

**Public Representatives,
Taxpayers and Pradeshiya
Sabhas**

Sriyanie Wijesundara
Governance Programme, Centre for Policy
Alternative

Published By: Governance Programme,
Centre for Policy Alternatives (CPA)
Compiled by: Sriyanie Wijesundara
Cover design: Sujith Kumara

The Centre for Policy Alternatives (CPA) is an independent, non-partisan organisation that focuses primarily on issues of governance and conflict resolution. Formed in 1996 in the firm belief that the vital contribution of civil society to the public policy debate is in need of strengthening, CPA is committed to programmes of research and advocacy through which public policy is critiqued, alternatives identified and disseminated.



Address: 24/2 28th Lane,
Off Flower Road
Colombo - 07
Telephone: +94 (11)2565304-6
Fax: +94 (11)4714461
Web: www.cpalanka.org
Email: sriyanie@cpalanka.org

ISBN: 978-955-4746-08-4

Many thanks are due to Manjula Gajanayake and Lakshmi Rajendran for assisting in this publicatio

Role and responsibilities of Pradeshiya Sabha Members

Whilst the Local Government level is the third of the levels of governance systems in Sri Lanka, it is sometimes referred to by names such as 'regional government' or 'locations specific' government body.

In any case this tier is comprised of three further sub divisions namely Municipal Councils, Pradeshiya Sabhas, and Urban Councils.

The main objective of this booklet is to discuss Pradeshiya Sabhas which are the closest representative body to the public. Whilst the Pradeshiya Sabha is the smallest representative body this has been given legal powers through the ACT 1987 No 15 of PRADESHIYA SABHA. The scope and responsibilities of the PS are elaborated through this ACT.

The main purpose of a Pradeshiya Sabha is, to draft relevant by Laws, within the area of their jurisdiction, as well as to carry out their responsibilities with due accountability and transparency. Out of the main responsibilities is to create the 'Annual Development plan' relevant to their area. It is important that this plan be created though a participatory process. Whilst this should be based on common needs, there should be a

plan for generating the required income and approval of expenditure, as well as a plan for implementation.

In the main it is the public representatives who should be responsible for this process.

There is a broad specific responsibility for the Chairman and other public representatives in this process. Accordingly the role of the Chairman of the PS is important for the effective running of the Council as well as to the taxpayers, of the relevant areas, who benefit from services of the Council.

Chairman – Role of the Chief Executive

The Chairman heads any assembly of the Council. He takes a lead role in any policy decisions which affect the running of the Council. Again, he is also the Chief Executive of the council (Section 8(1) of the PS Act) accordingly he leads the implementation of any decision made regarding the Council. He also functions as a bridge between the policy decisions of the councils and the implementation of such decisions.

His role is also, as the main citizen of his area, to participate as a chief guest in various community and public events and also host national and international dignitaries.

Apart from this, the Chairman is the Chief Officer accountable, for all financial matters of the council. Accordingly he is accountable, to the Auditor General and through him, to the Provincial Council and Parliament regarding all financial matters of the council.

Therefore his responsibility and accountability are most important, in the process of producing, approval and implementation of the complete budget process of the Council.

The compilation of the Annual Budget, incorporating suggestions obtained from a broad public consultation, and the presentation to the council (between April 15th to August 15th), as well as the approval (30th November – 15th December) as well as implementation are carried out by the Chairman. Another crucial task is the audit of the council (section 172 of PS Act No. 15 of 1987)

The year's expenditure and final accounts based budget need to be submitted to the Auditor General before the 31st March of the following year. Whilst any observations and audit queries received between July and August, of the submitted final accounts, need to be tabled, notification of same has to be provided to counselors and advisory committee members. Within 13 days of receipt of audit queries, responses to these have to be submitted in copy to the Auditor General, Commissioner of Local Government and Assistant

Commissioner of Local Government. If the Auditor General is not satisfied with these explanations, these audit queries and observations are forwarded to the Chairman, within a period of 14 days to one month. If no satisfactory answers are received even by these means, such audit queries and observations are notified to the Provincial Accounts Committee and to the Public Accounts Committee of Parliament. In the meantime, in the event of a decision that an action is against the law, or an irregular procurement process has been followed, a surcharge certificate is dispatched by the Auditor General, against the Chairman, with copy to the Commissioner of Local Governance.

The Chairman can submit an appeal against this, to the Secretary to the Ministry of Provincial Councils and Local Government. Subsequent to this, the final decision is made by the Secretary after an appeal hearing, under section 172 of the PS Act No 15 1987. In any case, if there is no appeal made, or if the surcharge is not paid, the Commissioner of Local Government will take steps to file a case against the Chairman to collect the relevant monies.

Other matters for consideration by the Chairman

- Presiding at all meetings of the Pradeshiya Sabha
- Ordinary meetings of a Pradeshiya Sabha shall be held for the dispatch of business on such dates or at such intervals as may be fixed by by-laws or rules made or deemed by any written law to have been made under PS Act.
- Giving leadership to the general meetings of the Pradeshiya Sabha (protecting the respect and the quality of the meeting and maintaining discipline among members)
- Contributing to the quality and effectiveness of general meetings of Pradeshiya Sabhas

Further, there are certain matters to be considered as the Chief Executive Officer of the Council

One of main duties that should be fulfilled by the Chairman as the Chief Executive officer of the council is giving the guidance and directions to implement decisions taken by the council

In this situation the Chairman and other representatives of the council are directly responsible and accountable

to the people in their respective area. The Chairman should give proper directions to his fellow representatives as it is a prime responsibility of his that all actions related to the councils should be monitored and evaluated.

Though there are certain personal, political, and social interests in the agenda of the Chairman he should be able to balance those interests and carry out his duties without displeasing the people who are living in his respective area. Also there should be a clear understanding on the limitations of assets/resources (capital, equipment, human resources and time) available in the Council. Therefore, he should be able to overcome these limitations by obtaining people's participation, sound planning and management.

Since the Local Government is an entry point to national politics there will be some expectations of proceeding to parliament, among the members of Pradeshiya Sabhas. However what is important is that the members of PSs have a crystal clear understanding of the legal framework of the council particularly the PS Act and relevant regulations of Local Government and carry out their duties according to the expectations of both respective council and the community.

Not only is the Chairman responsible for decision making and giving priority to the work of the Pradeshīya Sabha and other representatives of the council, as chief executive officer and public representative, but they need to intervene in matters of management within the council. Therefore it is deemed most important to maintain a good relationship between members and the officials of the council from the beginning. To make this a reality it is important to understand the roles and responsibilities of both these parties.

There is a serious responsibility vested with the Chairmen and members of Pradeshīya Sabhas to maintain continuously the important role of the Pradeshīya Sabhas. They are selected by the people and they should give directions to perform the duties of the council effectively. Because the Pradeshīya Sabha is a *people's council*. Their prime responsibility is not towards the government, provincial council or any other agency but towards the community who selected them as members.

The success and the entire operation of a council is always based on the decisions taken by the council and effectiveness of the executive supervisory role of Chairman.

Therefore there are many responsibilities the Chairman has, and as the Chief Executive Officer of the council, it

is important to have a proper understanding of their duties and prepare well ahead for any work to be led by him.

1. Full understanding of the Pradeshiya Sabha Act No. 15, 1987 and all its relevant amendments as well as performance of duties with sound understanding of the entire operations of the council.
2. Total supervision of the staff of the council
3. Total supervision of all assets belonged to the council.
4. Organizing of General meetings, committee meetings and co-ordination of provision of necessary services.
5. Guidance and supervision of all financial matters of the Council
6. Performance of powers entrusted through main legal enactments and other acts and regulations. Such as thoroughfare, public health, cemeteries, urban planning, public amenities and similer.

7. Performance under powers entrusted by other relevant agencies. For example environmental and urban developments
8. Providing various kinds of services and being answerable regarding these
9. Maintaining a good co-ordination with relevant organizations/Institutions, other Civil Society Organizations working closely with the council.
10. Give fullest cooperation for the Audit process relevant to all activities of the council.
11. Taking necessary measures and being alert on legal and judicial matters / developments relevant to the Council
12. Taking necessary steps in response to views and complaints given by people regarding council matters
13. Maintaining a balanced relationship with fellow council members, staff, and community and government agencies.
14. Making arrangements to give relevant information when necessary to the Parliament, The Ombudsman of Parliamentary

Commissioner for Administration, Provincial Councils, The Ministry of Local Government & Provincial Councils, Judiciary, The Auditor General and other relevant Government agencies.

Further matters to be considered by the Chairmen, towards the effective handling of day to day business of the Council

- The Pradeshiya Sabha is a legislative body established under the Parliament of Sri Lanka through its Act and other relevant legal enactments.
- The Pradeshiya Sabha has been the most accessible democratic body comprising of public representatives selected by people according to their interest. It is also working towards the betterment, well being and welfare of the community. Further it has a fund created through the taxes paid by the community and it is a legally approved body capable of incurring expense for community services. (Section 129 (1) and (2) of P.S. Act)
- It is fully committed to work according to the P.S. Act as clarified clearly through Vision &

Mission, Responsibilities and its relevant procedures of Pradeshiya Sabha.

- Comprises of capable staff having experience and qualifications to implement the development plan of the council.
- Having a legally approved fund to pay staff salaries, other expenditure and provide services.
- Having a proper understanding regarding the P.S. funds, which are operated under the income and expenditure procedures and Pradeshiya Sabha financial regulations.
- Auditing of Pradeshiya Sabha (income and expenditure) account is by the Auditor General and through this the PS is responsive/accountable to Parliament and people.

Apart from the Pradeshiya Sabha act, there are Acts and Ordinances passed by Parliament and a number of statutes approved by Provincial Councils which give substantial powers and responsibilities to Pradeshiya Sabhas. Since these have to be implemented by the Chairman, it is necessary that he has a clear understanding of these.

Some of these are as follows:

- Housing and Town Improvement Ordinance No 19 of 1915
- Urban Development Authority Act No 41 of 1978
- Nuisance ordinance No.15 of 1864
- Food Act No 26 of 1980
- Thoroughfares Ordinance No.10 of 1861
- Butchers Ordinance No.9 of 1893
- Entertainment Tax Ordinance No 12 of 1946

There are a number of By Laws and regulations passed under these Acts, and these need to be kept in mind too.

Role of the Vice Chairman

The Vice Chairman also is highly responsible. Unless the Council has given him any particular separate responsibility the Vice Chairman acts in lieu of the Chairman if the latter is absent.

He should sit at the Chair of the Council meeting if the Chairman is not present, according to the Act. Similarly the Vice Chairman should work amicably and with a good degree of co-ordination with the Chairman. A

harmonious relationship between the Chairman and the Vice Chairman are a factor leading to the effective functioning of the Council. The mutual respect and understanding between the two is therefore crucial to the Council

Role of the Members of the Pradeshiya Sabha

Similar to the Chairman and Vice Chairman the Members too have substantial responsibilities apart from participation at Council meetings:

Council Meetings and Committee Meetings

Members need to participate in Council meetings and Committee meetings and draw close attention to the peoples' requirements which should be then attended to as a matter of priority. They should also carefully study the issues of the people.

Member involvement and activity will be most effective in the Committee meetings. It is in such meetings that clear points can be made about people's requirements, leading to proper decisions. Similarly in the Committee meetings there is a chance to discuss administrative matters of the Council, thereby increasing the effectiveness and performance of the Council. The final benefit of these is to the public. In practice at present however there is some reluctance in members in attending such meetings and this need to be changed.

Public Participation

There are considerable expectations that people have from the public representatives in their regions. Public participation is very important to identify these expectations as well as to create a regional development plan through that. This is a special responsibility of the Public representatives. For this, councilors should clearly identify their responsibilities and they should make an effort to encourage broad and friendly involvement by the public. Leadership can be taken by thus taking action, to obtain the public participation. This is important to the good governance of the councils and their areas.

Accountability

Maintaining good governance in the Council as well as the region is a special responsibility of the Chairman and other representatives. In this, their duties should be carried out with accountability and transparency, and they are answerable to the public.

They are thus answerable to three segments namely

- The Public,
- Institutions which provide funding,
- The Audit.

Accountability to the public

The representatives are mainly accountable to the public who have chosen them, in three ways.

i. Due provision of services

Effectiveness and fairness of and relevant facts of the region, they should be accountable to the public. Similarly the services should be up to standard and useful to many, ensuring this is a responsibility of the Council.

ii. Expenditure

Public representatives are answerable to them, for taxes received from the public. They are responsible to make the best use of the financial resources, as well importantly the management of the finances, particularly in accordance with the law and regulations. For the provision of services, the expenditure should be made and recorded with full transparency.

iii. Collection of income

Trust must be built in the mind of people for the proper collection of due taxes to be charged by the council. The public representative is responsible for this, and must follow the below requirements:

TRANSPARENCY

The public have a clear right to know about all activities performed by the Pradeshiya Sabha which is a Public Organization to which Representatives are appointed by the Public. Likewise whilst the Public have a right to examine any document relevant to the said activities and whilst this is a moral responsibility of the Peoples' Representatives including the Chairman, this has been laid down in the Pradeshiya Sabha Act too. Pradeshiya Sabha (Finance and Administration) of 1988, Chapter II Regulation 14(3), the Income and Expenditure Register. Formulating procedure for same is the chief responsibility of the Peoples' Representatives and the Committee. Likewise, it is very important for the Chairman of the Committee who is also the Chief Administrator as well as for the Committee Members at all times, to function so as to support and encourage confidence towards them by the public whom they represent.

Likewise the Public should be made aware of the procedure followed by the Pradeshiya Sabhas as well as the manner through which the Public could be made aware how to obtain the relevant services regarding each service unit and the officers who are responsible for same etc. For this purpose a leaflet giving details of services provided by the Committee should be prepared

in a manner that could be understood by the General Public and provided to the Public. This is of vital importance to strengthen the transparency of the Committee. Already this service has been efficiently fulfilled by several Pradeshiya Sabhas.

The other mode to identify transparency and integrity is to conduct administrative matters of the Committee according to administrative procedure i.e. recruitment of personnel should be done by calling for applications through advertisements and should be selected on ability, knowledge and experience by an interview. It is the same with regard to promotions of employees as well as for awarding contracts. The Chairman and Members should follow the guidelines laid down at a national level in relation to the Purchases of Goods and Services for the Committee as well as the awarding of Contracts (e.g. calling for Tenders.) This entire Committee procedure would foster a good public relationship as well as formulate transparency.

Likewise in order to minimize or to do away with the distance between the Pradeshiya Committee and the people, the Pradeshiya Committee should be made a lively institution amongst the Public and it is very important to form friendly relations with same. For this it is important for the Peoples Representatives to conduct regular Public Meetings and Hearings. If action

is taken in that manner creating Public awareness about the activities of the Committee affording an opportunity for the People's ideas and criticism, it would be possible to obtain the ideas of the people about the proposed programs of the Committee, Special Projects etc. The ability to obtain the views of the people about the progress of the Projects that are in force, the proposed rates and increase of taxation rates, and new income sources is also another matter of special gain as well as a means by which it would be an encouragement to participation. The hidden benefit of this is the confidence and friendliness is formed in the people which would be in turn an incentive for the payment of Taxes. The reasons for this is the incorporation in the decision making process of peoples ideas obtained though required discussions, which would be which in turn have ensured people's participation in the development process (for example through also participating in the imposition of taxes.) It is the Chairman as well as all the People's Representatives who should give an initial contribution and guide to such projects of long term benefit.

Another way to strengthen transparency of Committees is by providing the people with the Annual Income and Expenditure Statement of the Pradeshiya Sabhas and a Report of the Procedures. Whilst as taxpayers the people will have a good knowledge through this of the

income that has been received by the Committees and the monies which the Committee proposes to spend for the development programs formulated by the payment of their rates for the forthcoming matters, the manner in which the committee prepares to spend based on the ideas given by them creates an internal pride in them, as well as a sense of ownership. Likewise people will have a sensitivity of the utilization of their rates and the benefits. From this an open opportunity can be created for the public and for the peoples' representatives, to analyze the items of the Committee's development plan, fulfilling the duty of responsibility towards the public, as well as being accountable.

Peoples Representatives should act with responsibility and transparency with regard to the Rates paid by the people, procedure given by the Central Government and Awards made by other Institutes, Funds and Loans. As clearly laid down in the Pradeshiya Sabha Act as well as the Constitution of Sri Lanka, the activities of the Pradeshiya Sabhas shall be subject to Government Auditors' examination regulations. (Section 154 of the Sri Lankan Constitution and 172 of the Pradeshiya Sabha Act) Accordingly, it should be very clearly understood that the entire Committee, inclusive of the Chairman and members and other officers of the Pradeshiya Sabha are bound by law with regard to all financial transactions and if not carried out accordingly these will

be subject to the surcharge throughout one's life time.
(Section 172(3) of the Pradeshiya Sabha Act)

In order to further emphasis the transparency and responsibility consisting of democratic principles and for strengthening a Pradeshiya Sabha, the model behavior of the Chairman and members is very important. For this purpose it is necessary to formulate a Code of Ethics to cover the entire Committee, provide a suitable procedure for same and to act accordingly.

As the governance body closest to the taxpaying people, the effective provision of required services, maintaining of the offices at suitable standards, and maintaining a high level of preparedness, knowledge and behavior of the Peoples Representatives is very important, towards gaining the respect and acceptance of the people.

Accordingly, they should have a basic knowledge of the scheme of their Pradeshiya Committee, aims, responsibilities, powers and limits, legal responsibilities, beneficiaries of its jurisdiction, the amount of resources of the Committee, capacity of the staff members, strength of administration, and an initial knowledge of other institutions.

Likewise they must be fully conversant with the facts relevant to Administration activities and Financial Regulations, Administrative Regulations, National

Procurement guidelines and the Establishment Code. In the implementation of the Development program of the Committee it should be understood that the responsibility and functions of the Chairman inclusive of the Members are various. Those are

1. Functioning as Administrator/Managers
2. Functioning as Officer of Public Alliance
3. Functioning as Community Leaders
4. Functioning as Political Representatives
5. Formulation of Principles and Regulation of the Institute
6. Taking decisions relevant to the functioning of the institution
7. Implementation of decisions and Monitoring

Whilst all these responsibilities are bestowed on the Chairman, Members and the Staff of the Pradeshiya Sabha, the due implementation of these responsibilities is important for a model Pradeshiya Sabha.