely of the *Pradeshiya Sabha* members themselves or “partly of members of the *Sabha* and partly of other inhabitants of the *Pradeshiya Sabha* area”, that is residents drawn from the constituency.

In addition to the aforementioned four named committees, the *Pradeshiya Sabha* may also appoint on an *ad-hoc* basis, any number of additional advisory committees “with reference to any of its powers, duties and functions”. In these committees too there is potential for participation by the public (Keerthirathna 2012).

However, the reality is that these committees are under-utilised and under-valued. Additionally, the discretion on the part of the members of the council as to whether to include members of the public in these committees is unfortunate.¹³ It allows councillors to monopolise the decision-making process and discourages greater transparency and accountability towards the electorate, as well as participation of local citizens.

7.3 Functions

The functions of the *Pradeshiya Sabha* are outlined in general terms in section 3 of the *Pradeshiya Sabhas Act*, No 15 of 1987; and similarly to Municipal Councils and Urban Councils are mainly related to 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 all amenities within such area”.

However, in addition to similar functions as the Municipal Councils and Urban Councils, the *Pradeshiya Sabhas* are also assigned certain development activities as noted below including employment programmes; rural women’s entrepreneurship; commercial and industrial enterprises for public services; community health facilities; housing schemes; agricultural and livestock projects and village works programmes.

- provision of public utilities such as street lighting, water-supply, and electricity;
- maintenance of public parks, gardens and open spaces;
- maintenance of public roads, streets, canals and bridges;
- maintenance of drains;
- ensuring collection and disposal of street refuse and house refuse;
- maintenance of public markets;
- maintenance of all public buildings constructed with pradeshiya sabha funds;
- ensure proper and adequate toilets on public and private property;
- provision of community health facilities such as maternal and child health as well as indigenous medicine (for e.g. ayurvedic) clinics; training of midwives; and health education;
- housing and other relief and rehabilitation schemes for victims of natural disasters;
- establish and regulate ferries for water transport;
- experimental agriculture and techniques in breeding of animals;
- promotion of religious and cultural activities including the organisation of ceremonies and festivals, maintenance of Buddhist Sunday schools, establishment of cultural centres, literary festivals including publication of books, award ceremonies;
- submit to the relevant state authorities a programme for development of educational facilities including schools, playground, libraries, hostels etc.;
- organise employment programmes;
- promoting rural women's development projects, grant-making to community development projects;
- providing relief to the poor, and the rehabilitation of the destitute and persons with disabilities (mental, physical or social);
- engage in commercial and industrial enterprises that produce articles and goods for the public services and public utilities operated by municipal and urban councils;
- licensing of slaughter houses;
- regulation, inspection and control of bakeries, eateries;
- regulation, inspection and control of dairies and sale of milk;
- regulation, supervision and control of breweries and aerated water manufacturers;
- regulation and control of industrial waste;
- regulation and control of itinerant vendors;
- regulation, supervision and control of businesses and trades.

Immediately apparent is the breadth of activities and the associated costs which would be onerous even to the best-funded of local authorities such as the Colombo Municipal Council. Unsurprisingly, one study concluded: "Due to a combination of reasons, the chief of which is the inadequacy of

financial resources, the functions exercised by local authorities are extremely limited; and local government remains largely dissociated from the development process" (Leitan 1978: 94). The situation is unchanged after many decades.

Further, it is important to recall that central government agencies have, over the course of time, assumed responsibility for some local government functions. For instance, the laying of water and sewerage pipes is now increasingly conducted by the National Water Supply and Drainage Board; the supply of electricity to consumers is directly handled by the Ceylon Electricity Board; the construction of houses is undertaken by the National Housing Development Authority; the management and maintenance of government rest-houses is under the control of the Urban Development Authority (Marga Institute 2011: 19), and so on. The reason usually advanced is that local authorities lack the financial resources to undertake these responsibilities, which is true.

What is hardly ever discussed is, why this is so? The monopolisation of public revenues by central government to the detriment of provincial and local government is rarely questioned. The deliberate policy of starving other tiers of government of revenues and making these tiers dependent on central government for their operations is not openly discussed, even by members of these bodies.¹⁴ In effect, local government, similar to provincial government, is set up to fail; allowing central government to appear to be the only entity able to take real decisions and matched by the resources to execute them – thereby boosting the latter's own legitimacy before the people.

The vast majority of constituents have adjusted their expectations of the *Pradeshiya Sabha* accordingly. In their minds, its role is to ensure that the main roads used by the public are in good condition; that drains are regularly cleaned to minimise flooding and reduce public health issues (especially vector-borne diseases); that main streets and public buildings are lit; and that facilities be provided for the *pola* (market fair). In cities and towns, most residents consider the minimum obligation of urban and municipal councils to be the collection and disposal of household waste; the maintenance of street lighting; the upkeep of cemeteries and crematoriums; the repair of roads and drains; and the catching of stray dogs.

1. Conclusion

This article has drawn attention to the 'elephant in the room' in discussions of local government, which is the existence and superior authority and capacity of the decentralised units of central government at local-level. It has identified the main features of the District and Divisional Secretariats and its long reach into households especially in rural areas through the institution of the *Grama Niladhari*. It proceeds to outline the structure, functions and sources of revenue of the largest number of local authorities known as the *Pradeshiya Sabha* or Divisional Council. It briefly discusses the limited scope for the involvement of local residents within these councils, despite one of the express purposes for the creation of this institution being to enhance opportunities for the effective participation of the people in decision-making relating to administrative and development activities.

What does local government translate to in Sri Lanka? More State, Less Democracy. The expansive role of central government through the decentralised state administrative institutions of the District and Divisional Secretariats, and increasingly the direct role of state agencies in the provision of services in what were formerly spheres of responsibility of elected local authorities, illuminates the weight of the state in local government. Meanwhile the elected local bodies are playgrounds for venal politicians, lacking in resources and ambition to undertake more than the most basic of functions, and disinterested in deepening the democratic participation of the community in the management of its affairs. Indeed, conceptions of local democracy beyond the periodic exercise of franchise at elections are all but absent in the people's imagination. Neither are there political

parties or social movements that strive to raise these low expectations among the public.

Having differentiated between the minimalist procedural democracy endorsed by liberals, governments and multilaterals, and the maximalist substantive democracy associated with progressive social movements, Harriss, Stokke and Tornquist (2005: 6) remind us that “the test for democracy is not about the existence of formal democratic rights and institutions, but whether they have real meaning for people”. If so, then local government in Sri Lanka has failed the test of local democracy.

B. Skanthakumar

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