

Performance Report – 2nd Quarter 2019
Delimitation Commission – Sri Lanka
(1st April 2019 to 30th June 2019)

1. 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) consisted of three members appointed by the President. Dr.K.Thavalingam was appointed the Chairman, while Dr. Anila Dias Bandaranaike and Prof.S.H.Hasbullah were appointed as the members of the DC. Prof. Hasbullah passed away on 24.08.2018. The term of office of the Delimitation Commission appointed on 13.11.2015 lapsed on 13.11.2018. Thereafter, Dr.K.Thavalingam and Dr. Anila Dias Bandaranaike were re-appointed as Chairman and as member of the Commission, respectively, for 3 years with effect from that date. Mr A.M Nahiya was appointed on 11.03.2019 to fill the vacancy created by the demise of the other member.

Articles 95 and 96 of the Constitution of the Democratic Socialist Republic of Sri Lanka state the main tasks of the Commission. 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 a new Constitution.

2. Framework

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 delimitations to government and others to facilitate their decisions.
- To develop a resource centre for delimitation literature and related materials.

3. Policy Matters

3.1 Action Plan

Anticipated amendments to the Constitution that would provide a clear mandate to the DC never materialised. Consequently, difficulties were encountered in the preparation of the Annual Action Plan. However, an Action Plan for the year 2019 was prepared to include the following. (Annex to the Report of the First Quarter attached as Annex 01)

1. Planning and Training
2. Collecting of relevant information (Action has been taken to collect all gazette notices related to the establishment of administrative units and Local Authorities)
3. Analysis of Delimitation Reports connected with all previous elections in the context of the needs of the population and land today.
4. Study of boundaries of Administrative Districts
5. Study of recent delimitation of Local Authorities
6. Establishment of a state-of-the-art Record Room and preparation of soft copies of all relevant documents

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. The President appointed a Delimitation Committee for same on 04.10.2017 and included the Chairman and the two members of the DC in the Committee. The completed report of the Committee was submitted to the Minister of Provincial Councils and Local Government on 19.02.2018 which was tabled in Parliament on 06.03.2018. It was taken up for debate on 24.08.2018 and referred to a Review Committee. The DC awaits information on further action by Parliament on the Report.

4. Performance during last three months

4.1 Meetings

Delimitation Commission meetings—Three meetings were held during this Quarter to discuss both administrative and policy matters as follows:

37th meeting on 02.04.2019

38th meeting on 02.05.2019

39th meeting on 14.06.2019

4.2 Raising Public Awareness on Delimitation and Related Issues

As a part of its responsibilities, the DC planned to conduct workshops, using members of the DC as resource persons, towards educating the members of professional organizations and to publish newspaper articles in order to raise awareness among the public on the subject of delimitation and related issues.

Accordingly, during 2018, action was taken to conduct such workshops for the staff of the Survey Department and of the Election Commission and for District Secretaries and Divisional Secretaries as appropriate. However, problems arose due to security reasons and the busy

schedules of Administrative Officers in the districts, that prevented organising such programmes. Consequently anticipated Awareness Programmes for the officers could not be conducted, during this quarter.

An article on delimitation prepared by the Chairman and the Coordinating Secretary of the DC was published in the Journal “Kathiraye Balaya” of the Election Commission Volume 3” Jan-April 2019. The Silumina newspaper published a detailed interview conducted on 12.06.2019 with the Chairman.

Three newspaper articles written by Dr. Bandaranaike, which had been published previously in the Sunday Island and Sunday Times, were later published in the Daily Financial Times on 11.04.2019, 18.04.2019 and 21.05.2019, respectively. Sinhala translations of the first two articles were published in the Lankadeepa newspaper on 30.05.2019 and 27.06.2019, respectively.

A fourth article by Dr. Bandaranaike on “ Delimitation of Electoral Boundaries in Sri Lanka Multi-member Electorates- Perception and Realities” was published in the Sunday Island, Sunday Times and Daily Financial Times on 14.04.2019, 21.04.2019 and 29.05.2019 respectively.

The DC has commenced preparing a report on current issues in the delimitation of GN Divisions with a view to forwarding it to the Ministry of Home Affairs towards rationalization of the same.

A student of the Survey Sciences Faculty of the Kotalawala Defense University has selected “Marking of District Boundaries in Sri Lanka” as the theme of his final project and a request has been made to Dr.K.Thavalingam, Chairman of the DC, to supervise the project. This request has been accepted. As the project would be a turning point in delimitation of boundaries, the Commission has agreed to give maximum support to the student.

5. Administrative and Financial Matters

5.1 Office Accommodation for DC

The Surveyor General has continued to provide space for the DC office, free of rent, in the Survey Department building since 2016.

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. These continue to be used by the DC for all its official transportation.

5.3 Staff

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	

The following appointments have been made during this quarter:

- Acting Secretary – The appointment of Mr Saman Sri Rathnayake has been extended for one year with effect from 21.03.2019.
- Acting Accountant – The period of appointment of Mr. H.W.N. Kumara ended on 31.03.2019 and Mr. S.T.Bulathsinhala has been appointed as Acting Accountant with effect from 01.04.2019.

Accordingly, the employment profile as at 30.06.2019 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	5

^a Part time basis

6. Unresolved Issues

The DC continues to await feedback on all the unresolved issues that were highlighted in the 2nd, 3rd and 4th Quarter Reports of 2018 and 1st Quarter of 2019. These are:

1. The DC had noted, at the outset, that the present Constitution does not provide a mandate for the 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.
2. 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 that 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 continues to await feedback on all these proposals.

3. The Attorney General’s advice on the Policy Paper and the Draft Cabinet Memorandum submitted by the DC to the Presidential Secretariat on 18.10.2017 and 18.10.2018, respectively, on the need for an Act for the DC, has been obtained by the Presidential Secretariat. Accordingly the Secretary to the President has informed the DC by his letter PS/AC/CCU/01/03/05 of 23.06.2019 that provisions in regard to the establishment of a clear mandate, powers and functions of the DC will be incorporated in future Amendments to the Constitution.