

Performance Report 1 - 1st Quarter 2018

Delimitation Commission – Sri Lanka

(1st January 2018 to 31 March 2018)

1.0 Background

The current Delimitation Commission was constituted under articles **41B and 95 (1)** of the Constitution of the Democratic Socialist Republic of Sri Lanka on 13.11.2015. The Delimitation Commission (DC) consists of three members appointed by His Excellency the President. Dr. K.Thavalingam is the Chairman and Dr. Anila Dias Bandaranaike and Prof.S.H. Hasbullah are the members of the DC.

Articles 95 and 96 of the Constitution of the Democratic Socialist Republic of Sri Lanka state their main tasks of the Commissions. However, unlike for most other Commissions, the following in respect of the DC have not been mentioned either in the Constitution or in the 19th Amendment to the Constitution.

- Functions of the Commission
- Powers of the Commission

The thinking conveyed by the Constitutional Council at the outset indicated that all delimitations of geographical boundaries will be rationalised under the new mandate of a single Delimitation Commission, once it is spelt out in an amendment to the Constitution or under new legislature.

2.0 Vision:-To achieve excellence in boundary delimitation based on ethical and equitable principles.

Mission:-To conduct boundary delimitation as mandated by the Constitution in an independent, ethical, equitable, efficient, transparent and credible manner and in accordance with the Law.

Goals/Objectives

- To ensure that the boundaries of electoral or any other assigned geographical units are drawn in such a way as to achieve equitable representation for each vote or citizen to the greatest degree possible, to ensure effective safeguarding of the democratic rights of the people and of the environment.
- To complete assigned tasks on delimitation of electoral boundaries or any other assigned geographical boundaries for administration or socio-economic services to citizens, such as education, health or security, within the scheduled time frame.
- To provide knowledge and data on boundary delimitation to government and others to facilitate their decisions.
- To develop a resource centre for boundary delimitation literature and related materials.

3.0 Policy Matters

3.1 Action Plan

As no Constitutional changes took place during the year, the DC faced difficulties in preparing an Action Plan for year 2018. Finally DC decided to include the following areas to prepare its Action Plan for 2018.

1. Collecting relevant information on existing electoral and administrative boundaries.
2. Analysis of previous Delimitation reports in the context of Sri Lanka's current population and land priorities.
3. Study of recent information received on boundary delimitation for Local Government Authorities.

3.2 Delimitation of Electorates for Provincial Councils

The Provincial Councils Elections (Amendment) Act (Amendment Act 2017) was passed by Parliament on 20.09.2017. This Act states that, "There shall be a Delimitation Committee appointed by the President, which consists of five persons." The Speaker proposed to the President to appoint this five-member Delimitation Committee to consist of the Chairman and 2 members of Delimitation Commission with two additional members to demarcate the Electorates of Provincial Councils.

In terms of Section 3 A (1) of the Provincial Councils election Act No 2 of 1988 as amended by the Amendment Act 2017, the President appointed a Delimitation Committee on 04.10.2017, comprising of five members, to demarcate electorates in each administrative district in order to enable the election of 50% of the members from the districts on simple majority system to each Provincial Council. The Committee is constituted to include the Chairman and the two members of the Delimitation Commission appointed in terms of the Nineteenth Amendment to the Constitution. The notice relevant to these appointments was published in Gazette No. 2039/29 of 04.10.2017. This work was started in October 2017 and completed in February 2018.

4.0 Performance during last three months

4.1 Meetings

Delimitation Commission meetings – Since, the DC members were fully engaged in completing their mandate as members of the Delimitation Committee for Provincial Councils Elections (PCDC), until 04.02.2018, only one meeting was held during this period from 1 January 2018 to 31 March 2018 to discuss both administrative and policy matters.

- 26th meeting on 14-03-2018

PCDC meetings–Four meetings were held during this period from 1 January 2018 to 31 March 2018 to finalise the report on the Delimitation of Provincial Councils' Electorates.

- 15th meeting on 03-01-2018
- 16th meeting on 10-01-2018
- 17th meeting on 05-02 -2018
- 18th meeting on 08-02-2018

4.2 Preparation of Policy Paper to prepare Act for Delimitation Commission

A Policy Paper was submitted to the President Secretariat to get approval from Cabinet to prepare an Act for the Delimitation Commission. In reply, the President Secretariat advised the DC to prepare a Cabinet Paper (with Policy Paper as annex) to provide basic information and suggestions for discussion of policy matters at Cabinet. The Draft Cabinet paper was sent to the President Secretariat on 2017.10.18 Thus far, no reply has been received.

5.0 Administrative Matters

5.1 Office Accommodation for DC

The Surveyor General has provided Office Space free of rent in the Survey Department building since 2016 to establish the DC office. The space provided has a total area of 790 sq.ft. partitioned into 3 rooms. In addition, all connected services, such as electricity, water, parking and wash rooms, have also been provided to DC rent-free by the Surveyor General.

Present Official Address

Delimitation Commission
Surveyor General's Office Building
P.O.Box 506
Colombo-5

5.2 Transport

The Treasury assigned two cars to the DC in 2016. Vehicle No.CAP 7180, registered in the President's Secretary's name and insured by the Presidential Secretariat, was received from the Presidential Secretariat and assigned to the Chairman. The Presidential Secretariat assigned a second car, vehicle No. CAR 0347 to the DC in September 2016.

5.3 Appointment of staff to DC

Considering the expected volume of work to be entrusted to the DC, the following posts were created with the approval of the Director General, Department of Management Services, by letter no. DMS/1029 dated 05-02-2016.

Designation	Level	No. of Posts	Salary Code
Secretary	Senior	1	SL-3-2006
Accountant	Senior	1	SL-1-2006
Co-ordinating Secretary	Tertiary	1	PA Circular 06/2006
Administrative Officer (AO)	Tertiary	1	MN-7-2006
Translator	Secondary	3	MN-6-2006
IT Assistant	Secondary	2	MT -1-2006
Public Management Assistant (PMA)	Secondary	2	MN -2-2006
Driver	Primary	2	PL-3-2006
Office Assistant (OA)	Primary	2	PL-1-2006
TOTAL		15	

During the Quarter, the following appointments were made to the DC:

- Extension of Acting Appointment- Secretary: Mr.SamanSri Rathnayake, Secretary's acting appointment of one year was extended from 21 March 2018

- Extension of Acting Appointment- Accountant: Mr. H.W.N. Kumara,
Accountant's acting appointment of one year was extended from 01 April 2018.

Accordingly, the employment profile as at 31-03-2018 was:

Designation	Approved	Filled	Vacancies
Secretary	1	1 ^a	-
Accountant	1	1 ^a	-
Coordinating Secretary	1	1	-
Administrative Officer (AO)	1	1	-
Translator	3	0	3
IT Assistant	2	0	2
Public Management Assistant (PMA)	2	2	-
Driver	2	2	-
Office Assistant (OA)	2	2	-
TOTAL	15	10	05

^a Part time basis

5.4 Training

Mr. Nalin Semage, Coordinating Secretary to the Delimitation Commission, participated representing the Commission in the Capacity Building programme conducted for the officers of election management bodies in BIMSTEC countries by the India international Institute of Democracy & Election Management (IIDM) of the Indian Election Commission in New Delhi, India from 26th to 30th March, 2018.

6.0 Unresolved Issues

1. Following on the acceptance of their appointments, DC members were invited to their first meeting with the Constitutional Council (CC) on 19-11-2015.
2. As previously mentioned, the DC has noted that the present Constitution does not provide a mandate for the newly appointed Delimitation Commission. Meanwhile, several Legislative enactments and procedures in Sri Lanka cater to different forms of delimitation at electoral and administrative levels which need to be rationalised for optimum benefit to the country.
3. In this regard,
 - A Proposal on “Widening the Powers and Functions of the Delimitation Commission through Constitutional Amendments” was sent to the Chairman, CC in July 2016.
 - This same proposal was sent to the Secretary, Sub Committee on Public Services, of the Steering Committee of the Constitutional Assembly with an annex prepared by the Chairman entitled “Points to be considered while amending the Constitution or preparing a new constitution regarding Delimitation Commission” in July 2016. This proposal was considered by the Sub Committee.
 - In October 2016, a letter prepared by the Delimitation Commission on “Principles and Framework for Delimitation in Sri Lanka” for Consideration by the Steering Committee of the Constitutional Assembly when Drafting a New Constitution was sent to its Chairman, the Hon. Prime Minister.
 - The DC is awaiting feedback on all these proposals.