

STRENGTHENING THE PROVINCIAL COUNCIL SYSTEM

REPORT OF
WORKSHOP DELIBERATIONS



CENTRE FOR POLICY ALTERNATIVES
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Strengthening the Provincial Council System

Report of Workshop Deliberations

Centre for Policy Alternatives (CPA)

May 2008

Strengthening the Provincial Council System

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The Centre for Policy Alternatives (CPA) was formed in 1996 in the firm belief that the vital contribution of civil society to the public policy debate is in need of strengthening. Focusing primarily on issues of governance and conflict resolution, CPA is committed to programmes of research and advocacy through which public policy is critiqued, alternatives identified and disseminated. CPA is an independent, non-partisan organization which receives funds from international and bilateral funding agencies and foundations.

ENQUIRIES:

Centre for Policy Alternatives

Outreach Unit

24/2, 28th Lane

Off Flower Road

Colombo 7

Sri Lanka

Telephone: 011-2370801-4, Fax: 011-2370802

Email: lionel@cpalanka.org

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PART I

ACKNOWLEDGEMENTS

The government has undertaken to fully implement the provisions of the Thirteenth Amendment to the Constitution in line with the interim report of the All Party Representative Committee (APRC), presenting us with an opportunity to review both the experience of twenty years and the controversies with regard to the Provincial Councils system in Sri Lanka.

The Centre for Policy Alternatives (CPA), has consistently held the firm belief that a negotiated political resolution of the ethnic conflict is possible through power-sharing. While we await more concrete ideas for constitutional reform along power-sharing lines in the future, it was nonetheless felt that it would be useful to take stock of the operation of the system of devolution under the Thirteenth Amendment in view of the government's policy of its full implementation. The collaboration between CPA and USAID in the form of the current programme, culminating in this publication, was conceived with this objective in mind.

The programme itself comprised three stages. Firstly, initial rounds

of discussions were held with the Chief Ministers, other elected representatives, and officials of the Provincial Councils. Thereafter, a series of three-day workshops, one for each Provincial Council, followed in which the current realities, effectiveness, challenges and alternatives were identified. Finally, a final workshop bringing together elected representatives and officials from all Provincial Councils was convened so as to (a) agree a final set of common recommendations, and (b) to finalise the recommendations of each Provincial Council. In addition to the above, CPA also prepared a thematic report of issues highlighted in workshops. This publication brings together all of these outputs of the programme. CPA presented a final report on the programme on 28th May 2008, at a 'National Conference on Strengthening the Provincial Council System.' CPA also hopes to make available the findings generated by the programme and presented in this publication to all political parties, civil society organisations, the media, and the interested public with a view to promoting a wider national dialogue on devolution in general and on the Provincial Council system in particular. The holding

of elections to the Eastern Provincial Council, which occurred when the workshops in this programme were in progress, also added impetus to the deliberations.

The programme was generously funded by USAID. It was organised and implemented by the CPA Outreach Unit with the resource support of other CPA units. We would like to thank Dr. Paikiasothy Saravanamuttu (Executive Director, CPA), for his guidance and expert contributions to several workshops, and for the expert contributions of Mr. Rohan Edrisinha (Director, CPA, and head of the Legal & Constitutional Unit), Mr. Pradeep N. Peiris (Head of Social Indicator, CPA's opinion research unit), and for his valuable assistance in the technical production of this publication, Mr. Joseph Thavaraja (Research Officer, Social Indicator). We would also thank Messrs C. Dodawatte, S. Sivagurunathan and Thimbiriyagama Bandara for their large facilitation contribution towards making this programme a success. We note in particular the contribution of Mr. Asanga Welikala (Senior Researcher, Legal & Constitutional Unit) who was not only a resource person at the series of workshops, but also prepared the thematic report comprising Part 1 of this publication on behalf of CPA. The expert resource provision contributions of Prof. Sumanasiri Liyanage (University of Peradeniya), Mr. S. G. Punchihewa

(Attorney at Law), Mr. Asoka Gunawardene (Chairman of the Finance Commission), Mr. K. D. S. Ruwanchandra (Director, Ministry of Foreign Affairs), Prof. Navarathne Bandara, and Mr. Saliya Dharmawardene (Director of the Finance Commission), are also acknowledged with appreciation. The tireless efforts of the team at the CPA Outreach Unit in bringing the programme to a successful conclusion deserve special commendation. The immense assistance of the Hon. Dallas Alahapperuma, Minister of Transport, in coordinating our efforts with the President is herewith noted with gratitude.

An interesting feature of this programme was the active participation and contribution of the university undergraduate community for whom a special workshop was held. We also should mention the contribution of university lecturers to the workshop.

The need of the hour is bringing an end to Sri Lanka's war and the commitment to politically addressing the root causes of conflict. It is my firm belief that this can be achieved through power-sharing and devolution, and that a starting point for doing so is the full implementation of the existing constitutional provisions on devolution. If this opportunity presented to us now to resolve the ethnic conflict is not availed of promptly, the consequences would be tragic for Sri Lanka and for all Sri Lankans.

Lionel Guruge

Coordinator, Outreach Programme
Centre for Policy Alternatives

CPA

THEMATIC REPORT

1 INTRODUCTION

The Thirteenth Amendment to the Constitution of 1978, enacted in 1987, sets out the framework for the devolution of political power through a system of Provincial Councils in Sri Lanka. Although originally designed as a response to meeting Tamil aspirations to political power in the North and East of the island, it has not been successful in meeting that objective due to a variety of political circumstances. The system, however, has been functioning in the rest of the country for the last two decades.

Interest in the Thirteenth Amendment has been revived under the avowed policy of the present government to fully implement the devolution scheme set out therein as an interim measure, until such time as the All Party Representatives Committee (APRC) is to report on more substantial proposals for power-sharing in the future.

While serious doubts remain as to whether the Thirteenth Amendment represents a realistic or viable framework of devolution that can meet the political and constitutional challenges of peace and democracy in Sri Lanka, appraising the experience of implementing the Provincial Council system nonetheless has value for the lessons it can yield, in both 'fully implementing' the existing system, as well as identifying the type of problems to avoid in designing a future framework of power-sharing.

The CPA-USAID programme of workshops was initiated, therefore, as an exercise through which the views and experiences of those who have first-hand knowledge of implementing the system could be brought to light and collated in a systematic manner so as to be of use to policy-makers and constitutional reformers as well as the general public. The programme itself was organised under three stages.

In the initial Stage I, a team from the CPA Outreach Unit visited each Provincial Council (except the Northern Province) with a view to meeting key officials and seeking their participation and preliminary views on the programme. Stage II comprised workshops for each Provincial Council, held at various locations throughout the country, in which its officials could identify the challenges facing that province as well as solutions to those challenges considered most appropriate to that province. These workshops were facilitated by the CPA Outreach Unit, and were resourced by other CPA units including the Executive Director, the Legal & Constitutional Unit, and CPA's opinion survey unit, the Social Indicator. In addition, a number of resource persons from outside CPA contributed to these workshops as well. The output of these Stage II workshops was produced through group work and plenary sessions. The group work presentations are reproduced without alteration in Part 3 of this publication. Stage III consisted of a single workshop, again facilitated by the CPA Outreach Unit, in which representatives from all Provincial Councils participated. This final workshop produced a common document containing the final recommendations of all provinces with regard to strengthening the Provincial Council system, together with a brief introduction to the recommendations. It also

produced separate documents containing the final recommendations of individual provinces. Both sets of final recommendations are entirely the work of provincial officials. These are reproduced without alteration in Part 2 of this publication. Moreover, it was felt that a thematic report drawing together the salient issues emerging out of the deliberations of all the workshops in the programme would be useful, in addition to the recommendations of the Provincial Councils themselves. CPA accordingly undertook to prepare this report.

The present thematic report, which represents Part 1 of this publication, seeks to present the challenges – identified through the structured discussions at the workshops – organised according to broadly eight main themes that emerged. The report does not discuss every matter of significance that was highlighted in the workshops: as explained above, these are reproduced in an easy-reference matrix format in Parts 2 and 3 of the publication. The report instead focuses on the more salient issues that evidently characterised the experiences of nearly all provinces. Moreover, the report is not strictly restricted to what was formally reported in group-work sessions of the workshops. It also reflects insights gained through plenary discussions, question and answer sessions, and informal dialogues with participants,

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and contains conclusions drawn from these exchanges as well as CPA's pre-existing institutional knowledge.

In Section 2, the report contains a brief introduction to the

Thirteenth Amendment framework to contextualise the thematic discussion to follow in Section 3. It concludes with a set of brief conclusions in Section 4.

2 THE FRAMEWORK FOR DEVOLUTION OF POWER UNDER THE THIRTEENTH AMENDMENT

The purpose of this section is to set the context for the thematic presentation of the more salient ideas generated at the workshop series in Section 3, by providing a brief introduction to the Thirteenth Amendment. Twenty years after its enactment, what the workshop series has achieved is a systematic appraisal of the Thirteenth Amendment from the perspective primarily of those who are most closely involved with its implementation and practice: elected and administrative officials of Provincial Councils. This exercise yielded a plethora of insights into the failings and opportunities presented by this particular scheme of devolution from the practitioners' perspective. Yet it is also important to revisit how the rationale for devolution was established as a political question and how its legal expression in the form of the Thirteenth Amendment came about. This is critical to a broader understanding of the issues pertaining to the ongoing public debate on

power-sharing, both as a means of conflict resolution as well as greater democratisation.

Critics of the Thirteenth Amendment and their basic arguments can be broadly divided into two. Those who are opposed to power-sharing and devolution as a means of responding to ethno-territorial claims to political power, would point to the fundamental illegitimacy of the political and legal process through which the constitutional amendment was made. Factors such as India's assertive role in what is seen as essentially an internal problem of terrorism, the illegitimacy of the overwhelming parliamentary majority of the government in 1987 (gained through the referendum of 1982) which enabled constitutional amendment with comparative ease, and the manner of its use against equally overwhelming political opposition from within the Sinhala polity are adduced in this regard. And once the Thirteenth Amendment became a *fait accompli*, a well-known

argument from this perspective has been the view that Provincial Councils are a hotbed of corruption and an expensive folly which have no reasonable justification for their existence except as a repository for failed politicians: euphemistically, the ‘Sudu Aliya’ or white elephant argument.

From the opposite end of the ideological spectrum are those who would argue that the Thirteenth Amendment framework, anchored in the centralised unitary state and shot through with internal contradictions and incoherence with the broader constitutional instrument, is both an inadequate as well as an unworkable legal framework. According to this viewpoint, devolution and regional autonomy must be meaningful and protected from constant central incursion if it is at all to serve as a principle of managing diversity and pluralism within a united state. They would argue therefore that for power-sharing to succeed, the fundamental anomaly of the unitary state, on which the Thirteenth Amendment is grounded, must itself be addressed with a view to radical reformulation. In the final political analysis, these critics would point out that the Thirteenth Amendment had manifestly failed in its main purpose and chief rationale: that of the peaceful sharing of power with the Tamil-speaking peoples of the North and East.

A third category of perspective on the Thirteenth Amendment and indeed on any other form of power-sharing premised on the unity of Sri Lanka, is of course that of the actors within the Tamil polity, exemplified by the LTTE, which would reject even a more robust form of power-sharing or devolution due to their commitment to the establishment of a separate state in the North and East.

It is not the purpose of the present exercise to examine these questions, although of course, it should be no cause for surprise that a discussion of the merits, flaws and experiences of implementing the Thirteenth Amendment intrudes into broader debates on power-sharing and democratisation in Sri Lanka.

2.1 The Rationale for Devolution

The ethnic, cultural and religious diversity of Sri Lankan society has always been the source of political contestation about the constitutional form of the state. Generally in our post-independence history, the majority Sinhalese community has favoured democracy in the form of a unitary state that would enable it to control the state through its greater numbers. Conversely, the numerically smaller Tamil community was apprehensive about domination by the Sinhala majority, and have therefore sought constitutional forms in which their interests

could be protected. These demands have found articulation in ideas for power-sharing at the centre (for example through equal representation in the national legislature), federalism, and during the 1970s and 80s in demands for secession and the establishment of a separate state. By the 1980s these political tensions had descended into violent ethnic conflict and civil war. Also by this time, because the escalation in the ethnic conflict in Sri Lanka had begun to assume geo-political significance, the regional superpower India had begun to play an active if ambiguous role, in which at various times it gave limited support to Tamil separatism as a means of keeping the Sri Lankan state in check, as also it attempted to facilitate a constitutional settlement within a united Sri Lanka between the government and the Tamil nationalist groups.

The latter kind of Indian intervention had led to various initiatives aimed at arriving at a negotiated settlement throughout the 1980s especially after the events of Black July 1983, a highpoint of which were the Indian-facilitated talks at Thimpu in 1985. The culmination of Indian efforts at persuading the parties to the Sri Lankan conflict to agree a solution was the Indo-Lanka Accord of August 1987.

The objects of the Accord were:

1. The preservation of the unity, sovereignty and territorial integrity of Sri Lanka
2. The nurturing of the distinct cultural and linguistic identity of each ethnic group, within the framework of a multi-ethnic and a multi-lingual plural society, where all citizens can live in equality, safety and harmony, and prosper and fulfil their aspirations
3. The recognition of the Northern and Eastern Provinces as areas of historical habitation of Sri Lankan Tamil speaking peoples

The Accord proposed an institutional framework loosely modelled on the Indian scheme of quasi-federalism, to be incorporated by constitutional amendment, to implement these objectives. This resulted in the Thirteenth Amendment to the Constitution of 1978, which established a scheme of devolution through Provincial Councils.

2.2 Structural Framework of the Thirteenth Amendment

Due to the entrenched unitary character and highly

centralised nature of the Sri Lankan state established by the Constitution of 1978, the constitutional framework into which devolution was sought to be introduced was highly restrictive and served, as subsequent experience shows in Section 3, to undermine meaningful devolution. In the view of the majority of judges of the Supreme Court, in the *In re the Thirteenth Amendment* case (1987) 2 SLR 312, Provincial Councils were subordinate bodies to the central Parliament and the President, the establishment of which affected neither the legislative supremacy of the central Parliament nor its capacity to unilaterally revoke devolution. The judges in the majority felt that it was only through giving the concept of the unitary state this highly restrictive and technical definition that the Thirteenth Amendment Bill could be reconciled with the entrenched Article 2 of the constitution declaring Sri Lanka to be a unitary state. The statutory framework underlying and elaborating on the Thirteenth Amendment (Provincial Councils Act No. 42 of 1987 as amended) has necessarily been similarly restrictive. This clearly reflects the political, bureaucratic, and judicial mindset of extreme misgivings and even hostility towards devolution, arising out of the lack of a genuine social consensus on the real need and justification for devolution.

The territorial unit of devolution was the province, of which there are nine in Sri Lanka. In terms of the Accord, however, there was a political undertaking that the Northern and Eastern Provinces would be ‘merged’ so as to meet a key demand of Tamil nationalists. This was effected through a presidential order subject to a referendum in the Eastern Province, to determine whether the residents of that province continued to consent to being merged with the Northern Province. Until 2006, this referendum was annually postponed. In 2006, in the case of *Jayantha Wijesekera and Others v. Attorney General and Others* (2006) SC (FR) App. Nos. 243/06, 244/06, 245/06, 16th October 2006, the Supreme Court held that the presidential order originally merging the Northern and Eastern Provinces was invalid, thereby effectively ‘de-merging’ the two. In May 2008, elections were held for the Eastern Provincial Council.

Legislative and executive power was devolved to eight Provincial Councils, elected on proportional representation. The executive powers of a Provincial Council are vested in its Governor, appointed by the President, but the Governor is obliged to exercise those powers in accordance with the advice of the Chief Minister, except in certain specific circumstances. The Governor appoints as Chief Minister, the leader of the party with the largest representation in the Provincial Council. The

provincial Board of Ministers is comprised of four Ministers and the Chief Minister. Provincial financial powers are also vested in the Governor.

Competences are allocated along three lists of subjects: the Provincial Council List, the Reserved List of exclusive central competence, and a Concurrent List. Central legislation has prevalence over provincial legislation on any matter in the Concurrent List, and the Reserved List empowers the centre to

severely undermine devolution by the provision enabling it to formulate 'national policy' on all subjects including those devolved. Residual powers were vested in the centre.

The Thirteenth Amendment established a High Court for each Province exercising original, appellate and revisionary jurisdiction in criminal matters. They also have power to issue prerogative writs in respect of any matter under the Provincial Council List.

3 WORKSHOP DELIBERATIONS: MAJOR THEMES

In the structured deliberations of the workshop series, participants were encouraged to identify challenges, and possible solutions to those challenges and alternatives, arising out of their practical experience from the provincial perspective of implementing the framework of devolution under the Thirteenth Amendment. They were also asked to identify whom they saw as the agents of change with regard to implementing the solutions they had proposed in addressing those challenges.

In the mass of ideas and issues that emerged from this exercise, there was a natural diversity of views among provinces based on such factors as regional disparities of economic development; relative poverty and prosperity; population, demography and ethnic composition; regional needs and preferences; policy challenges and priorities; political relationships with the central government; and the

sectoral and industrial configuration of each provincial economy.

However, what was more noteworthy was the broad commonality of issues that were identified as challenges (and, indeed, solutions) to successful devolution by very different provinces. This wide set of policy issues that seem to confront every province regardless of their regional differences can be thematically presented as the following:

- ¶ **Constitutional Issues:**
 Distribution of Powers under the Thirteenth Amendment
- ¶ **Political and Administrative Issues:**
 Culture of Centralisation
- ¶ **Fiscal and Financial Issues:**
 Structural Flaws and Practical Experience

- ¶ **Provincial Governance:**
Structural and Political Issues
- ¶ **Capacity Problems:**
Human Resources and Administrative Competence
- ¶ **Legal Issues:**
Devolution under the Rule of Law
- ¶ **Provincial Minorities and Language Policy:**
Role and Capacity of Provincial Councils
- ¶ **Provincial Civil Society:**
Participation, Responsiveness and Accountability

culture that encourages centralisation could undermine a constitutional framework for devolution regardless of drafters' intentions, and the reverse is also true, whereby even centralised institutional structures may in practice operate in a highly decentralised manner under the influence of an official culture and public expectations that favour decentralisation. These two themes apply to each of the sets of issues that have been clustered under the sub-themes above, and which are discussed in the sections to follow.

3.1 Constitutional Issues: Distribution of Powers under the Thirteenth Amendment

Overarching and crosscutting these sub-themes are two intimately connected major themes. Firstly, many of them concern structural implications of the particular constitutional framework for devolution set out in the Thirteenth Amendment. Thus while a concern about the Concurrent List is clearly a constitutional issue at the heart of the devolution schema, so are concerns about the financial and administrative practices that have developed under and around that schema. Secondly, political and bureaucratic practices as well as judicial attitudes pervasively influence the way structures established by the constitution are given meaning. Thus an official

As discussed before, one of the principal fetters to meaningful devolution is that the Thirteenth Amendment operates under the restrictive framework of an entrenched unitary state. An aspect of this is Article 76 (1) of the constitution which holds that the national Parliament shall not abdicate or in any manner alienate its legislative power, and that it shall not set up any other authority with legislative power. It was pointed out that this does not seem consistent with Article 154G, which provides for the law-making authority of Provincial Councils. Operating within these constraints, and the narrow view of devolution taken by the majority of Supreme Court judges in the *In re Thirteenth Amendment* case so

as to interpret the Thirteenth Amendment as being consistent with the unitary state, the exercise of powers by the Provincial Councils start off with a constitutional ambiguity, which can only be resolved in case of conflict in favour of the centre. There was also the view that the exceedingly powerful executive presidency under the 1978 Constitution that centralises executive authority (and patronage distribution opportunities) was inimical to a coherent system of devolution.

The Concurrent List was seen as a major impediment to devolution and provincial autonomy. Notwithstanding the provisions of the constitution seeking to ensure that the legislative and executive power over the subjects enumerated in the Concurrent List are to be shared between the centre and the provinces, other provisions of the constitution (for example Article 76, and more specifically Article 154G which gives pre-eminence to national legislation over provincial statutes) as well as the central government's practice over two decades with regard to the exercise of concurrent powers have meant that Provincial Councils are unable to enjoy those powers meaningfully.

Among many examples of the abuse of the Concurrent List, that of the subject of education stands out. Item 3 of the Provincial List establishes 'Education and Educational Services' as a provincial subject

to the extent set out in Appendix III of the Provincial List. Items 2 and 3 of the Concurrent List provide that 'Education and Educational Services' is also a concurrent subject. However, while these provisions also state that 'Education' is concurrent only to the extent allowed by the Provincial List, Appendix III of that list which elaborates 'Education' states that 'the provision of facilities for all State schools other than specified schools' will be a provincial subject. 'Specified Schools' are described to mean 'National Schools' (among others). There is no definition of what constitutes a 'National School', requiring central government control. However, the result has been that the central government has often used these provisions to takeover State schools from the purview of Provincial Councils, without consultation, notice or any objective justification.

Other subjects in which provincial powers have been similarly usurped relate to hospitals, agrarian services, waters resources, mining and minerals, as well as politically significant development projects such as, in the present, *Maga Neguma*, *Gama Neguma*, *Nagenahira Navodaya*, and *Dasadahesak Wev* programmes which impinge on a range of provincial jurisdictions.

Likewise, even though certain judicial powers are devolved through the establishment of

Provincial High Courts by Article 154P, the subsequently established Commercial High Court at Colombo with jurisdiction over cases above a prescribed financial value and the power vested in the Chief Justice to transfer cases between Provincial High Courts also violate the devolution principle.

Closely allied to the structural defects of the Concurrent List is the item in the Reserved List entitled 'National Policy on all Subjects and Functions', which empowers the central government with unrestricted legislative and executive authority even over subjects which are devolved on the provinces, and which is therefore wholly inconsistent with the principle of devolution. For example, this provision has been invoked by the central Parliament in amending the law governing agrarian services through the Agrarian Services Act No. 4 of 1991 in a manner detrimental to devolution, and in enacting the National Transport Commission Act No. 37 of 1991, which was clearly contrary to the powers over surface transport vested by the Thirteenth Amendment in the Provincial Councils.

In addition to these two specific features, the general lack of constitutional clarity about the division of subjects and powers under the Thirteenth Amendment was also pointed out. This resulted in conflicts over responsibilities, powers and resources, in replication of

services, in political friction between national and provincial elected officials (members of the national Parliament in particular viewing Provincial Councils as encroaching on their sphere), and an attitude at the centre which paid no respect for provincial statutes and policy-making. Given the political culture favouring centralisation, these disputes were generally resolved in favour of central institutions and national-level politicians. The consequences have been that provinces are inhibited from securing their powers, morale and initiative of provincial officials and politicians have been damaged, and provincial autonomy thereby undermined.

Another issue of constitutional significance was in relation to the local government tier. It was felt that the distribution of powers between the national, provincial and local tiers was imprecise and unclear, and that direct administrative, financial and political centre-local relations was detrimental to the autonomy of the provincial level. The situation is further compounded by the Divisional Secretaries system (in effect an extension of presidential power) whereby the central government directly acts at the local level, without recourse to Provincial Councils. By the Transfer of Powers, Divisional Secretaries Act No. 58 of 1992, these officials perform administrative functions within the territory of the province but

without control or supervision by provincial authorities.

Finally, even in instances of constitutional amendment, when presumably attention to the text of the constitution is more focussed than usual, it is doubtful that Parliament pays much regard to safeguarding devolution. For example, the establishment of the independent National Police Commission by the Seventeenth Amendment was arguably an instance in which the procedure laid down in Article 154G (3) should have been followed and the views of the Provincial Councils ascertained, because this was a matter that affected the police powers as provided in the Provincial List (Appendix I). This was not done in the case of the Seventeenth Amendment.

3.2 Political and Administrative Issues: Culture of Centralisation

Reinforcing the structural weaknesses with regard to devolution in the constitutional framework is a pervasive official culture of centralisation, which is practiced by politicians and civil servants as well as courts at the national level. In addition to the reclaiming of devolved powers through the Concurrent List and the National Policy clause, and the courts' tendency in general to favour the centre, a number of other features were highlighted which served to undermine the autonomy of the provinces.

Generally there was an absence of consultation and co-ordination with the provinces in central interventions over a broad field of public administration and legislation, even where these clearly implicated devolved functions and powers. Apart from legislative action, even in administrative decision-making, this attitude was prevalent with national civil servants often dismissive of the needs, preferences and views of the provinces. This was evinced in particular in the directives of the central Management Services Board and in the disciplinary control of seconded officers where the centre acted without regard to provincial wishes. Circulars of the central Ministry of Public Administration often had no understanding of provincial conditions and requirements, and also had the effect of enlarging the jurisdiction of central line ministries through the instrument of administrative circulars. The impact of these circulars on devolution generally escaped parliamentary scrutiny and rarely subject to judicial review.

A connected issue was the structural organisation of the executive branch at the centre, which in the case of ministries was entirely at the political discretion of the President. Thus for example the gazetted subjects of the present Ministry of Nation-building squarely violates provincial autonomy over devolved subjects. The creation of new central

departments, as in the case of the River Basin Authority, has been done either heedless of provincial autonomy and ignorance of the Provincial List, or deliberately to reclaim devolved powers for the centre. Similarly, central government in general took charge of the implementation and execution of large foreign-funded development projects, regardless of whether the provinces had the jurisdiction and capacity to undertake their implementation. Likewise, politically significant special programmes such as *Maga Neguma*, *Gama Neguma*, *Nagenahira Navodaya*, and *Dasadahasak Wev*. The political dimension of this is that national-level politicians in particular could then claim the credit for these projects. This was an important aspect in the perpetuation of the political culture of centralisation through the democratic logic of electoral politics.

Another significant factor was the organisational structure and culture within political parties. These were heavily leadership-centric, influence and patronage-based, and quite apart from effective intra-party democracy, had little regard for internal organisation in a way that reflected and promoted the constitutional framework for devolution through the provinces. The provincial level is more generally seen as a stepping-stone to national politics, rather than a focus of political ambition in itself. Consequently, there is a perception of inferiority or

inadequacy at the provincial level, talent gravitates to the centre, and there is little public expectation or confidence in provincial institutions. The same is true with regard to the ethos of the civil service.

In this context, even the limited extent of (and structurally flawed) devolution envisaged by the Thirteenth Amendment has been difficult to realise, with a glaring disparity between what is provided in the text of the constitution and how those provisions are in fact implemented.

3.3 Fiscal and Financial Issues: Structural Flaws and Practical Experience

From the provincial perspective, a principal source of widespread criticism of the Thirteenth Amendment was with regard to its fiscal and financial framework. It was the invariable experience of all provinces that this particular framework of financing devolution was both structurally inadequate and in practice untenable for any meaningful notion of provincial autonomy.

The constitutional framework severely limits the revenue-raising capacity of Provincial Councils. Together with the limited tax-raising power vested in the provinces are the limitations placed on revenue collection, on obtaining loans and investment, and on seeking, or at least administering, projects

financed by foreign aid and investment. The constitution does not specify adequately the means and modalities through which the structural vertical imbalance created by the vesting of expenditure responsibilities (i.e., subjects in the Provincial List) without the necessary revenue-raising powers for provinces is to be redressed. The dependency on central grants can only be justified if an effective system is in place to ensure that provinces are provided with adequate resources by the centre so as to fully discharge their expenditure responsibilities. This seems never to be the case, and provinces perpetually face a financial crisis whereby even recurrent expenditures cannot be fully met within the financial year. Provinces have very little powers over taking financial decisions on provincial imperatives (including savings and investment), a situation that is exacerbated by the Governor (a presidential appointee) being vested with unusually broad powers in relation to provincial finance, which makes the Governor akin to the finance minister of the province.

Informally, the administrative practices that have developed around this flawed and impractical framework have served to further eviscerate the financial wellbeing of Provincial Councils and thereby to deny meaningful devolution. The limited statutory power of variation of tax ratio (over

minor taxes) allowed the provinces has been further restricted by the central Treasury. Moreover, the Treasury has consistently taken the position that the recommendations of the Finance Commission are merely directory and not mandatory, with the result that it invariably releases less funds than are recommended by the Finance Commission to the provinces. The Treasury also holds back a percentage from the eventual disbursements as a financial services charge. There are also instances where allocated funds are not released, and on occasion discontinued mid-term.

Financial provision for local government bodies has also become unduly complicated because of the variation of established funding arrangements. It was argued that the Provincial List clearly provided for provincial supervision over local government authorities, but that the centre's financing conditionalities had the effect of undermining the provincial role.

It was also generally felt that the Finance Commission was insufficiently attentive to the financial needs of the provinces, that the provinces had neither representation nor access to the Commission, that it was unable to prevail over the dictates of the central Treasury over the interests of the provinces, and that it had not generally given sufficient

attention to the wide economic disparities between provinces. The Finance Commission, it was felt, needs to be reconstituted to have provincial representation, to have more powers over enforcing its recommendations, and to better execute its equalisation mandate in addressing wide economic and developmental disparities between provinces (i.e., horizontal imbalances).

The corrosive effect of inadequate or unprincipled financing arrangements is that they impair provincial service delivery, leading to the erosion of public confidence in what are constitutionally established democratic institutions. This was a major challenge that had to be faced. Even if no further measure of devolution other than what is contemplated under the Thirteenth Amendment is proposed, even this scheme of devolution was destined to complete failure because of the bad and impractical financial arrangements.

3.4 Provincial Governance: Structural and Political Issues

The deliberations also generated critical focus on political and administrative practices within the constitutional arrangements established for the provinces by the Thirteenth Amendment.

Of the structural features of provincial governance, the role of the Governor in relation to

finance generated considerable comment, with a preponderance of opinion in favour of these powers being transferred from the Governor (who is a presidential appointee enjoined by Article 154F (2) to act according to the President's instructions) to an elected member of the Provincial Council. A further point was with regard to how at the political level, provincial administration was concentrated in the hands of the Chief Minister and Board of Ministers with little role for other members. In this respect, it was also felt that the restriction of the Board of Ministers to five members in Article 154F (1) was unduly restrictive, with the view that a membership of seven would be a more appropriate number.

There was a widespread belief that all powers devolved to the provinces in the text of the constitution must also be in practice devolved, including powers over police and law and order, land, education and fiscal policy. In this context, many participants noted the present government's stated policy of full implementation of the Thirteenth Amendment in line with the 23rd January 2008 interim report of the All Party Representatives Committee (APRC), until such time as the APRC produces its proposals for substantive constitutional reform. Moreover, there was general optimism that with the election and establishment of the Eastern Provincial Council, to which powers over police

and land have been promised, there would be a knock-on effect through the medium of which other Provincial Councils also would be enabled to exercise those powers.

The absence of formal (or even effective informal) mechanisms for the conduct of intergovernmental relations was another issue. A devolved constitutional system requires channels and modalities of co-ordination, co-operation and consultation which the Thirteenth Amendment does not provide, and the *ad hoc* mechanisms such as the 'Chief Minister's Conference' were seen to be inadequate for the kind of official and political intergovernmental relations essential for smooth administration in a multi-tier system. In particular, it was noted that methods by which provincial interests are represented in central decision-making fora needed to be devised. Options discussed ranged from a second chamber of Parliament, to Chief Ministerial attendance at central Cabinet, and regularising officials' conferences especially, but not exclusively, on financial matters. Of these, the most preferred option, partly due to the fact that no constitutional amendment would be required, was the attendance of Chief Ministers at Cabinet. It transpired that some Chief Ministers at any rate were already invited to do so, albeit in an observer capacity, which however did not serve the

purpose of shaping decisions affecting provincial interests. A related concern widely held on inter-institutional co-ordination and consultation was provincial representation and access to the Finance Commission. A formalised liaison mechanism between provinces and the Finance Commission could enhance the work and recommendations of the Commission, and serve to restrain the central Treasury's discretion over allocations.

The need was also felt for a re-organisation of the provincial financial administration, and in this regard, greater functional separation of policy planning and budgeting. Financial reporting methods were also discussed, as were the merits of unifying the recurrent and capital expenditure accounts. A related point, also connected to the desire for more decisional autonomy in financial matters, was the underutilisation of the private sector in new forms of public service delivery.

Two further general matters are worthy of mention. One, born of the pervasive political culture of centralisation, was the perceived lack of 'prestige' of provincial civil servants and politicians, a perception that was held and disseminated not least by their national-level counterparts. Provinces were somehow seen as subordinate in status and quality to national-level institutions, which created morale and confidence challenges. This in turn influenced the vibrancy and

efficiency of provincial administration and contributed to adverse public perceptions and erosion of public confidence in provincial institutions. The closely related other issue, trenchantly articulated, was the lack of media interest in provincial issues and governance. As a critical instrument of shaping public opinion, it was felt that the media had a unique responsibility to devote appropriate attention to what is an important tier of government (critical to both greater democratisation and possibly conflict resolution), but to which the media has generally been indifferent and apathetic.

Finally, a unique issue faced by the Western Province are the policy challenges caused by a 'daily commuter population'. A large number of persons daily commute in and out of the province for work, education and other business in the capital, but reside outside the province, raising the problem of providing provincial public services to a larger number of persons than pay taxes or are taken into account in allocating resources to the province by the centre. This has to be resolved either by allowing special forms of taxation exclusively for the Western Province or by additional central allocations which take into account this factor.

3.5 Capacity Problems: Human Resources and Administrative Competence

Many of the familiar capacity problems that afflict public administration in Sri Lanka are also encountered at the provincial level, but perhaps more acutely than at the national-level. Specific human resource issues relate to recruitment, the control over seconded officers and salaries. Recruitment of suitable staff is made difficult because of the lack of financial autonomy to make staffing decisions, and retention of qualified staff is difficult because of recurring problems such as delays in the payment of salaries. This necessitates *ad hoc* solutions such as the temporary recruitment of retired officers on contract basis. Institutional capacity and the creation of technical expertise and experience suffer as a result. Officers with specialised expertise are retained by the centre. The line of reporting, supervision and disciplinary control for seconded officers continue to remain with the centre, and they may be recalled at any time by the centre. The chronic deficiencies in physical infrastructure not only makes performance difficult, it has obvious human resources implications as well.

Provinces do not have even remotely adequate research and development capacity and

no capacity for generating and maintaining statistical and qualitative information vital to policy-making and planning. Another issue is with regard to the implementation of official language policy. Even in those provinces characterised by a high level of ethnic and linguistic pluralism, Provincial Councils do not have the capacity to fulfil the commitment that every citizen has the right to transact business with public bodies in the official language of their choice. The dearth in capacity prevents implementation even where there is the political and bureaucratic will to do so.

3.6 Legal Issues: Devolution under the Rule of Law

The judiciary was seen as the ultimate arbiter and safeguard of provincial autonomy guaranteed by the devolution schema enshrined in the constitution. However, in the two decades since the enactment of the Thirteenth Amendment, the Supreme Court has shown at best a mixed record with regard to upholding provincial autonomy against the interests of the central government. A more critical view was also articulated that, on balance, the Supreme Court has been as much or more centralising in its interpretation of the provisions of the Thirteenth Amendment as the central government and bureaucracy. A case in point was the challenge in 1991 to an

amendment to the Agrarian Services Act No. 58 of 1979 on the ground that the proposed amendment infringed upon a devolved subject in the Provincial List. The central government's contention was that the amendment was referable to an item in the Concurrent List. However, the Supreme Court rejected both contentions, and instead held that the amendment was actually referable to a subject in the Reserved List, demonstrating that it was willing to adopt an attitude more hostile than the central government itself to provincial autonomy. Other such instances where the Supreme Court has been at least insufficiently sensitive to the principle of devolution have been discussed above.

Another practice that has hampered the provincial legislative power has been the practice developed by some Governors that statutes passed by the Provincial Council require to be approved by the Attorney General (or that the Attorney General's advice is necessary), prior to receiving gubernatorial assent. This is not a strict legal requirement under Article 154H, and it has been used as a means of delaying assent. Experience has also shown that generally, the Attorney General's opinions tend to favour the centre. This has critically undermined the law-making process and the legislative autonomy of Provincial Councils.

This experience relating to the record of the Supreme Court and the senior law officer of the state has undermined provincial confidence in these institutions as guarantors of devolution. Capacity problems also plague legal services available to provinces. Usually there is only one legal officer and legal translation has been a recurring problem. In these circumstances, the constitutional framework for devolution itself is exposed to doubt and disagreement.

3.7 Provincial Minorities and Language Policy: Role and Capacity of Provincial Councils

Concerns were also raised with regard to the representation within provincial institutions of regional minorities belonging to ethnic, religious or caste groups. These groups sometimes do not have electoral representation and it was therefore important to devise inclusive modalities through which they could find expression in provincial-level

decision-making. This is especially important because the Thirteenth Amendment framework does not specifically address this issue. As noted before, the lack of capacity in implementing the policy of bilingualism assumes particular salience in this respect in many provinces.

3.8 Provincial Civil Society: Participation, Responsiveness and Accountability

A broad political factor affecting greater devolution of power is the absence of a vibrant civil society at the provincial level. Civil society is pivotal in leading a demand-led movement towards localising decision-making, in encouraging inclusive citizen participation, and in ensuring transparency, accountability and responsiveness of public institutions. In its absence, not only is the culture of centralisation free to flourish, but public apathy leads to indifferent governance at the provincial level as well.

4 CONCLUSION

As the preceding representation of the main themes of the workshop deliberations amply demonstrate, it is easier to engage in the rhetoric of ‘full implementation’ of the Thirteenth Amendment than implement it in practice. All of the workshop participants making these observations were persons with extensive experience, either as politicians or civil servants, in the intricacies and pitfalls inhering in the Provincial Council system. Their views cannot be simply dismissed as communal interest based demands: a response that has met ethnicity-based claims to political power all too often in the past.

Clearly, therefore, ‘full implementation’ is a policy option that would require consequential policy and legislative if not constitutional changes, in order for the inherent logic of a devolved system of governance to have any chance of success. Without making changes to the fiscal and financial framework, to the re-organisation of the civil

service, to ensuring that the sphere of provincial autonomy is respected in both letter and spirit, there is little chance of ‘full implementation’ as the experience of twenty years shows. More difficult to achieve would be the matters requiring constitutional amendment, such as the Concurrent List (and indeed the clarification of the general distribution of power through all three lists), the National Policy clause, the financial power of the Governor, and the re-orientation of the mandate of the Finance Commission. Perhaps most difficult of all, would be the challenge of changing the ingrained culture of centralisation and its attendant attitudes, precepts, assumptions and practices. No amount of statutory and constitutional reform on the face of legal texts can by itself change this most pivotal of factors impacting on the success or otherwise of devolution and meaningful provincial autonomy. That has been the most pungent lesson of the Thirteenth Amendment experience.

PART 2

S TAGE III

PROVINCIAL COUNCIL COMMON FINAL RECOMMENDATIONS

Despite the misgivings in relation to the Thirteenth Amendment to the Constitution, it should be recalled that the original objectives of establishing the Provincial Councils were the resolution of the ethnic conflict and the creation of a provincial level tier of government to address regional development.

Why did neither of these objectives come to fruition? The consensus among elected members and officials of Provincial Councils is that there are common issues affecting all provinces as well as other issues that pertain uniquely to some provinces.

This report does not present the opinions of the academics and experts who were part of the deliberations that culminated in this report. Instead, it reflects the recommendations of members and officials of the Provincial Councils themselves, which were prepared by five

member committees representing all provinces.

These recommendations highlight the salient factors arising out of the experience of twenty years that cannot and should not be ignored in the full implementation of the Provincial Council system.

The province-specific aspects were discussed in depth. This report highlights the essential recommendations for reform by the provincial tier as a whole, as well as the recommendations of each province. It is hoped that this report will generate a constructive dialogue and debate among key stakeholders including the President, central government ministers and officials. It is also hoped that it will encourage a broader debate within civil society and the media on the issues confronting the full implementation of the system of devolution through Provincial Councils.

TWENTY YEARS OF EXPERIENCE: ISSUES & ALTERNATIVES

ISSUES

ALTERNATIVES

Constitutional Issues

Non-implementation of powers devolved on Provincial Councils by the Thirteenth Amendment

1. Concurrent List
2. Replication
3. Need for Attorney General's advice / approval on provincial legislation

Transfer and fully implement powers devolved on Provincial Councils

A Memorandum of Understanding in respect of devolution until constitutional amendments and statutory changes are introduced

Abolition of central government ministries which replicate the functions of Provincial Councils

Administrative Issues

1. Central government consent is required for provincial level recruitment and appointments.
2. Removal of Divisional Secretariats
3. Central government circulars on functions that have been devolved on Provincial Councils without consultation or consent

Chief Ministers to be made legal members of the central Cabinet of Ministers

A Legal Department to be established for each Provincial Council

Appointment of more officials and ministers required for Provincial Councils through full implementation of Thirteenth Amendment and the Concurrent List functions.

Converting the offices of Chairperson and Deputy Chairperson of Provincial Councils to the provincial Speaker and Deputy Speaker, respectively.

Standardising criteria for the recruitment of officials and making required appointments of each province through the respective Provincial Public Service Commissions.

ISSUES

ALTERNATIVES

Bringing Provincial Council Management Services under a Director.

Devolving powers over the transfer and location within provinces of seconded officials from the national administrative service.

The central government should not intervene in functions devolved on the provinces.

Financial Issues

Powers are vested with Provincial Councils for the provision of public goods and services. However, the corresponding powers to generate income and taxation revenue have not been devolved. Therefore an alternative framework for financing the Provincial Councils needs to be devised.

Annual financial allocations to be made as a single block grant.

Funds allocated to Provincial Councils should not be re-allocated to line ministries of the central government replicating devolved functions.

Functions of the Finance Commission

No provincial representation in the Finance Commission.

Establishing a Finance Commission that is accountable to both the central government and the Provincial Councils. It should have provincial representation.

The Finance Commission is unable to enforce recommendations based on provincial needs and preferences.

The central Treasury subjects Finance Commission recommendations in respect of provincial allocations to cuts.

Provincial Council allocations as recommended by the Finance Commission are not released on time by the central Treasury.

ISSUES

Limitations on Provincial Council tax raising powers.

Lack of Provincial Council powers to attract foreign aid and loans.

No national policy on funding Provincial Councils.

ALTERNATIVES

Vesting adequate tax raising powers to each province so that provincial fiscal policy can be determined according to provincial needs.

Provincial Councils should have full powers over the implementation of foreign-funded projects.

Foreign funds to be directly allocated to Provincial Councils with the concurrence of the central government.

Policy-making function on subjects to be strictly divided between provincial and national spheres.

FINAL RECOMMENDATIONS OF
INDIVIDUAL
PROVINCIAL COUNCILS

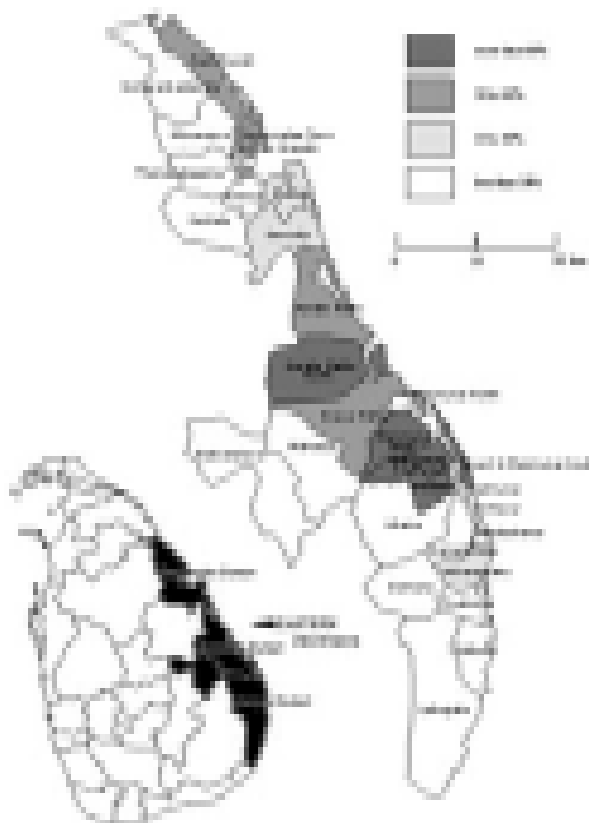
Stage III Recommendations

Central Province

Issue	Current Scenario	Alternative	Responsibility
1. Circulars issued by the Management Services Department and Govt Departments	Done without the consent of the PC	Implementing the 13 Amendment and issuing of circulars with consensus of both parties	The Finance Minister, Secy of Treasury and Relevant Ministries
2. Concurrent List	The central govt works without the concurrence of the PC	Repeal the concurrent list	The Parliament
3. The FC exceeding its powers 4. Non provision of annual allocations 5. Slash the funds in mid-term	These scenarios continue to take place	1. Distribute funds to PCs systematically 2. Provision of Allocations as a single quantum 3. Extend development project allocations till end of March 31	The Finance Minister, Secy of Treasury and the FC
6. Non allocation of funds as per the ratio of ethnicities	Provides funds regardless of the makeup of ethnicity	Give preference to regional development needs when allocating funds	The FC, Treasury
7. Central government functionally interferes in PC functions- does PC's functions	Takes place at present	Non implementation of powers as per 13 Amendment	Parliamentary Cabinet of Ministers
8. AGs approval needed for PC statutes to become law	Asks for AGs recommendations	Appoint a PC Law Committee (Led by a senior counsel/PC)	Approval of the treasury, finances

9. Issues in transfers, recruitment and promotions Issues in island wide service provision	Obstacles exist Issues exist	Institute a public administration service for PCs Services island wide are done through the PC	The President, the Cabinet of Ministers and Public Admin. Services Commission Management Services Department
10. Some officials are accountable/answerable to both the central government and the PC	There are issues	--	--
11. No officials dedicated to long term development of the PC	There are issues	1. Provide same benefits of central government employees to PC officials too 2. Plan on short, medium and long term bases for the PC	The central government and the PC
12. Increase the no of PC ministers through amendments to PC law	Cannot be increased according to the Constitution	Reduce/amend the concurrent list, implement powers given in the 13 Amendment	The Parliament, the central government
13. The central government executing PC functions	Currently takes place	Implement through the chief secretary	The Cabinet of ministers, treasury, Planning ministry of the central government
14. Privileges to PC elected members	Only freedom of expression and debates	Especially the development of the committees instituted under various statutes	The Parliament

EASTERN PROVINCE



THE SETTING

Theatre of war for more than twenty years.

The North and East account for a third of the island's land mass, and two thirds of the coastline.

Tamil-speaking populace is the dominant group.

Little or no economic development.

Main Industries: Agriculture, Fisheries

Contribution to GDP: In 2000 - 4.5%

The share of industry in employment: Declined from 15.4% (1985) to 8.3% (1995).

Access to safe drinking water: 20% of households (Sri Lankan average 45%)-(2002-2003)

Electricity: 40% (national average 56%)-(2002-2003)

Access to sanitation: 28% (national average of 72%)-(2002-2003)

DEVELOPMENT

President Mahinda Rajapaksa has given top priority to economic development in the East, allocating SLRs. 6 billion (US\$ 56 million) and heads the Eastern Task Force tasked to rebuild the province.

New roads are now being built.

A paper factory at Valaichenai is planned.

A 500 MW power plant in Sampur is expected with Indian help.

TIMELINE



September 2 & 8, 1988: Proclamation was issued by former President J.R. Jayewardene enabling the Northern and Eastern provinces to function as one administrative unit to be administered by one elected Council. The two provinces were amalgamated.

The 16 month administration of the first Provincial Council for the merged North East was mired in controversy and a fight for political survival. It was reported that the populace was harassed by province's ruling Eelam People's Revolutionary Liberation Front (EPRLF) and the Eelam National Democratic Liberation Front (ENDLF) and their guardians, the Indian Peace Keeping Force.



On March 1, 1990: Varadharaja Perumal, the then Chief Minister of the merged N&E, convenes a special meeting of the North Eastern Provincial Council and announces an ultimatum to the Premadasa Government for the fulfillment of 19 demands that his party, EPRLF. The reason was that the Provincial Council system was not fully implemented - powers on police and land were not granted to the periphery (the granted land and police powers were again tied to the Central Government through the parallel list). Interestingly, the lion flag flies on the council building in Trincomalee while he was making this controversial announcement!



1993/94: When she was the Chief Minister of the Western Provincial Council in 1993/94, former President Chandrika Kumarathunge insists that the police powers be vested in the Provincial Councils, but did not sign the relevant gazette notification.



July 26, 2006: A civic outfit called *Organization to Defend Rights of People in the East* meets Mahinda Rajapakse, President of Sri Lanka at his official residence Temple Trees in Colombo and hands over a letter demanding that the North and the East should be separated and administered by two separate provincial councils.



October 16, 2006: The Supreme Court declares the merger of the North and Eastern Provinces invalid, null and void. The petitioners, three members of the JVP, were granted the entitlement to elect a Provincial Council for the Eastern Province under Article 154(a)(2) of the Constitution of Sri Lanka. The judgement was by the Chief Justice Sarath N. Silva, with Justice C. N. Jayasinghe, Justice N. K. Udagama Justice Raja Fernando and Justice N. G. Amaratunga agreeing. JVP parliamentarians Jayantha Wijesekara representing Seruwila in the East and two others, L.K.Wasantha and A.S.Mohamed Buhary, from the Eastern province earlier filed petitions in the Supreme Court seeking a separate provincial council for the East after de-merger of the two provinces.



July 11, 2007: Sri Lankan troops drive Tamil Tiger fighters from their last stronghold in the east and the government announces that the East is now liberated.

2008: The JVP is against granting powers to the Provincial Councils “while armed secessionist groups are roaming around”, and objects the Government’s move to implement the 13th Amendment to the constitution in full.

March 13, 2008: According to the Gazette notification on March 13, nominations for eastern PC polls ‘will be accepted from March 23 to April 3, 2008’.

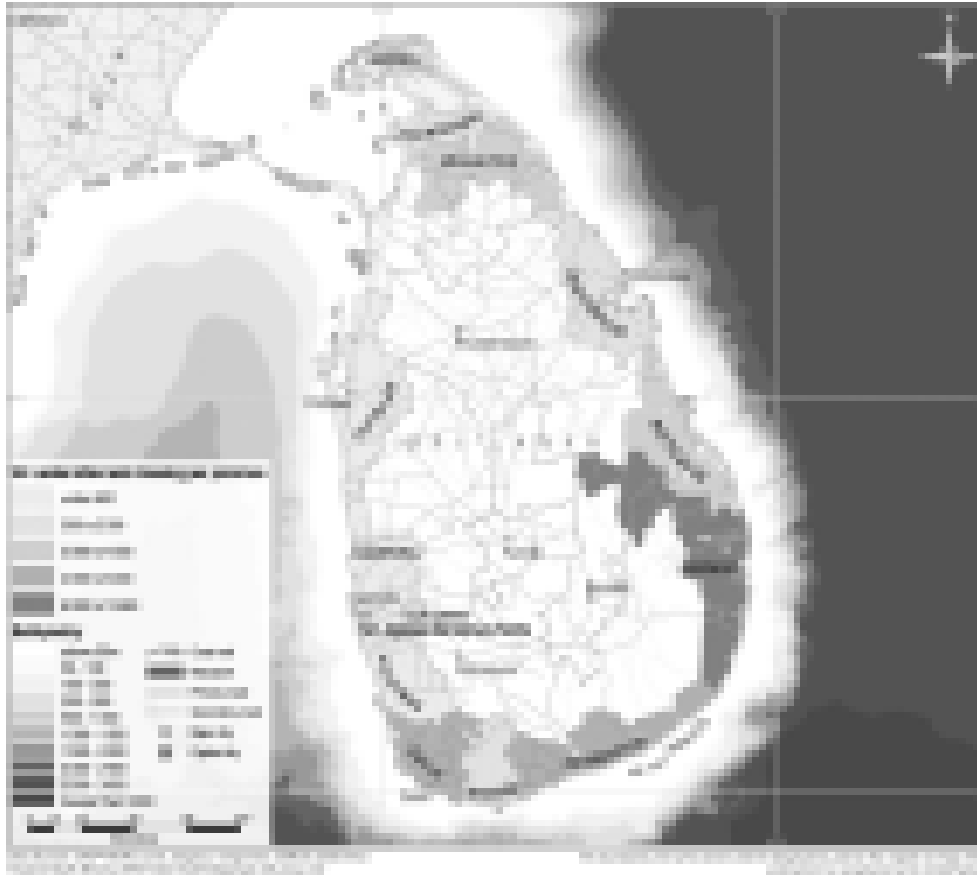


May 10, 2008: More than 1,300 candidates from 18 parties and 73 independent groups run for 37 seats in the east’s first-ever Eastern provincial council elections. The main battle is between the ruling UPFA and its allies including the TMVP, and the opposition United National Party and its allies in the Sri Lanka Muslim Congress.

May 11, 2008: The ruling party led by President Mahinda Rajapakse wins the eastern polls. Rajapakse’s United People’s Freedom Alliance (UPFA) secured 20 seats and the opposition United National Party (UNP) taking 15.



May 12, 2008: SLFP General Secretary and Minister Maithripala Sirisena says the government would devolve all powers including police powers to the East in accordance with the 13th Amendment to the Constitution.



The Eastern Province showed the highest casualties in the 2004 Tsunami.

Stage III Recommendations for Eastern Province >>

The Eastern Province - Recommendation of the Officials

Issue	Current Scenario	Alternative	Responsibility
1. The FC nor the PC has powers to redistribute collected revenues	The Elected representatives are not stable yet, no taxes from health sector	Give full powers to the PC	The Central govt, the PC and the FC
2. No political will on the part of the state leadership to devolve powers despite PCs have been in existence for two decades	Not only of the commitment of the Central Govt but even that of others is insufficient, negative security scenario in east	Flexibility on the part of the central government, influencing the government through PC MPs	The central government, line ministries
3. Taking steps to improve the standard of living of minorities and groups not represented in the PC	The situation continues as the PC has no powers on these	Devolve powers in this regard	The PC, The central government, line ministries
4. Top-Down approach in planning process Eg: Foreign funded projects such as <i>Maga Neguma</i> etc are planned by the Govt	Receive input from DS levels, no consistency in activities, no independence	Give full powers to PCs	The PC
5. The regional citizen has no voice in choosing their own livelihoods	Lack of space for community feedback, no relevant mechanism	Creating a PC apparatus that has proper public representation, both the PC and the DS commonly agree on plans	The PC
6. Retaking of Public Administration and Agrarian Services from the PCs	Under the Central Govt supervision	The DS should be brought under the PC, devolve these powers to the PC	The govt
7. Contradictions between the govt and the PCs on state service Transfers, promotions and appointments	Under the Central Govt supervision but at times on PC's recommendations	Identify the division of powers between both and vest PCs powers in full	The Central Government
8. Re integrating national schools and hospitals back to PCs	The responsibility is vested with the govt	Vest all powers with PC and the central government should transfer staff to PC	The Central government
9. Resolve issues between the Govt and PC on passenger transportation	There is only a highways development ministry	Vest relevant powers with PC	The PC

Stage III Recommendations

Issues	Current Scenario	Alternative	Responsibility
11. Creating a unit that addresses needs of the region, has data on the region, conducts research, and runs appropriate and targeted programmes	Seperate units active-central government has its own units	Develop human resources in the PC, establish a coordinating unit centred around the chief secretary	The PC
12. PC officials' status placed lower than Govt officials	The central government officials have an overestimation of themselves	Give equal status, correct training, privileges, to PC officials	The Central Govt & the PC

Stage III Recommendations

Eastern Province

Issue	Current Scenario	Alternative	Responsibility
13. Duplication of efforts by both the Govt and the PC	Lack of proper coordination though some aspects are coordinated	Needed: Clear definitions of powers devolved; Acting independently	The PC and the Govt
14. Some aspects are duplicated even within the PC system itself	Somewhat lesser since discussions are constantly held	Discuss within the PC itself and allocating time slots for it	Chief Secy and all the secretaries
15. Govt officials are against devolution of power	Govt officials are against it	Correct attitudes on power sharing needed, create national dialogue	Constitution drafters, PC and the Govt, District Secy
16. Funds not available for infrastructure development	Tasks performed by the Govt. Allocated funds not received. Need for effective NGO intervention	Improving efficiency of the FC, issue guidelines to funders	The Govt, the FC and the PC
17. Policy formulation, budgeting and planning done by separate units. Recurrent and capital expenditure maintained separately.	Functions separately. But no decision making powers	Give relevant powers to the PC	The Govt, the relevant minister and the PC
18. The private sector ignored in PC service provision	No methodology at the moment	Formulate an approach based on sound management principles	the PC
19. Appointing a go-between to coordinate between the PC and the Finance Commission	No such representation at the moment	Strengthening the current scenario is sufficient The FCs procedures on PC finances need to be made more efficient	Chief Secy, the FC and the PC

Stage III Recommendations

North Central Province

Issue	Current Scenario	Alternative	Responsibility
1. Circulars issued by the Management Services Department and Govt Departments	Shortcomings in recruitments	Giving powers to PC public service administration service	The President
2. Concurrent List	Not definitive, lengthy	Reduce functions	The Parliament
3. The FC exceeding its powers 4. Non provision of annual allocations 5. Slash the funds in mid-term	Powers given in the constitution Unclear No clear criteria, not receiving the funds in time nor in the allocated amounts, issues in additional allocations (Special provisions), issue of benefits for the PC officials	The Finance Commission The Finance Commission	The President The President
6. The Finance Commission	PC exceeding its powers	Devolve PCs functions to the PC	The President
7. Central government functionally interferes in PC functions- does PC's functions	Through various ministries Eg: Maga Neguma	Devolve PCs functions to the PC	The Finance Ministry, PC Ministry
8. Reclaim devolved powers	The DS Office, agrarian services, national policies	Re-devolve, involve the PC	The President, Ministry of public administration

Stage III Recommendations

North Central Province

Issue	Current Scenario	Alternative	Responsibility
8. The central government runs the foreign funded projects	Mismatch between PC requirements and supervision	Implement through the PC	The Finance Ministry, plan implementation ministry
9. Issues in preparation of statutes	Reduce no of statutes, not receiving priority	PC's legal draftmen	The President
10. No officials or politicians dedicated to long term development	Due to low remunerations in PC, join the govt	Develop facilities	The central government
11. Officials accountable to two levels 12. Despite new amendments no additional ministries	Administrative issues	Make PC responsible, make a maximum no of 7 ministries	Line Ministries
13. Naming permanent members to the cabinet	Insufficient representation in the PC	Make the chief minister a permanent member of the Cabinet	The President
14. Lack of physical resources	old / outdated assets lead to extra expenditures	Allocate resources based on annual ratios	The FC
15. Auding and supervision	Under the Central Govt supervision but at times on PC's recommendations	Identify the division of powers between both and vest PC's powers in full	The Central Government
16. No priority for PC development	Plans of the government exceeds and extends to central government	Provide funds to PC so that it can fulfil all functions allocated to it	The Central government
17. No opportunity for the PC to get involved in national policy planning	PC not represented in the parliament	Empower the chief minister to be represented in the PC	The President

Stage III Recommendations

Sabaragamuwa Province

Issue	Current Scenario	Alternative	Responsibility
<p>1. Concurrent list related issues</p> <p>The central government's interference leads to PC malfunction/s</p>	<p>Eg: Environment, tourism, energy</p> <p>Issues in power use</p>	<p>Clear definitions</p> <p>Repeal concurrent list</p> <p>Prevent undue interference</p>	<p>The PC, central government</p>
<p>2 Financial Issues:</p> <p>1. Income streams are insufficient</p> <p>2. Dependent on government dole</p> <p>3. Shortcoming in allocation criteria</p> <p>4. Non provision of funds on time and in required amounts</p> <p>5. No extra allocations received for officials' remuneration</p> <p>6. Discrepancies in emoluments to central government officials Vs PC Officials</p>	<p>The Situation continues</p> <p>The Situation continues</p> <p>The Situation continues</p> <p>The Situation continues</p> <p>The Situation continues</p> <p>The Situation continues</p>	<p>Increase PC revenues through BTT and manufacturing tax</p> <p>Take steps to increase revenues</p> <p>Give powers to handle own finances</p> <p>Allocate funds as agreed</p> <p>Provide additional funds</p> <p>Allow equal opportunity to PCs in sourcing funds</p>	<p>Finance Ministry, the PC, the Treasury</p>

Stage III Recommendations

Issue	Current Scenario	Alternative	Responsibility
<p>Vii. No sufficient funds are received at present</p> <p>Viii. Central government minimises funds to the PC</p> <p>ix) The FC exceeds powers</p> <p>X) Non allocation of funds according to ethnic distribution</p> <p>xi) Non provision of annual funds within the period and slashing them mid term</p>	<p>Not receiving sufficient funds</p> <p>PC does not receive back its own revenue collections</p> <p>Lack of clear allocation criteria</p> <p>Undue control of the PC</p> <p>Breakdown of development plans</p>	<p>Provide sufficient funds</p> <p>Redistribute provincial revenues within the province</p> <p>Create definitive criteria</p> <p>Allow financial freedom</p> <p>Provide funds on time</p> <p>Provide funds according to plan/schedule</p>	<p>The PC, central government and the relevant ministries</p>
<p>Human Resource Issues</p> <p>Obstacles in recruitment</p> <p>Undue interference in filling vacancies</p>	<p>PCs are ignored when islandwide appointments are made</p>	<p>Act to fill vacancies, vest powers on PC</p>	<p>The central government and the public administration ministry</p>
<p>Central government taking over regional governance mechanism</p>	<p>Divisional secretaries ignore PC related responsibilities</p>	<p>Re-integrate DS under PCs</p>	<p>Ministry of PCs</p>

Stage III Recommendations

Issue	Current Scenario	Alternative	Responsibility
<p>Unclear division of responsibilities between the government and the PC</p> <p>Eg: Maga Neguma, Gama Neguma</p> <p>Taking over of national schools and hospitals by the government and also agrarian services and public administration services</p>	<p>Cannot be accepted</p> <p>There are institutional differences</p> <p>Under the Central Government</p>	<p>Remove differences, re-vest powers</p>	<p>The central government</p>
<p>Circulars issued by the departments and management services division</p>	<p>No powers to appoint even for the essential vacancies, even appointments made are interfered with</p>	<p>Vest powers of recruitment with the PC</p>	<p>Management Services Division, Public Administration Service</p>

Stage III Recommendations

Southern Province

The political apparatus and the provincial administration

Issue	Alternative
2. Lack of a vision on provincial development	Create a vision for the province
3. Lack of officials and politicians dedicated to long term development of the PC	Afford due status to the PC by vesting powers. Appoint a provincial public service committee
4. Lack of a proper language policy	Train officials Implement a dual language policy Give priority to language ability when recruiting
5. Some officials are accountable to both the government and the PC	Appoint officials accountable to the PC Become free of the dependency mentality
6. Low contribution in policy creation and officials working for their personal agendas	Strengthen advisory committees, appoint deputy ministers

Acquiring Powers

Issue	Alternatives
8. Not vesting the powers in 13 Amendment and reclaiming the given powers	Devolve powers definitively Repeal the concurrent list
9. PC cannot directly resource foreign funds	Flexible approach in resourcing foreign funds, involve the foreign ministry

Stage III Recommendations

Southern Province

Financial Issues

Issue	Alternative
<p>Financial Obstacles</p> <p>Criteria</p> <p>Empower PCs to collect province specific revenues</p> <p>Even though central government decides taxes, powers of collection to the PC</p>	<p>Vesting powers of decision making on province specific funding</p> <p>Constitutionalise PC fund allocation criteria</p> <p>Empower PCs to collect province specific revenues</p> <p>Even though central government decides taxes, powers of collection to the PC</p> <p>Simple tax process</p> <p>Direct revenues for the PCs</p>

Fulfill Public Aspirations

Issue	Alternative
<p>Aspirations of minorities in the PC jurisdiction are not met</p>	<p>Reform elections system</p> <p>Reform attitudes of political party leaders</p> <p>Strengthen the civil society</p>

Stage III Recommendations

Issue	Alternative	Responsibility
1. Public service and PC public service	Equalise	The Ministry of Public Administration
2. Duplication of functions	Central government withdrawing from PC functions	The President and the Cabinet of Ministers
3. Re-channel taxes collected back to the province	Empower promptly	PC Ministry of Finance
4. Reclaiming the powers of 13 Amendment	Exercise due care so that the constitution is not violated	The President and the Cabinet of Ministers, Parliament
5. Problematic role of the governor	Redefining popular sovereignty and role of the governor in line with the present	The President
6. Implement language policy	Provide fiscal and statutory power to this end	Statutes to be passed by the PC Government providing fiscal facilities from the treasury Government approval for recruitment
7. PC being devolved weak law and order function	Appoint PC-AG, PC Examination commissioner, and Poilice Commission as per 13 Amendment	The President & the Cabinet
8. Inability to resource foreign funding directly	Devolve foreign resourcing powers effectively	The President & the Cabinet
9. Inability to collect various tax revenues from the province	Retain a certain portion within the province	The government

Stage III Recommendations

10. Mechanism to implement recommendations of chief ministers conferences	Create a structured mechanism	President and Cabinet
11. PCs have no powers to determine their own functions and criteria	Devolve full powers	President and Cabinet
12. Salaries of chief ministers low	Increase in par with cabinet minister	The President
13. PC chair and vice chair designations	Retitle them the Speaker and deputy speaker	The President
14. Widen S. 154 E so that the number of ministers are more	Upto seven Ministers	The Legislative
15. Specialist knowledge being with the government is an obstacle	The central government to make available such knowledge	The Cabinet

Stage III Recommendations

Wayamba Province

Issue	Current Scenario	Alternative	Responsibility
<p>1. Reluctance to devolve powers</p> <p>officials and politicians</p> <p>The backward attitudes of officials and politicians in PCs</p> <p>PC is not attractive</p>	<p>Existing election system</p> <p>Attitude of centralising powers for the sake of central government officials and politicians</p> <p>The backward attitudes of officials and politicians in PCs</p> <p>PC is not attractive</p>	<p>An MoU on PC list functions to be executed by PCs themselves</p> <p>Remove duplication</p> <p>Definitive division of concurrent list through an MoU</p> <p>Statutes on devolved functions</p> <p>Remove the PC Ministry and bring it directly under the President</p> <p>Increase the ministries in a timely manner</p>	<p>The President and the Government</p>
<p>2. PCs do not have powers to allocate funds to themselves</p>	<p>Not allocating funds based on specific criteria</p> <p>The FC loyal to the central government</p> <p>Allocations are done by ministries on the PC list's functions</p> <p>Non receipt of foreign money to PCs directly</p> <p>Non receipt of monies on time and in the required quantities</p>	<p>1. Allocate funds based on measurable criteria</p> <p>(Eg: The amount of land mass in the PC)</p> <p>Enable the FC to be represented in the OC</p> <p>Establish a national financial commission</p>	<p>the finance commission, the government</p>

Stage III Recommendations

Issue	Current Scenario	Alternative	Responsibility
3. Obstacles in managing the PC workforce	<p>The central govt. interferes in recruitment and appointments</p> <p>Influence of trade unions</p>	<p>Devolve powers of recruitment to the PC</p> <p>Have a definite criteria in deciding the number of posts to be filled (Eg: 7500 PHIs)</p>	<p>The central government, the PC and the management services department</p>
4. National policies not formed efficiently	<p>Each Ministry deciding on its own</p> <p>No approval from the Parliament</p>	<p>Agree on national policy with the consensus of PCs</p>	<p>The central government, parliament, the PC</p>
5. Lack of an effective system to use inter provincial services and resources Eg: Mineral deposits	<p>PCs acting on their own</p> <p>Influence yielded by the national transport commission on transport issues</p>	<p>Agree on inter-provincial consensus</p> <p>Create a statute on inter provincial transport</p>	<p>PCs</p>

Stage III Recommendations

Western Province

Issue	Current Scenario	Alternative	Responsibility
1. The central interferes in the implementation of the 13 Amendment	The central government exceeding its powers, no clear delineation of limits and powers	Allowing the PC public admin. services commission more freedom to operate	The Parliament
2. The centre's political leadership unwilling to strengthen PCs	Lack of awareness on the PC system	Create an attitudinal change	Political parties, civic organisations and media
3. Duplication	Concurrent list consists of same functions for both the central govt and the PC	Repeal the concurrent list and introduce powersharing	The Parliament and the President
4. Insufficient powers devolved to the Finance commission	The PC treasury and the Finance commission is under the central government Lack of effective criteria, mechanism and funds	Distribution of resources based on PC identity and needs	Devolve powers within the PC The Finance Minister
5. Insufficient funds for the development of the province	Non receipt of funds as expected	Allocation of funds for development priorities based on effective criteria	The Finance Minister

Stage III Recommendations

Issue	Current Scenario	Alternative	Responsibility
6. Divisional Secretariats are taken away from PCs	-	Vesting regional administration under the PCs	The Ministry of Administration
7. No distinct policy sets as “national” and “provincial”	-	Making policies at national and provincial levels	The Cabinet of Ministers of the Central Government
8. Media considers PCs as “second class” and ignores them	-	A programme to change attitudes on PCs	The Parliament, media ministry
9. PC cannot recruit staff as it needs Eg: Nurses	-	Training to be done by the central government and all recruitment for PC done by PC Public Administration Services Commission	The Cabinet of Ministers of the Central Government
10. Non representation of the PCs in Finance Commission matters	Lack of PC representation	Creating a PC level representation	The Parliament
11. Limits on taxation	-	Develop taxation capacity	Central Government
12. Lack of a proper mechanism to sole legal issues of the province	-	Establishing an AG’s Dept and a legal draftsmen department for the PC	The Parliament
13. Confusion due to addition of the 13 Amendment to a centralised constitution	-	Removing S 76 of the constitution and amending S. D2 of the 13 Amendment	The Parliament

PART 3

STAGE II

GROUP REPORTS

SOUTHERN PROVINCE



Group Reports

Group A

Presented by Chinthaka Lokuhetti - Secretary, Food and Cooperatives

Group A	Current Scenario	Alternative	Responsibility
01. Lack of a vision in officials to develop the region	Unsatisfactory	All parties should get together for a common vision	Political Authority and PC Officials
02. Lack of officials dedicated to development of the province	Unsatisfactory	Provide relevant powers and enhance value	Central Government and PC
03. Lack of a strong region based civil society	Lack of Knowledge	Create Awareness and mobilise people	Elites, media, PC
04. The private agendas of the ministers and chief ministers in policy making. Opinions of the MPs are not taken account of	this becomes apparant in certain decision making situations	Strengthen Ministerial Sub Committees, hold serious discussions	Ministers, secretaries
05. Reclaiming of powers given by the 13th Amendment. It is not clear who is ultimately responsible for the development of the province. Examples: i Projects such as Maga Neguma and Gama Neguma and foreign funded projects function on a top down planning. ii. Taking over of national schools and national hospitals by the government. iii. Taking over of farmers' welfare schemes/ agrarian services	Certain essential subjects are taken over. Division of powers is clear to a great extent.	Clearly define devolution.	Central Government and PC

Group A	Current Scenario	Alternative	Responsibility
06. Preparing a list and documenting the powers of the central government and provinces.	Though powers between parliament and provincial administration are clearly shown, no specific document clearly outlining PCs powers	Clearly define the devolution and Create Awareness	Central Government and PC
07. Conflicts between the central government and the provinces i State service appointments, transfers and promotions etc are now entangled between two centres of power. ii Specialised human resources are vested with the central government iii Central government running projects in such a manner that PC powers are violated.	<p>Serious</p> <p>To some extent</p>	<p>Increase the number of experts</p> <p>PCs duties should be fulfilled by PCs themselves</p>	<p>Central Government and PC</p> <p>Central Government and PC</p>
08. The central government is slighted by the PCs leading to further complications	To a considerable extent	Clearly define the powers of the PC and make PCs a respectable place	Central Government and PC

The Team

DB Vidhanapathirana - Director Internal Audit, Southern Province, Ms. Ramya Sooriarachchi - Commissioner for Motor Vehicles of the Province--Ranjith Kumarage - MP Southern Province, AVK Wickremenayake - Additional Director for Planning, Southern Provincial Secretariat, Somapala Ekanayake - MP Southern Province Ananda Abeywickreme - MP Southern Province, Chinthaka Lokuhetti - Secretary, Food and Cooperatives AU de Silva - Director Irrigation, Southern Province

Group Reports

Group B Presented by Weerasumana Weerasinghe

Group B	Current Scenario	Alternative	Responsibility
01. Financial obstacles: i Lack of Financial Resources ii Undue influence when providing financial sponsorship	Non receipt of annual allocations. EG: 2008 Funds not even sufficient to cover 2007 arrears. - Lack of regional revenues Lack of financial criteria from the Finance Commission -Even budget allocations are not provided -Funds not forthcoming at the time of need	PC should be given power to propose on deciding the sums needed Agreement with treasury to receive funds on time Obtaining powers to receive funds from local and international sources	Central Government, the treasury, finance commission, external resources department
02. No space to introduce new taxes	PC not given powers to impose new taxes. Eg: Central Government influence on tax reviews, taxes collectible by the PC are collected by the government, PCs as well as government both charge turnover taxes Geological survey and Mines bureau charging state fee Forestry income collected by the government not being sent back to the PC	PC should be given power to collect their taxes Even if the government changes regional taxes, powers of collection should be with the PC	The PC, treasury, income tax department

Group B	Current Scenario	Alternative	Responsibility
03. Limitations on Tax revenue collections	<p>Non receipt of tax revenues due to limitations on their collections</p> <p>EG: Jewellery production tax. -VAT collected by the central government</p>	A simplified tax procedure and vesting collection powers with the PC	The PC, treasury
04. Legal obstacles to obtain foreign funds directly for PC development	The Central government alone handling foreign aid	A flexible approach to regional development and making it work through the PCs	The PC, treasury, external resources department
05. The PC or the finance commission has no powers on redistribution of collected revenues. There is also the delay in returning funds to the PCs.	The monies not received by the PCs on time or when needed	Collection of these fines directly by the PC. That is, implementing the status quo before PCs came. Also, expediting collection of stamp duties	Courts, PCs
06. Fund estimates by the PC are not met by the Central government and delays.	<p>Inability to implement a targeted development plan</p> <ul style="list-style-type: none"> -Falling in arrears -Paying a high price - Administrative Issues -People lose confidence in the PC -Failure of the next years plan too 	Announcing the allocations for the next year and provision of such without fail.	The PC, treasury, finance commission

The Team

A Samarasinghe - Secretary, Southern Province / Weerasumana Weerasinghe - MP Southern Province
 Jayasiri Nanayakkara - MP Southern Province / Nishantha Muthuhettigama - MP Southern Province
 Piyadasa Hatharasinghe - Addtl Director for Planing, Lands, Agro, Irrigation and Livestocks Ministry
 M Liyanarachchi - Addtl Director for Planing - Department of Provincial Administration / N J Karunadasa - Provincial Director Southern Province / GG Leelananda- Senior Assesor- Provincial Revenues Department

Group Reports

Group C

Presented by Ashoka Dhanawansa- MP, Southern Province

Group C	Current Scenario	Alternative	Responsibility
01. No opportunity to recruit the relevant staff	<p>Approval needed from the State Services Management Department to fill the vacancies occurring before 2006-06-30</p> <p>-State Services Management Department needs to give approval for the types of vacancies apart from the three types of vacancies after 2006-6-30 needed to be approved by the Secretary</p> <p>-Even for vacancies due to promotions and new vacancies, need approval from State Services Management Department</p>	<p>If funds available to pay salaries, empowering the Secretary to do so</p>	<p>Each ministry secretary</p>
02. Some officials required to report to two parties (to the Central government and the PC)	<p>Have to fulfil functions of both the Central government and the PC, Delay in decision making</p> <p>Ignoring PC orders</p> <p>Delay in disciplinary action</p>	<p>PC vested with all accountability</p>	<p>The Cabinet of Ministers of the Central government, Secretary, National State Services Commission</p>
03. Lack of Sinhala / English translators in legal affairs	<p>Limited number of officials</p> <p>Non creation of extra vacancies</p> <p>Lack of qualified personnel</p>	<p>Retired re-recruited on contract basis</p> <p>Creating fewer vacancies</p> <p>More training</p> <p>Special allowances</p>	<p>The Secretary, Divisional Secretary, Grama Niladhari</p>

Group B	Current Scenario	Alternative	Responsibility
04. Issues of minorities and groups not represented in the PC (such as caste groups etc) are not solved.	Lack of representation for certain groups Psychological pressure Difficulty to find solutions to the problems Violation of fundamental rights	Holding of mobile service campaigns during selected periods	District Secretary, divisional secretary and Grama Niladari
05. Lack of a statistical unit that gathers information on province related resources and planning facility	Lack of clear information	Adding new technology systems Training	District Secretary, Secretary, divisional secretary
06. Inability to bring the language policy to a practical level	Implementing the language policy correctly	Increasing training requirements Using a compulsory test paper, evaluating language proficiency at the time of recruitment Close Supervision	Chief Secretary Department Heads Central Government Ministry Secretaries

The Team

Vijaya Dahanayake - Deputy Chairman, Southern PC
 Southern PC Asoka Danawansa - MP Southern PC
 Bindu Weerasinghe - MP Southern PC
 Buddipriya Nigamuni - Secretary, Health Ministry -Southern PC
 Southern PC HKRJ Edirisinghe - Deputy Secretary Engineering - Southern PC
 W Seelarathne Silva - Deputy Secretary Planning - Southern PC
 RA Alfred -Senior Assesor - Southern PC

Group Reports

Group D

Presented by Ashoka Dhanawansa- MP, Southern Province

Group C	Current Scenario	Alternative	Responsibility
1. Only one official for legal matters.	Legal Advice on bye-law formation for the region, appearing in courts, provision of legal advice to all ministries and departments is not feasible by a single legal officer	Even though there are two legal draftmen, this number is insufficient. A lawyer from Galle appear in court cases. For cases in Matara, Hambanthota and Colombo, assistance from AGs department is sought. Therefore appointment of a legal officer each for the Districts of Southern Province.	Chief Secretary and the AG
02. To remove legal limits imposed by the central government on the use of provincial resources.	VAT Taxes levied for services and produce at present (Eg. Even though tourism industry is present in the southern PC, only licence fee income is channelled to the PC).	Redirecting VAT collections from the Southern Province to the PC CESS levy from exports in the PC channelled to the PC	Secretary, Finance Ministry
03. Central government officials are against implementation of devolved powers.	Preparation of policy framework on PC powers	Preparation of national policies while maintaining the PC identity.	The Secretaries in charge of the subjects
04. Need to obtain AGs approval re bye-laws.	The bye law formulation committee prepares the draft at present without AG department except for complicated issues (Eg: Lands).	Not necessary	Chief Secretary

Group C	Current Scenario	Alternative	Responsibility
5. 154 K, 154M, 154 H, 154R sections in the constitution should be amended	Full powers relating to these sections are vested with the Central Government	No changes required	
06. Conflicts between the centre and the province on projects on river water resources, minerals, and forests.	The powers relating to these aspects are vested with the Central Government	Part of the Incomes generated from these projects should be diverted back to PCs	Line Ministry Secretaries and PC Chief Secretary

The Team

G. Premathunga - Provincial Land Commissioner, Southern Province

Kapila Wellappili - MP Southern PC

S Thennakoon Nilame - MP Southern PC

Ajith Rajapakse - MP Southern PC

Ms G Gamage - Secretary, Land and Agricultural Ministry -Southern PC

L Wijesinghe - Legal Officer- Southern PC

Indrani Seneviratne - Provincial Revenues- Southern PC

Suminda Singappuli-Cooperatives Commissioner- Southern PC

NORTH CENTRAL PROVINCE



Group Reports

Group A

Presented by Premasiri Hettiarachchi - Coordinating Secretary,
 Chief Ministry

Group A	Current Scenario	Alternative	Responsibility
01. On circulars issued by Management Services Department	Obstacles in approvals for new posts, abolition of existing posts	Allowing the Provincial Services Commission to function	The President
02. Concurrent List	No methodology to effectuate the functions of the Concurrent List Listed functions in the PC List also found in concurrent list	Abolition of concurrent list	The Parliament
03. The Finance Commission exceeding its powers	The FC exercising powers beyond that is delegated through the constitution	The FC should not exceed the powers given to it from the Constitution	The President
04. Not allocating fiscal resources/funds based on the population of the PC	The FC continually in breach of provisos of the constitution -Allocating funds without counting the national school and provincial schools -Allocating funds without counting the patients in national hospitals and provincial hospitals	Transferring all the subjects relevant to the PC only to the PC	The Treasury, the FC and the Finance Minister
05. Circulars issued by the Ministry of Public Administration	Despite Governor's powers being well defined, issuing of circulars by the government breaching the powers of PC Governor	Vesting powers to the Governor, and PC Secretaries	The President and the PC Ministry

Group A	Current Scenario	Alternative	Responsibility
06. Not making available the funds allocated for the PC	Especially in the development projects, not making available the allocated funds	Making the funds available as allocated	The FC, the Ministry of PCs and the Treasury
07. Suddenly discontinuing the allocated funds in mid term	13% slashed in 2007. If the interim budget is pending at that time, the continuity of PC administration is endangered	Making all relevant funds available and confirming the allocated funds at Yr start	The Ministry of PCs and the Treasury
08. Central govt departments and Ministries acting in breach of PC powers	Some Ministries of the Central Government function on same subjects of the PC and running special programmes such as Maga Neguma etc	Provision of all relevant funds to PC allocated at Yr start	The Finance Ministry, The Treasury and the PC Ministry
09. Obstacles in filling up vacant posts	The PC not being able to recruit its staff Even if recruitments are approved, no funds are made available PC being burdened with a staff not requested by it stalling PC's own graduate recruitment drive	Powers of recruitment to be vested with P C Administrations Commission	The Finance Ministry, The FC, the Treasury and the PC Ministry
10. Institutions on Regional Administration taken over by the central government	Recalling the PC Secy and his staff back by the Government	Re-vesting the PC Secy and his staff under the PC	The President, Minister for PCs and Public Services Minister

Group A	Current Scenario	Alternative	Responsibility
11. Overseas Projects of the PC being run by Central Govt	1. Ministry of PC handling the PC road building 2. PC list subjects run by Nation Building Ministry 3. Min of Education 4. PEAS Project run by Min of Irrigation 5. IFAD Project run by Min of Agriculture 6. Some Other Projects run by Education and Health Ministries	Run overseas funded projects directly by the PC according to S 22 of PC ACT	Min of Policy Planning and Implementation, Min of Finance, Foreign Affairs Dept, Min of External Resources
12. Need for AGs assent to pass PC bye-laws	Even though it is procedurally not required to forward to AG but only done as per tradition, AG offering conflicting/contradictory views on pending legislation	Formation of a legal draftspersons committee for the PC and obtaining its views before promulgation Methodical implementation mechanism to promulgate bye-laws	The President
13. Confusion in implementation of both central govt and PC powers when it comes to river bed resources including mining	Using alternative ways to implement PC powers (Eg: Resources Dept's 05/2001 circular to perform powers of the River Basin Authority)	Implementing the 13th Amendment as given	The Parliament and the President

The Team: Chief Minister Bertie Premalal, Coord Secy: Premasiri Hettiarachchi, PC MP RB Gnanathilleke, ADDtl Secy, Chief Ministry SMW Somasinghe, ADDtl Secy, Chief Ministry A Kularathne, Sunanda Thennakoon-Secy-PC State Services Commission, WA Ariyaratne, PC engineering (Director Finance)

Group Reports

Group B

Presented by WH Munasinghe - ADDL Secretary, Planning

Group B	Current Scenario	Alternative	Responsibility
1. Non implementation of 13 Amendment in full, govt interference in implementation, lack of funds	Remains the same	Influencing the Govt Accessing Legal system	The PC, the people
2. Issues in obtaining qualified human resources	Obstacles through various circulars, lack of funds	Influencing the Govt Accessing Legal system	The PC, the people
3. Politicians and officials dedicated to development work discontinuing their stations after some time	Lack of status, privileges	Making provision to afford status and privileges to them	The Central Government
4. Some officials directly answering to the central government	Remains the same and results in admin issues such as in Education and health	Re vesting of subjects / powers with central govt with the PC	The relevant line ministries
5 Lack of Sinhala and Tamil translators for legal work	All correspondence only in Sinhala	Removing obstacles to appointment of such personnel, Permission of main regulation 71 Governor being empowered	The relevant line ministries
6. Needs of various minorities within the PC are left unfulfilled	Not a serious issue	Enabling representation	Regional political leadership
7. Enlarging the Ministry of PC according to new regulations	Not necessary	--	--
8. Creating direct Parliamentary representation	Not necessary	--	--
9. Naming the permanent members of the Cabinet	Lacking in representation	Chief minister to be present in all Cabinet meetings	The President

Group Reports

Group C

Presented by HPS Jayarathne - Director-Budgets

Group C	Current Scenario	Alternative	Responsibility
01. Govt unwilling to transfer powers to PCs and PCs not keen to claim them	Excise & Police powers, Chief ministers Conference	Mutual understanding, implementing the APRC proposals	The Central Govt and the PC
02. Financial Issues I- Financial resources already vested are insufficient II- Dependency on the Central govt handouts III- Shortcomings in criteria re govt handouts IV- Allocated funds not received on time and in proper amounts V- Salaries and benefits due to officials are not able to be paid for lack of funds VI- Facilities for provision of PC and govt employees	-Funds are less than 10% of PC needs -90% dependency on govt handouts -PSD Guidelines lacking and / or outdated -Limits imposed by circulars -95% recurrent expenditure and 50% of capital expenditure funds not received on time -Unable to repay -Midway discontinuance -Lack of funds and not received on time -Govt not reimbursing funds needed for new appointments, increments and additional emoluments	-Introducing new resources -Strengthening existing resources -Determining criteria as per specific needs of PCs -Only Allocations that can be made available in full are provisioned to PCs -Preparation of a system which accommodates changing official numbers -Implement action so that all employees enjoy equal rights	The Central Govt and the PC The Central Govt and the FC The Central Govt The Central Govt and the FC The Central Govt
3. Human Resources -Lack of --Recruitment, transfer and promotion etc related issues	only 50% vacancies exist Limits on recruitment Need for Permission Salary issues Delay in disciplinary decisions	Establishing administrative service at regional levels	The Central Govt and the PC
4. Lack of Physical Resources	Existing infrastructure is very old and high maintenance costs	1. Allocating resources annually on a ratio basis 2. Annual contribution for infrastructure maintenance	The Govt

Group C	Current Scenario	Alternative	Responsibility
5. Legislatives interpretations twisted in favour of the central government	Eg: AGs opinion when the Kegalle Hospital was taken over	Creating a post for legal officer who is directly responsible to the PC	Central Govt and the PC
6. Obstacles to implement subjects mentioned in the concurrent list	lengthy and unclear legal procedure Govt blocks PCs efforts through its own legislation	Remove concurrent lists	Central Govt and the PC
7. Weak participation by PC in the decision making process of central government in PC related affairs	Only PC Minister participates	Appointing PC Chief ministers to the Cabinet of Ministers as well	Central Govt and the PC
8. Govt officials' unwillingness to accept PC bye-laws	1. Non acceptance of bye-laws 2. Conceding that govt's laws are more powerful and 'in force'	Creating awareness for the officials and changing their attitudes	Central Govt and the PC
9. Taking over of PC's subjects based on national policies	The 10000 lakes programme National Schools	Remove 'national policy' approach Are there set criteria for the national policy? Defined?	Central Govt and the PC

The Team:

KH Nandasena, Chairman, PB Dissanayake-MPPC, BG Mahindaathne-Revenue Commissioner, M Piyasena, Director, Provincial Agro Ministry, Neil de Alwis-Secy of PC Agro-Irrigation Ministry, G K Damayanthi-ADDI secy-PC (Finance) Agro-Irrigation Ministry, Vaidyakumara Alwis-Ayurveda Commissionr PC and S Jayarathne - Secy Office Budget Officer

Group Reports

Group D

Presented by HPS Jayarathne - Director-Budgets

Group D	Current Scenario	Alternative	Responsibility
1. Issues when exercising the theoretical powers given to the PCs	Delays in AG approval for bye-laws and certain bye-laws adjudged in favour of the govt	Amending legislation in a way that AG is accountable to the PC Redistribution of concurrent listed subjects Restructuring central govt departments smaller	The PC
2. The functioning of the Executive Presidency hampers PC system	Delaying President's appointee to the Police Commission S 15(2) of PC Act enables the president to exercise certain powers over the governors (Eg: Dissolving the NCP)	Clearly specifying the powers of the governors and stating that executive power vests with the governor Specifying time limits in appointments of commission members	Central Govt
3. Recalling PC powers back to the central government	Agrarian Services, National Schools	Enacting that when recalling powers, 2/3rd PC majority consent should be obtained	Central Govt
4. Difficulty in implementing the financial powers	Limitations by central government circulars, limits on obtaining loans, PC financial provisions legislated	Amend S 148 "PC Financial Control is with the central govt" statement	Central Govt

Group D	Current Scenario	Alternative	Responsibility
5. Development related allocations not received	<p>The FC depends on the treasury recommendations for PC allocations</p> <p>Ill defined criteria resulting in non receipt of fiscal allocation (Eg: 2007 Estimates were 426 m but received only 238m)</p> <p>Non availability of funds for new expense decisions by the central govt</p>	Expanding the powers of FC, clearly defining income sharing between the govt and the PC	<p>The Central Govt</p> <p>The Central Govt</p> <p>The Central Govt</p>
6. Not receiving sufficient allocations	Only 34% of the total estimate was released.	<p>To institute regulation that all approved funding to be passed and if fiscal issues arise, then ways to fulfill them</p> <p>Allocating funds on equal basis for the govt and the PC</p>	
7. Central govt performing PC subject functions	The Central Govt has completed 386.7 m (2007) in irrigations (71.6 m), agro (3.7 m) for PC secretaries	Bringing regulations that these should be performed by the PC	The Treasury
8. Short staffed and obstacles to create new posts	Different priorities for the Central govt and the PC, need of Management Services Dept's permission	Widen PC State Service' Powers	The Central Govt
9. Auditing process	<p>The auditors' opinion that the Treasury circulars are more in force than Governors' Circulars</p> <p>Embarrassing Investigations by the govt on PC officials</p>	Appoint a PC-AG and an Ombudsman	The Central Govt

Group D	Current Scenario	Alternative	Responsibility
10. Issue of devolving fiscal powers to PCs	<p>-Even though Pradeshiya Sabha accounts were under PCs till 1992, lately they are vested with Govt supervision.</p> <p>-Inability to execute fiscal powers through Pradeshiya Sabhas since PCs are independent entities</p>	<p>Clear definition of national policy and enlisting PC contribution in national policy creation</p>	<p>Legislature</p> <p>The Executive</p> <p>The Judiciary</p>

Group Reports

Group E

Presented by A Thalakatunage - Chief Secy

Group E	Current Scenario	Alternative	Responsibility
1. The 13th Amendment is not a reality	-Inconsistencies among various provisions of the constitution lead to legal obstacles -S 76 of the constitution still in force contravening 13 Amendment's S 154 E. -Non implementation of the 13th Amendment and lack of a conducive environment for it	Removing the discrepancies within the constitution and introducing relevant amendments Clear distinction of concurrent list subjects and re-devolving the powers between the govt and the PC	The Legislative The Executive The Judiciary
2. Centralised power and national policy structures	Retaking of powers & subjects of PC on the pretext of implementing national policy Eg: Teaching Schools	Defining national policy clearly and when interpreting them, enlisting PC contribution	The Legislative The Executive The Judiciary
3. Vacant posts are left unfilled and problems thereto	Not affording priority for PC requirements since islandwide appointments are made through the govt's appointment setup Eg: When it comes to new appointments, priority given to central govt vacancies	steps to ensure prompt filling of vacancies steps to ensure prompt approval and service of Management Services Department in filling of vacancies	Officials enlisted to be appointed islandwide and Management Services Department
4. Creation of financial crisis due to non provision of funds in a timely manner and reducing funds by 7%	The traditional reduction of funds allocated to the PC and further reductions and delays in issuing the remainder	Funds recommended by the FC to be passed to the PC with no changes Making available Interim funds in lieu of allocated funds	The FC and the Treasury
5. Inability to implement development plans due to uncertainty in receiving funds from FC	Recommendations by FC for PCs are further reduced by the govt. Eg: 2007 -Recommended amount for recurrent expenditure 6356 m Estim: 5315 Received: 5200	The treasury should confirm that funds recommended by the FC will be received	The FC and the treasury

Group E	Current Scenario	Alternative	Responsibility
6. Trying to destabilise the PC functions due to the central govt's interference	The govt, using massive funds, getting involved in PC subject activities Eg: Maga Neguma, Vaari Pubuduva, 10000 Lakes..etc	Direct funds provision for PCs for their subject activities	Ministries with the Executive
7. Lack of a strong regional civil society	The civil society not aware of its rights and not taking any actions towards it	Create awareness and strengthen the civil society	The central govt and PCs
8. Central govt laws restricting use of PC's resources for the benefit of PC itself	Taxes on PC resources, re-vesting with the central govt Eg: forests	Invalidating circulars that contravenes subject powers of the PC	Respective Ministries and the Central Govt
9. Central govt officials blocking implementation of devolution attempts	Fear of loss of powers and need to preserve status Eg: Excise powers, Motor vehicle registration powers	Creating awareness for the officials and taking disciplinary actions	Central govt officials
<p>The Team: Gamage Weerasena, Minister for Health and Social Welfare--Anil Rathnayake PC MP--A Thalakatunage, Secy--R Surendra, Deputy Chief Secy Finance--- Sunil Bandara, Deputy Chief Secy Engineering--R B Weerasekera, Addtl Secy, Highways and Irrigation ---- Gnana Wijayasinghe, Addl Secy for Finance, Highways, Power and Coops---Gamini Sarath Liyanage, PC Irrigation Director</p>			

Group Reports

Group F

Presented by Viraj Perera - Commissioner for PCs

Group F	Current Scenario	Alternative	Responsibility
1. Minimising central govt funds for PCs	90% of current PC fund requirements are met by the govt	Creating a legal environment for the PC to enhance income	The PC and the Central Govt
2. Non receipt of adequate funds at present	Not availability of funds for PCs due to lack of money in treasury	Not issuing funds within a dsignated time period	The Finance Commission, Treasury
3. Issues to implement the constitution	Despite clear devolution of power, lack of interest in implementation	Providing opportunity to implement fully	The PC and the Central Govt
4. No importance for regional development plans	Not receiving finances as not affording importance for regional development plans	Give importance for regional development plans	The Central Govt
5. The Central govt implementing PC functions without consent of the PC	The govt intentionally ignoring PC functions and implementing by itself	Make the necessary funds available to the PC	The Central Govt
6. Due to challenges mentioned above, the devolution of power concept has become unpopular among the people	Unpopular/dissatisfied	In consensus, both the PC and the Govt allowing the PC to fulfil its duties and providing the necessary funds	The PC and the Central Govt
7. Reclaiming powers devolved in the 13 Amendment back to the govt, the Central govt performing main activities of the PC and confusion as to who is finally responsible for the development of the region. Eg: 1. Maga Neguma & Gama Neguma function on a top to bottom plannig approach 2. Issues due to taking over of National Schools and Hospitals 3. Taking over of Administration and Agrarian Services	The PC has failed to create line ministries on t he subjects devolved The PC has failed to create line ministries on t he subjects devolved Non categorisation of schools and non provision of funds to their development non provision of development funds to hospitals	When implementation plans on subjects are made sans creation of particular line ministries, provide funds and support to the PCs Vest these subjects under the PC and provide finances	the Central Govt
8. Weak coordination between the PCs and the govt	Min of PCs established	Bringing Min of PCs under the direct control of the President and setting up appropriate mechanism	the President

The Team:

S Gunerathna, Chief Organiser of the Governing Party---Viraj Perera, Provincial Commissioner---RB Vanninayake, Secy, Chief Ministry---K Jayalath, Secy, Min of Industries---TG Rathnayake, Regional Director, Health and Livestocks---TB Wijesooriya, Commissioner for Development of Cooperatives---Nimal Karunathilleke, PC Admin Department Deputy Director (Finance).

UVA PROVINCE



Group Reports

Group A

Presented by Manel Rathnayake - chairman, Uva PC

Group A	Current Scenario	Alternative	Responsibility
1. Reluctance to devolve the centralised powers	Reluctance to devolve powers	Implement 13 Amendment fully	Democratic Parties
2. The FC nor the PC has powers to redistribute collected revenues	Highly dissatisfactory	Allocating a percentage from the national tax collection revenues for less developed PCs. The FC and the PC together need to do this	The FC, PC and the govt
3. No political will on the part of the state leadership to devolve powers	No political will on the part of the state leadership to devolve powers	Focus the leadership through awareness/ understanding	The political parties and civil society
4. Taking steps to improve the standard of living of minorities and groups not represented in the PC	No space to address issues of minorities within PCs	The financial allocations received are shared based on national policies	All political parties represented in the PC
5. Top-down approach in planning process Eg: Foreign funded projects such as <i>Maga Neguma</i> etc run on plans from the top	The top down planning approach cannot be approved	Consensus between the Central govt, PC and provincial institutions	The Central govt / PC
6. Confusion as to who is finally responsible for the development of the region as key service sectors run by the govt	Confusion as to who is finally responsible for the development of the region as key service sectors run by the govt	Allocating responsibilities clearly	The Central govt / PC
7. The regional citizen has no voice in choosing thier own livelihoods	-	Take measures to strenngthen civil organisations	The Central govt / PC
8. Retaking of Central Govt Administration and Agrarian Services from the PCs	Removing Central Govt Administration and Agrarian Services from the PCs	Central Govt Administration and Agrarian Services re-vest under the PCs	The Central govt / PC
9. Contradictions between the govt and the PCs on state service Transfers, promotions and appointments	Contradictions between the govt and the PCs on state service Transfers, promotions and appointments	Appointment of special personnel to the PC done solely through PC's discretion	Central Govt

Group A	Current Scenario	Alternative	Responsibility
10. Re integrating national schools and hospitals back to PCs	national hospitals and schools are currently not under PCs	Re-vesting national hospitals and schools under PCs and provision of all funds needed	The Central Govt
11. Resolving issues between the central govt and the PC on passenger transport	Powers on passenger transport are vested with the Transport Commission	Give equal powers to the PC on policy decisions	Central Govt, Min of Transport, PC Min of Transport
12. Taking steps to improve the standard of living of minorities and groups not represented in the PC	The standard of living of minorities and groups not represented in the PC is limited to powers of the PC	Identifying specific needs, fulfilling their needs and running specific programmes	The PC, Political Groups
13. Creating an organisational structure that addresses needs of the region, has data on the region, conducts research, and runs appropriate beneficial programmes	There exists an organisational structure that addresses needs of the region, has data on the region, conducts research, and runs appropriate beneficial programmes	Establishing such an institution immediately and activating it	The PC
14. Improperly defined concept of 'national policy'	Definition of 'national policy' should change in the post PC era	The 'national policy' should run along the 13 Amendment provisos	The PC and the Central Govt
15. PC system in crisis due to retaking of powers given through 13 Amendment	PC system in in grave crisis due to retaking of powers given through 13 Amendment	Taking immediate action to vest the PCs with their powers	The Parliament and the President
16. Creating a mechanism to lessen differences among the PCs	An active apparatus is functioning to lessen differences between the PCs	Essential	The Parliament
<p>The Team: Manel Rathnayake, Chairwoman---M Somathilleke, Secy to Governor, P Loganathan MP PC---- Dayarathna Bandara, Minister of Sports--Upali Samaraweera, Opposition Leader</p>			

Group Reports

Group B

Presented by DS Amarasinghe -Secy, Uva PC

Group B	Current Scenario	Alternative	Responsibility
1. Improperly defined concept of 'national policy'	Lack of a clear definition	Declaring a consensus based 'national policy'	The PC and the Parliament
2. Inability to implement the language policy'	Policy confusion	Include in the education policy-short term solutions	The PC and the govt
3. Under 154 E the limit of appointing only five ministers needs to be revised	The current condition needs to be changed	No of ministers needs to be increased to seven	The Legislature
4. Making the provincial institutional heads accountable to the provincial admin and making the PC heads accountable to the Parlaiment	Not at present	Amend Acts for representation	The Legislature
5. Powers of the provincial institutions, PCs and the Govt need to be set out in a document	Confusion	Document with specific responsibilities	A committee representing all parties in the Govt and PC
6. 154 K, 154M, 154 H, 154R sections in the constitution should be amended	No confidence in the devolution of powers since not independent	Ensure independence and amend accordingly	The Legislature
7. Confusion of powers when it comes to river valleys and sand mining	Problematic	Consensus between the Govt and the PC	The Central Govt and the PC
8. Conflicts between the PC and the Govt in appointments and transfers in public service	Problematic	Come to consensus after discussions	The Central Govt and the PC
9. Taking steps to improve the standard of living of minorities and groups not represented in the PC	No representation at present	Introducing a new system	The Legislature
10. Expertise and specialist knowledge being with the Govt is a limitation on PCs	Very Problematic	The Govt needs to allocate its expertise bank fairly and take steps to provide with such specialists	The Govt
11. The Central gov, through its Management Services Board does not allow appointments of personnel to the PC	Very Problematic	Management Services Board should be flexible	The Govt
12. Prevent incursions into PCs functions by the Central Govt	Problematic	Avoid incursions and change the current status quo	The Govt
13. Set up mechanism to reduce differences between various PCs	Problematic	Remove differences between various PCs	Through a committee appointed by the Govt

Group Reports

Group C

Presented by Aravinda Kumar -MP PC, & L Rajadasa-Secy Education Ministry

Group C	Current Scenario	Alternative	Responsibility
1. PC officials status placed lower than Govt officials	The Same	Create awareness on the levels of responsibility of PC officials	PC Ministry, All relevant institutions
2. Duplication of efforts by both the Govt and the PC	---do---	National Ministries with same functions as PC ministries made aware of their limitations	PC Ministry, relevant Ministries, Presidential Secretariat
3. Some aspects are duplicated even within the PC system itself	---do---	Each sections need to identify their functional limits	Chief Secy and Heads of each function
4. Govt officials are against devolution of power	---do---	Presidential Secretariat mediating in situation where devolution is opposed	Presidential Secretariat, Divisional secretariat
5. Re integrating national schools and hospitals back to PCs	---do---	Vest with the PC along with relevant provisions	Ministry of Health and Education
6. Resolve issues between the Govt and PC on passenger transportation	---do---	Remove obstacles to limitations of implementation	PC Ministry, National Transport Commission
7. Avoid delays in re-channelling provincial taxes back to PC and assist local govt institutions in regional development	---do---	Organise in such a way that these issues do not arise	Secy- PC Ministry, Institutional heads
8. Retaking of powers given by 13 Amendment and the crisis thereto	---do---	Stop recalling powers and disallow such leadership	Presidential Secretariat, PC Secys
9. Concurrent list should bring a balance of power between the Govt and the PC. However, Sri Lanka's experience is that the devolved powers get 're-centralised'. The Concurrent list is a result of lessons from countries such as India. How should this be adopted for Sri Lanka?	---do---	Re evaluate the functions in the Concurrent list and give powers back to the PC.	Presidential Secretariat, PC Secys
10. Re-evaluate role of the Governor	---do---	The Governor needs guidance on 13 Amendment, powers of PCs and PC Act	Presidential Secretary and Governors

Group C	Current Scenario	Alternative	Responsibility
11. Implementing the language policy with strong political will	---do---	Essential to implement	All heads of PCs
12. Enable PCs to resource foreign aid directly	---do---	PCs should be able to resource foreign aid directly	Presidential Secretariat, PS Secys
13. Run Ministry of Law and Order of the PC in sync with the Govt	---do---	Ministry of Law and Order of the PC should function in sync with the Govt and should not create obstacles to 13 Amendment	Presidential Secretariat, PC Ministry Secys
14. Removing legal obstacles by the govt on using PC's own resources for the PC	---do---	Removing legal restrictions by the govt on using PC's own resources for the benefit PC	Presidential Secretariat, PC Ministries
15. Creating a mechanism to implement and evaluate recommendations of the PC Governors and Ministers	---do---	Establishing a special unit that will implement the decisions and recommendations	Ministry of PCs
The Team Aravinda Kumar-MP PC, SL Rajadasa Secy Min of Education, Vijitha Verugoda, PC MP, KD Sirisena, Secy Power Ministry, Kumarasiri Rathnayake, MP PC			

Group Reports

Group D

Uva Province

Presented by Vijayamuni Soysa - Minister of Uva Province

Group D	Current Scenario	Alternative	Responsibility
1. Lack of funds to develop infrastructures in the PC region	Not satisfactory	Stop executing PCs functions by Govt and enable PC to function them	Minister of Finance of the Govt
2. Separate units for policy, budget and plans, and separation of recurrent and capital expenditures	Currently based on the recommendations of the FC	Give discretion to PC to implement as it wishes	Minister of PCs and Local Governance Minister of the Govt
3. Ignoring the private sector in PC service provision	Though plans are in place, neither permissions nor funds given	Prompt permissions for plans approved by the PC	The Govt cabinet of Ministers
4. Appointing a go-between person to coordinate with the FC	The FC has influence in decisions	What is needed is the guidance and recommendations instead of influences.	The Financial Commission
5. Delaying the redistribution of collected revenues back to local governance and systematic support to PCs in regional developments	Takes place now	Allow without delays	The Financial Minister of the PC
6. Commencing a unit specialised in the knowledge of the PC's region with data and research	Not existing now	Essential. Also a web site	PC Secy
7. The FC not the PC having no powers to redistribute the collected revenues	Not relevant	Not relevant	Not relevant
8. Making the annual allocations available to the PCs on time	Not done now	Making the full funds available as per estimates	The FC
The Team Gamini Vijayamuni Soysa, Chief minister of Uva, Ananda kumarasiri- MP PC JM. Goonethilleke - MP PC Sumith Suraveera - Secy, Sports Ministry of Uva Province WM Attanayake - Deputy Chief Secy- Uva			

NORTH
WESTERN
PROVINCE
(WAYAMBA)



Group Reports

Group A

Presented by Prasanna Senarath -Chief Organiser, Opposition

Group A	Current Scenario	Alternative	Responsibility
1. Reluctance to decentralise	Governments coming to power so far have been not keen to implement 13 Amendment powers fully Not providing finances sufficiently No freedom for party politics Reclaiming through administrative procedures Reclaiming powers through Parliamentary Acts	Create bye-laws to implement the subjects Allocating certain amount from the collected revenues All PCs should together create awareness and come to a consensus	Ministers in charge of functions, Chief Ministers' conference, team consisting of party leaders in the PCs
2. The FC nor PC has no power to redistribute revenues collected	Rather than amount collected and the need, distributing based on other criteria	Allocating a certain percentage from the revenues collected	Chief ministers, the FC and the Treasury
3. No political will on the part of the government to implement devolution despite PCs being there for two decades	The ruling party and the opposition agree to 13 Amendment based on international pressure	Formulating legal and other structured needed to strengthen the PC, subject in the concurrent list to be integrawted to the PC list	Chief Ministers, the Finance Commission and the Treasury
4. Taking steps to improve the standard of living of minorities and groups not represented in the PC	The Same	MP Representations based on ethnicity	The Govt, Party Leaders and Ethnic leaders
5. A Top Down approach in planning (Eg: Maga Neguma)	Without the PC being aware, provosion of funds and projects through line ministries	National level plans should be formulated based on regional and provincial level planning	Ministry of Policy Implementation, A Planning Commission
6. Services are vested with the government and it is not clear as to who is responsible for the development of the region	This is a developing scenario	Clarifying the legal position of devolved subjects	The Parliament

Group A	Current Scenario	Alternative	Responsibility
7. Citizen's not consulted when it comes to deciding their livelihood	Despite using various methodologies to receive public input, public are still not trusting the PC	Creating a method of assuaging public input in such a way that their trust is won	The PC, the Govt and the PS
8. Re integrating the Govt Administration and agrarian services back to PC	The government began strengthening them once they were taken over	The AG, PS Secy, Grama Niladhari and officlas in charge of concurrent list to be re-enlisted with the PC	The Govt
9. Disputes between the government and the PC on appointments, transfers and promotions	Differences have been ironed out to a great extent	Creating national policies on appointments, transfers and promotions with the consensus of the PC	The PC and the Govt
10. Re integrating the administration of national level schools and hospitals back to PCs	—	Re integrate national schools to the PC	Ministry of Education
11. Resolving issues with regard to passenger transport	Problems in inter state bus transport	Preparation of a national policy formed together by all PCs	PC Ministry and Transport Ministry
12. Taking steps to improve the standard of living of minorities and groups not represented in the PC	Being solved on its own	Not relevant	Not relevant
13. Commencing a unit specialised in the knowledge of the PC's region with data and research	No such institution now	Set up such institutions	The PC
14. The term 'national policy' is ill defined	'Yes'	The term 'national policy' should be defined well	The Parliament
<p>The Team Minister Darnasiri Dassanayake, Shama Prasanna Senarath, Somasiri Ekanayake, Upulangani Malagamuwa, ananda Punyakumara, Sunil Padmashantha and Hiyarapitiya</p>			

Group Reports

Group B

Wayamba Province

Presented by UB Thambugala -Secretary, Main Ministry

Group B	Current Scenario	Alternative	Responsibility
1. The term 'national policy' is ill defined	Development process halted as no clear policy, changes in policy orientation as a result of governmental changes	Formulating common policy for all sectors	The cabinet of ministers
2. Not implementing the language policy in practice	Halts development and results in ethnic conflict	Making Tamil compulsory from elementary levels, making it compulsory for the govt officials to learn Tamil	All Ministerial heads and departmental heads
3. The no of ministers under S 154 E should be increased beyond 5	Lack of attention to certain sectors resulting in low levels of development	Ability to take decisions with the PC Ministries, implementation after an evaluation/study	Deciding the numbers and the subjects by the Parliament
4. Making laws to make local governance heads accountable to the PCs and in turn heads of PCs accountable to Parliament	Issues due to Parliament MPs getting involved in local level politics, local level opinions not reflected in Parliament	Creating an opening for representations in Parliament through amendment to the constitution	the Parliament
5. Creating a definitive document outlining the powers of the local government institutions, PCs and the central government	Obstacles to development Disputes Ill defined powers	Creating a list of powers through an amendment to the Constitution	the Parliament
6. 154 K, 154M, 154 H, 154R sections in the constitution should be amended	Public trust in devolution is breached The FC not performing its designated tasks	Amending the constitution so that the PCs get powers	the Parliament
7. Power struggles between the PC and the Govt when it comes to issues of river basin and sand mining	Obstacles to development Disputes between the government and the PC	Giving decision making powers to the PC, allocating certain amount of PC revenues back to PC	the Parliament and the PC
8. Conflicts between the govt and the PCs on state service Transfers, promotions and appointments	Development stalled due to delays in execution of official duties Public services losing on the qualitative aspect	Vesting all appointments and transfers within the PC to the PC Public Service Employees Commission	National Public Service Commission
9. Taking steps to improve the standard of living of minorities and groups not represented in the PC	Non availability of equal opportunities Minorities dissatisfied	Provision of proportional representation, making equal opportunities available, amending constitution in fiscal allocations and resource allocations	the Parliament, the Local govt authority and officials

Group Reports

Group C

Presented by Padmini Kariyawasam -Commissioner, Dept of Probation and Childcare

Group C	Current Scenario	Alternative	Responsibility
1. PC officials' status placed lower than Govt officials	Controlling PC officials through circulars to retake delegated powers	Create attitudinal change Create constant dialogue between the Govt and the PC	Political leadership- <i>Provincial and national</i> Administrative Leadership <i>Provincial and national</i>
2. Duplication of efforts by both the Govt and the PC	Duplication in all matters (Samurdhi/Education/Welfare)	Identify powers related to PC functions clearly before obtaining them	---do----
3. Some aspects are duplicated even within the PC system itself	Same functions exercised by many departments and ministries	Vesting the subject on an institution specialised to do it	Provincial Ministerial 'cabinet'
4. Govt officials are against devolution of power	The govt takes steps to implement through various circulars, especially functions in concurrent list	Promulgation of bye-laws for PC functions	Provincial Ministerial 'cabinet' and the officials
5. Re integrating national schools and hospitals back to PCs	Successful schools and hospitals taken over for the sake of 'national wellbeing'	Formulate specific subject codecs Take action against re-taking	Provincial Ministerial 'cabinet' and the officials
6. Resolve issues between the Govt and PC on passenger transportation	Problematic scenario when it comes to inter-PC transports	Formulate a national policy	Ministries of Central Govt
7. Avoid delays in re-channelling provincial taxes back to PC and assist local govt institutions in regional development	Since the available funds are not sufficient for PCs, money due for local govt institutions used by PCs	Making the funds from central govt available on time and in correct amounts	PC Treasury

The Team

Hon. Ashoka Wadigamangawa- Leader of the Opposition

Hon.Lakshman Wedaruva, Hon.Abdeen Ehiya, Hon.Kumari Ekanayake, Mr WD Dayananda
 Ms Daisy Darmawardene, Ms. Padmini Kariyawasam, Ms. Nayana Kariyawasam

Group Reports

Group D

Presented by Jayantha Wijerathne-Secretary,
 Ministry of Agriculture

Group D	Current Scenario	Alternative	Responsibility
1. Lack of funds to develop infrastructures in the PC's region	a. Non provision of funds required by the PC resulting in the breakdown of services b. Not receiving funds on time leading to fall of trust by the public c. Due to 'a' above, development efforts delayed and increased required capital investments for them d. Also, funds for PC development activities are given to Govt departments rather than the PC itself		
2. Separate units for policy, budget and plans, and separation of recurrent and capital expenditures		Reevaluate criteria in fund allocation for PCs -Place weightage according to development needs of the province- Poverty %, Unemployment%, Geographic spread, contribution to the GDP and include these in the Constitution	
3. Ignoring the private sector in PC service provision			The Parliament, Finance Ministry and the Finance Commission
4. Appointing a go-between person to coordinate with the FC		Not at present but needs to implement through a change to the PC Act	
5. Delaying the redistribution of collected revenues back to local governance and systematic support to PCs in regional developments		This is due to financial problems of the PC. Funds from the govt are not received on time	
6. Commencing a unit specialised in the knowledge of the PC's region with data and research		Establish Provincial Planning Commission through a bye-law	
7. The FC nor the PC has no powers to redistribute the collected revenues	Exists now	Act should be amended to change	

The Team

Mr Ayubkhan, Lakshman Vendaruwa-MP PC, Mohammed Thahir-MP PC, Gunasinghe Banda-MP PC, MM Thasleen-MP PC, GB Jayasundara-Wayamba Provicne Secy, MI Sainudeen, Jayantha Wijerathne, V Malini, Indika Ilangakoon, Mr. WD Dayananda, Ms. Daisy Dharmawardene, Ms. Padmini Kariyawasam, Ms. Nayana Kariyawasam

EASTERN PROVINCE



Group Reports

Eastern Province
(Trincomalee)

Group A	Current Scenario	Alternative	Responsibility
1. The FC nor the PC has powers to redistribute collected revenues	Due to the lack of elected representatives	Reclaiming the powers of PC back through elected representatives	The FC, PC and the govt
2. No political will on the part of the state leadership to devolve powers despite PCs have been in existence for two decades	Not only the government but even other institutions need to play a role	Influence the govt through elected representatives. The govt need to be flexible in such instances	The PC, the govt and Line Ministries
3. Taking steps to improve the standard of living of minorities and groups not represented in the PC			
4. Top-Down approach in planning process Eg: Foreign funded projects such as <i>Maga Neguma</i> etc are planned by the Govt	Suggestions taken in from the levels of Pradeshiya Sabhas and PCs	Full powers should be devolved to PCs	The PC
5. The regional citizen has no voice in choosing thier own livelihoods	The citizen is not given the full opportunity to voice their suggestions	The PC and Pradeshiya Sabha work with the correct understanding	The PC
6. Retaking of Govt Administration and Agrarian Services from the PCs	Govt runs them	Govt Administration and Agrarian Services should be run by the PCs	The govt
7. Contradictions between the govt and the PCs on state service Transfers, promotions and appointments	Currently performed by the Govt. PCs send their recommendations	Give relevant powers to the PCs	The PC
8. Re integrating national schools and hospitals back to PCs	The responsibility is vested with the PC	Vest all powers with the PC while removing the word 'National'	

Group A	Current Scenario	Alternative	Responsibility
9. Resolving issues on passenger transport between the Govt and the PC	Only a department for highways is found	PC should be given formal powers	The PC
10. Taking steps to improve the standard of living of minorities and groups not represented in the PC	PC is non functional on this	Perform through elected representatives	The PC
11. Creating a unit that addresses needs of the region, has data on the region, conducts research, and runs appropriate beneficial programmes	Implemented separately for each section but serves the Govt	Develop PCs human resources. Establish a coordinating body for the PC	The PC
12. PC officials' status placed lower than Govt officials	Central Govt officials think highly of themselves	Province officials given same status and privileges	The PC and the Govt
13. Duplication of efforts by both the Govt and the PC	Actions done without proper coordination	Needed: Clear definitions of powers devolved; Acting independently	The PC and the Govt
14. Some aspects are duplicated even within the PC system itself	Somewhat lesser since discussions are constantly held	Discuss within the PC itself and allocating time slots for it	Chief Secy and all the secretaries
15. Govt officials are against devolution of power	Govt officials are against it	Correct attitudes on power sharing needed, create awareness on proper political views	Constitution drafters, PC and the Govt, District Secy
16. Funds not available for infrastructure development	Tasks performed by the Govt. Allocated funds not received.	Improving efficiency of the FC	The Govt, the FC and the PC
17. Policy formulation, budgeting and planning done by separate units. Recurrent and capital expenditure maintained separately.	Functions separately. But no decision making powers	Give relevant powers to the PC	The Govt, the relevant minister and the PC
18. The private sector ignored in PC service provision	No approach right now	Formulate an approach based on sound management	the PC
19. Appointing a go-between to coordinate between the PC and the Finance Commission	No such reps at the moment	Formalising the current situation is sufficient The FCs procedures on PC finances needs to be made more efficient	Chief Secy

Group Reports

Group B	Current Scenario	Alternative	Responsibility
1. The FC nor PC has no power to redistribute revenues collected	No taxes on Health sector	The PCs should receive full powers	The Govt
2. No political will on the part of the government to implement devolution despite PCs being there for two decades	The Volatile security situation in East has resulted in such decisions	Appoint a fully fledged PC and the negotiate with the Govt	The President and the relevant Ministers
3. Not taking steps to improve the standard of living of minorities and groups not represented in the PC	Since the PC has no powers on these.	Give full powers to the PC	The Health Ministry of the Govt
4. A Top Down approach in planning (Eg: Maga Neguma)	Not independent, no consistent policies and Govt gets involved	Give full powers to the PC	The PC and national policy planning institute
5. The regional citizen has no voice in choosing their own livelihoods	No mechanism nor attitude	Institute a mechanism that gives representation	The PC
6. Re integrating public administration and agrarian services to the PC	Most decisions are taken by the Govt	Bring the District Secy under the PC, give powers to the PC	The Govt
7. Conflicts between the govt and the PCs on state service Transfers, promotions and appointments	All decisions are taken by the Govt	Transfer of doctors should be vested with the govt while other powers to be with the PC	The Govt
8. Re integrating national schools and hospitals back to PCs	All activities are by the Govt	Give full powers to the PC but in matters of Govt, allow Govt to prevail	The Govt
9. Resolve issues between the Govt and PC on passenger transportation			
10. Taking steps to improve the standard of living of minorities and groups not represented in the PC	As no capable representative is available to represent minorities and groups not in the PC	Appoint PC representatives and commence a mechanism	The PC

Group B	Current Scenario	Alternative	Responsibility
11. The FC nor the PC has powers to redistribute collected revenues	not relevant to health sector	Give full powers to the PC	The Govt
12. PC officials' status placed lower than Govt officials	Govt officials feel so	PC officials too be given status and privileges and choosing officlas with experience to run the PCs	<i>Provincial and national</i>
13. Duplication of efforts by both the Govt and the PC	No serious issues, cooperation with the Govt	Liaise with the Govt with full understanding	The Govt and PC
14. Some aspects are duplicated even within the PC system itself	Not in health sector	Vesting the subject on an institution specialised to do it	Senior Secretary, Ministry of PC Secy
15. Govt officials are against devolution of power	Govt Officials unhappy about this	Creating awareness on devolution for Govt officials, and creating a national level debate	The Govt
16. Funds not available for infrastructure development	Infact, funds are sufficient but involvement of NGOs is what is needed	Set guidelines for funding agencies	Secy of the PC, PC Ministry Secy
17. Policy formulation, budgeting and planning done by separate units. Recurrent and capital expenditure maintained separately.	Not functioning properly	Establishing a coordinated unit subjected to annual audit/evaluations	PC
18. The private sector ignored in PC service provision			
19. Appointing a go-between to coordinate between the PC and the Fianance Commission	Not functioning	Essential	The FC, the PC and the Minister

Group C Reports

Group C	Current Scenario	Alternative	Responsibility
1. The FC nor the PC has powers to redistribute collected revenues	No tax revenues for the PC, all funds are from the Central Govt	No alternatives since there's a national policy on taxes	the Central govt
2. No political will on the part of the state leadership to devolve powers despite PCs have been in existence for two decades	Central Govt officials are in fact against the PCs	Create awareness Regularise PCs originally brought for N&E	Policy planners of the Govt
3. Taking steps to improve the standard of living of minorities and groups not represented in the PC	The situation continues	Officials should take steps to correct this	The PC, Praseshiya Secy
4. Top-Down approach in planning process Eg: Foreign funded projects such as <i>Maga Neguma</i> etc are planned by the Govt	---	Powers already given for planning. Use powers given for planning to the maximum	The PC, the Central Govt and the local government institutions
5. The regional citizen has no voice in choosing thier own livelihoods	Same as other PCs	Creating a PC apparatus that listens to the people	The PC, officials
6. Retaking of Public Administration and Agrarian Services from the PCs	Under the Central Govt supervision	These powers should be devolved if services are to be provided well	The govt
7. Contradictions between the govt and the PCs on state service Transfers, promotions and appointments	Under the Central Govt supervision	Give full powers to the PCs	The PC
8. Re integrating national schools and hospitals back to PCs	The responsibility is vested with the govt	Vest all powers with the PC while removing the word and concept 'National'	The Central govt, The PC
9. Resolve issues between the Govt and PC on passenger transportation	There are some issues	Though there are two ministries, if they are aware of their given duties, there will not be any confusion	The Central govt, The PC and relevant Secys

Group C	Current Scenario	Alternative	Responsibility
10. Taking steps to improve the standard of living of minorities and groups not represented in the PC	'Nothing to report'	Officials need to pay more attention	The PC Secy
11. Creating a unit that addresses needs of the region, has data on the region, conducts research, and runs appropriate beneficial programmes	No powers given to the PC	Implement PC law. Delegate powers in PC Act to local govt institutions	The PC, the Central Govt
12. PC officials' status placed lower than Govt officials	'Happens this way'	Create awareness	the Central Govt
13. Duplication of efforts by both the Govt and the PC	'Happens this way'	Combine both Govt and PC ministries and Distinguishing the activities of both the Govt and PC ministries from one another	The Ministry Secy, PC and the Central Govt
14. Some aspects are duplicated even within the PC system itself	Somewhat lesser	Holding discussions on these activities	The Ministry secretaries
15. Central Govt officials are against Implementations of devolution of power	Central Govt officials express anti-devolution ideas, disagree to devolve decision making, an anti devolution group among them	create awareness on power sharing, PC Act and laws and need for PCs	PC and the Central Govt, Policy planners
16. Funds not available for infrastructure development	Obstacles from the Central Govt and FC. Allocated funds less than amounts needed	Improving management of the FC, pay back PC revenues to the PCs, make all FC approved funds available	The Central Govt, the FC
17. Policy formulation, budgeting and planning done by separate units. Recurrent and capital expenditure maintained separately.			
18. The private sector ignored in PC service provision	No approach right now	Formulate an approach to involve the private sector	the PC
19. Appointing a go-between to coordinate between the PC and the Finance Commission			

Group Reports

Group D

Eastern Province
(Trincomalee)

Group C	Current Scenario	Alternative	Responsibility
1. The FC nor the PC has powers to redistribute collected revenues			
2. No political will on the part of the state leadership to devolve powers despite PCs have been in existence for two decades	PC Act and Law is now implemented--rather than dwelling on whether its right or wrong	Recentralise the 13th Amendment	
3. Taking steps to improve the standard of living of minorities and groups not represented in the PC	Despite Tamil being an official language in Sri Lanka, in areas of Ampara and Trincomalee, Tamil speakers have difficulties	Use both Sinhala and Tamil, whatever the issue/activity	The PC, The Central Govt
4. Top-Down approach in planning process Eg: Foreign funded projects such as <i>Maga Neguma</i> etc are planned by the Govt	District coordinating committees have been appointed and plans are now perused by DCC before approval. <i>Gama Neguma</i> is political.	Get feedback from lower levels and implement projects	
5. The regional citizen has no voice in choosing their own livelihoods			
6. Retaking of Public Administration and Agrarian Services from the PCs			
7. Contradictions between the govt and the PCs on state service Transfers, promotions and appointments			
8. Re-integrating national schools and hospitals back to PCs	National Schools showed good results under PCs after which they were taken back from PCs. Since students are now dependent on tuitions, these National schools do not matter as much.	Since no funds are available, it may not be worthwhile to take these Schools back under PCs. But PC can handle doctors appointments and transfers.	The Central govt
9. Resolve issues between the Central Govt and PC on passenger transportation			

Group D	Current Scenario	Alternative	Responsibility
13. Duplication of efforts by both the Central Govt and the PC			
14. Some aspects are duplicated even within the PC system itself			
15. Central Govt officials are against implementations of	Govt officials express anti-devolution ideas, disagree to devolve decision making, an anti devolution group among them	create awareness on power sharing, PC Act and laws and need for PCs	PC and the Central Govt, Policy planners
devolution of power 16. Funds not available for infrastructure development	The Central Govt uses revenue received by the PC. Capacity lacking for revenue collection.	The allocation of funds need to be democratic and free. Discuss with the PC before decisions. FC should be unbiased and people with regionalistic mindset should not be there.	
17. Policy formulation, budgeting and planning done by separate units. Recurrent and capital expenditure maintained separately.			
18. The private sector ignored in PC service provision	There is some private sector contribution now. INGOs such as WFO, UNO contributed to this region's development. But they are 'wasted' as the focus was short term.	Enlist donors in regional development. Engage donors at lower regional levels through the PCs.	the PC, NGO and INGO
19. Appointing a go-between to coordinate between the PC and the Finance Commission			

WESTERN PROVINCE



Group Reports

Group A

Presented by Chandrika Rupesinghe-Department of PCs

Group A	Current Scenario	Alternative	Responsibility
1' Concurrent List	Active	Remove	The President, Parliament
2' Govt interference in devolved powers	Line Ministries interfering in PC functions	Remove Line Ministries' involvement	The President
3' Geographical influences	Increasing migrant population	i. Imposing special taxes ii. Govt allocating additional funds	The President
4' Sufficient funds not received for development of PCs	Only 33% of allocations are received	i. Making allocations based on formal criteria ii. Allocating a percentage from the projected funds	The President
5' PC not represented in FC activities	PC not represented	PC not represented	The President
6' PC devolution re-centralised through a circular	Ministry of Internal Affairs running it	Devolve statutory powers to the PC	The President
7' No coordinating body between the PC and the Govt in policy planning	No coordinating body	No coordinating body	The President
8' The shortfalls in PC development plans not funded by the govt	Only 33% of allocations are received		
9' Issues when filling vacancies	Line ministries exercising PC functions	i. PC needs powers to fill its own vacancies ii. The govt needs to train personnel hired by the PC	The President
10' The Govt executing foreign funded projects	Implementation and coordination by the Govt	Vest the powers of Implementation and coordination by the Govt on the PC	The President

Group Reports

Group B

Western Province

Presented by Renuka D Perera-MP, Western PC

Group B	Current Scenario	Alternative	Responsibility
1' Administrative and financial obstacles to implement policies	Differences in circulars issues by Govt and the PC <i>Student enlistments for Grade 1'</i> <i>Appointment of Teacher trainers</i>	Not violating PC laws, Advisory committees for circular issues, obtaining PC approval	The Ministry, Chief Secy and the PC
2' Lack of a clear policy to resource finances from the Govt	Non receipt of annual allocations-In 2007, 35% not received)	Allocation of funds based on ethnicity, land mass etc	The Ministry of Finance, the FC
3' Not planning in such a way that new challenges in the development process are met	The designated time period to finalise annual plans. No long term planning methodologies	Advisory committee on planning Establish a research unit Compulsory provision of funds for identified projects	The Western PC, , Ministry of Finance
4' Non implementation of PC powers in the regional administration setup	The Pradeshiya saba does not extend support to fulfill PC duties	Creating a PC administration structure at Pradeshiya sabha level	The Western PC, , Ministry of Finance
5' Inability to retain officials within the PC	Dissatisfaction of the officials	Benefits and privileges of Govt officials be given to PC officials equally	Ministry of Pub Admin and Internal Affairs
6' Issues and confusion on concurrent list contents	devolving powers in an uncertain way	Functions in the concurrent list to be entered to both the Govt and PC powers	The Western PC, , The Govt
7' Govt ministers appointed for PC functions list	The Govt too performing PC subjects functions	The functions only to be executed by the PC	The Western PC The Govt

Group Reports

Group C

Western Province

Presented by Jayanthi Wijethinga-Secy, chief ministry

Group C	Current Scenario	Alternative	Responsibility
1' The limits of PC discretionary powers unclear	Not exercising the given powers	First identify the proper legal framework	The PCs, Chief secy, and Other PC officials
2' Duplication	Both the PC List and the Concurrent list have the same subjects (Eg: Lands, Police, Probation etc)	Repeal the concurrent list and bring the functions under the PC	The Parliament, The President
3' Difficulties in executing the concurrent list when there are policy differences between the PC and the Govt	Govt holding anti-PC dogma, not extending support to strengthen the PC	Repeal the concurrent list	The Parliament, The President
4' Govt interfering in implementation of the 13 Amendment	The Govt interferes when PCs go beyond their powers	Understanding limits and clear distinctions of powers	The Govt
5' Fiscal powers not delegated well (EG: The FC)	Bring under the control of Trasury and the FC, lack of a proper mechanism, criteria, and lack of funds. Allocating more money for Central Govt projects and functions	Allocating resources based on each PCs unique requirements and on particular percentages. Devolving powers further even within the PC region	The Govt, the PC
6' No mechanism in charge of distribution of resources	Not identifying a mechanism	Allowinf representation within the PC governance, identifying needs and PC committee in charge of resource distribution.	The Govt, the PC
7' Disciplinary actions on the PC officials are investigated by the Central Govt officials	Disciplinary actions to be taken by the Govt and the Public Services Commission	Implementing a permanent PC governance system	The Govt, the PC

Group C	Current Scenario	Alternative	Responsibility
8' The political leadership of the central Govt unwilling to strengthen PC s	Lack of knowledge on PC system to strengthen PC s	Creating awareness and changing attitudes	The Govt, the PC
9' High population density	Health, economic and social issues	Pay extra attention when policy planning	the PC
10' Govt officials are unwilling to accept PC Act, laws	Lack of cooperation	Change attitudes, create permanent PC governance system and give equal opportunity to PC officials	The Govt, the PC
11' PCs performing Ministry work	No systematic procedure to allocate ministries, Ministries are not distinguished based on the need and convenience	Identify systematic procedures under the PC Act and the method of allocating Ministries	The Govt, the PC
12' Creating a unit that addresses needs of the region, has data on the region, conducts research, and runs appropriate beneficial programmes	Issues / shortcomings in institutional structures	Create proper institutional structures	the PC
13' Inability to implement language policy in a practical way	Non implementation of language policy in a practical way	Create strong legal frame, provide resources	The Govt
14' Taking steps to improve the standard of living of minorities and groups not represented in the PC	Lack of wider representation to include various religions, castes etc	Provide wider representation	The Govt, the PC

Group Reports

Group D

Presented by A Ramanayake -Minister, Highways

Current Scenario	Alternative	Responsibility
1 ¹ Media More Closer to the Central Govt	- Creating to distinct lists and working within them	The Parliament
2 ¹ The reluctance towards REAL devolution effort	REAL devolution	The Parliament
3 ¹ The Pradeshiya Sabha in charge of regional governance is detached from the PC	Vest regional governance with the PC	Ministry of Public Administration and Internal Affairs
4 ¹ Insertion of primary education in National Schools and the resulting confusion	Vest the entire school system with the PC	The Parliament
5 ¹ When allocating funds, the Finance Commission gets involved unduly, and insufficient amounts allocated	Appointing PC level representatives to FC	Ministry of Finance
6 ¹ Line ministries and departments not cooperating	Refrain from having Ministries at the central level for the same subjects handled by the PC	The Govt Cabinet of ministers
7 ¹ Two distinct groups appointed- as the Govt and the PC- for the same functions		
8 ¹ Seeing PC as second class and media's ignorance of PCs	Commence awareness programme to change attitudes	The PC
9 ¹ Since recruitments are done in stages, even if staff are needed it is not possible. Health min. is through the Central Govt. Not vesting Police powers too is a problem	Making necessary steps to recruit all PC staff through Public Service Commission	The Govt Cabinet of ministers

Current Scenario	Alternative	Responsibility
10 ¹ Powers given to PC by the Judiciary- Also, the supreme court's opinion on the PC Act too is subjected to questioning. Though 13 Amendment devolves, in practice it is not so.	Amending the constitution with definitive devolution	The Parliament
11 ¹ Taking over of National schools and hospitals under the central govt	Amending the constitution so that PCs are given powers	The Parliament
12 ¹ The Govt controls the expert and specialized human resources	-	-
13 ¹ Since no coherent policies on issues, as the ruling ministers and governing parties change, policies continuously change.	A national policy for all functions and issues	The Parliament
14 ¹ Lack of officials	-	-
15 ¹ shortcomings in staff recruitment procedures	-	-

ANNEXURE

LIST OF
PARTICIPANTS

	Name	Designation	Province
1	Hon. Kumari Balasooriya	Governor	Southern
2	Hon. Dickson Dela Bandara	Governor	Sabaragamuwa
3	Hon .Berty Premalal Disanayaka	Chief Minister	North Central
4	Hon. Vijith Vijayamuni Soiza	Chief Minister	Uva
5	Hon. Sarath Ekanayake	Chief Minister	Central
6	Hon. Athula Wijesingha	Chief Minister	North Western
7	Hon. Mahipala Herath	Chief Minister	Sabaragamuwa
8	Hon. Reginold Coorey	Chief Minister	Western
9	Hon. Shan Wijeyalal de Silva	Chief Minister	Southern
10	Hon. Jagath Angage	Chairman	Western
11	Hon. Manel Rathnayaka	Chairman	Uva
12	Hon Athula Kumara Rahubaddhe	Chairman	Sabaragamuwa
13	Hon. K.M. Nandasena	Chairman	North Central
14	Hon W.M Yasamaana	Chairman	Central
15	Hon. Piyasiri Ramanayaka	Provincial Minister	North Western
16	Hon. R.D. Wimaladasa	Provincial Minister	North Western
17	Hon. Niranjan Wickremesinghe	Provincial Minister	North Western
18	Hon. Dayarathna Bandara	Provincial Minister	Uva
19	Hon. D.D.W. Wickramarathna	Provincial Minister	Uva
20	Hon. H.B. Semasingha	Provincial Minister	North Central
21	Hon. R.M. Rathnayake	Provincial Minister	North Central
22	Hon. Weerasena Gamage	Provincial Minister	North Central
23	Hon M.M. Donald	Provincial Minister	
24	Hon. S. H. M Anzar	Provincial Minister	
25	Hon. Prasanna Ranathunga	Provincial Minister	Western
26	Hon. Dulip Wijesekara	Provincial Minister	Western
27	Hon. Gamini Thilakasiri	Provincial Minister	Western
28	Hon. Y.G. Padmasiri	Provincial Minister	Sabaragamuwa
29	Hon. Lalith Disanayake	Provincial Minister	Sabaragamuwa
30	Hon. Mohan Saliya Ellawala	Provincial Minister	Sabaragamuwa
31	Hon D.M.J Dissanayake	Provincial Minister	Central

Name	Designation	Province	
32	Hon Ediriweera Weerawardana	Provincial Minister	Central
33	Hon. Asoka Wadigamangawa	Leader of the Opposition	NW
34	Hon.Upali Samaraweera	Leader of the Opposition	Uva
35	Hon. R.B. Abeysinghe	Leader of the Opposition	North Central
36	Hon. Kithsiri Kahatapitiya	Leader of the Opposition	Western
37	Hon Ranjith De Soysa	Leader of the Opposition	
38	Hon. Somasiri Gunathilaka	Vice Chairman	Sabaragamuwa North Western
39	Hon. Kumarasiri Rathnayaka	Vice Chairman	Uva
40	Hon. Vijeya Dahanayake	Vice Chairman	
41	Hon Sunil Wijerathna	Vice Chairman	Southern Western
42	Hon R.M.S.B Rathnayake	Vice Chairman	Central
43	Hon. Kumara K. Chandrasiri	Leader of the House	North Western
44	Hon. K.A. Somawansa	Leader of the House	
45	Hon.M.G Jayarathna	Leader of the House	Southern Central
46	Hon. Bandara Rajagala	Chief Government Whip	North Western
47	Hon. Susil Gunerathne	Chief Government Whip	North Central
48	Hon. Prasanna Shamal Senarath	Chief Opposition Whip	North Western
49	Hon. Lakshman Abeygunerathna	Chief Opposition Whip	Western
50	Hon. Abdeen Ehiyar Seinool	Provincial Council Member	North Western
51	Hon. N.J.Thahir	Provincial Council Member	North Western
52	Hon. Ananda Punyakumara	Provincial Council Member	North Western
53	Hon. D.M. Gamini Dissanayeke	Provincial Council Member	North Western
54	Hon. Nilantha S Rajapaksha	Provincial Council Member	North Western
55	Hon. H.B. Abeyrathna	Provincial Council Member	North Western
56	Hon. R.M Gunasingha Banda	Provincial Council Member	North Western
57	Hon. L M Ayubkhan	Provincial Council Member	North Western
58	Hon. E.M N I Kumari	Provincial Council Member	North Western
59	Hon.Upulangani Maalagamuwa	Provincial Council Member	North Western
60	Hon. E. M. N.S.Ekanayake	Provincial Council Member	North

Name	Designation	Province	
61	Hon. S.H.M. Niyaz	Provincial Council Member	Western North
62	Hon. Lakshman Wendaruwa	Provincial Council Member	Western North
63	Hon. K Radhakrishnan	Provincial Council Member	Western North
64	Hon. M.M.Thasleem	Provincial Council Member	Western North
65	Hon.Sunil Thisera	Provincial Council Member	Western North
66	Hon.Ananda Kumarasiri	Provincial Council Member	Uva
67	Hon.K Visuwanathan	Provincial Council Member	Uva
68	Hon.P Loganathan	Provincial Council Member	Uva
69	Hon.Aravindha Kumar	Provincial Council Member	Uva
70	Hon.K Velayuthan	Provincial Council Member	Uva
71	Hon.Vijitha Berugoda	Provincial Council Member	Uva
72	Hon.R.M. Ratnayaka	Provincial Council Member	Uva
73	Hon.Nihal Senivirathna	Provincial Council Member	Uva
74	Hon.Ganaran Banda	Provincial Council Member	Uva
75	Hon.R.H.J.Bandara	Provincial Council Member	Uva
76	Hon.Upali Senaratna	Provincial Council Member	Uva
77	Hon.H.M.Madar Thuseem	Provincial Council Member	Uva
78	Hon.J.M. Gunathillaka	Provincial Council Member	Uva
79	Hon.D.B. Upul	Provincial Council Member	Southern
80	Hon.Nishantha Mutuhettigama	Provincial Council Member	Southern
81	Hon.Weerasumana Weerasingha	Provincial Council Member	Southern
82	Hon.Wijeya S.Weerasingha	Provincial Council Member	Southern
83	Hon.Ajitha Rajapaksha	Provincial Council Member	Southern
84	Hon.Somapala Ekanayaka	Provincial Council Member	Southern
85	Hon.Ranjith Kumarage	Provincial Council Member	Southern
86	Hon.Ashoka Danawansa	Provincial Council Member	Southern
87	Hon.Ananda Abeywickrama	Provincial Council Member	Southern
88	Hon.Kapila Jayantha Wellapili	Provincial Council Member	Southern
89	Hon.P.B.Dissanayake	Provincial Council Member	North Central
90	Hon.T.M.R.Siripala	Provincial Council Member	North Central
91	Hon.R.B. Gnanatillaka	Provincial Council Member	North Central
92	Hon.Anil Ratnayaka	Provincial Council Member	North Central
93	Hon.D.M.Amarathunga	Provincial Council Member	North Central
94	Hon.Mahesh Almeida	Provincial Council Member	Western
95	Hon.C Meryl Perera	Provincial Council Member	Western
96	Hon.Gunasiri Jayanath	Provincial Council Member	Western

Name	Designation	Province
97	Hon.A.Chandrabanu	Western
98	Hon.Sunil Magamma	Western
99	Hon.Renuka Dushyantha Perera	Western
100	Hon Gunasiri Jayanath	Western
101	Hon M Shaafi Raheem	Western
102	Hon M.S.Aslam	Western
103	Hon Jayathilleke Podinilame	Sabaragamuwa
104	Hon M Nagari	Sabaragamuwa
105	Hon Lakshman Kodikara	Sabaragamuwa
106	Hon Ranjith Bandara	Sabaragamuwa
107	Hon. Ananda Millangoda	Sabaragamuwa
108	Hon K. Udayakantha	Sabaragamuwa
109	Hon Shrima S. Koongahage	Central Province
110	Hon Dr V. Ameerdeen	Eastern
111	Hon Javahir Salei	Eastern
112	Victor Samaraweera	Western
113	J.M.G.V.Jayasundera	North Western
114	P.B.Amarasekera	Uva
115	A. Samarasinghe	
116	A Thalakotunage	Southern North Central
117	P Kodithuwakku	Chief Secretary
118	V.P.Balasingham	Sabaragamuwa Eastern
119	H.M. Sunil Padmashantha	Council Secretary North Western
120	D.S.Amarasingha	Uva
121	S.U.G.K Perera	Council Secretary
122	Lalith Kannangara	Southern Western
123	Sriyanie Padmalatha	Council Secretary
124	P.B.Vijayaratna	Sabaragamuwa Central Province
125	R.A.Thillekeratna	Secretary to the Governor North Western
126	A.W.C. Ariyadasa	Secretary to the Governor North Central
127	H.M.Somathilleke	Secretary to the Governor Uva
128	T.G.U.B Thabugala	Secretary -Chief Ministry North Western
129	.M.Y.Zainudeen	Deputy Chief Secretary North

Name	Designation	Province
130	W.G.Dayananda	Ministry Secretary
		Western North
131	Jayantha Wijerathna	Ministry Secretary
		Western North
132	H.V.S. Hiyarapitiya	Ministry Secretary
		Western North
133	E.A.H.Karunanayake	Ministry Secretary
		Western North
134	W.M.Attanayake	Ministry Secretary
		Uva
135	Sumith Suraweera	Ministry Secretary
		Uva
136	K.D.Sirisena	Ministry-Secretary
		Uva
137	G.K.S.L Rajadasa	Ministry-Secretary
		Uva
138	A.R.Pushpakumara	Ministry-Secretary
		Uva
139	K.H.A Keerthiratna	Ministry-Secretary
		Southern
140	G.Gamage	Ministry-Secretary
		Southern
141	B.Nigamuni	Ministry-Secretary
		Southern
142	C.S.Lokuhetti	Ministry-Secretary
		Southern
143	W.M.R.B.Wanninayaka	Ministry-Secretary
		North Central
144	Chandra Karunaratna	Ministry-Secretary
		North Central
145	Neil De Alwis	Ministry-Secretary
		North Central
146	G.K.Jayarathna	Ministry-Secretary
		North Central
147	Malsiri J.Seniviratna	Ministry-Secretary
		Western
148	S.T.Kodikara	Ministry-Secretary
		Western
149	A.Ramanayaka	Ministry-Secretary
		Western
150	J.A.Ranjith	Ministry-Secretary
		Sabaragamuwa
151	Lalith Dodankotuwa	Ministry-Secretary
		Sabaragamuwa
152	H.P.Kularatna	Secretary to Chief Minister
		Sabaragamuwa
153	G.A.M.S.P Ambanwala	Deputy Chief Secretary
		Uva
154	Chintaka Hettiarachchi	Deputy Chief Secretary
		Uva
155	D.K.Dissanayaka	Deputy Chief Secretary
		Uva
156	A.Waas Gunewardana	Deputy Chief Secretary
		Southern
157	W.Seelarathna De Silva	Deputy Chief Secretary
		Southern
158	H.K.R.J Edirisingha	Deputy Chief Secretary

Name	Designation	Province
159	R.M.S.B Ratnayaka	Deputy Chief Secretary
160	W.M.Munasingha	Deputy Chief Secretary
161	R.Surendra	Deputy Chief Secretary
162	Sunil Bandara	Deputy Chief Secretary
163	A.K. Ranjith Dharmapala	Deputy Chief Secretary - Training and Personnel
164	V.Rajapaksha	Deputy Chief Secretary
165	Chintha Chethiyawardana	Deputy Chief Secretary
166	P.H.Jayawardana	Deputy Chief Secretary
167	K.G.K Ranjith Dharmapala	Deputy Chief Secretary
168	K.G.S.Gunsekera	Deputy Chief Secretary
169	H.P.Kuleratne	Secretary to Chief Minister
170	Sunanda Tennakoon	Secretary, Provincial Public Service
Commission		
171	Daisy Dharmawardane	Secretary, Provincial Public Service
Commission		
172	Bandula Nagasinghe	Secretary, Provincial Public Service
Commission		
173	K.L Dayananda	Secretary, Provincial Public Service
Commission		
174	N.P.Karunarathna	Secretary, Provincial Public Service
Commission		
175	A.U.Welaratna	Additional Secretary, Provincial Public Service
Commission		
176	S.M.W. Semasingha	Assistant Secretary
177	Ananda Kularatna	Assistant Secretary
178	K.T.S.Nayanananda	Assistant Secretary
179	W.M.R.B. Weerasekera	Assistant Secretary
180	Kalani Benaragama	Assistant Secretary
181	Gnana Wijesinghe	Assistant Secretary
182	N.K.G.S Damayanthi	Assistant Secretary
183	M.N.Gunewardena	Assistant Secretary
184	JM.K.D.Jayasekera	Assistant Secretary

Name	Designation	Province
185	U.Kavita	Assistant Secretary
186	U.Yasodha	Assistant Secretary
187	L.G.Bambarakotuwa	Assistant Secretary
		Sabaragamuwa
188	J.M.C.Jayanthi Wijethunge	Secretary -Chief Ministry
189	R.B.Tennakoone	Administrative Officer
		Western
		Central
		Province
190	S.Koghanalingham	Administrative Officer
191	Viraj Perera	L.G Commissioner
		Eastern
		North
		Central
192	R.K.S.S C. Wijesinghe	Commissioner of Provincial Land
		North
		Central
193	B.G.P.Mahindaratna	Commissioner of Provincial Revenue
		North
		Central
194	J.R.P Jayathilleke	Commissioner of Provincial Irrigation
		North
		Central
195	W.N.Jayasena	Director of Provincial Agriculture
		North
		Central
196	W.M.B Wijesuriya	Commisioner of Provincial Co operative
	Development	North Central
197	Vidya Kumara Alwis	Commissioner of Indigenous Medicine
		North Central
198	Badrani Jayawardene	L.G Commissioner
		Western
199	E.H.R Renuka	Commissioner of Provincial Land
		Western
200	J.P.D. Somaratna	Commissioner of Probation and Child Care
		Western
201	S.H.Hewage	Commissioner of Co operative Development
		Western
202	P.A.Jayantha	Commissioner Housing Dept
		Western
203	Nayana Kariyawasam	Commissioner of Provincial Land
		North
		Western
204	Padmini Kariyawasam	Commissioner of Probation and Child Care
		North Western
205	G.Prematunga	Commissioner of Provincial Land
		Southern
206	Indrani Seniviratna	Commissioner of Provincial Revenue
		Southern
207	S.Singapulli	Commissioner of Co operative Development
		Southern
208	Ramya Suriyarachchi	Commissioner-Provincial Motor Transport
		Southern
209	I.M.I Illangakoon	Assistant Commissioner of Local GOvernment
		North Western
210	K.Kunanathan	Assistant Commissioner of Local GOvernment
		Eastern
211	Geetha Dharmasiri	Director of Industrial Development
		North Western
212	V.Malini	Director of Social Services
		North

Name	Designation	Province
213	D.P.Vidanapathirana	Director Internal Auditing Western
214	A.U.De Silva	Director Provincial Irrigation Southern
215	N.J Karunadasa	Director Provincial Education Southern
216	W.M.Samarasingha	Director Provincial Education Southern North Central
217	Wasanthi Ratnapala	Director of Rural Development North Central
218	J.M.G.Upul Wahara	Director of Small Industries North Central
219	K.C.Nimal Karunatillaka	Deputy Director- Finance North Central
220	H.G.S.Jayaratna	Director - Budgets, Chief Secretary's Office North Central
221	S.H.Mahavithana	Director Accounting and Payments, CSO North Central
222	D.R.T.G.Ratnayaka	Director, Livestock and Health North Central
223	J.A.D.L Hemachandra	Director Education Western
224	T.Pascuel	Director Ministry of Sport and Industry Western
225	W.A.D.C. Rupesingha	Director, Department of Industries Western
226	A.L.L.Padmasiri	Director Provincial Health Services Western
227	Gamini Kariyawasam	Director Provincial Social Services Western
228	H.R.L.Sumanaratna	Director, Livestock and Health Western
229	W.L.Siriwardhana	Director , HR Development & Management Western
230	R.S.Abeysekera	Director Dept of Agriculture Western
231	W.D.R.G. Chithrangani	Director Dept of Irrigation Western
232	A.V.K.Wickremesekera	Deputy Director Planning Southern
233	S.Liyenarachchi	Assistant Director Planning Southern
234	H.C Piyadasa	Assistant Director Southern
235	S.Kugamalingham	Administrative Officer ,Ministry of Health Southern

Name	Designation	Province
		Eastern
236	L.P. Wijesinghe	Legal Officer
		Southern
237	H.M. Aneef Lebbe	Legal Officer
		Eastern
238	W.K.G Jayasekara	PC Company Registrar
		Western
239	R.M.S. Bandaranayake	General Manager , Highways Development Authority
		Western
240	R.H.Alfred	Senior Assessor
		Southern
241	P.G.K Lalananda	Senior Assessor
		Southern
242	Attorney Himali Edirisinghe	Legal Assistant
		North Central
243	P.G.Dissanayake	Finance Assistant
		North Central
244	W.G.Ariyaratna	Provincial Engineering Dept
		North Central
245	Premasiri Hettiarachchi	Co ordinating Secretary to the Chief Minister
		North Central
246	S.P Dharmakeerthi	Co ordinating Secretary to the Chief Minister
		North Central
247	W.H. Padmasiri Bandara	Co ordinating Secretary
		Sabaragamuwa
248	K.H.B. Pathirana	Co ordinating Secretary, Chief Minister
		Sabaragamuwa
249	Lasith Vithana	Co ordinating Officer -Council Secretary
Office		Western
250	Anuradha Jayasundara	Media Secretary to Chief Minister
		Sabaragamuwa
251	Sampath Jayasuriya	Co ordinator
		Uva
252	Saman Bandara	In Charge of Computer Division
		Uva
253	Chandana Kumara	Programme Assistant
		Southern
254	H.R.Marina	Programme Assistant
		Eastern
255	T.Kokila	Programme Assistant
		Eastern
256	Ranjani Abeysinghe	Secretary to Leader of the Opposition
		North Central