

02

Various Strata of the Government

Introduction

The prime responsibility of a democratic government is to fulfill the needs of citizens to the maximum level. It is important to study various strata of the government and their functions to know the extent to which the government fulfills the responsibilities. Human needs are complex in the modern society and the function of government has also become complex in relation to these needs. These complex set of functions are performed by various bodies at different levels of government.

This unit will discuss three main levels of government; the central government, provincial councils and local Authorities. The main areas to be focused are

- Comparison of past and present structure of these bodies.
- Functions of these bodies at each level, the effectiveness of their activities and problems faced by them in practice.
- In exercising the functions of those different bodies at each level, the benefits, accountability, responsibility of respective bodies, as well as the duties and responsibilities of the citizens who are benefitted has also been emphasized.

In this unit students are expected to improve competencies regarding the features and characteristics of different levels of the government, their functions, effectiveness as well as the obligations of citizens with respect to them.

The system of government in Sri Lanka at present is a liberal democratic and unitary system. Unitary system of government means a system in which powers are centered around the central authority. It is also defined as a government

in which all executive, legislative and judicial powers are exercised by a single central government.

- Fundamental feature of a unitary government is that one central authority possesses the supreme power of enacting law

- **A. V. Dicey**

- A unitary government has two fundamental features

1. The supremacy of the central government
2. The absence of subsidiary sovereign bodies

- **C. N. Strong**

Developed countries such as Great Britain, Japan, France as well as developing countries such as Pakistan, Bangladesh, Nepal are examples of unitary states.

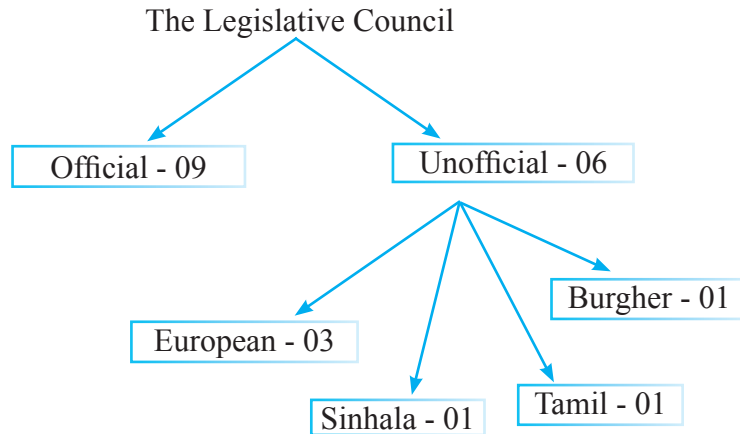
Sri Lanka has a unitary system of government. It has a long history of a central and local government systems. Even in the past there had been regional administrative units in addition to the central government. Those units were,

- Uththara Passa
- Pracheena Passa
- Dakkhina Passa
- Pashchima Passa

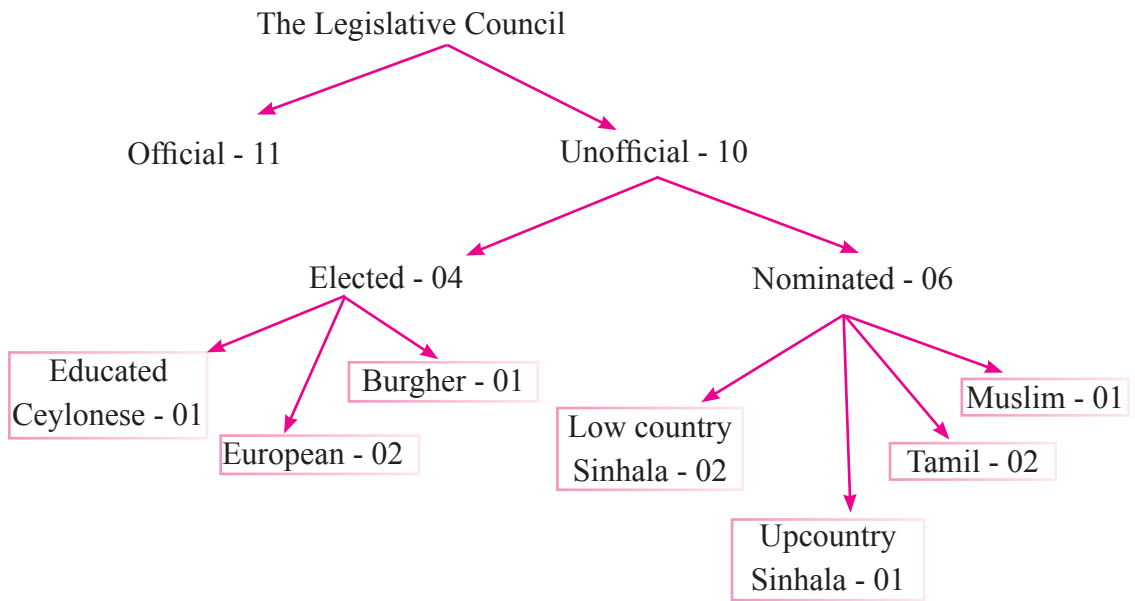
By the end of Anuradhapura era there were several administrative units, namely, Rajarata, Dhakkina Desha, Dolos Dahas Rata, Ata Dahas Rata. During the British colonial period there were administrative units known as Disava, Korala, Patthu etc.

Important changes introduced by the British colonial rulers in Sri Lanka

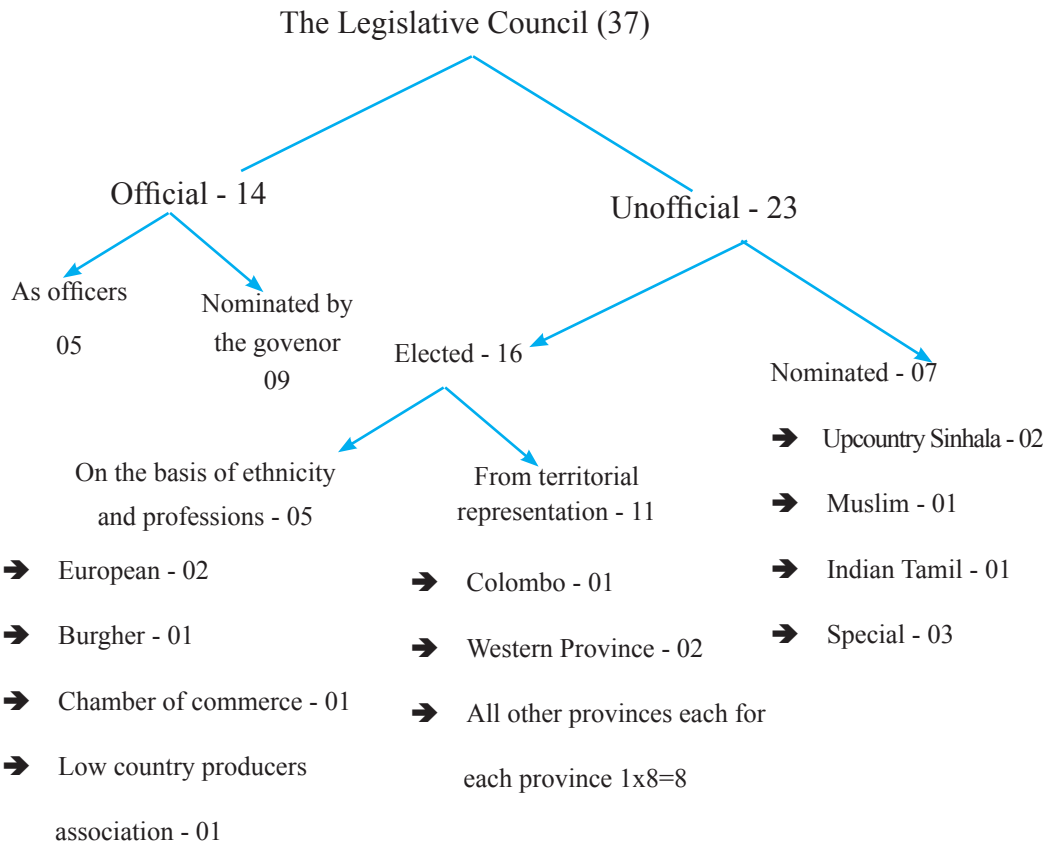
Colebrooke Reforms – 1833



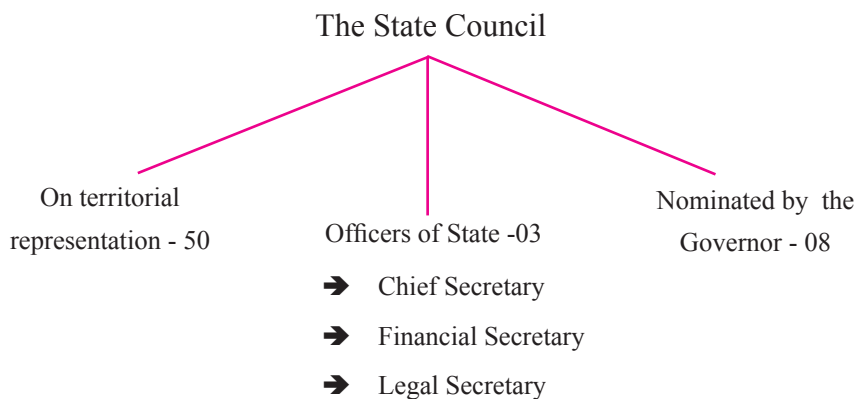
Crew – Mc- cullum Reforms - 1910



Manning Reforms – 1921

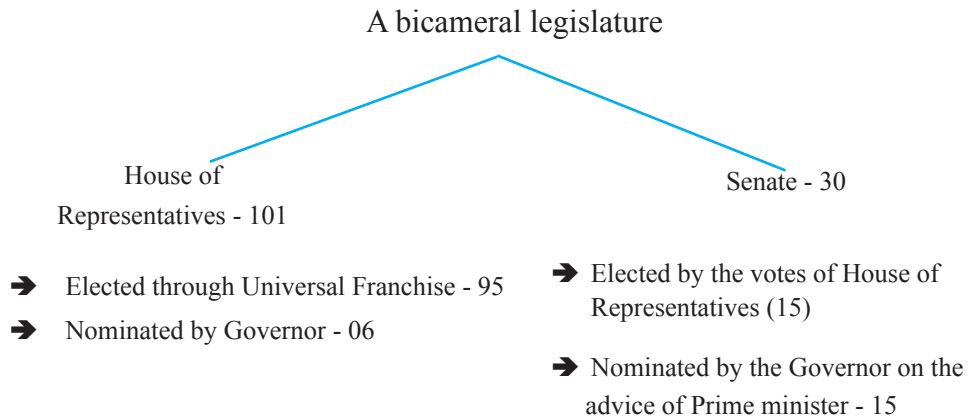


Donoughmore Reforms – 1931



Constitutional reforms introduced by the British in 1833, 1910, 1921, 1924 did not include a right of internal self determination. However Donoughmore reforms provided a relatively better opportunity for Sri Lankans to participate in politics. Universal Franchise, Executive Committee System National State Council, were some of the democratic proposals that marked a turning point in political history of Sri Lanka.

Soulbury Constitutional Reforms - 1947



- Independence was obtained from the British Empire on the 4th February 1948
- Introducing a cabinet
- Introducing a two house parliament
- Introducing the post of governor general representing the Queen
- Accepting the British prime council as the supreme court of appeal
- Establishment of the Public Service and Judicial Service Commissions
- Paying special attention to minority rights

Drafting the first republican Constitution of 1972

- Abolishing dominion status and the formation of an independent Republic
- Naming the unicameral legislature as National State Assembly
- Abolishing the post of Governor General and introducing the post of President
- Accepting Supreme Court as final and the apex court of Sri Lanka

- Establishment of Constitutional Court
- Establishment of Public Service Advisory Board, Public Service Disciplinary Board, Judicial Service Advisory Board and Judicial Service Disciplinary Board
- Including a Chapter on Fundamental Rights for the first time

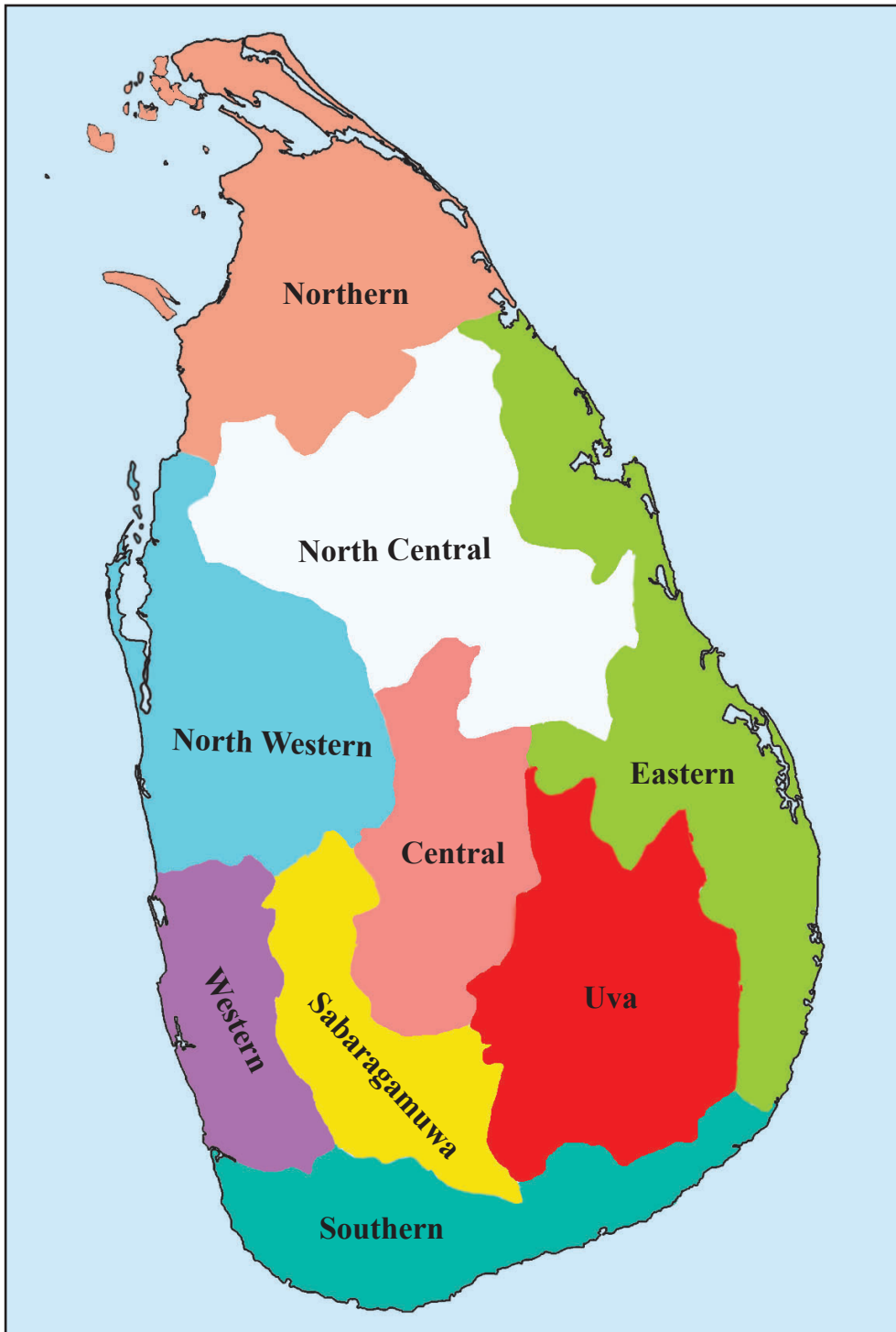
Second Republican Constitution of 1978

- Introducing a post of Presidency with Executive Powers.
- Introducing a Board of Ministers and a Prime minister headed by an Executive President
- Introducing Proportional Representation system by abolishing Simple Majority system
- Introducing a Parliament comprised of 225 members of which 196 members are elected from universal suffrage and 29 members are elected from national list
- Re-introducing Public Service Commission and Judicial Service Commission
- Introducing Fundamental Rights Chapter with provisions to safeguard them
- Introducing the post of Commissioner on Parliament Affairs (Ombudsman)

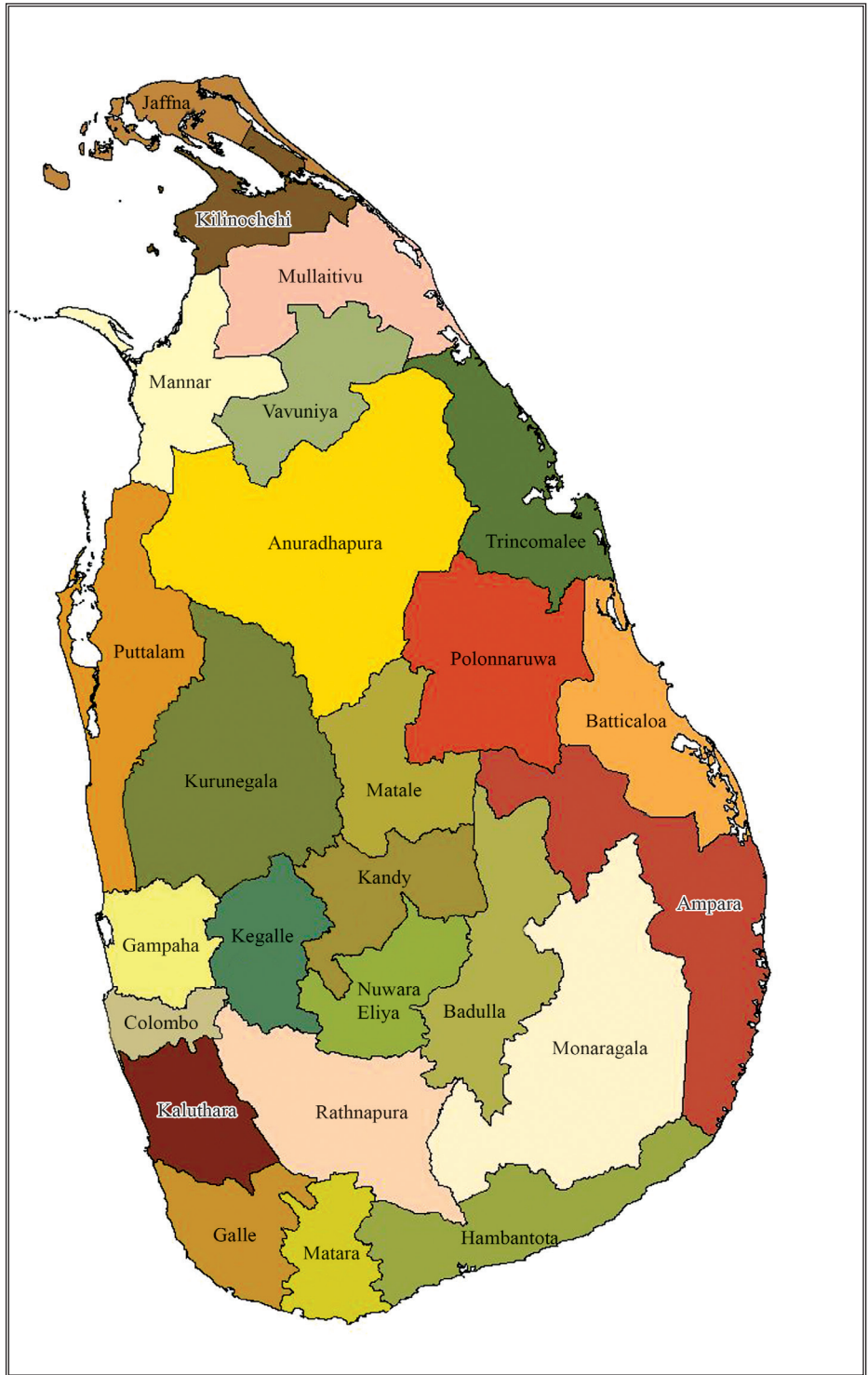
At present Sri Lanka has been divided into nine provinces and twenty five administrative districts. They are as follows.

Western Province	-	1. Colombo 2. Gampaha 3. Kaluthara
Central Province	-	4. Kandy 5. Matale 6. Nuwara Eliya
Southern Province	-	7. Galle 8. Matara 9. Hambantota

Northern Province	-	10. Jaffna 11. Kilinochchi 12. Mannar 13. Vavuniya 14. Mullaithivu
Eastern Province	-	15. Batticaloa 16. Ampara 17. Trincomalee
North Western Province	-	18. Kurunegala 19. Puttalam
North Central Province	-	20. Anuradhapura 21. Polonnaruwa
Uva Province	-	22. Badulla 23. Monaragala
Sabaragamuwa Province	-	24. Rathnapura 25. Kegalle



Map 2.1 - Provinces of Sri Lanka



Map 2.2 - Administrative districts of Sri Lanka

Provincial Council System of Sri Lanka

Several attempts have been made to decentralize administrative powers of Sri Lanka as follows,

- Report of Donoughmore Commission in 1928.
- Report of Soulbury Commission in 1945.
- Rata Sabha Bandaranayake – Chelvanayagam Pact - 1957
- District Councils Dudley Senanayake – Chelvanayagam Pact -1965
- District Development Councils in 1980.

13th Amendment and Provincial Council Act No.42 of 1987 provided constitutional and legal provisions for the formation of Provincial Councils. According to the constitution of 1978, the provisions were introduced to set up a Provincial Council for each province. According to 8th schedule, the country has been divided into nine provinces.

Provincial Councils are formed in order to decentralize Executive, Legislative and Judicial powers concentrated in the Central Government. “Provincial Councils” are comprised of representatives elected from direct votes of the people.

Local Government System in Sri Lanka

Historical facts prove the fact that Local Authorities in Sri Lanka has a long history. Some of the examples are as follows.

- Those who held some responsibilities were called by titles such as Gamika, Parumaka, Gambojaka. Mayors were called as Nagara guttika
- According to Wewalkatiya Inscription, there has been a ruling system called “Dasa Gam Palanaya” or ruling by taking ten villages as a single administrative unit
- Even in Kandyan Kingdom the same type of administrative system prevailed
- It has been reported that the Kandyan Kingdom had been divided into 04 'maha disa', 08 'disa' and 09 'rata'

- Reports of Robert Knox in 1681 prove that the village had been ruled by a village council or a gam sabha

Obtaining the people's participation in administrative affairs and preparing central government's policies on the basis of the views of the people in localities are the functions expected from local government bodies. These local government bodies are classified as regional and urban and they are comprised of representatives elected by the people. The function of these bodies is to exercise powers of central government in regional level. Different types of local government bodies has been formed in Sri Lanka in order to achieve a formal community development in order to ensure more efficient community service.

- Establishing Municipal Councils under Municipal Council Act in 1865-Colombo-Kandy-Galle
- Establishing Gam Sabha under the Ordinance of 1934
- Establishing Urban Councils under the Ordinance in 1939
- Establishing Town Councils under the Ordinance of 1956
- Establishing District Development Councils by abolishing Town Councils and Gamsabha in 1980
- Establishing Pradeshiya Sabha in 1987

Local government system is practised in Sri Lanka in order to delegate administrative affairs of the central government so as to fulfill the public needs and requirements more efficiently.

Central Government, Provincial Councils and Local Authorities are the main tiers of the administrative mechanism of Sri Lanka.

Reasons for decentralizing powers of the government to regional units

Provincial Council system and Local Authorities in Sri Lanka have been established for decentralizing powers of Central Government. The objectives of devolving power on regional level administrative units are,

- Conferring powers to people in provincial level within a unitary structure
- Ensuring cultural and language identities of people in provincial level

- Accelerating development and administrative activities in each province and making day to day affairs of the people easy
- Accelerating regional development
- Identifying regional resources and using them efficiently
- Expanding participation of the people in administrative affairs
- The fulfilment of basic needs of the people
- Establishment of administrative units closer to the public
- Uplifting the status of regional leadership and providing opportunities for national and young leadership
- Minimizing workload of the Central Government

Problems in decentralizing powers

- Some regional units are benefited while some other units are not, due to the disparity in distribution of resources
- Lack of knowledge of the people about the ways of getting their needs fulfilled
- Problems arising from the execution of power between the central government and regional units
- Inadequate power devolved on the Provincial Councils and the Local Authorities for the implementation of development programmes
- Difficulties in allocation of funds for implementing development plans
- Issues regarding transparency and accountability emerge when a number of bodies are engaged in the same task

Activity 2.1

- Divide students of the class into several groups.
- Prepare a list of proposals introduced by constitutional reforms from 1833 - 1947.
- Let a student, selected randomly, present information he/ she collected creatively.

Activity 2.2

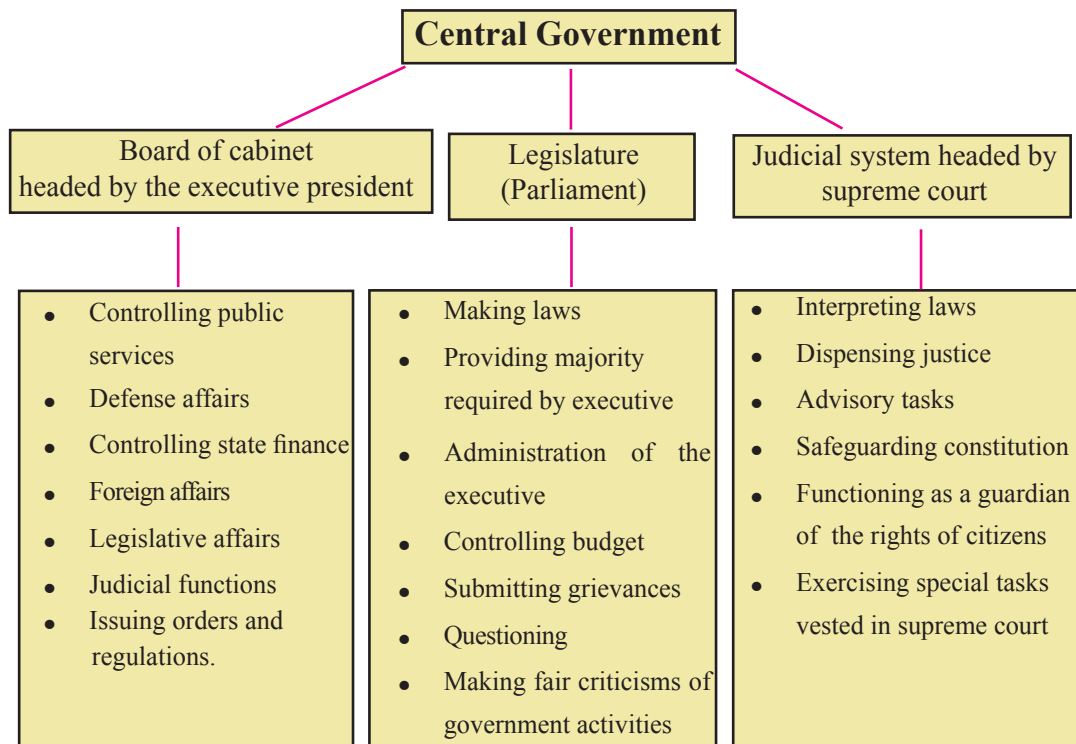
- Prepare a concept map indicating the changes of the number of members in Legislative Councils from 1833 - 1947.
- Display the best work in the class room.

Activity 2.3

- Organize a debate to argue whether a Cabinet System of government or a Presidential System of government is suitable for our country.
- Select the panel of judges from the students.
- Let Grade Ten students to participate in it as the audience, if possible.

Powers and functions of Central Government, Provincial Councils and Local Authorities in Sri Lanka

- Powers and functions of Central Government of Sri Lanka.



Executive

According to the second republican constitution of 1978, the president is the head of the state, government, executive, as well as the commander in chief of all armed forces.

Article 30 (1) of the constitution describes the post of Presidency as follows.

“Republic of Sri Lanka has a president, he is the head of the state, head of the executive, and the head of the government as well as the commander in chief of all armed forces.”

Legislative powers of the President under - 1978 Constitution

- To summon, prorogue and to dissolve parliament
- To make the Statement of Government Policy at the inaugural session of Parliament
- To direct special Bills for Referendums

Eg 1. Amending articles 1,2,3 6,7,8 9,10,11, 30(2), 62 (2)

2. Bills that the cabinet approves to be passed through a Referendum
 3. Bills that the supreme court determines to be passed through a Referendum
- Sanction the Bills passed through a Referendum.
 - Addressing the Parliament and sending messages to it.

Legislature of 1978 (Parliament)

The legislature under Second Republican Constitution is called Parliament. All 225 members of parliament represent the parliament as members of the legislature.

According to the constitution the Legislature is comprised of 196 members elected from 22 electoral districts and 29 members selected from National List.

• Number of members elected by universal franchise	- 196
• Members elected from National List	- 29
• Total Number of members	- 225

The term of the office of the parliament is six years as it is mentioned in the 1978 constitution. Representatives are elected through an election conducted once a five years.

Powers and functions of legislature (Parliament)

The first task of the first meeting of parliament is to elect a Speaker, Deputy Speaker, Chairman of Committees and Deputy Chairman of Committees from the votes of the members. The functions are as follows.

1. Making laws/ enacting laws
2. Controlling executive
3. Controlling finance
4. Questioning
5. Providing majority required by the executive
6. Submitting public grievances
7. Criticizing the actions of government reasonably
8. Contributing for the amendments of the Constitution
9. Bringing impeachment motions
10. Bringing motion of no-confidence
11. Training future leaders
12. Sanction Bills

Powers and functions of the Judiciary

There are many judicial institutions in Sri Lanka. It will be described in the unit Law and Justice. Functions of different judicial institutions are as follows.

1. Interpreting law
2. Trial, dispensing justice

3. Safeguarding rights of citizens
4. Safeguarding the Constitution
5. Resolving legal issues among provincial councils, local authorities and central government
6. Consultative tasks on legislation

Study powers and functions of Provincial Councils in the lesson
“Decentralisation and devolution of power” on pages 45-47 in citizenship
Education Book of Grade – 10.

Structure, powers and functions of Local Authorities

Three types of local government bodies are in operation at present in Sri Lanka. They are,

- Municipal councils
- Urban councils
- Pradeshiya Sabha \ Divisional council

Local government bodies have been set up for making development and welfare activities convenient and efficient in order to provide an efficient service for the people. Requirements at regional level can be identified easily through these bodies and an efficient service can be provided to the people.

- Head of a municipal council – Mayor
- Head of an urban council – Chairman
- Head of pradeshiya sabha – Chairman

Members for these bodies are elected at an election held once in four years. Local government elections contribute to the emergence of political leaders from rural areas.

Activity 2.4

- Are there any representatives who have contested and won for pradeshiya sabha, urban councils and municipal councils and joined national politics? Discuss with your teacher.

Municipal Councils

Municipal councils have been set up under Municipal Council Ordinance No. 16 of 1946. Dilimitation and nomination of the council; is done by the respective Minister in Charge of the subject. A municipal council is set up for an area with high level of urban characteristics. Currently, there are 23 municipal councils in Sri Lanka.

A municipal council consists of a Mayor, Deputy Mayor and members.

Powers of a Municipal Council

- Providing water for the respective urban area
- Providing electricity
- Landscaping
- Garbage disposal
- Constructing new roads
- Preparing housing schemes
- Providing library facilities
- Building community centerse
- Maintaining sports grounds and gymnasiums
- Maintaining public lavatory units
- Maintaining places of entertainment
- Controlling affairs of scaling and measurements
- Maintaining minor roads public wells and bathing places, etc.

Urban councils

Urban councils have been set up under the Urban Council Ordinance No.61 of 1934. The minister in charge of the subject undertakes the tasks of declaring an Urban Council demarcating boundaries, and naming it. At present there are 41 Urban Councils. It is comprised of a Chairman, Deputy Chairman and the members. The powers vested on Municipal Councils are similar to powers vested on Urban Councils.

Pradeshiya Sabha / Divisional Councils

Pradeshiya Sabha have been set up under the Pradeshiya Sabha Act No 15 of 1987. Currently there are 271 Pradeshiya Sabha in Sri Lanka. Similar to Urban Councils and Municipal Councils, the minister in charge has power to decide boundaries, declare a Pradeshiya Sabha and decide a name for it. Mostly the boundaries of a Pradeshiya Sabha is limited to that of a Divisional Secretariat Division. Each Pradeshiya Sabha consists of a Chairman, Vice Chairman and the members. Majority of the people in Sri Lanka live in Pradeshiya Sabha territories. Most of the powers held by Municipal Councils, are also held by Pradeshiya Sabha.

Table 2.1 - Local government bodies in Sri Lanka - 2015

Province	Municipal council	Urban council	Pradeshiya Sabha	Total
Western Province	07	14	27	48
Central Province	04	06	33	43
Southern Province	03	04	42	49
Northern Province	01	05	28	34
Eastern Province	03	05	37	45
North Western Province	01	03	29	33
North Central Province	01	00	25	26
Uva Province	02	01	25	28
Sabaragamuwa Province	01	03	25	29
Total	23	41	271	335

The tasks assigned to Pradeshiya Sabha can be discussed under three main themes.

- | | |
|----------------------------|---|
| 1. Public roads | <ul style="list-style-type: none"> - Protect roads - Maintaining them - Construct on - Surveying and removing barriers and obstruction - Laying pipes for pipelines and cleanings services - Constructing by roads |
| 2. Public health | <ul style="list-style-type: none"> - Constructing and repairing public drainage systems - Constructing and maintain public lavatory units - Maintaining sewerage system - Removing unauthorized constructions - Improving public health services |
| 3. Public utility services | <ul style="list-style-type: none"> - Providing electricity for public places - Maintaining public markets - Maintaining gardens, play grounds - Providing water - Maintaining public bathing places - Maintaining public libraries |

Uses of provincial councils and local government bodies

- Possibility of identifying public utility services easily
- Preparing the background for producing regional and national level leaders
- Accelerating regional development activities productively
- Maintaining health services and sanitary facilities in an organized manner
- Providing education through pre schools and developing public health through maternity clinics and ayurvedic dispensaries
- Providing necessary facilities for the smooth and productive enjoyment of leisure, entertainment and knowledge

Activity 2.5



- Study the services rendered by the local government bodies in your area.
 - Organize a field trip to study one of the local government bodies
- or
- Invite an officer of a local government body and conduct a discussion about the services rendered by that local government body.
 - Prepare a booklet based on your trip under the topic, "Local government bodies and regional development."

Responsibility and accountability of different sections of the government on citizen

The prime responsibility of different parts of the government, namely, Central Government, Provincial Council as well as Local Authorities is to fulfill public needs to the maximum level while keeping law and order.

Some of those responsibilities are as follows.

- Ensuring national security by ensuring regional security
- Ensuring national development by developing regional economy
- Safeguarding law and order
- Formulating laws and statutes to fulfil the needs of the public
- Uplifting the glory of the nation
- Environmental management and conservation
- Protecting cultural heritages
- Ensuring social reconciliation
- Fulfilling public utility services in an organized manner
- Planning and implementation of regional and national development activities
- Maintaining, protecting and developing public property
- Developing human resources and producing good leaders

Accountability means fulfilling one's duty assigned to him/ her.
Responsibility means the bond to fulfill accountability.

Duties and Responsibilities of the individuals towards Central Government, Provincial Councils and Local Authorities

Contribute to maintain national security

- Engage in a productive profession
- Minimize bribery and corruption
- Safeguard freedom, equity and rights
- Safeguard and use common facilities efficiently
- Contribute to protect the glory and the heritages of Sri Lanka
- Providing security, nutrition love and care for children, elderly people, the differently abled people and the sick
- Refrain from misusing public welfare services and support to protect them

Helping social development and good governance

- Resolve or contribute to prevent conflicts
- Protect the identity of different ethnic groups and respect them
- Tolerate views of others and act with equity
- Solve problems peacefully through discussions by understanding the disadvantages of violence
- Active participation in regional development and providing guidance.
- Act honestly and accurately when obtaining disaster and relief services

Contribution to environmental management

- Protecting natural environment and understanding the importance of it
- Not contributing for destroying environment and preventing those who destroy it

- Disposing garbage in a systematic and responsible manner
- Refraining from emitting harmful, substances to environment
- Live as a good citizen

As citizens of Sri Lanka we must love our motherland. National harmony should be ensured. We must always work with responsibility in a fair and just manner. It is also important to perform our duties to the country while being aware of responsibility of the country towards us. The main responsibility of each level of the government is to make public affairs easy. It is the people who work on behalf of people in these bodies. Therefore it is important to fulfill our duties while preventing bribery, corruption and wastage. The nation expects you to be an exemplary citizen who fulfills the responsibilities.

Activity 2.6



- Each student should prepare a list containing duties of different strata of the government and responsibilities to be fulfilled by citizens.
- Divide the class into several groups and discuss the information collected and arrange important facts in order.
- Each group should present its activity to the class.
- Prepare a poster including most important facts. Get the help of the teacher to display it in the class room.