

# **The Constitutional Assembly**

Report of the Sub-Committee on  
Public Service



## **Preface**

Hon. Chairman and Members of the Steering Committee of the Constitutional Assembly,

The Sub-Committee was entrusted to inquire and submit its proposals to the Steering Committee of the Constitutional Assembly on the following areas:

- (i) Public Service Delivery Authority and its role
- (ii) Public Service Commission
- (iii) Independent Commissions
- (iv) Provincial Public Service
- (v) Provincial Public Service Commissions
- (vi) Local Government Service
- (vii) Coordination between Public Service Commission and Provincial Public Service Commissions

I am pleased to report that the Sub-Committee had discussions with Members of Parliament, political party representatives, experts attached to the Sub-Committee, representatives of various organizations who came before the Sub-Committee to give their own views and several written submissions received from some of these organizations and individuals and the members of the Public Representation Committee on Constitutional Reforms (PRCCR) who presented the outcomes of their consultations with the public. In addition, an interactive Session was conducted by the Sub-Committee with the participation of the Sub-Committee on Centre-Periphery Relations and a discussion was held with Secretaries of selected Ministries, Senior Representatives of

Provincial Councils (PCs), Heads of Departments, Senior Personnel from Independent Commissions, and Civil Society representatives. (List Annexed)

Based on the deliberations that the Sub-Committee had, with the support of information and reports on international and comparative reform experiences of other countries where necessary, far-reaching and important reform proposals have been formulated and presented in this Report. The Sub-Committee believes that these proposals would eventually result in a significant transformation of public administration in Sri Lanka and help the government in achieving its objective of establishing good governance of the country.

This report, in 49 pages, submits proposals in three parts according to its mandate as stated earlier.

Part I – Public Service – 17 proposals (181-211)

Part II – Provincial Public Service – 5 proposals (212-221)

Part III – Local Government Service – 5 proposals (222-226)

I take this opportunity to record my deep appreciation of the invaluable contributions made by the members of the Sub-Committee, the expert resource personnel, those who made representations to the Sub-Committee including the Public Representations Committee on Constitutional Reforms and the secretarial work done by the team of the office of the Public Petitions Committee of the Parliament.

**Susil Premajayantha, M.P.**

Minister of Science, Technology and Research, and

Chairman, Sub-Committee on Public Service

August 24, 2016

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2. Hon. (Dr.) Jayampathy Wickramaratne, M.P.

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- Hon. Austin Fernando, Governor - Eastern Province
- Prof. Gunapala Nanayakkara, HRD Consultant - Ministry of Education
- Dr. Fahmy Ismail, Former Deputy Municipal Commissioner (Colombo) & Former National Technical Advisor, UN-Habitat
- Mr. Palitha Elkaduwa, Former Ministry Secretary

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## **ABBREVIATIONS**

<b>AAT</b>	Administrative Appeals Tribunal
<b>CM</b>	Chief Minister
<b>COPE</b>	Committee on Public Enterprises
<b>COPP</b>	Committee on Public Petitions
<b>CC</b>	Constitutional Council.
<b>EC</b>	Elections Commission
<b>HRC</b>	Human Rights Commission of Sri Lanka
<b>JSC</b>	Judicial Service Commission
<b>LGA</b>	Local Government Authority
<b>LGS</b>	Local Government Service
<b>NASC</b>	National Audit Service Commission
<b>NCPSC</b>	National Committee of Public Service Commissions
<b>NPC</b>	National Planning Commission
<b>PC</b>	Provincial Council
<b>PPRC</b>	Provincial Performance Review Committee
<b>PPS</b>	Provincial Public Service
<b>PPSC</b>	Provincial Public Service Commission
<b>PAC</b>	Public Accounts Committee
<b>PCo</b>	Public Corporations
<b>PCSC</b>	Public Corporations Service Commission
<b>PRCCR</b>	Public Representation Committee on Constitutional Reforms
<b>PSPRC</b>	Public Sector Performance Review Committee
<b>PSC</b>	Public Service Commission
<b>SMG</b>	Senior Management Group

# **PART I**

## **THE PUBLIC SERVICE**

### **Introduction**

The Sub-Committee views that Public Administration as the arm of the Executive (the branch of Government headed by the Cabinet of Ministers) that deals with its planning, analysis, formulation and implementation of policies and programmes for the purpose of translating the will of the people as expressed by the Legislature. The Public Administration consists of institutions of the State comprising those in the Government, Provincial Councils (PCs), Local Government and Public Corporations (PCo), and employees of those institutions. Thus, the Public Service consists of four categories of employees, namely, Government, Provincial, Local Government and Public Corporations.

This breakdown is consistent with the Steering Committee's stipulations on principles of devolution as well as the expectations of those who made representations demanding recognition of employees of PCo as public service employees. [Public Representatives Committee on Constitutional Reforms (PRCCR) recommendation 16.2.3 (e & f)].

This Report presents proposals for amendments, revisions and new provisions to the Constitution considering the present status of public sector administration and personnel in Public Service, and outlines the need for separate legislative enactments required to implement the proposals in order to achieve high performance in public administration. The proposals are formulated to create an efficient, effective and economically viable Public Administration that is capable of meeting the

challenges of changes and developments in the 21st Century in the context of globalization and rapid technological change.

The proposals are designed to realize the following outcomes:

- (i) A Public Service of the highest quality and efficiency;
- (ii) A Public Service that serves all persons fairly, reasonably and equitably; and
- (iii) A Public Service that is capable of producing a people-centered service delivery system respecting the Rule of Law of the land.

The spirit in which the deliberations were conducted and the new proposals were conceived for the purpose of achieving the above outcomes can be embedded in the following capsular statements:

- (i) Move away from less productive institutional systems, and work towards results-delivering institutions;
- (ii) Establish principles and practices of good governance in Public Administration for an efficient, effective and economic delivery of service to meet the needs of the people; and
- (iii) Build a system of Public Administration that is capable of ensuring the effective formulation, implementation and evaluation of policies and programmes of the Government.

# PROPOSALS

## **Proposal (1): Defining Public Administration and Public Service**

**The definitions of Public Administration and Public Service shall be included as new Articles in the Constitution, as proposed below:**

- (i) Public Administration is the arm of the Executive Branch of Government headed by the Cabinet of Ministers that deals with its planning, analysis, formulation and implementation of policies and programs for the purpose of translating the will of the people, as expressed by the Legislature.**
- (ii) Public Service comprises designated employees of the institutions established under the Constitution and Law for the functions of the State, excluding members of the Armed Forces, Police and the Judiciary.**

### *Justification –*

The Committee considered the view that by clarifying the scope of institutions coming under the state as well as public service employees, most of the existing ambiguities of definitions could be eliminated. While Public Service in the present Constitution contains different definitions (Article 61F and Article 170 etc.) the new Constitution makers may consider elimination of such differences and formulate a

consolidated interpretation of the meaning and scope of Public Service according to the proposals made above.

After considering representations received from Political Parties, Civil Society members, Public Services, Trade Unions, etc. the Sub-Committee is convinced that the scope of institutions that should come under Public Service should be widened.

The Sub-Committee was mindful of the special reasons highlighted by many representations (e.g.: PRCCR) that the huge losses incurred by many PCo are due to mismanagement by and of personnel and resources of those institutions, and that the losses are an undue burden on the Treasury and the Government Budget. Therefore, the Sub-Committee recommends that PCo should be placed under the scope of Public Service/Public Administration, and thus be included on the list of Public Service as it appears in the Constitution.

## **Proposal (2): Values and Principles of Public Administration**

**Public Administration must be governed by the democratic values and good governance principles enshrined in the Constitution and Law, including the following:**

- (i) Administration and management of public institutions must have a clear focus on planned achievement of results in terms of the objectives for which the respective institutions are established.**

- (ii) Administration and management of public service employees must have a focus on performance in terms of the tasks and responsibilities assigned to them.**
- (iii) The conduct of public administration must be guided by principles of good governance including objectivity, performance, accountability, meritocracy, transparency, responsiveness, participation, and respect for human rights, environment and sustainability.**
- (iv) The management of conduct of public service employees must be guided by high professional standards and attention to quality, efficiency, effectiveness and ethical practice.**
- (v) The design, development and conduct of public administration must be guided by the recognition of democratic values reflecting the needs of the people, and mutual respect for the constitutional provisions for the powers and rights of the central, provincial and local government authorities.**

*Justification –*

Constitutions usually express the values and principles held sacred by the people who are served by the Constitution. In addition, modern constitutions also lay down the rights and privileges of the people, and fundamental economic and environmental principles that will make a society more civilized and sustainable. In this context, the mandate given by the people of Sri Lanka at the 2015 elections is indicative of the relevance and depth of a good governance framework, which is the

main political theme of the present government. People envisage a corruption-free public service and a government capable of placing public interest over private interest in legislation, policy making, efficient and effective delivery through administration.

The Sub-Committee considers that public administration embedded in corruption poses a real threat to democratic order. Hence, values and principles of public administration, well recognized in the Constitution, would strengthen the very foundations of the Constitution in a democratic society like in Sri Lanka. The Sub-Committee is convinced that inclusion of such values and principles of public administration would provide a legal foundation for the much-desired new transformations envisaged in public service reforms including attention to good governance especially to meet the needs of the citizen.

### **Proposal (3): National Planning Commission (NPC)**

- (i) There shall be a National Planning Commission (NPC), appointed by the President on the recommendation of the Constitutional Council (CC).**
  
- (ii) The functions of the NPC shall be to advise the government on:**
  - (a) the formulation of sustainable national policies,**
  - (b) planned utilization of all national resources and foreign resources received by Sri Lanka,**
  - (c) carrying out sectoral and macro-economic development planning,**
  - (d) measures for effective management of the economy, and,**

**(e) the efficient and effective implementation of policies, plans and measures of economic management.**

**(iii) The NPC will have eleven members as Commissioners selected from among eminent persons and professionals. In the operation of the Commission, PCs should be essential partners.**

*Justification –*

Many representations made reflected the need for a NPC due to weak planning and performance in the economy resulting from ad hoc planning and management of economic affairs. The Sub-Committee considered the importance of guiding public service to strategically align with the national planning exercises.

#### **Proposal (4): Presidential Staff**

**The current Constitutional provisions pertaining to the Presidential Staff shall remain unchanged.**

*Justification –*

Certain specific facilities have been provided under Law for the Presidential Secretariat staff from the introduction of the Head of State position in the Constitution. Therefore, the Sub-Committee proposes that this facility should remain unchanged even if the Presidency becomes the non-executive head of state.

## **Proposal (5): The Secretary to the Cabinet of Ministers and the Secretary to the Prime Minister**

**The Secretary to the Cabinet of Ministers and Secretary to the Prime Minister shall be appointed by the President in consultation with the Prime Minister.**

### *Present Articles -*

50(1) : There shall be a Secretary to the Cabinet of Ministers who shall be appointed by the President.

51(1) : There shall be a Secretary to the Prime Minister who shall be appointed by the President.

### *Justification-*

In view of the pending revisions to the Executive Presidential System, and in anticipation of the constitutional reforms which may make the Prime Minister the Head of Government, the Sub-Committee proposes that appointments to these two posts should be made in consultation with the Prime Minister.

## **Proposal (6): Senior Management Group (SMG)**

**(i) There shall be a Senior Management Group (SMG) established by Law.**

**(ii) The criteria of selection of members to the SMG shall be decided by the Public Service Commission and they should permit engagement of personnel from the public sector, Provincial Public Sector, Private Sector and**

**Corporate Sector to be selected as members of the Group.**

- (iii) Selection of SMG members can be planned and operated as an ongoing transparent process permitting periodic recruitment.**

*Justification -*

- (a) The need to establish a SMG has been considered quite favorably by many administrative reformers historically, including the Wanasinghe Administrative Reforms Committee. It is felt that such a Group will provide for succession planning, career planning and the development of effective leaders for the public service. Many representation received noted the absence of a strong leadership in public institutions which has led to a visible weakening of the public service delivery system which could be surmounted by a SMG.
- (b) At the discussion arranged by the Sub-Committee held on 08<sup>th</sup> July 2016 with senior officials of Public & Private Sectors, it was revealed that similar practice is effectively carried out in other countries in the Asian Region.
- (c) Personnel from Private Sector and Corporate Sector be selected having competencies, innovative ideas and new ways of performing to infuse new blood to public service.

- (d) The appointment of Secretaries of Ministries, Chief Secretaries, Heads of Department, Heads of Corporations/Public Enterprises, Non-Career Diplomats, and Secretaries to Provincial Ministries, Deputy Chief Secretaries and Secretary to the Provincial Council are to be selected from SMG in order to enhance the leadership and expertise which are lacking in certain areas of Public Administration.
  - (e) The Public Service requires the contributions from experts and specialized personnel to undertake efficient and effective functioning especially in the case of PCo where large scale losses continue to occur resulting in heavy burden on the National Budget.
  - (f) The Sub-Committee considers that this proposal would ensure the appointment of suitably qualified personnel on merit basis to the most appropriate positions.
  - (g) It is expected that a SMG would reinforce the effort being made to create an independent and impartial public service.
- (iv) The names of members of SMG, once selected, shall be made public. Appointments shall be made by the Constitutional Council (CC).**
- (v) The President shall appoint the following personnel on the recommendations of the CC. The Public Service Commission (PSC) shall choose the nominees from the**

**SMG and submit a list of names having two names per one vacant post, so that the CC will make choices for the following posts:**

- (a) Secretaries to Ministries (in consultation with the relevant Minister)**
  - (b) Chief Secretaries of PCs (in consultation with the Chief Minister)**
  - (c) Non-Career Diplomats\***
  - (d) The Heads of Public Enterprises/PCo\***
- (\* The retirement age should not be applied in appointing to these positions)**

*Present Article – 52(1)*

There shall be a Secretary for every Ministry of a Minister of the Cabinet of Ministers, who shall be appointed by the President.

*Justification –*

Sub-Committee considered that if the Public Service requires the leadership of competent persons at senior most positions of government at all levels, it is important that they are appointed after careful scrutiny by an independent authority. The PRCCR also suggests that these appointments be approved by the CC. [16.2.1 (e)]

## **Proposal (7): Accountability of Ministers of the Cabinet/Members of Provincial Boards of Ministers for their directives and Responsibility of Secretaries of Ministries**

- (i) Each Minister of Cabinet/Member or of Provincial Boards of Ministers shall be accountable for the directives given by him to the Secretary of his Ministry.**
- (ii) The Secretary to a Ministry shall, subject to the direction and control of his Minister, exercise supervision over the departments of government and other institutions in charge of the Minister and be accountable and responsible for their performance.**

### *Justification –*

- (a) At present the Minister is not accountable for his directives given to the Secretary and therefore, the Secretary is both responsible and accountable for the Minister's directives in his official capacity. This situation has created difficulties to the Secretary in the discharge of his functions properly while creating delays and other inefficiencies in service delivery. It is important that the accountabilities and responsibilities are clarified so that political and administrative relationships in public administration are made healthy.
- (b) The PRCCR recommended the complete removal of Article (52.2), allowing the Ministers and the Secretaries to develop good working relationship as in the UK to

maintain the relationship between policymaking and the policy implementation. Accountability always exists for the Minister for his directives while the Secretary is accountable for the performance of institution under him.

- (c) At the discussion arranged by the Sub-Committee held on 08<sup>th</sup> July 2016 with senior officials of Public & Private Sectors, this was discussed and all of them were of the view that Ministers must be made accountable and responsible for their orders/directives.

**Proposal (8): Public Sector Performance Review Committee (PSPRC)**

- (i) There shall be a Public Sector Performance Review Committee (PSPRC) established by Law.**
- (ii) The functions of the PSPRC are to review and assess performance, take corrective action on the overall performance of each Ministry, together with the institutions under the Ministry, in terms of institutional planning within the framework of national and sectoral plans of development, and report to the Parliament.**
- (iii) This PSPRC shall be chaired by the Prime Minister/or in his absence Minister of Public Administration and it shall consist of 15 members of whom 6 are appointed by the Speaker of the House including the Leader of the Opposition to represent the legislature and the other 8 appointed by the Constitutional Council (CC) to**

**represent Public Administration, private sector, professional groups, and civil society while respecting for the need to balance representation of gender and the pluralistic nature of Sri Lankan society.**

*Justification –*

- (a) The Sub-Committee mandate required studying and proposing on the need to have an administrative authority to assess and guide public service delivery capacity.
- (b) The Sub-Committee considered that there is a lacuna in the process of review of performance, efficiency and effectiveness in the public sector and recognized the need to improve the productivity of Public Service by giving more focus on monitoring, evaluation and upgrading of performance.
- (c) From the representations received by the Sub-Committee and the PRCCR, it was apparent that the general public is losing confidence in the public institutions' ability to perform to satisfy their needs.
- (d) At the discussion arranged by the Sub-Committee held on 08th July 2016 with senior officials of Public & Private Sectors, it was also emphasized the need to have a system of competency framework.

## **Proposal (9): Public Service Commission (PSC)**

- (i) The Sub-Committee proposes to increase the membership of Public Service Commission (PSC) from nine (9) to eleven (11).**

*Present Article - 54 (1)*

There shall be a Public Service Commission (in this Chapter referred to as the "Commission") which shall consist of nine members.....

*Justification –*

- (a) The Sub-Committee considers it is necessary to increase the number of members in the Commission to provide for more inclusive representation in view of the need for participation of specialized groups in PSC operations, greater professionalization of public services, more specialization of public sector personnel, and enrichment of Commission roles and responsibilities.
- (b) The PRCCR also suggested increasing the membership to 11. [16.2.1(a)]
- (ii) The members shall be appointed by the President on the recommendation of the CC to represent All Island Public Services giving regard to gender and the pluralistic nature of the Sri Lankan society. The recommendations of the CC are to be made after evaluation of applications, according to a CC stipulated methodology, upon receiving applications following a call for them by**

**the CC, requiring high professional standards as decided by the CC on a need basis. Among the members thus appointed there shall be six (6) members with at least twenty five (25) years, including at least fifteen (15) years of senior management experience as a public officer and five (5) members with professional qualifications and minimum 10 years of work experience after obtaining such qualifications, of which one member from the legal profession and the other four from other recognized professions.**

*Present Article – 54(1)*

..... appointed by the President on the recommendation of the Constitutional Council, of whom not less than three members shall be persons who have had over fifteen years' experience as a public officer.

*Justification –*

- (a) Longer experience at senior level management in Public Service, and professional qualifications in the field would strengthen the competency levels, and thereby the respect for the Commission while ensuring fair and adequate representation of gender and the pluralistic nature of the Sri Lankan society and provide for representation of different public services.
  
- (b) At the interaction held with the Sub-Committee on Centre-Periphery Relations on 28th July 2016 it was

discussed that the PSC should be composed of professionals including a professional in the field of Law.

**(iii) The President shall appoint one member as the Chairman of the PSC.**

*Present Article – 54(1)*

.....the President on the recommendation of the Constitutional Council shall appoint one member as its Chairman.

*Justification –*

The Sub-Committee proposes that since 11 Members are chosen by the CC, the President shall select the Chairman among one of them.

**(iv) The power of appointment, promotion, transfer, disciplinary control and dismissal of all Heads of Department and Additional Secretaries shall vest in the PSC. Nominees for such appointments shall be chosen from the SMG.**

*Present Article – 55 (2)*

The appointment, promotion, transfer, disciplinary control and dismissal of all Heads of Department shall vest in the Cabinet of Ministers.

*Justification –*

- (a) For the purpose of de-politicization of appointments, promotions, transfers, disciplinary control and dismissal,

authority must be vested in the PSC. It was found that most of the representations including of the discussion held on 08th July 2016 with senior officials of Public and Private Sectors, received by the Sub-Committee were of the opinion that this power should be withdrawn from the Cabinet of Ministers.

- (b) The PRCCR suggests that PSC must be empowered in determining all matters of policy relating to public officers, including policy relating to appointments, promotions, transfers, disciplinary control and dismissal. However, the Sub-Committee's view is that the policy making powers shall continue to be vested in the Cabinet of Ministers.

**(v) No person shall be appointed as a Member of the Commission unless at least one (1) year has lapsed after leaving the Public Service.**

*Justification-*

Members of the Commission must be free from the influence of persons, relationships and attachments that they may have developed during their public service so that they can perform their duties without biases and prejudices.

**(vi) PSC shall appoint its Sub-Committees in relevant fields within a period of not less than six (6) weeks after the Commission comes into existence. The PSC shall have at least four (4) Sub-Committees in respect of Combined Services, Health Services, Education Service, and other All Island Services. Additionally, Sub-Committees may**

**be appointed subsequently by the Commission as the need arises.**

*Present Article – 56(1)*

The Commission may delegate to a Committee consisting of three persons (not being members of the Commission) appointed by the Commission, the powers of appointment, promotion, transfer, disciplinary control and dismissal of such categories of public officers [as are specified by the Commission.]

*Justification -*

The need for Sub-Committees in the areas which the Sub-Committee has mentioned is very high because of their size and specialized nature of personnel. Since there is a long delay of appointing Sub-Committees, there is a delay in managing the personnel services and in justice not being meted out to the public employees. Therefore, the Sub-Committee recommends these Sub-Committees must be appointed within the given time frame.

**Proposal (10): Public Corporation Service Commission (PCSC)**

- (i) There shall be a Public Corporation Service Commission (PCSC) whose function is to oversee the personnel administration functions of public corporations with a view to ensuring that those functions are undertaken in**

**accordance with the law by which the corporation is established.**

**(ii) The PCSC may adopt procedures of the PSC where appropriate.**

*Justification –*

(a) Employees of PCo comprise a large segment of public sector employment. They are under varying rules and regulations at present, enacted according to the enabling Acts of Parliament as well as respective Boards of Governance. A PCSC will eliminate injustices and inequalities in the management of personnel in the public corporations sector on the one hand, and encourage corporations to adopt sound personnel practices in accordance with law and in a transparent manner.

(b) A political group and a few trade unions promoted the idea of a separate Commission for employees of public corporations.

### **Proposal (11): National Committee of Public Service Commissions (NCPSC)**

**There shall be a National Committee comprising Chairperson of the PSC and Chairpersons of PPSCs and the Chairperson of the proposed PCSC. The Chairperson of the PSC will be the Chair of the Committee. Its function is to consider common issues, coordinate among the PSC, PCSC and the PPSCs, coordinate**

**the functions while working on a consultative basis and that apply the values and principles in this Chapter to enhance inter-organizational relationships.**

*Justification -*

From the representations made to the Sub-Committee at the discussion held on 08th July 2016 with the senior officials of public and private sectors and submissions made by a political group, it was evident that a dialogue between the PPSCs and the PSC doesn't take place in a formalized manner. When a PCSC is established, the work of this Commission too must be coordinated with other Commissions. This proposed Committee is expected to help coordinate policies and procedures and eliminate unnecessary delays, discrimination and discrepancies.

### **Proposal (12): Composition of the National Audit Service Commission (NASC)**

**Sub-Committee proposes the following sub-article be inserted soon after the present Article 153(A)(1)(c)**

**In addition to the existing retired Class I Officer of the Sri Lanka Administrative Service there should be two more retired persons selected from other All Island Services, appointed to the Commission.**

*Justification –*

The representations made by certain Public Service personnel emphasized that the current composition is heavily audit-focused and therefore, there could be a bias on auditing rather than on performance

in Public Service. Therefore, the Sub-Committee recommends more representation of persons who have had operational experience in Public Service to be included in the membership of the Commission. And, this is a strong view maintained by some of the professionals in Public Service. In particular, The Sub-Committee has observed the frustration in the minds of some officers in public service who may even be tempted to avoid discretionary decision making in fear of Audit Commission scrutiny. There should be balanced representation of Public Service in the NASC, because it is the public service that handles billions of rupees and face the NASC queries. Therefore, in decision making by the NASC, fair guidance should prevail.

**Proposal (13): Legislative Control over Public Administration**

- (i) There shall be legislative control over Public Administration through Committees of Parliament, inclusive of the following:**
- (a) Parliamentary Select Committees**
  - (b) Public Accounts Committee (PAC)**
  - (c) Committee on Public Enterprises (COPE)**
  - (d) Committee on Public Petitions (COPP)**

*Justification –*

The Parliament shall exercise its oversight, review, assessment, control and support of Public Administration in totality without discrimination.

- (ii) The decisions/recommendations given by above Committees shall be referred to the relevant Institutions for necessary action. These decisions must**

**have been made with the required quorum of membership attendance in the meetings of those Committees.**

*Justification –*

- (a) The Sub-Committee was informed by Chairmen / personnel of above Committees as well as by individual representations, that the recommendations/decisions made by them are not implemented by the Public Service. Therefore, the parliamentary response to people's representations is ignored by the Public Service. Representations of general public were that it should be made mandatory for the Public Service to implement the decisions taken by these Committees.
  - (b) Some political parties and PRCCR [16.2.3 (d)] suggested that the decisions/recommendations given by above Committees should be binding for implementation by relevant institutions.
- (iii) The communication received by Parliament from the Human Rights Commission (HRC) and the Parliamentary Commissioner for Administration (Ombudsman) regarding non-implementation of their recommendations was discussed and it was decided to refer such representations to the Committee on Public Petitions for its scrutiny.**

*Justification –*

HRC and Ombudsman send their recommendations, for the attention of the President and the Speaker of Parliament according to the provisions of their Acts of Parliament, which are not implemented by relevant authorities. At present, neither the Constitution nor any other Law provides pursuance of action on those recommendations. Ombudsman and HRC sent their views regarding non-implementation of their recommendations and requested that a suitable method be introduced for implementation of their recommendations.

**(iv) The Sub-Committee observed that certain representations highlighted that the Secretariat of the Parliament and staff of Auditor General Department also should come under the legislative control of Parliament for the purpose of bringing them under the administrative and financial regulations applied to other institutions in public administration. It is proposed that further effort be made to implement a mechanism to address the issue.**

*Justification -*

- (a) The Secretariat of Parliament, staff of JSC, and staff of Auditor General are excluded at present from Legislative Control of Parliament. While the Sub-Committee does not find any special reasons to consider this practice as reasonable, it is observed that there is a lacuna in systematic and procedural application of Parliamentary Control over these institutions due to this status. Other

Institutions which are being controlled by Parliament consider this as discriminatory. Representations made to the Sub-Committee have repeatedly cited these as promoting lapses that have developed historically. Legislative control over all these institutions would eliminate such lapses while upholding the supremacy of these institutions and the Parliament's authority.

(b) One political group suggested that all the institutions funded by the Consolidated Fund be audited by the Parliament.

**(v) The following institutions shall be included in the current list under Article 41(B):**

**(a) Public Sector Performance Review Committee (proposed)**

**(b) Public Enterprise Service Commission (proposed)**

**(c) Parliament Commissioner for Administration**

**(d) Administrative Appeals Tribunal**

*Present Article – 41(B)*

#### SCHEDULE

- (i) The Election Commission
- (ii) The Public Service Commission
- (iii) The National Police Commission
- (iv) The Audit Service Commission
- (v) The Human Rights Commission of Sri Lanka
- (vi) The Commission to Investigate Allegations of Bribery or Corruption

- (vii) The Finance Commission
- (viii) The Delimitation Commission
- (ix) The National Procurement Commission

### **Proposal (14): Delimitation Committee and its functions**

**A Commission at the center for Delimitation of Boundaries of Provinces, Electorates, Local Authorities, Administrative Units (Districts, Divisional Secretariats) should be established instead of appointing committees as and when required.**

*Justification -*

The justification is that there will be an overview of delimitation necessities rather than to be thinking in isolation and it would facilitate overlapping the political- administrative boundaries

### **Proposal (15): Administrative and Financial Regulations, and the functions and procedures of the institutions**

**A separate Act of Parliament should be enacted to govern Public Administration by providing for Administrative and Financial Regulations, and the functions and procedures of the following Institutions:**

- (i) Public Service Commission (PSC)**
- (ii) Senior Management Group (SMG)**
- (iii) Public Sector Performance Review Committee (PSPRC)**
- (iv) Public Enterprise Service Commission (PESC)**

*Justification –*

Some of the provisions on public service are details that can be removed from the Constitution without harming the intentions of the provisions so that the space of the Constitution could be utilized more efficiently. The provisions that are proposed for removal could well be incorporated in a separate Law while permitting the constitutional space for the incorporation of new proposals made in this Report. Further, the Constitution may include the fundamentals of the new proposals and the details of which may be expressed in separate Law as envisaged in the proposed Act of Parliament (which could be titled as Sri Lanka Public Administration Act).

**Proposal (16): Employment of Public Officers beyond retirement age**

**The PSC may recruit and appoint public officers after their retirement for further employment in public service on the basis of annual contracts and performance appraisal.**

*Justification -*

On the basis of the increase of life expectancy in Sri Lanka, transformation of the labor force over time from a basis of physical labor to one of mental ability or knowledge, the economic advantage of servicing an aging population and the global practice for employment etc. this proposal is supported by the Sub-Committee.

## **Proposal (17): Other propositions for consideration**

**On the representations made to the Sub- Committee and others, the Sub-Committee has formulated some recommendations that should receive the attention of the Constitution framers. These aspects are not directly in relation to the mandate given to this Sub-Committee and hence submitted as “other propositions”. Of course, they have some relationship to public administration and public service.**

- (i) As per the proposals of this Sub-Committee a proposition is made to establish the Divisional Secretariat to be the main guiding unit of local administration. The connected proposition is that other area based administrative units (e.g. Medical Officer of Health areas, Primary Court areas, Police Station areas etc.) should be demarcated and established to be coterminous with (or combined with when possible) the Divisional Secretariat areas, as far as possible.**
  
- (ii) In several representations submitted to the Sub-Committee it was mentioned that gender should be given specific attention to harness the full potential of the Sri Lankan population. It was however agreed that merit should be the guiding principle in recruiting to the public service through open competition. Having deliberated at length on the subject of representation of gender consideration in superior decision making bodies, the Sub Committee recommended providing for**

**a minimum 1/3 of appointments when appointing Commissions by the CC.**

*Alternative Proposal -*

[In several representations submitted to the Sub-Committee it was mentioned that gender should be given specific attention to harness the full potential of Sri Lankan population. It was however agreed that merit should be the guiding principle in recruiting to the public service through open competition. Having deliberated at length on the subject of representation of gender consideration in superior decision making bodies, the Sub-Committee recommends to ensure fair and adequate representation of gender when appointing Commissions by the Constitutional Council.]

- (iii) Representations made to the Sub-Committee revealed that if devolution is to be fruitful, provision of all resources (e.g. human, financial, machinery and equipment as well as technology) as required by the Provinces should be provided without restrictions. Otherwise, the Provincial Public Service and service delivery by PCs and Local Government Authorities (LGAs) will not achieve its objectives.**
- (iv) The Sub-Committee proposes that bi-lingual (Sinhala and Tamil) competency should be made an essential qualification decided at different levels of entry to public service.**
- (v) Representations were made to the Sub-Committee for inclusive representation of "minority groups"/regional**

communities in the PSC, HRC, Elections Commission (EC), and in PPSCs, where in the latter such communities are present as a significant percentage of the population. The Sub-Committee recommends that this proposal shall be implemented when members to these Commissions are appointed. In addition, there is a demand to increase the membership of EC to 5.

- (vi) Regarding the provision of appealing for public officers it was revealed that there are some officers who enjoy this facilitation (e.g. PPSC related officers to Governor, Public Service to PSC and AAT) However, there are some who do not enjoy this facilitation (e.g. Police, JSC, officers of the EC, Parliament Secretariat and Auditor General's Department having no appeal provision). The Sub-Committee proposes that the makers of the Constitution shall take this into their consideration and provide for appeal facilitation to the relevant officers in service.
- (vii) Representation was made to the Sub-Committee that all rights of government pensioners that were ensured by the 1972 Constitution were removed by the 1978 Constitution. It was pointed out that these rights originated as a part of written law of 1901, the Civil Procedure Code of 1961 Chapter XXII CI. 218 and by Section 109 (1) and (2) of the Constitution of 1972.

The representation was made that the pension entitlement and gratuity entitlement articles 109(1) and (2) of the 1972 Constitution is re-introduced. The Sub-Committee finds this

**representation is a justified proposition and recommends the provision of redress through making of the new Constitution. This matter has been recommended by the PRCCR too.**

Article of 1972 Constitution –

109 (1): All pensions, gratuities or other like allowances payable to persons who have ceased to be in the service of the Government of Ceylon or cease to be in the services of the Republic of Sri Lanka, or to widows, children or other dependents of such persons, shall be governed by the written law under which they were granted, or by any subsequent written law which is not less favourable.

109 (2): All pensions, gratuities and other like allowances referred to in this section shall be a charge on the Consolidated Fund.

# **PART II**

## **PROVINCIAL PUBLIC SERVICE**

### **Introduction**

The devolutionary process as envisaged by the 13th Amendment is the foundation on which the Provincial Public Service (PPS) stands. The execution of devolution is based on the three Lists in Schedule 9 of the 13th Amendment. The PPS per se services the subjects thus allocated to various institutions established to operationalize the functions in Lists I and III. However, there is a demand to repeal the three Lists in the 9th Schedule to the 13th Amendment and the Sub-Committee that heard representations by the Provincial Councils endorses the majority view that the three Lists should be subjected to revision, creating two lists giving a clear definition of functions for the purpose of legal and operational clarity.

The legal framework of PPS is found in the Provincial Councils Act 42 of 1987. The employees of various institutions in the Provincial Councils who engage in planning, directing, implementing and monitoring of Provincial functions in List I in the Ninth Schedule are the personnel of the PPS. Among these, there are All Island Services personnel who are assigned to Provinces.

There are four categories of provincial public employees:

- (i) Employees who are appointed by the PCs and administered by the PPSCs;
- (ii) All Island Service employees who are released from those services for a time period to work in provincial institutions;

- (iii) Employees who work in Local Government institutions (Municipal Councils, Urban Councils, and Pradashiya Sabbhas); and,
- (iv) Employees of PCOs of the Provinces. E.g.: Provincial Tourism Board, Provincial Transport Board etc.

At present, the LGAs are considered as partners of Provincial Councils, and therefore, the employees of the former are considered a component of the Provincial Public Service.

In the present context, the Governor of the Province exercises the highest executive powers of the PC. For example, he/she appoints the PPSC, the Provincial Secretaries, and Heads of Department. The Governor is the final authority on appointments, transfers, and disciplinary actions on public employees of the Province.

Some representations made to the Sub-Committee held the view that the powers of the Governor taken as a whole is excessive and therefore, measures should be taken to curtail some of the powers of the Governor. While this subject as such is left for appropriate Committees on Constitutional Reforms, this Sub-Committee has taken note of this concern for reduction of power of the Governor in making its recommendations for reforms in PPS.

Concerns have been expressed about the manner in which the PPSCs operate at present. The Sub-Committee believes that the PPSCs should perform, as far as possible, its functions and responsibilities in line with the role of the PSC of the Government.

## **PROPOSALS**

### **Proposal (18): Revision of Lists in the Ninth Schedule**

**When the three Lists in the Ninth Schedule are compiled into two lists, the Provincial List shall provide for a separate section for the functions of LGAs.**

*Justification -*

To reinforce the devolutionary process as envisaged by the 13th Amendment the three Lists should be amalgamated for easy operation and clarity. PRCCR also is of the view to abolish the Concurrent List and instead to have a Local Government List

### **Proposal (19): Provincial Public Service Commission (PPSC)**

**The Sub-Committee proposes the following Articles to be included in the Constitution:**

- (i) There shall be a Provincial Public Service Commission (PPSC) for each Province.**
- (ii) The Sub-Committee proposes to increase the membership of PPSC from five (5) to seven (7).**

*Justification -*

At present, there are 5 members appointed by the Governor of the Province to the PPSC which the Sub-Committee feels not sufficient to represent the variety of services of a province. Like in the central government, there are a number of services in a province including education, health, local government, etc.

**(iii) The members of the PPSC shall be appointed by the Governor of the Province. These appointments by the Governor shall be after evaluation of applications, according to the CC stipulated methodology for appointment of members for the PSC (i.e. following a call for them by the Governor), upon receipt of applications, requiring high professional standards as decided by the Governor. Among the members thus appointed, there shall be four (4) members with at least twenty five (25) years prior service in the Public Service, including at least fifteen (15) years of senior management experience and three (3) members with professional qualifications, from whom one member should be from the legal profession. The selected persons should reflect gender and plurality status of the provincial society. The Governor shall appoint one member from among the selected as the Chairperson of the PPSC.**

*Alternative Proposal –*

[The members of the PPSC shall be appointed by the CC of the Parliament. These appointments by the CC shall be after evaluation of applications, according to the CC stipulated methodology for appointment of members for the PSC upon receipt of applications. Among the members thus appointed, there shall be four (4) members with at least twenty five (25) years prior service in the Public Service, including at least fifteen (15) years of senior management experience and three (3) members with professional qualifications, from whom one member should be from the legal profession. The selected persons should reflect gender and plurality status of the provincial society. The

CC shall appoint one member from among the selected as the Chairperson of the PPSC.]

*Dissenting view of the Hon. Austin Fernando (the Resource Person) for above alternative proposal -*

The criticism is that appointing members of the PPSC even by Governor amounts to centralization. Therefore, appointment by the CC cannot be accepted according to the basic principles of devolution. Further in Commissions appointed by the 19th Amendment which are rationally more important than a PPSC appointments are not made by the CC but by the President. The CC only recommended names.

**(iv) The Chairperson of a PPSC shall be a public officer retired at the level of a Cabinet Ministry Secretary or a Chief Secretary of a Province.**

*Justification-*

At present the Chairpersons are appointed from various grades of persons such as retired public servants, retired judges etc. The public service norms and values should be well understood by the person who is the Chairperson of the PPSC and hence appointment of former Secretaries or Chief Secretaries is proposed.

**(v) No person from PPS shall be appointed as a member of the Commission unless at least one (1) year has elapsed after such person leaving the PPS.**

**(vi) The PPSC is responsible for the implementation of public personnel policy with regard to all PPS employees other**

**than Secretaries of Ministries, Deputy Secretaries and Heads of Department by adopting and directing personnel procedures and criteria relating to recruitment, appointment, termination, dismissals, transfers, training, development, promotion, performance management, remunerations, grievances, safety, security, employee rights and privileges in conformity with the values and principles set out in the Chapter on Public Service.**

- (vii) PPSC shall appoint its sub-committees in relevant fields within a period of not less than six (6) weeks after the Commission comes into existence. The PPSC shall have at least four (4) Sub-Committees: Combined Services Sector, Health Sector, Education Sector, and Local Government Sector. Additional Sub-Committees may be appointed by the Commission subsequently as the need arises. The members of such Sub-Committee shall be outside the PPSC membership, and they must possess at least 20 years of experience in a relevant field including law. In making these selections, attention shall be given to represent gender and the pluralistic nature of the provincial society. Preference shall be given to the persons whose ordinary residence is in the Province.**

*Justification-*

The appointment of Sub-Committees by the PPSC is proposed in order to eliminate *ad-hoc* provincial public service administration by various authorities of a Province.

- (viii) Each PPSC may decide on the subjects and functions that can be delegated to the Sub-Committees appointed by the PPSC. The PPSC, however, will retain the ultimate responsibility for the delegated functions.**
- (ix) In planning provincial human resource requirements, the PPSC shall recommend to the PSC on the required number of personnel from All Island Services to be employed in the Province, and the PSC shall assign such All Island Service officers to the Provinces, to meet the provincial requirements.**

*Justification -*

From the representations made to the Sub-Committee by various groups from the Provinces, it was revealed that there was a shortage of All Island Services personnel in the provincial areas. Therefore, the Sub-Committee recommends that the PPSC should enumerate the requirements in a timely manner and inform the PSC to enable the latter to meet those requirements. In the event that the PSC is unable to fulfill these requirements, the PPSC should be permitted to recruit suitable employees according to PPSC approved recruitment procedures.

**Proposal (20): Provincial Performance Review Committee (PPRC)**

- (i) There shall be a PPRC established by Provincial Statute.**
- (ii) The functions of the PPRC are to review and assess the overall performance of each Provincial Ministry together with the institutions under the Ministry and report to the**

**PC for the purpose of improving its review and control over public institutions of the province.**

*Justification-*

The Sub-Committee considered that there is a lacuna in the process of review of performance, efficiency and effectiveness in the provincial public sector and recognized the need to improve the productivity of PPS by giving more attention to monitoring, evaluation and upgrading of performance. From the representations received by the Sub-Committee and the PRCCR, it was apparent that the general public is losing confidence in the provincial public institutions' ability to perform to satisfy their needs and hence to answer the public queries a Committee such as this would be of assistance.

- (iii) The Committee shall consist of 9 members including the Chief Minister, Leader of the Opposition, two Provincial Council Members appointed by the Council and five members selected from outside selected by the Governor in consultation with the CM and Leader of the Opposition of the PC and appointed by the Governor to represent the variety of expertise necessary for effective performance assessment of public institutions, while respecting the need to represent gender and the pluralistic nature of the Provincial society. The Chief Minister (CM) shall be the Chairman of this Committee.**

**Proposal (21): Divisional Administration**

- (i) The Divisional Secretaries and Grama Seva Niladharis shall be brought under the direction and control of PCs**

**for the purpose of organization and execution of the tasks of local administration.**

*Justification –*

- (a) At present, many important functions of the PCs are carried out by Divisional Secretaries, and therefore, the Divisional Secretaries performing their functions with the Provincial Council will not be an issue.
  - (b) Grama Seva Niladharis who serve at the bottom of the Public Service hierarchy in District Administration, are directly dealing with the people in a Grama Seva Division. Therefore, the Sub-Committee recommends that the Grama Seva Niladharis who serve under the direction of the Divisional Secretaries should also be brought under the Provincial Council.
- (ii) Divisional Secretaries and Grama Seva Niladharis shall continue to carry out the functions delegated by the District Secretaries in the same manner as they do at present.**

*Justification –*

The District Secretary who represents Government Administration at district level is responsible for the functions that do not come under the purview of PCs. Divisional Secretaries though administered by the Minister of Home Affairs, carry out a large volume of PC functions. Act No. 58 of 1992 (Transfer of powers – Divisional Secretaries) should be suitably amended for this purpose. It is noted that when PCs were

established both Divisional Secretaries and Grama Seva Niladharis were posted under the PCs. The Sub-Committee proposal now is to return to the original position where Grama Seva Niladharis were under the direction and control of PCs.

### **Proposal (22): The Governor of the Province**

- (i) The Governor shall appoint, except the Secretary to the Governor, the Provincial Ministry Secretaries, Secretary of Provincial Council Assembly, and Deputy Chief Secretaries on the recommendation of Board of Ministers chosen from SMG based on relevance of competencies and the gender and pluralistic nature of the provincial society.**
- (ii) The functions of performance review, transfers and disciplinary control of all the Secretaries, shall be vested in the Governor who will exercise them in consultation with the Board of Ministers.**

# PART III

## LOCAL AUTHORITIES AND THEIR EMPLOYEES

### Introduction

The role of local government in sustainable national development in Sri Lanka has become a key issue because over the decades the role of local authorities has been systematically diminished to a low level. There is increasing evidence elsewhere that a sustained investment in local infrastructure and community development is a critical dimension of poverty reduction. Furthermore, the potential impact of local government on socio-economic development is substantial, provided local stakeholders are fully involved in decision-making processes and in the building, management and the maintenance of the local economy. Politically, needless to say, that the local government system is the very foundation of democracy where devolved systems of administration are put into trial.

While governments at the center are unlikely to have the capacity to correctly assess the diversity of local conditions or local requirements and capabilities, local governments have comparative advantages because of their better knowledge of local needs and priorities, their proximity to local users, and the pressure of local constituencies for greater accountability and transparency. There is a growing concern regarding a *Grama Rajya*, a concept envisaging the lowest level village participation in development.

## PROPOSALS

### **Proposal (23): Establishment of *Grama Rajya*.**

**Establish *Grama Rajya* at the Ward level of local administration, which is a people's participatory body to be constituted in line with Gramodaya Mandalaya.**

#### *Justification -*

It is observed that there is a demand arising from the grassroots showing interest to be involved in advocacy, influencing and monitoring of activities undertaken by LGAs. At present the Constitution provides for the involvement of *Gramodaya Mandalayas* through Item 4.1 of the List I in Schedule 9 under the 13th Amendment, but this institution is defunct.

The Sub-Committee endorses the field status of a rising demand from the grassroots showing interest to be involved in advocacy, lobbying, influencing, prioritizing, monitoring of activities undertaken by LGAs, PCs and even what is executed by the government at the center. The Gramodaya Mandalayas probably would have been introduced for these purposes. However, it cannot be implemented as this institution is now defunct. Though the composition of Gramodaya Mandalayas was different, the Sub-Committee proposes the introduction of Grama Rajyas based on a Ward or an amalgamation of Wards as applicable, in lieu to fill this vacuum. However, Grama Rajya needs an appropriate institutional mechanism, preferably functioning through the LGA, unless otherwise decided to execute its functions. In deliberations it was noted that there is thinking on another depoliticized, independent institution by the name of Grama Rajya being conceptualized and contemplated. It is the view of the Sub-Committee that the Grama Rajyas can replace

the vacuum created, if Gramodaya Manadalayas are repealed. In light of a Ward Based Electoral System to be introduced, the Sub-Committee considers it appropriate the feasibility of organizing Grama Rajyas co-terminus to a Ward, when applicable.

### **Proposal (24): Local Government and Local Government Authorities**

**Local Government shall constitute the Third Tier of Government comprising all categories of LGAs with representatives elected by the people which will function according to Law that established them.**

#### *Justification -*

Initially it will be required to identify the legal constraints and promote formulation of new legal instruments for LGAs to function more effectively and efficiently. The need to revamp the legal status of LGAs (i.e. Municipal Ordinance, Urban Council Ordinance and Pradeshiya Sabha Act) with new laws is highlighted in this respect. It is noted that some work had already been done by the Ministry of Provincial Councils and Local Government at the centre.

### **Proposal (25): The performance of Local Government Authority (LGA)**

**The performance of LGAs shall be supervised (including the power of dissolution) by PCs, who will have the authority to assign, but not to take away, functions of the LGAs.**

## **Proposal (26): Funds for Local Government Authorities**

**The Finance Commission shall ensure that fair and equitable financial allocations are made from the Consolidated Fund through the National Budget for annual capital expenditures of LGAs.**

### *Justification -*

While the LGAs have been suffering from lack of financial resources it is found that the PCs also have been administratively restraining resource sharing with the LGAs. Hence, it should be mandatory to provide dedicated funds to LGAs using funding provided to PCs through the National Budget for which constitutional provision is desirable. The Sub-Committee noted the view held by the PRCCR that a percentage of budgetary funds to LGAs should be channeled through the PCs.

## **Proposal (27): Local Government Service**

**The Local Government Service (LGS) personnel shall be administered by the PPSCs through its sub-committee on Local Government Service. The Sub-Committee's attention has been called by representations, inter alia, to the following:**

- (i) Provincial Councils and even the government through various institutions and unfair laws have been duplicating or sometimes encroaching into the functions of LGAs and thus weakening those authorities;**
- (ii) Over the years, the sources of revenue of LGAs have dried up and personnel of those institutions have been**

**attracted by other agencies both central and provincial;  
and**

- (iii) The LGAs have been suffering from decaying political values at local level which in turn has polarized the civic society from the political elite.**

### References

- 01 The Constitution of Sri Lanka - 1978 - [Revised Edition 2015 (Chapter IX)]
- 02 Thirteenth Amendment to the Constitution
- 03 Draft Constitution of 2000
- 04 The Constitution of Sri Lanka - 1972 (Article 105 –134)
- 05 The Constitution of Ceylon [Sessional Paper III – 1948]
- 06 Proposals made by the All-Party Representative Committee
- 07 Human Right Commission of Sri Lanka Act, No. 21 of 1996
- 08 Parliamentary Commissioner for Administration Act No. 17 of 1981
- 09 Parliament Commissioner for Administration (Amendment) Act No. of 1994
- 10 Pradeshiya Sabhas Act
- 11 Provincial Councils Act No. 42 of 1987
- 12 Local Government (Administrative Regions) Ordinance [Chapter 595]
- 13 Local Authorities (Pensioner’s Allowances) Ordinance [Chapter 594]
- 14 Local Authorities (Special Provisions) Ordinance [Chapter 593]
- 15 Local Government Service Ordinance [Chapter 592]
- 16 Town Councils Ordinance [Chapter 578]
- 17 Urban Councils Ordinance [Chapter 577]
- 18 Municipal Councils Ordinance [Chapter 576]

## **Submissions Received**

### **Political Parties**

- Mahajana Eksath Peramuna
- Lanka Sama Samaja Party
- Communist Party of Sri Lanka
- Socialist Alliance
- Sirilaka Janatha Peramuna
- Democratic Left Front
- Up - Country Peoples Front
- Akhila Ilankai Tamil Mahasabha

### **PRCCR/Ombudsman/Independent Commissions**

- PRCCR - First Report - May 2016 Mr. Lal Wijenayaka
- PRCCR - Second Report - 8th July 2016 Mr. Lal Wijenayaka
- Parliamentary Commissioner for Administration (Ombudsman)  
Mr. Tissa Ekanayake
- Human Right Commission Dr. U. Vidanapathirana
- Election Commission Mr. Mahinda Deshapriya
- National Procurement Commission Mr. N.I.F.A.Wickremasuriya
- Delimitation Commission Mr. K. Thavalingam
- Public Service Commission Mr. Gamini Senevirathna
- Provincial Public Service Commission – Uva Mr.R.M.T.B.  
Bhathiyadeniya
- Provincial Public Service Commission - Eastern

### **Chief Secretaries of Provincial Councils**

- Central Provincial Council
- Northern Provincial Council

- North Central Provincial Council
- North Western Provincial Council
- Uva Provincial Council
- Western Provincial Council
- Eastern Provincial Council

### **Ministries & Institutions**

- Sri Lanka Institute for Development Administration Prof. M. Thilakasiri
- Sri Lanka Export Development Board Ms. Indira Malwatta
- Ministry of Plantation Industries Mr. Upali Marasinghe
- Ministry of Public Administration and Management Mr.J. Dadallage
- Chief Secretary's Office - North Western Province Mr.Jayantha Wijeratne
- Ministry of Finance (Information Technology Management Department) Mr. S.H. Harischandra

### **Associations & Trade Unions**

- Sri Lanka Janaraja Health Services Union (SLJHS) Mr.W.A.D. Wimalaratne
- Government Ayurvedic Medical Officers Union (GAMO) Dr. Nimal Karunasiri

### **Resource Persons of the Sub-Committee**

- Hon. Austin Fernando
- Prof. Gunapala Nanayakkara
- Mr. Palitha Elkaduwa

- Dr. Fahmy Ismail

### **Other**

- Former Secretary - Ministry of Public Administration & Home Affairs Mr. R.S. Jayarathna
- Comparative Study of Public Service
- Report of " Group A"
- Report of the Committee on a new chapter on FR
- Reforms on National Salaries and Cadre Commission Prof. Gunapala Nanayakkara
- Submission on reforms by Mr. S. Rangarajah

## **Meetings / Discussions of the Sub-Committee**

- 1 24 May 2016
- 2 08 June 2016
- 3 23 June 2016
- 4 24 June 2016
- 5 07 July 2016
- 6 08 July 2016
- 7 20 July 2016
- 8 21 July 2016
- 9 28 July 2016
- 10 11 August 2016
- 11 18 August 2016
- 12 23 August 2016
- 13 24 August 2016

## **Further Deliberations by the Resource Persons**

- 1 12 July 2016
- 2 14 July 2016
- 3 15 July 2016
- 4 18 July 2016
- 5 02 August 2016
- 6 04 August 2016
- 7 05 August 2016
- 8 09 August 2016
- 9 16 August 2016

## **Officials Participated at the Discussions**

- 1) Mr. Lal Wijenayaka, Chairman, Public Representatives Committee on Constitutional Reforms
- 2) Mr. Winston Pathiraja, Secretary, Public Representatives Committee on Constitutional Reforms
- 3) Prof. Nawarathna Bandara, Member, Public Representatives Committee on Constitutional Reforms
- 4) Prof. (Mrs.) Camina Gunaratne, Dean, Faculty of Humanities and Social Sciences, OUSL
- 5) Prof. Kapila Perera, Dean, Faculty of Engineering, University of Moratuwa
- 6) Mr. R. Thyagalingam, Chairman, Provincial Public Service Commission, Northern Province
- 7) Mr. Susil Sirivardhana, Senior Advisor, National Housing Development Authority
- 8) Mr. Mahinda Deshapriya, Chairman, Election Commission of Sri Lanka
- 9) Mr. Sanath Panawennage, Director, Arthur C. Clarke Institute for Modern Technologies
- 10) Mr. K.A. Thilakarathna, Chief Secretary, North Central Province
- 11) Mr. Naganathan Selvakumaran, Former Dean & Senior Lecturer, University of Colombo.
- 12) Mr. Suren Fernando
- 13) Mr. Palitha Abeywardena, Legal Officer, Ministry of Local Government and PCs
- 14) Ms. C. Saparamadu
- 15) Mr. Tissa Yapa Abeywardana, Chief Secretary, Mahajana Eksath Peramuna
- 16) Mr. Somaweera Chandrasiri, Mahajana Eksath Peramuna

- 17) Mr. G.V.D. Thilakasiri, Deputy Secretary, Democratic Left Front
- 18) Prof. Tissa Vitharana, Leader, Lanka Sama Samaja Party
- 19) Mr. A. Lawrence, Secretary, Up Country Peoples Front
- 20) Mr. Jagath Wijeweera, Secretary, Ministry of Law and Order and Southern Development
- 21) Mr. H.U. Premathilake, Additional Secretary (Educational Quality Development), Ministry of Education
- 22) Mr. Deshabandu Sooriyapatabendi, Chairman, Provincial Public Service Commission-Sabaragamuwa
- 23) Mr. H.W. Wijeratna, Chairman, Provincial Public Service Commission-Southern Province
- 24) Mr. W.A.D.P. Sarath Stanley, Secretary, Provincial Public Service Commission-NWP
- 25) Mr. V.P. Balasingham, Chairman, Provincial Public Service Commission -Eastern Province
- 26) Mr. D.M.L. Bandaranayake, Deputy Chief Secretary, UVA provincial Council
- 27) Mrs. K. Pathmarajah, Deputy Chief Secretary - (Personnel & Training) , Eastern Provincial Council
- 28) Mr. Jayantha Wijeratna, Chief Secretary, North Western Provincial Council
- 29) Mrs. Saraswathie Mohanathan, Deputy Chief Secretary -Admin, Northern Provincial Council
- 30) Mr. Gamini Rajaratne, Secretary of Minister of Central Provincial Council
- 31) Mrs. Sunethra Gunawardana, Secretary, Provincial Public Service Commission, Sabaragamuwa
- 32) Prof. Daya Edirisinghe, Chairman, Official Languages Commission

- 33) Mr. M.I.M. Rafeek, Secretary, Ministry of National Policies and Economic Affairs
- 34) Mr. R. Wijjaludchumi, Secretary, Ministry of Science, Technology and Research
- 35) Mr. Ravindra Hewavitharana, Secretary, Ministry of Public Enterprise Development
- 36) Mrs. S.M. Mohomed, Addl. Secretary (Admin), Ministry of Foreign Affairs
- 37) Mr. Upali Weerasinghe, Legal Advisor, Ministry of Defence
- 38) Mr. M.A. Allam, Addl. Secretary, Ministry of Industry and Commerce
- 39) Mr. U.H.C. Priyantha, Addl. Secretary, Ministry of Labour and Trade Unions Relations
- 40) Dr. U. Vidanapathirana, Commissioner, Human Rights Commission of Sri Lanka
- 41) Mr. D. Dissanayake, Chairman- Public Service Commission
- 42) Mr. A. N. Fonseka, Member, National Procurement Commission of Sri Lanka
- 43) Prof. D.E R.C. Weddikkara, Member, National Procurement Commission of Sri Lanka
- 44) Mr P.A.D.C.R. Perera, Member, National Procurement Commission of Sri Lanka
- 45) Mr. K. Thavalingam, Chairman, Delimitation Commission of Sri Lanka
- 46) Mr. Tissa Warnasuri, General Manager-Corporate Affairs InfoTech - IDEAS (Pvt) Limited
- 47) Mr. Nihal Ranasinghe, Controller-General, Department of Immigration and Emigration
- 48) Dr. Wimal Karandagoda, COO, Durdans Hospital

- 49) Mrs. Neelakanthi Wijekoon, Deputy legal Officer, Sri Lanka Rupavahini Corporation
- 50) Ms. Aparna Tilakaratne, Chief Law Officer, Sri Lanka Port Authority
- 51) Dr. G.A.S. Premakumara, Director General, Industrial Technology Institute (CISIR)
- 52) Miss. Rekha M. P. Hewaliyanage, Addl. Director General (Finance & Admin), Sri Lanka Export Development Board
- 53) Mr. K. Raveendran, DGM, National Savings Bank
- 54) Prof. M. Thilakasiri, Director General, SLIDA.
- 55) Mr. R.M.C.M. Herath, Deputy Director General (A&F), Mahaweli Authority of Sri Lanka
- 56) Mr. Suhada Gamlath, Solicitor-General, Attorney General's Department
- 57) Ms. Indika Demuni De Silva, Additional Solicitor General, Attorney General's Department
- 58) Mr. Sunil Hettiarachchi, Addl. Secretary, Presidential Secretariat
- 59) Mr. M.G.C. Suranga Ranasingha, Assistant Commissioner of Election
- 60) Mr. Tissa Ekanayaka, Parliamentary Commissioner for Administration (Ombudsman)
- 61) Mr. D.D. Bandulasena, State Secretary, Ministry of Agriculture
- 62) Mr. Tissa Seneviratne, Chairman, Ceylon National Chamber of Industries
- 63) Mr. R.M.P.B. Hathyaldeniya, Secretary, Provincial Public Service Commission, Uva Province
- 64) Mr. K. Sarath Gunathilake, Chairman, Provincial Public Service Commission, Western Province
- 65) Prof. Siri Hettige, Chairman, National Police Commission
- 66) Mr. Padmasiri Jayamanna, Secretary, Ministry of Justice

- 67) Mr. H.M.T.D. Herath, Secretary, Eastern Province
- 68) Mr. K. Ravindra Pathmapriya, Department of Pension
- 69) Mr. Ajith Peiris, National Savings Bank
- 70) Mr. P. Somasiri, Secretariat of Governor – Western Province
- 71) Mr. W.A.Chulananda Perera, Director General, Sri Lanka Customs
- 72) Mr. M.L.A. Chandradasa, Finance Commission
- 73) Mr. D.M.C.K. Chandradasa, Deputy Chief Secretary, North Central Province
- 74) Mr. W.M.T.D. Bandara, Commission to Investigate Allegations of Bribery or Corruption,
- 75) Prof. Koliya Palasinghe, Faculty of Information Technology, SLIIT, Malabe
- 76) Mr. J. Dadallage, Secretary, Ministry of Public Administration and Management,
- 77) Mr. Upali Marasinghe, Secretary, Ministry of Plantation Industries
- 78) Mr. Udaya R. Seneviratne, Secretary, Ministry of Mahaweli Development and Environment.
- 79) Mr. S. H. Harischandra, Ministry of Finance
- 80) Prof. V. Nandakumara, Provincial Public Service Commission, Central Province
- 81) Mr. L. P. Jayampathi, Secretary, Ministry of Ports and Shipping
- 82) Mr. K.K. Chandrasiri, Chairman, Salusala
- 83) Mr. Sumanasiri Gamage, Salusala

### **Members of the Sub-Committee on Public Service**

1. Hon. A. D. Susil Premajayantha, M.P., Chairman
2. Hon. Karunarathna Paranawithana, M.P.,
3. Hon. Chandrasiri Gajadeera, M.P.,

4. Hon. Nihal Galappaththi, M.P.,
5. Hon. J. C. Alawathuwala, M.P.,
6. Hon. (Dr.) Ramesh Pathirana, M.P.,
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