Decentralisation and Effective Management: Special Reference to Sri Lanka

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Abstract: The most of the community-based development activities are carried out through agencies of the central government and provincial councils in the Sri Lanka. Theoretically, the local authorities are considered to be the third branch in the administrative structure. If the third branch administrative structure is weak in resources, it is not effective in the management and does not play an outstanding role in the mainstream of administration and development. Although outdated the local framework on local authorities is broad, local authorities are at crossroads at present. Therefore, it needs strength and vigour to function as a dynamic system of local governance. But the existing system of local authorities in the Sri Lanka is not recognised as a decentralised community development units, which can play a vital role coordinating and administrative to development activities at community level. The local authorities are left with residual activities providing comfort and convenience to the community in regard to public health, scavenging, public utility services and local thoroughfares. The community-based activities of the local authorities in the Sri Lanka can be classified into three broad functional areas, namely, public health and environmental sanitation, public thoroughfares and public utility services. In general, the above functions are common to the three types of local authorities’ namely municipal, urban council and pradeshiya sabhas in the Sri Lanka. The activities are designed to promote the welfare and comfort of the citizens through various services and amenities. Keywords: public health, utility services, conservancy, scavenging, solid waste

1. Introduction

Centralization refers to the concentration of authorities at or near the top. Decentralisation carries quite opposite meaning. It denotes dispersal of authority among a number of individuals or units of an organisation. On the other hand, can say, Decentralisation means sharing of powers from overhead, implying dispersal of power among a number of subordinate officials or administrative units. In the words of L.D White (1989:37), “the process of transfer of administrative authority from lower to a higher level of government is called centralization; the converse, decentralisation”. The essential element in decentralisation is the delegation of decision-making functions. Generally, theoreticians identify deferent kind of decentralisation, which are political, administrative, spatial and market decentralisation (Cohen, J. M., and Peterson, S. B., 1999:18).

This research through only to concentrate political decentralisation which aims to give citizens or their elected representatives more power in public decision-making. It is often associated with pluralistic politics and representative government, but it can also support democratisation by giving citizens, or their representatives, more influence in the formulation and implementation of policies. Therefore, political decentralisation is also called democratic decentralisation by some authors (Crook, Richard C. and James Manor, 1998:11-12, Harry Blair, 1998:1 and Agrawal, Arun and Jesse C. Ribot, 1999:475). Advocates of political decentralisation assume that decisions made with greater participation will be better informed and more relevant to diverse interests in society than those made only by national political authorities. The concept implies that the selection of representatives from local electoral jurisdictions allows citizens to know better their political representatives and allows elected officials to know better the needs and desires of their constituents. Political decentralisation often requires constitutional or statutory reforms, the development of pluralistic political parties, the strengthening of legislatures, creation of local political units, and the encouragement of effective public interest groups. Constitution, laws and regulations codify the formal rules of the game by which a decentralised system is supposed to function. Structurally, the desirable architecture of these rules is quite straightforward. The constitutions should be used to enshrine the broad principles on which decentralisation is to operate, including the rights and responsibilities of all levels of government; the description and role of key institutions at central and local levels; and, the basis on which detailed rules may be established or changed. According to Charlesworth (1951:207), “decentralisation has a
more important than mere administrative efficiency. It bears directly upon the development of a sense of personal adequacy in the individual citizens. It has spiritual connections”. The objectives of this article to evaluate decentralisation experience at the local authorities in the Sri Lanka and for this purpose that it assesses only thoroughfares development, public health and public utility services. In this connection, the research enlightens following two question concerning decentralisation and effective management the present local authorities in the Sri Lanka. One is that how does share of powers from highest to among a number of local authorities to uplift road development, public health, environment and public utilities? The second one is that does the Sri Lanka accept that political decentralisation closely connected with the local authorities? This research work has been completed by a qualitative method which involves and examine the text of documents and the words of speech. The research data collected from the ordinance, norms and related research finding.

2. Power to Thoroughfares

The thoroughfares are one of the main decentralisation power of local authorities where they are responsible directly or through the mechanism of co-ordination road development. At the beginning, public thoroughfares are administered under the thoroughfares ordinance (Legislative Enactments, Chapter 522) and under the road development authority act (Act No.73 of 1981). The provisions of sections 47 to 95 of the municipal council’s ordinance (1987:22-48), 44 to 94 in the urban council’s ordinance (1987:19-54) and 21 to 77 in the pradeshiya sabha act (1987:16-48) are applicable to local authorities for thoroughfares development.

Although at present local authorities are responsible for the upkeep of the roads owned by them, it is necessary that they are held responsible for the proper construction and maintenance, demarcation of new streets and street lines, naming and numbering of streets, removing obstructions upon streets and town planning. The local authority is also responsible for taking steps to decline nuisance, prevent obstruction and other interferences affecting streets, the cleaning and lighting of streets and regulating the placing of bus-halts, lamp posts and shelters. For example, the under the section 24 of the pradeshiya sabha act (1987:17) it is statutorily laid down that all roads should be surveyed, boundary marked and gazetted within three years. This requirement has not been fulfilled by a majority of pradeshiya sabhas. Another major problem identified is the situation that has arisen due to other authorities attempting to maintain local authority owned roads without their consent resulting in various legal problems and instances of corruption and malpractices (Report of the Commission of Inquiry on Local Government Reforms, 1999:162).

The cost accelerations have been a major constraint to proper road maintenance. As for accessibility, all the local authorities in the island are traversed by a reasonably satisfactory network of roads, but maintenance continues to be inadequate. In addition to the shortage of funds, two other impediments for proper road maintenance have been the poor drainage and the inadequacy of road surfaces for the heavy vehicular traffic (Nanayakkara V.K, 1989:263). Due to this reasons, thoroughfares falling in local authorities areas are owned by the following agencies are road development authority, provincial road development authority, local authorities, Mahaweli development authority (regarding roads within authority area.), divisional secretariat (roads into colonization schemes), agrarian services department (agricultural roads), archaeological department (within archaeological reserves) and fisheries department within fisheries areas (Report of the Commission of Inquiry on Local Government Reforms, 1999:161). Emerging issues are that there does not appear to be a single authority responsible for coordination of road development. Due to this reason, various issues have arisen regarding thoroughfares development. But the under the local authority ordinance of the comfort of the people resident in the area is a responsibility vested in them. As a consequence, there seems to be a large number of other roads within rural areas not claimed by any authority.

Since, a lack of coordination between the road authorities and other state agencies responsible for digging up the thoroughfares such as the department of telecommunications, national water supply and drainage board and the electricity board to has led to a further deterioration of road surfaces in the urban areas (Nanayakkara V.K, 1989:263). It is also important for development work of a local authority to acquire private lands for the public purpose of constructing a new road of widening an existing one. As incidental to the power of the regulation of buildings, the urban authorities lay down street lines and building limits and fix the line of building from the centre of each street.

Attention paid by local authorities to road maintenance is poor. It is a major grievance that due to this neglect public convenience is affected resulting in a setback to the livelihood and economic development of the community. Further, as a result of poor road systems, investors are
reluctant to invest in rural areas. This is due to the lack of proper and continuous road maintenance systems operative in local authorities’ areas (Nanayakkara V.K, 1989:163). If action is taken to maintain continuously a road that has been developed, periodically or annually, it would be possible to save large sums of money for the authority and win the goodwill of the people by providing them with a good network of roads. Extreme damage is caused to roads by the plying of heavy vehicles unsuitable to the weight capacity of the road. Although legal provision is available to control this situation due to a lack of interest on the part of local authorities to enforce such laws by adopting by-laws where necessary, it has become a major problem affecting maintenance of roads.

3. Public Health and Environmental Sanitation
Public health is another decentralised power and responsibility of all local authorities and is dealt in detail in the municipal and urban council ordinance and Pradeshiya Sabha act. The reference to decentralised power and responsibilities regarding the public health in all three types of local authorities are very much similar as referred to in the municipal council ordinance section 96, urban council ordinance section 103 and Pradeshiya Sabha act section 78 where mention is made in very forceful terms that;

“Subject to the powers and responsibilities by law committed to any other authority, the municipal council of each municipality shall be the general administrative authority for the purpose of promoting and securing the public health within the municipality” (Municipal Councils Ordinance, 1987:48, Urban Council Ordinance, 1987:56 and Pradeshiya Sabhas Act, 1987:48).

Public health is, therefore, one of the three major local authority functions before development functions were identified for local authorities. Several other laws have a bearing on public health where additional powers are granted. The local authority’s own by-laws and standard by-laws assist local authorities to discharge their responsibilities more effectively. Public health services are divided into two main categories, preventive and curative services for the promotion of health.

i. Preventive health services
It covers a wide range of activities within the area of authority of a local authority such as street sweeping, collection and removal of house refuses, sewerage, conservancy, and scavenging, inspection of food and drugs, provision of latrines and drainage, abatement of nuisances that are offensive. In the municipal council’s ordinance sections 93-117, urban council ordinance sections 104-109 and Pradeshiya Sabha act sections 79-84 have been described provisions in respect of drainage. In addition, the municipal council’s ordinance section 272 (3) and (5), urban council’s ordinance section 157 (9) and Pradeshiya Sabha act section 126 (ix) of the respective enactments have provided for the framing of laws with regard to the functions. In the present-day context, these activities could be rated as the most important functions of a local authority.

Thus, the above provisions have clearly spelt out the powers and responsibilities of local authorities. The desired activities of such authorities in regard to the maintenance of the network of drains, draining out of rainwater, the provision of a connected drainage system and conservancy and scavenging services. The provisions have also been made to make necessary by-laws carry out these functions more effectively and systematically. Although the range of activities is so wide, the actual service rendered by a particular class of local authority may vary to a great extent. Municipal councils and urban councils undertake almost all of the activities in the field of preventive public health listed above. Even within the same class of local authority, it is seen that a greater variety of services are rendered by authorities that show a higher degree of urban functions.

ii. Curative services
As for the curative services, free Ayurvedic (Indigenous) dispensaries of local authorities provide out-patient treatment. Some of the urban authorities provide ambulance services to transport patients to and from the central government hospitals. The extremely wide range of public health function covers a number of services for the promotion of health. The maternity and child welfare services of a local authority, established with a view to promoting the health of the citizen provide ante-natal and post-natal care at maternity and child welfare clinics. In addition, milk feeding centres are also maintained by local authorities. It is also a duty of urban local authorities to ensure that all buildings conform to certain standards with regard to ventilation, space and other sanitary conditions. Furthermore, the powers given to medical and health officers to inspect important places of business, especially hotels and restaurants are not exercised regularly, causing hardships to the consumers. The municipal magistrate system that permits trying offenders under 30 different laws could be used to maintain order, discipline, health and the environment.

3.1 Conservancy, and Scavenging
In the municipal council’s ordinance sections 129-131, urban council ordinance sections 118-120 and Pradeshiya Sabha act sections 93-95 have been
described provisions in respect of conservancy and scavenging. The conservancy and scavenging provisions have clearly spelt out the powers and responsibilities of local authorities. There desired activities of such authorities with regard to the maintenance of the network of drains, draining out of rainwater, the provision of a connected drainage system and conservancy and scavenging services. The provisions have also been made to make necessary by-laws carry out these functions more effectively and systematically (Municipal Councils Ordinance, 1987:7, Urban Council Ordinance, 1987:63 and Pradeshiya Sabhas Act, 1987:55). But the question is whether these functions which are essential in the day to day life of the people are carried out satisfactorily and efficiently today. In particular, the deep-rooted impression of the local people in urban areas is that these services are not rendered by these local authorities efficiently and satisfactorily.

Even though Solid waste management is one the prime duties of local authorities, scavenging of garbage is re-emerging and pressing problem. The scavengers are expected to sweep the main roads and remove the sweepings in hand carts provided by the local authority to dumping grounds from which it is removed by lorry to central dumping grounds generally on the outskirts of the local authority area. Serious problems have arisen when the local authority scavenging lorry does not remove the garbage daily as the minor dumping grounds or stations are disturbed by stray cattle and dogs resulting in their becoming fly breeding centres and a public nuisance (Levien van Zon and Nalaka Siriwardena, 2000:39-40). Town dumpsites are sometimes located near residential areas, and still give problems with smell and public health, especially when waste is also burned at the site. As an alternative, unused natural areas are often used for dumping, preferably low-lying areas such as marshlands. However, many of these areas have a fairly high ecological value. There are various ways in which open dumpsites contribute to pollution of natural systems. Animals, rain and the wind will cause specially the lighter materials (plastics, paper) to be scattered over the area surrounding the dump site. Rainwater percolating through the dump ends up polluting surface waters and the groundwater (Levien van Zon and Nalaka Siriwardena, 2000:39-40). Similarly, the central dumping grounds also have to be maintained properly and according to modern sanitary standards as otherwise, a major disaster would result. Several local authorities have complained that they are unable to find suitable dumping grounds. One way of solving this important problem is to construct incinerators at least in the more populous areas. Therefore, firstly finding suitable space for dumpsites is often a problem.

3.2 Environment

The term environment, however, does not occur in local authorities legislation possibly due to the fact that environment had not received attention when these laws were passed. Of course, one disheartening feature is that often such schemes or incentives are not made available to the public. Although laws have given vast amounts of power to create a sustainable and habitable environment in urban areas, it is found that the development processes have not been that effectively executed. The ultimate goal of all activities within the purview of local authorities, namely, health, roads, disposal of refuse, cleanliness of drains and drainage, markets and etc. are to build up a good environment conducive to the comfortable living of the people. Therefore, local authorities cannot dissociate themselves even for a while from environmental activities, whatever specialised institutions are set up for the purpose. The very fact that at least some portions of the powers of the central environmental authority have been transferred to local authorities shows that even those central institutions cannot directly perform these functions independently of local authorities whose inherent duty is to discharge these functions. A majority of municipal council functions, such as health and sanitation activities, solid waste disposal, the greening of the areas under their control and development of parks, could all be categorised as environmental activities. Furthermore, the powers given to medical and health officers to inspect important places of business, especially hotels and restaurants are not exercised regularly, causing hardships to the consumers. The municipal magistrate system that permits trying offenders under thirty different laws could be used to maintain order, discipline, health and the environment.

Almost all the refuse dumped in any place must be covered with earth or some other steps taken in order to prevent environmental pollution. No such safety measures are usually taken. Naturally, the people around express their protest whenever a new place is located for dumping refuse. The most of the local authorities do not have suitable places for dumping refuse that refuse has been dumped in and around the watercourses. This inordinate dumping of refuse has caused several health problems including the bad smell and mosquito menace and also it might cause water pollution affecting the surface water and underground water as well resulting in severe environmental pollution (Report, Technical Guidelines on Municipal Solid Waste Management, 2004:8).
However, it is obvious that this responsibility is not properly discharged by local authorities today. The evidence points to the necessity of paying serious attention to the due performance of environmental protection functions by local authorities. It has been pointed out that special attention should be paid to this aspect particularly in the location of industries, approval of building plans and disposal of refuse. The extent of evidence received in regard to the allotment of land, construction of houses, construction of factories, and removal of earth, clay, sand and rocks is very large. It appears that local authorities have failed to exercise proper control over the use of polythene, polythene decorations and banners, disposal of solid and liquid waste, drainage sewerage and projects for prawn culture etc. which have a very serious and harmful impact on the environment.

4. Public Utility Services

Public utility services of local authorities are water supply, the supply of electricity, markets, cemeteries and etc. Although it is possible for any local authority to provide any of these services, the availability of finances, as well as the degree of concentration of human activities in the particular spatial area, dictates the functions that are actually carried out by each individual local authority.

4.1 Water

Although provisions existed in local authorities’ ordinances in regard to water supply the function was not performed by all local authorities. The urban local authorities that decided on supplying drinking water and other local authorities in areas where underground water was not suitable for use undertook this function in the form of water supply schemes of their own. These local authorities passed by-laws for the management of the service in accordance with the provisions of the act and set up waterworks divisions.

When national water supply and drainage board was set up in 1974 on a policy decision of the government many of these water supply schemes were taken over by the board while some local authorities retained this service (National Water Supply and Drainage Board Law (No. 2 of 1974)). Even those local authorities whose water supply schemes were transferred to the board had for several years been promised water in bulk from the board for distribution. However, all work connected with the distribution of water continued to be handled by the water supply board and there are only a limited number of independent water supply schemes. At present, the national water supply and drainage board have been established and steps are taken to transfer these activities gradually to the board because the majority of local authorities are not discharging this function properly. There was a large-scale waste of water due to poor maintenance and there were losses also due to weak management.

4.2 Electricity

Prior to the national system of electrical power coming into being on the introduction of hydroelectricity, this public service was performed by local authorities using power generators which were rather costly. Licenses were obtained under the electricity act to perform this function (Ceylon Electricity Board Act, No.17 of 1969, Section 33:22). However, it should be admitted that the service was not well maintained due to lack of resources of local authorities. It appears that the following factors such as failure of local authorities to settle the bulk bills duly, weak management, inefficiency and the need to bring about unified system along with the technological advancement (Report of the Commission of Inquiry on Local Government Reforms, 1999:191).

Local authorities’ laws have conferred upon the local authorities the powers and functions in regard to the supply of electricity and street lighting. This has now turned to be meaningless. Although there is an apparent improvement in the conditions that prevailed, when these activities were handled by local authorities, it is to be observed that the local authorities have been denied of an important service. A considerable financial loss has also resulted from the denial of revenue collected through the supply of electricity. Street lighting was affected through the local authority’s own supply and the costs involved were limited. They have lost this revenue and are left with only cost components like street lighting. (Report of the Commission of Inquiry on Local Government Reforms, 1999:192).

4.3 Markets

Another important decentralised power in the hands of local authorities is market facilitation and regulation in their areas of authority. While local authorities can facilitate economic development using these powers, in theoretically, most of the local authorities have not been able to take advantage of these regulations or have failed to facilitate or regulate economic activities. If one roams around in any city one will find that most of the solid waste in cities originates from the marketplaces that are expected to be supervised by the local authorities.

4.4 Cemeteries

In every local authority area, there are one or several cemeteries. But it is doubtful whether these cemeteries are maintained according to the provisions of the cemeteries and burial grounds ordinance. Some cemeteries have not even been declared as cemeteries in terms of the law.
regarding cemeteries. The ownership of some cemeteries does not lie with the local authority. Many of the cemeteries remain unprotected while still others have been encroaching upon by unauthorised settlers. The furthermost of the local authorities do not seem to act in the belief that cemeteries are the property of the local authority and due attention is not paid to the custody of documents in proof of their ownership. Lands for cemeteries maintained by many local authorities have been given out of state lands, but no action had been taken for the acquisition of such lands under regulations promulgated under crown lands ordinance. In the absence of documentary proof of the ownership of these lands by local authorities, the ejection of encroachers on cemetery lands has been rendered difficult. Moreover, some cemeteries are in a state of neglect due to lack of control on the use of cemeteries. For instance, the construction of graves with no control and without the payment of any compensation has rendered a large part of the cemetery unusable. Many cemeteries particularly the rural cemeteries, owned by local authorities have no protective fences and are overgrown with shrubs. No attention is paid to maintain the cemeteries attractively like in the case of churchyards (Report of the Commission of Inquiry on Local Government Reforms, 1999:213).

5. Conclusion
There is a global trend towards partnerships as one way to improve the delivery of local authority services. This approach uses the expertise, investment and management capacity of the public and private sectors to develop infrastructure, as well as to improve and extend efficient services to all residents. The primary accountability of the local authorities should be to their immediate communities. The availability of an informed and organised citizenry at the local level is critical to good governance. Awareness rising on these issues may be a major task in this connection.
In regard, to local level planning attention need to be focused on two broad areas. One is that the commitment to participatory processes. The second one is that the genuine commitment of the polity and the bureaucracy to realise the same through empowerment and sharing of power and responsibility with grass root communities. It is also of highest importance to create a system under which community-based development could take place. In the present context, it seems that there is a failure to bring together the political and the development process as they relate to the local level. Despite the concern for good governance, there has been no significant change in national planning procedures. Hence, concerted efforts are needed to allocate adequate resources equitably and to fill the gap between theory and practice in relation to a resource, mobilisation and deciding on development priorities.

The attempts to further strengthen local authority administration will depend on the availability of resources to upgrade planning skills in local authorities, the strengthening decentralisation characters with their organizational structure, proper directing of networks, procedures and human resources development, better coordinating at the community, provincial and centre levels and enhancing revenue generation to make local authorities more self-sustaining. A major drawback with many decentralisation initiatives is the lack of administrative capacity at the local levels. The absence of accountability lines to the local people. The government should develop proper decentralised mechanisms for ensuring local level planning and budgeting and is informed by and integrated into national planning and budgeting, monitoring and oversight linked to the budget. The government enhance capacity development at the societal level is required to support the paradigm of more interactive local authorities. Local authorities equally learn from its action and from the feedback it receives from the community. For a community to view the local authorities as a responsive and accountable service provider, whose performance needs to be monitored, societal change is required.

Local authorities in Sri Lanka are faced with increased demands for improved services while facing infrastructure challenges, fiscal constraints and scarce resources. The narrow revenue base of the local authorities imposes serious budgetary and financial management constraints and the local authorities will have to increase their revenue base. Local authorities are responding to this challenge by exploring and implementing alternative methods of service delivery. Some issues to bear in mind for in future strengthening of local governance. In order to do this, they have to improve their collection system and strengthen their legal base to have the powers to take necessary action for the overall benefit of the local authorities.

Finally, the functions assigned to local authorities in the Sri Lanka, be subject to on their ordinance and act which are stated in summary form under section 04 of both the municipal, urban council ordinance and section 03 of the pradeshiya sabha act. According to this ordinance and act the functions of local authorities are basically centred on the provision of public utility services, promotion of public health and sanitation and certain community services. However, most local authorities have not been able to achieve their objectives even in the performance of these function due to the need to depend on various state
and other institutions and also due to political, administrative, financial and other constraints and lapses. Similarly, there is further confusion in local authority activities at divisional level due to the execution of local authority developments through other institutions and the transfer of certain important activities to outside authorities while the local authority continues to hold responsibility for them. The provisions of the constitution alone are not sufficient to safeguard the status, functions, autonomy and financial stability of the local authorities. As due recognition to local authorities has not been provided in the Sri Lanka, it is imperative that adequate safeguards be provided in the constitution. The national policy safeguards are necessary specially in the areas of autonomy, personnel management systems, training, resources, finance, and research. The provincial councils may supervise the day to day work of local authorities and provide guidance and assistance as required, but this should be done within the framework of constitutional safeguards and national policy guidelines.

References
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