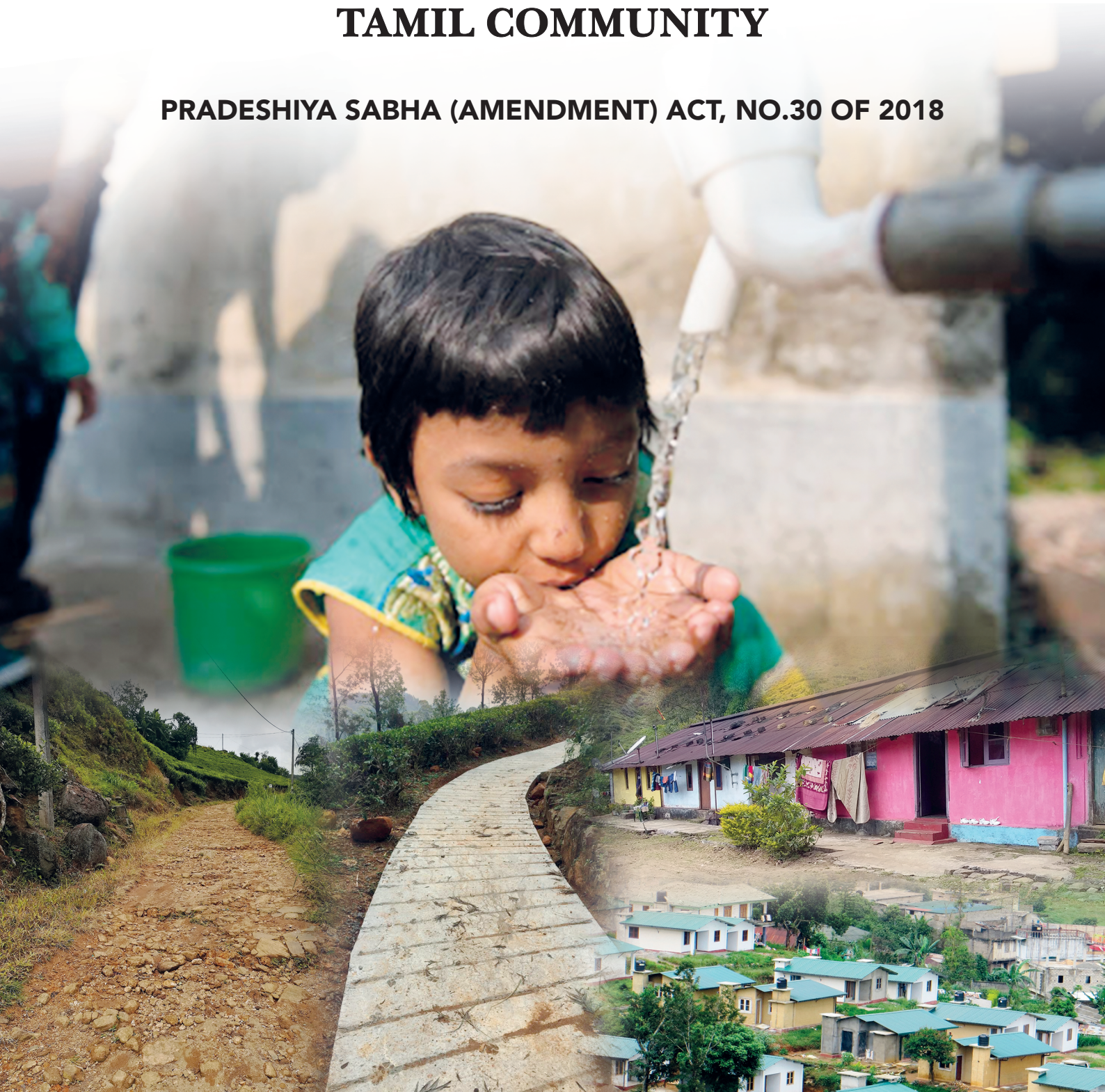


# **PRADESHIYA SABHA ACT AND INCLUSION OF THE HILL COUNTRY TAMIL COMMUNITY**

**PRADESHIYA SABHA (AMENDMENT) ACT, NO.30 OF 2018**



**Institute of Social Development**

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**Institute of Social Development**





## INTRODUCTION

The forefathers of Indian Origin Tamils who identify themselves as Malayaha Thamilar's (Hill Country Tamils) were brought to Sri Lanka two hundred years ago by the British from South Indian state (currently Tamil Nadu) to toil in the coffee, tea and rubber plantations. The migrant Tamil worker communities were considered British citizens. The community came to be known as Indian Tamil to distinguish them from the Sri Lankan Tamil who are descendants of the Tamils of the old Jaffna Kingdom and east coast chieftaincies.

In 1924, the British introduced the Village Council Ordinance to strengthen the existing Village Councils by granting more power. The British government planned to include existing plantation settlements under these village councils. This ordinance was discussed in the legislative council of Sri Lanka. During the discussion the Sinhala leaders of the legislative council Mr. D. S. Senanayake and S.W.R.D. Bandaranaike opposed the inclusion of plantation Tamils citing that the migrant workers are not citizens of Sri Lanka (then Ceylon).

An Indian officer called Mr. Bajpayee who was appointed to look after the rights of the Indian migrant labourer opposed this move and requested that a reason must be given for excluding the Indian labourers. The local leaders sent a letter indicating that the Indian workers do not have the experience to become involved in the matters of the village council. In response, Mr. Bajpayee wrote a letter to the local leaders saying that the Ceylon village Councils are similar to the Indian Panchayath (village council) and hence the workers are familiar with the concept, therefore he requested that they should be included.

However, the local leaders did not change their stance and insisted that the British government must exclude the community. As a result, the Village Council Ordinance was introduced excluding the plantation Tamil Community. Furthermore, the ordinance especially emphasized who is not eligible to enjoy the services of the council. Clause 58 of the ordinance, highlights that "workers defined under the Plantation Workers (Indian) Ordinance shall identify women and children, the elderly or the disabled relatives of such workers are not eligible".

It was within this background in the 1930s that the British Government introduced Universal suffrage to Sri Lanka. The Universal Suffrage was extended to the Indian Tamil community as well. This issue was discussed in the legislative council. The same two leaders opposed granting Universal Suffrage to the Indian Tamil community. At that time, the first Sri Lankan powerful Trade Union leader of the country Mr. A. E. Goonasingha vehemently opposed the move in the legislative council and insisted that Universal Suffrage should be extended to Indian Community. Due to the opposition from this

powerful leader the two leaders withdrew their demand. As a result, the community enjoyed Universal Suffrage and elected their representatives to the legislative council.

In 1948 Sri Lanka became an independent Country. Mr. D. S. Senanayake became the first Prime Minister of the country and Mr. S.W.R.D. Bandaranaike became Minister of the Local Government. Within a few months these powerful ministers introduced the Citizenship Act in the month of November 1948. The Act deprived the Citizenship rights and the entire Indian Tamil Community became stateless. As a result of continued demands of the community, a pact was signed between the two Prime Ministers of both Sri Lanka and India to grant citizenship for sections of the community. Another amendment was brought in 1988 to grant Citizenship. Finally, a third amendment was brought in 2003 to solve the stateless problem.

Since 1977, the Hill Country Tamil community who lives in the plantations has been able to elect their representatives to Parliament, Provincial Councils and Pradeshiya Sabhas. In 1991, the Pradeshiya Sabha election was held and the community elected their candidates, capturing the power of two Pradeshiya Sabhas namely Ambagamuva and Nuwara Eliya.

In the first sitting of the budget session of these Pradeshiya Sabhas, the Pradeshiya Sabha secretary had informed the members that the elected members are not entitled to initiate any development projects in the plantations using the Pradeshiya Sabha funding, citing the Pradeshiya Sabha Act. This created Chaos in the Pradeshiya Sabhas. However, the elected members used funds from the central ministry and initiated some development work within the plantation settlements.

In 1993, the Pradeshiya Sabhas' term came to an end and elections were held in 1994. At this juncture, the Institute of Social Development (ISD) initiated an awareness programme among the community. During this program while analyzing the Pradeshiya Sabha Act, it was identified that clause 33 of the Act prevents the elected members from implementing development activities within the plantations using Pradeshiya Sabha funds.

Since 1994 onward ISD has been advocating with the community members, trade unions, political leaders and the intellectuals of the community about the hindrance caused by clause 33 and the need to amend the clause. However, this was not considered to be a serious issue by those in power. In 2008 the Udapalatha Pradeshiya Sabha was dissolved by the Chief Minister of Central Province citing various charges including: 1. Erecting a water tank in the Peacock Estate 2. Cementing the pavement of New Peacock line rooms. 3. Renovating steps in the Melfort Estate. These activities were seen as violating the PS act.



Following this incident, ISD lobbied with the policy makers of the country. Finally, the government brought an amendment to the PS Act at the end of 2018. This historical milestone in winning the rights of the plantation community was brought about as a result of ISD's continuous engagement in lobbying and advocacy.

This publication highlights the history of a painful and difficult journey towards winning the fundamental rights of the Hill Country Tamil Community.

P. Muthulingam  
Executive Director  
Institute of Social Development  
Kandy,  
Sri Lanka.  
August 2021

## AMENDMENT TO THE PRADHESHIYA SABHA ACT IS A LANDMARK ACHIEVEMENT

In the case of plantation people, they are far less likely to directly participate in the affairs of decision making in the governance institutions including Pradheshiya Sabha (PS), Divisional Secretariat and other state institutions that function at the local level under the direct control and supervision of central government. Factors such as diminished form of citizenship, persistent exclusion from all forms of governance structures, long-standing statelessness, legal and policy discrimination all have contributed to this plight. Although there have been some positive developments with the granting of legal form of citizenship in 2003, still there existed institutional and policy discriminations in reaping legally mandated services offered by local government authorities, namely PS until September 2018. Until then, plantation people were not legally included in the PS system since its introduction in 1987 and certain provisions apparently precluded this community from the purview of PS. Thus this community was not a part of the services of the PS as rightful citizens of this country, despite having elected members in the Sabhas in nine districts. Indeed, discriminatory moves on this nature had first started in 1871 with the introduction of Village Committees Ordinance and these legal impediments confined their democratic participation only to the activity of voting, and obstructed them from enjoying limited democratic space available in grassroots governance structures.

Only against this backdrop, the long-standing problem was brought to the light and subsequently gained greater degree of attention at the civil society, political sphere and other forums simply due to the persistent efforts and intervention made by the Institute of Social Development (ISD) and its executive director Mr. P. Muthulingam. The ISD identified legal impediments of reaching out PS services to the plantation community in early 2000 and since then they started comprehensive evidence –based advocacy and lobbying to address this crucial issue which affected the whole community for more than two decades. Unless the ISD had identified and brought out this issue, the systemic discrimination would have continued for another few decades and most importantly, the ISD commissioned some research projects to further explore this issue, and based on the evidence, it undertook wide range of campaigns across the plantation areas to educate and mobilize the plantation people to fight for this blatant discriminatory law. Similarly, the ISD submitted petitions and had series of meetings with policy makers both ruling and opposition party to make them realize this discriminatory treatment of PS which eventually became a politically sensitive issue under the Good Governance government in which the Parliamentarian of Tamil Progressive Alliance had played a substantial role with the guidance and support of ISD. There were meetings organized by the ISD to educate Hill Country politicians on this issue with the view to raise it in the Parliament and thereby garner support of members of Parliament to amend the law. In fact, ISD's initiatives on this PS issue pushed us to undertake some researches on the



same topic. Thus, now the legally issue has been ratified and plantation people have right to access PS services as rightful citizens of this country. In the past few years, the amendment has apparently led to a considerable amount of infrastructure development including water and sanitation in this community. It is also pertinent to note that the PS members of this community should become more aware on this amendment, its significance and take proactive a role in the PS meetings to ensure equal allocation of physical and financial resources to this community which is, in my view, an indispensable duty of the PS members representing this community. Nevertheless, though the legal discrimination is resolved, still there remains practical issues in PS and some obstacles on the part plantation management to fully reap the PS services so that there is a need to continue this struggle and campaign to fully gain the benefits from PS in the plantation areas. I firmly believe that this publication would help undertake awareness education, advocacy and campaign to address the above issues in the future. In conclusion, I wish and highly appreciate the ISD and Mr. Muthulingam for this timely publication.

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08.11.2021

## AMENDMENT TO THE PRADHESHIYA SABHA ACT 2018 AND IT'S EFFECTIVENESS

Amendment to the Pradheshiya Sabha Act is a remarkable achievement in the political journey of the plantation community especially those who live in the tea and rubber plantations. It had been a peculiar situation that these people were given opportunity to take part in the formation of the local governments which is the vital power and resource sharing institutional mechanism functioning at the grass roots level, but were prevented getting benefits from the same institutions. In other words these people voted and elected their own representatives to this institution even to the extent of forming some of the Pradheshiya Sabhas but they could not get any developmental activities implemented in their areas by them which is a violation of their democratic rights. However, with the enactment of the Amendment to the Pradheshiya Sabha Act in 2018, this long lasting anomaly has been rectified. We are thank full to the ISD and especially its Executive Director M.Muthulingam for carrying out continues propaganda in different forms in this regard.

At this juncture, it is also important to bear in mind that achievement of this legal provision is only a part of the solution. The root course of the issue of Pradheshiya Sabha not being able to implement any developmental activities especially in physical forms is connected to the plantation management system.

In fact, the people living in the plantations are subject to a kind of dual administrative system by the plantation management and the government. As the citizens of this country they are to adhere to the rules and regulations of the Government both local and central. On the other hand, as the employees in the plantations, the plantation managements get greater power and authority to govern these people. This is not only due to their contractual relations as employer and employee but also the relationship of land/line room owners and dwellers who live in the line rooms for generations. The entire life cycle from womb to tomb of the worker families and their socio-cultural activities are centered around the line rooms and within the estate which belong to the plantation management and hence the worker family including its members who work on the estate or not are subjected to its rules and regulations. There are some estate workers secured own houses under various housing schemes on the plantation itself. However, owning the house alone does not free them from the administrative set up of the plantation management.



In this context, while welcoming the positive move by amending the Act, it is also necessary to focus on its effectiveness which greatly depends on the cooperation of the plantation management towards the enforcement of the Act. This again demands continuity of the propaganda and actions by organizations like ISD as well as like minded individuals.

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10/11/2021

**REMOVAL OF THE LEGAL BARRIER CONTAINED IN  
THE PRADESHIYA SABHA ACT 1987 IS A LAND MARK AND  
THE CONTRIBUTION OF THE ISD IS PRAISE WORTHY.**

In the context of government services not reaching the Estate sector, the removal of the legal barrier viz the section 33 of the Pradeshiya Saba Act 1987 is a land mark. Since the development activities under taken by the Pradeshiya Sabhas (PS) were reaching the Estate sector, the implication of the legal barriers were not realized the concerned stakeholders. The dissolution of the Udalalatha PS in 2008 by the Chief Minister of the Central province brought to lime light, the implication of section 33 of the PS. Act

At this stage ISD took up this issue and lobby lobbied for the removal of this provision of the PS act through various workshops, multilateral , bilateral and individual meetings among the various stakeholders as revealed by this booklet document. This booklet highlights the difficulties and bottled neck had to be faced in this tedious long process towards the amendment of the discriminatory section 33 of the PS Act.

The pressure exerted by the ISD at all these levels should be noted as this document highlights. The academics, social activists, members of the Provincial Councils, Parliamentarians and Ministers voiced the importance of the amendments at various forms. When this amendment was taken up at the Parliament along with the Bill establishing the new village development authority for the plantation region, the entire house supported both the amendment and the Bill. At request of the ISD myself and Sociologist Ms. Gowry Palaniappan undertook a study in 2013 on the provision of services by Pradesiya Sabha's in particular in Ambagamuva, Haliella and Panvila PSs which have higher concentration of Estate population .

The contribution made by the ISD specially its Executive Director Mr. P. Muthulingam toward these land mark success should be recorded and recognized.

M.Vamadevan

Former Secretary,

Ministry of Estate Infrastructure Housing and Community Development.

25-11-2021

## BACKGROUND HISTORY OF THE PRADESHIYA SABHA (AMENDMENT) ACT NO.30 OF 2018

The first Provincial Council election in the Central Province was held in 1989, and the people of the hill country elected eleven representatives on their behalf to the first provincial council. In this council a Ministerial post was offered to a representative from the hill country and accordingly, Ramanathan Soumyamoorthy Thondaman (son of the late Soumyamoorthy Thondaman) who had contested from the Ceylon Workers' Congress and won, was appointed as the Provincial Minister of Education. At a discussion on budget allocation related to development activities, the hill country representatives requested the allocation to be made for development activities in the hill country plantation areas. The elected Chief Minister W.M.P.B. Dissanayake, who was a retired Labour Officer turned down the request stating that the Provincial Council was not empowered to allocate funds for development activities in the plantation areas.

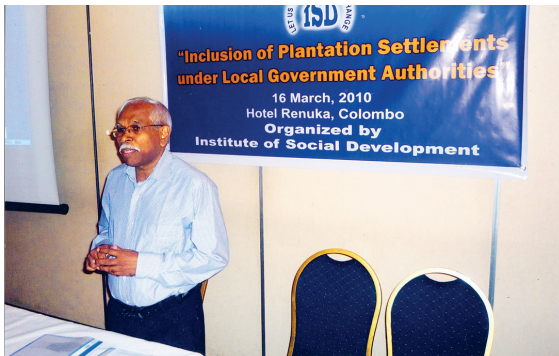
All the hill country representatives, after lodging their protest to the stance taken by the Chief Minister, brought it to the notice of the late Minister S. Thondaman. Upon his representation, the Executive President J.R. Jayewardene directed the Chief Minister to release funds to the hill country representatives to undertake development activities. With the allocations made by the Chief Minister, the Central Provincial Council member representatives carried out minor scale development activities in the respective areas of their representations. However, no action was taken to remove the Legal obstacles mentioned by the Chief Minister.

In this background, when the Pradeshiya Sabha election was held in 1991, Ceylon Workers' Congress won and captured power of the Nuwara Eliya and Ambagamuwa Pradeshiya Sabhas. Many hill country representatives were also elected to Kandy, Matale, Badulla and Kegalle Local Government Authorities.

In the Pradeshiya Sabhas, the budget allocation for the elected representatives made no allowance for plantation social or infrastructure development activities. At the same time, although the Minister S. Thondaman released funds to representatives from his ministerial allocations enabling them to carry out some activities in the plantation sector the representatives who did not belong to his (CWC) party were helpless. On the other hand, members of Parliament who were novices had no understanding on implications, nor were the Ceylon Workers' Congress members of Parliament aware of this legal complexity. Hence, they did not raise this issue in the parliament.

In the meantime, tens of thousands of votes of the hill country plantation people were rejected in the Pradeshiya Sabha elections, resulting from an inadequate understanding on the pattern of voting in the Pradeshiya Sabha elections. Institute of Social Development (ISD), taking this dilemma into account, conducted programmes from 1993 onwards to

educate the plantation people on how to vote in the elections. When engaged in the ground work for the intended programmes, I happened to read the Pradeshiya Sabha Act which was in Sinhala, which convinced me that the stand taken by the Central Provincial Council Chief Minister was correct. Section 33 which contained some vetoing clauses against undertaking development activities in the plantation sector unlike in the rural sector, stipulated some standard procedures to be followed. Accordingly, if a member



*Discussion on inclusion summoning politicians intellectuals, trade union leaders and civil society members.*

desires undertaking any development activity in the plantation sector, they should submit a proposal to the Sabha (council) and ensure that the proposal has the full approval of the council. Then the council should obtain the permission of the management or the proprietor of the target estate, and the latter should also bear the cost of the project. If the management or the owner of the target estate did not grant permission, the project should not be undertaken.

The power vested in the Provincial Council allows it to monitor the activities of the Pradeshiya Sabha, and to dissolve it, if it acts unlawfully. At the same time the Provincial Council has no power to cancel or reduce the Pradeshiya Sabha's power. Hence, the Provincial Council has to provide the funds to Pradeshiya Sabha to carry out development activities.

### Section 33 of the Pradeshiya Sabha Act read as follows:

*"The Pradeshiya Sabha may, at the request of the owner or owners of any one or more estates or industrial enterprises situated within its limits, in any case in which the Pradeshiya Sabha is of opinion that the public interest would not otherwise justify the construction or maintenance of a road in such a locality, contract with such owner or owners, for the construction or maintenance of a road for the service of the estate or estates, or the enterprise or enterprises in question, subject to the payment of such contribution towards the expenses of such construction or maintenance as may be approved by the Pradeshiya Sabha and subject to the Condition that by an appropriate instrument such road is constituted a public road and is vested in the Pradeshiya Sabha, and all such agreed contributions shall be deemed to be special rates imposed upon the lands benefited,*



*Civil Society members of the Hill Country Tamil Community at the Work shop held at Hotel Renuka*



*and shall be recoverable in the same manner as a rate imposed under this Act, and all the provisions of this Act."*

Subsection of section 19 of the Pradeshiya Sabha Act reads that "to spend any part of the Pradeshiya Sabha Fund, in promoting rural women's development activities, integrated development of selected villages, community development projects, and in making grants to rural development projects, Gramodaya Mandalayas and rural development organisations qualified to be represented on Gramodaya Mandalayas; "



*Awareness Workshop for Trade Union Leaders  
in Kandy*

It is noteworthy to mention that neither the Pradeshiya Sabha nor the Provincial Council is free to undertake development activities in the estate or the estate housing. Similarly, the funds cannot be utilized for the development of women living on the estates or to grant for development activities undertaken by development organizations that are estate based. Specifying as to who is/are eligible to receive the services of the Pradeshiya Sabha, it refers to those mentioned as beneficiary under the former Village Council System

which on the one hand stipules that these referred to as "estate workers" under the Estate Workers (Indian) Ordinance, women or children related to them or any elderly, or any disabled relatives thereof shall not be entitled to benefits available under the Village Council Act No. 9 of 1924.

Hence, it has been legally emphasized that the people living in the planation are not entitled to services or development carried out by the Pradeshiya Sabha. This provided me an opportunity to identify the reason stated by the first Chief Minister of the Central Provincial Council and thereafter the Commissioner of Local Government who stated that the Provincial Council and the Pradeshiya Sabha have no power to engage in any development activity in the residential areas of the estate workers.

An in depth analysis of the Pradeshiya Sabha Act would make it apparent that even if the hill country people captured the power of the Pradeshiya Sabhas, they would not be able to undertake any development activity for the plantation community utilizing the Pradeshiya Sabha funds. The planation community would not be able to enjoy any service of the Pradeshiya Sabha, meaning that the community would remain a mere voting machine. Hence, I started lobbying since 1994, with a view to change this denial of fundamental right under Section 33. I conduced the first general discussion at Dunhinda Falls Hotel, Badulla, which was chaired by the Uva Worker's Aid Centre Director A. K. Velavan. Many civil activists of the district including members of some

Pradeshiya Sabhas of the Uva Province, participated in this discussion which was aimed at exploring the possibility of broadening the scope of the lobby.

At this occasion I stated that the hill country plantation workers would remain reduced to a mere voting machine and be unable to avail themselves of the Pradeshiya Sabhas development benefits unless Section 33 of the Act was either removed or amended. I also drew the attention of the house to the fact that not every minor development activity in the plantation sector was carried out with the Pradeshiya Sabha funds, but rather with funds from the Estate Infrastructure Development Ministry and Provincial Council. Since this right had been denied to the plantation people who cast their votes in the Pradeshiya Sabha election they were not being considered as full citizens of this country. I followed it up with an article in the Virakesari. When this reached the attention of the hill country politicians, they went public with criticism and accused me that I was raising irrelevant issues. Some even posed questions publicly asking “why is Mr. Muthulingam being blind to the development, we as members of Pradeshiya Sabhas undertake through the council?”

Nevertheless unrelenting from my stand, I went ahead with my written lobby statement, discussions and workshops, with the full backing of the Institution of Social Development. We invited the hill country politicians, intellectuals and civil society organizations for discussions in Kandy, Hatton and Colombo. All invitees participating in the discussions came to be convinced of the denial of rights, and stated that it must be changed. However, no political party or civil organization took the initiative to change it. The Pradeshiya Sabha members, who did some minor developments in the estate areas spending the funds provided by Members of Parliament of their parties, took no serious notice of what I said.



*Awareness Creation among the  
Badulla Civil Society Members*

Given this background, we conducted meetings and campaigns during the Pradeshiya Sabha election and general election that followed, to draw the attention of the people to this issue. In the local authority elections in 2006, political parties and independent groups contested in the elections as usual. At this election Members of Parliament Mr. S. Sathasivam who had left the Ceylon Workers' Congress and founded a separate party namely “Ceylon Democratic United Front”

fielded candidate to contest the Udapalatha Pradeshiya Sabha election. Mr. Rajaram, a tailor from the Pussellawa town, who had participated in our Pradeshiya Sabha related

discussion, was one of the candidates of this new party. There were some Sinhala parties too contesting the election, but as those parties had failed to fill in the nomination papers properly, they lost the opportunity to contest, leading to the party headed by Mr. Sathasivam becoming the ruling party.

The Tamil members who won the election, elected Mr. Sri Ranga Perumal as the chairman of Udapalatha Pradeshiya Sabha. At the first sitting of the council chaired by Mr. Sriranga Perumal, the Pradeshiya Sabha Secretary in his deliberation regarding power of the council and the rights of members, had stated that no development activities could be pursued utilizing Pradeshiya Sabha funds in the estate settlement, and that in the event of any such undertaking the permission and funds should be obtained from the estate management, but that as far as the villages were concern those who won could carry out development activities in the rural areas utilizing the council funds.

The Pradeshiya Sabha member Mr, Rajaram who contacted me over the telephone after this incident, explained what happened in the council and requested me to organize a workshop to apprise the Tamil members of the Pradeshiya Sabha on procedures of the council. We conducted a workshop in 2006 at the Tea Worker Museum at Paradeka for the Tamil members, except one or two and the Chairman of the Udapalatha Pradeshiya Sabha Mr. Sri Ranga Perumal participated in the workshop. I explained the Pradeshiya Sabha law and that the explanation of the Secretary was correct. The Chairman then enquired whether there was any other way to allocate funds to our members. I advised him to write in his capacity as the Chairman of Udapalatha Pradeshiya Sabha to the Provincial Local Government Commissioner in seeking advice how to allocate funds to the members who represents plantation community and advised him that further action could be taken depending on his reply. I handed him a draft of the intended letter to the Central Province Local Government Commissioner, Mr. Perumal, addressed 30th March 2007. The Commissioner in his reply dated 4th April 2007 stating to release fund without violating PS Act. When Mr. Perumal contacted me over the telephone and briefed me about the contents of the reply, I told Mr. Perumal that the Commissioner's advice implied a warning not to contravene the Pradeshiya Sabha Act when providing funds, and on the face of it no development activity could be carried out in the plantations. I advised him in the circumstance to adopt resolution in the council concerning each project on the strength of the commissioner's letter, and provide funds to the members. Accordingly, he allocated rupees Two Hundred Thousand to each Tamil members, which they utilized to do some work on New Peacock, Melfort and Selvakanda estates.

At this juncture, the Central Provincial Council Chief Minister Mr. Sarath Ekanayake with a special gazette notice on 26th August 2008, dissolved the Udapalatha Pradeshiya Sabha stating that it had acted contrary to the Pradeshiya Sabha Act, citing several chargers. Among other chargers the following chargers were included.

1. **Concreting the New Peacock Temple road**
2. **Renovating the Selvakande Temple road**
3. **Constructing a water tank on New Peacock Estate**
4. **Constructing a water reservation tank on New Peacock Estate**
5. **Renovating the path to No. 21 line on New Peacock Division**
6. **Constructing steps on Melfort Estate**

A Commission of inquiry was appointed against the Tamil members who undertook these activities and separate show cause letters were sent to each of them.

When the Chairman and some members met me with the letters, I advised them to consult the senior Attorney-at-Law Mr. Lal Wijehanayake. However, the members had replied to the letter through lawyers of their own. At the same time, being glad that an opportunity had been presented to raise the rights issue arising from Section 33, I sent an article to *Virakesari* regarding the dissolution of the council concerned.



*Signature Campaign for the inclusion of plantation settlement under local government, 2011*

During this period CARE, which was one of the Non-Governmental Organizations, conducted program namely; Makkal Arnagam (People's Forum) on Air Asia TV, brought out the fundamental problems faced by the people through discussions. It had planned to dedicate one of the serialized trilingual programs to the development of hill country people. The CARE organization officer Mr. Ananda Alahakone, who coordinated the program, invited me to participate in the discussions. I agreed to participate in Sinhala

as well as English programs, and he invited me for the Sinhala program. Tea Brokers' Association president Mr. Anil Cook, Planters' Association representatives and Mr. R. Yogarajan who was a Member of Parliament and Civil organization representatives were the other participants at this special hill country people specific program.

Mr. Yogarajan in his speech, pointed out the developments effected by the government in the plantation areas, followed by many others speaking about development undertaken in the plantation sector.

In my speech, I stated that whatever development being done in the plantation sector, the hill country plantation people were unable to enjoy the fruit of such development on an equal footing with other citizens. Similarly, the Pradeshiya Sabha members elected by them were unable to undertake development activities utilizing the Pradeshiya Sabha funds. I also stated that the people living in the plantation were being treated as mere voting machines. Many, including Mr. Yogarajan refused to accept my views



stating that they were implementing development projects without hindrance. Then I referred to the gazette notification dissolving the Udapalatha Pradeshiya Sabha and read the Sinhala letter of the Central Provincial Council Chief Minister pointing out some development activities undertaken by members of the Pradeshiya Sabha concerned in some plantations as violation of Section 33 of the Pradeshiya Sabha Act. It surprised the participants into silence.

Mr. Yogarajan who met me outside the auditorium after the discussion stated “Brother everything you stated are true. I now know about this denial of rights; I, being in the government, could not speak in support of you; however, let us work to bring an amendment to this section”

Thereafter, I organized a discussion in February 2009 at Renuka Hotel, Colombo for which I invited hill country intellectuals, trade unionists and political leaders. Main plantation trade union leaders including Ceylon Workers’ Congress representatives, academic intellectuals, Members of Parliament and members of the dissolved Udapallatha Pradeshiya Sabha, participated in the discussion. In the course of my speech, I reminded the forum that the issues I had raised since 1994 about the risk of plantation people being marginalized (by Section 33 of the Pradeshiya Sabha Act) from enjoying the service and fruits of development activities had been proved true by the Udapallatha Pradeshiya Sabha incident. I called upon all parties in parliament to call for an immediate amendment to the stated section.



*Handing over collected 50 000 signature to the District Secretary of Nuwaraeliya.*

Mr. P.P. Devaraj who was a participant in the discussion, reminded that there were Ceylon Workers’ Congress representative in the Parliament and in the cabinet and suggested that they be lobbied into trying to introduce an amendment. Mr. Marimuthu represented the Ceylon Workers’ Congress at the discussion. As everybody who participated in the discussion agreed with the suggestion of Mr. P.P. Devaraj; Mr. P.P. Devaraj said that by advocating the deputy minister Mr. Muthu Sivalingam we can push the government to introduce an amendment to the PS Act. I contacted Mr. Muthu Sivalingam who was a Deputy Minister, on the following day over the phone and explained the matter. He advised me to present a draft amendment for him to present in Parliament in order to have an amendment introduced. He also advised me to meet Attorney-at-Law, Mr. Karunakaran whom they had nominated to a Parliament Committee, to speak to him and prepare the draft. I met Mr. Karunakaran at Hatton a day or two thereafter, and explained the purpose. He listened to me and advised that he had no expertise in law making and therefore suggested to meet a lawyer with expertise in such matters.

Therefore, I met senior lawyer Mr. Lal Wijenayake and explained the matter. He agreed to prepare the amendment saying plantation people were citizen of this country and therefore they had every right to enjoy the development carried out by the Pradeshiya Sabha. He advised me to present to him all the necessary proof. However, although I tried several times to meet him, I could not because of the heavy load of work he had.

Thereafter in 2010, joining hands with member organization of Plantation Social Forum, trade unions and social organizations, a campaign was initiated to collect fifty thousand signature, together with the distribution of hand bills and posters to educate the people about the offending Section 33 of the Pradeshiya Sabha Act and to also pressure the government into removing that section. The signatures thus collected, were forwarded to the Minister of Local Government through the government agents of Kandy, Nuwara Eliya, and Badulla, while simultaneously staging street dramas to create awareness among the people, of the necessity to bring the plantations under the Pradeshiya Sabhas.

We followed this up with a conference on 16th March 2010 at Colombo, at Renuka Hotel Auditorium, inviting all main trade unions, civil organizations and intellectuals on the themes of immediate repeal of Section 33 of the Pradeshiya Sabha Act, and the importance of the request for land for plantation people to build own houses. We forwarded a report prepared on the basis of a dialogue regarding the repeal of Section 33 to the former President Mahinda Rajapaksa, Minister Dinesh Gunawardana, Vasudeva Nanyakkara and A.L.M. Athaulla. Hill country trade union leaders including R. Yogarajan and Palany Thihambaram participated at the conference. Mr. Yogarajan stated that he was a member of the Advisory Committee of Local Government Ministry and he will take up this issue at the advisory council meeting. At the same time, we held a press conference. This gave wider publicity.

In this background, an opportunity was made available for us to attend Economic, Social and Cultural Session of the UN held from 1st to 19th November 2010. Rev. Benny, S. Murugiah, Mrs. Viji and I participated in the session on behalf of Plantation Sector Social forum. We raised the issues of the Pradeshiya Sabha act, education and other social and cultural issues pertaining to the hill country people. The Solicitor General of the Attorney General's Department who participated in the session on behalf of the government stated that he would take action to solve the Pradeshiya Sabha issue immediately on his return to the country. However, no action whatsoever was taken by the Attorney General's Department.

Mr. Yogarajan had written a letter (dated 14th March 2012) to the Minister of Local Government, suggesting that Section 33 of the Pradeshiya Sabha Act be amended. He had forwarded a copy of his letter to me. At the same time, he had the matter included in the agenda for the 23<sup>rd</sup> May 2012 panel in the parliament councils, and emphasized the need for an amendment to the Controversial section. In this panel chaired by Mr. Athaulla a decision had been taken to appoint a committee to go into the matter, and



to take steps to amend the section based on the finding of that committee. However, as usual nothing happened. Mr. Yogarajan had also written to the Assistant to the President's Secretary and Secretary Local Government and Provincial Councils where he had referred to a letter he had addressed to the President in 2010 and requesting them to do the needful. He had sent a copy of the letter to me.

Prompted by this State of affairs, we made an attempt with the help of CARE to sensitize the Sinhala Members of Parliament. We also made an attempt to approach Mr. Basil Rajapaksha who was the Brother of the former President Mahinda Rajapaksa as well as the National Development Minister, being confident that a solution could be found through the intervention of his good offices. As the first step of the attempt, we met the Political Science Lecturer of the University of Colombo Mr. Dhamma Dissanayake who was Advisor to the Ministry. The meeting was facilitated by Mr. Wijekone of CARE to take place at the Ministry of Mahaweli Development, Colombo. Mr. Dissanayake, convinced by our presentation, suggested a further discussion and we had this discussion at the Nawalapitiya Office of CARE. The discussion had been arranged by both Mr. Wijekone and the District Co-ordinator of CARE Mr. Cader. Mr. Disanayake stated that if a document containing all facts could be given to him, he could present it to Mr. Basil Rajapakse and arrange a meeting with the latter. Accordingly, we forwarded a dossier through Mr. Wijekone of CARE. But, Mr. Disanayake did not arrange the meeting with the Minister, as he had promised.



*Discussion at hotel Janaki 7<sup>th</sup> May 2012*  
*Front : Rev. Father Benny, Mr. Michel Jokiam, R. Yogarajan*  
*M.P, R. Radha Kirishnan M.P,*  
*Behind : Mr. Palani Digambaram M. P, Mr. Thilakraj &*  
*Dr. S. Chandrabose*

Under the circumstances, we had a discussion at Hotel Janaki on 7th May 2012, attended by Mr. Palany Thigambaram who was a Deputy Minister, Mr. Yogarajan, Member of Parliament, and Mr. Mano Ganesan among others. Mr. Thigambaram stated that there is a possibility of presenting the matter to Mr. Basil Rajapakse and finding a solution. In the meantime, Mr. Thigambaram also stated that since he had no full grasp of the matter, they would arrange a meeting with the Minister Mr. Basil Rajapaksa for us, in

order to present the matter to him. Mr. Yogarajan in the meantime, said that he would also do his best to ensure that the meeting took place. I told him that it was necessary to have an efficient lawyer prepare a draft amendment to present to the Minister when meeting him. Mr. Yogarajan agreed to come back to me after he had consulted the constitutional lawyer Mr. Jayampathi Wickramaratne and also told me to have a report ready in relation to the controversial piece of legislation.

Mr. Yogarajan, after consulting Mr. Jayampathi Wickramaratne on 8th May, informed me that Mr. Jayampathi had agreed to meet us at his residence on 11th May at 5.00 pm, and to come there with the report. I went to Mr. Jayampathi Wickramaratne's house with ISD staff, Ms. K. Yogeswari, Mr. Sandanam Sathyanathan and Mr. Yogarajan. After Mr. Yogarajan explained the matter, I handed over the report that I had prepared. Mr. Jayampathi, after reading the report, stated "no community can be marginalized; you have no correct understanding of the law; when the Udapalatha Pradeshiya Sabha was dissolved, your politicians should have raised the issues in the parliament". Then I told him that it would have been of no use, as the plantation people had been excluded as per the Village Council Ordinance. Suddenly annoyed, Mr. Jayampathi Wickramaratne challenged me to show where in law such provision had been made. Then I told him about the amendment act to the Village Council Ordinance in 1924 that had been made applicable under the Pradeshiya Sabha Act of 1987. Subsequently after consulting his law book, he said it was very wrong and failing to talk about it so far was very wrong as well. Then he said "I am not in position to draft the amendment. It is done by those in the Attorney General's Department; there is one Mr. Selvakumaran in the drafting section of the Attorney General's Department. I will give you his telephone number, meet him and tell him that I told you to meet him and explain your need. He will give you a draft of the amendment you need".

Mr. Yogarajan and I met Mr. Selvakumaran after two days and explained to him. He sent the draft amendment to me after one week. In his amendment, he had noted that in the event of undertaking development activities on an estate, the Pradeshiya Sabha must obtain the Superintendent's permission. I informed Mr. Yogarajan over the phone that the amendment was of no use. Thereafter, both of us met Mr. Selvakumaran personally and asked him to draft the amendment, leaving out the part about the Superintendent's permission for development works on an estate. He told us that if so, we would have to proceed with a special motion in the cabinet. If on the contrary, an amendment was to be made in the existing law, it could only be done this way. Mr. Yogarajan suggested that we speak to Mr. Athullah who was the Minister of Local government. That meeting did not take place, and our lobbying continued.

In July 2015, I had organized and conducted a discussion under the theme "Devolution of Power and People of Hill Country" at Hotel Janaki, Colombo. Many, including Mr. Palany Thihambaram who was a Deputy Minister and Member of Parliament, Mr. R. Yogarajan and Mr. Mano Ganesan participated in the discussion. During the tea break, I hinted that none of them had facilitated a discussion between me and the Minister Mr. Basil Rajapaksa. Mr. Palany Thihambaram stated he would somehow get an appointment with the Minister this time. One day in August, Minister Thihambaram phoned me to inform that he had arranged a meeting with the Minister on the following day at Parliament and that I should come there at 10.00 am. The following day I waited for Minister Thihambaram at the Parliament car park. Mr. Thihambaram took me into the parliament. Mr. Thilakaraj was also with him. Having seated us Mr. Thihambaram said that a ministerial meeting

was on, and he would talk to the Minister first and take us both to him. Half an hour later Ministers Dinesh Gunawardana, Dew Gunasekara Radha Krishnan and Minister Thihambaram came together towards to us and Ministers Thihambaram told Ministers Basil Rajapakse asked to convey the issue to Minister Dinesh Gunawardana. When I told the problem, Minister Mr. Gunawardana was surprised and said in Sinhala “it is new to us, plantation people are also voting citizen, and so, why has this right been denied to them? None of your ministers nor members of parliament have spoken about this so far: this is a great injustice, a solution should be found to it”. Mr. Dew Gunasekara told me “comrade, you should have told us this in time”. Finally, Mr. Dinesh Gunawardana told me he would invite the Secretary of the Minister of Local Government and a Legal consultant and to speak to them. He also told me he would invite the Minister Mr. Arumugam Ramanathan Thondaman and all hill country parliamentarians for a meeting. I agreed. In the end he reiterated “get this done when we are in”.

On 25th November 2015, Minister Mr. Radha Krishnan called me over the phone saying that Minister Dinesh Gunawardana had arranged the meeting he mentioned, at the parliament complex. Minister Thihambaram too told me the same. The day before the scheduled meeting, I contacted Minister Thihambaram with a view to going with him to parliament. He said that he and brother Radha Krishnan had been asked by the president Mahinda Rajapakse to meet him at the same time. He further stated that I should go for the meeting in parliament and state the issue. He further told me that he had arranged the entrance permit for me to enter parliament. I was somewhat confused and contacted Mr. Yogarajan and told him about this new development. He told me that he too had been invited for the meeting and that he and I could go together. On the day of the scheduled meeting I was near the parliament building. Mr. Yogarajan who came there, took me in. The meeting started at 11.45 am. Minister Mr. Dinesh Gunawardana had come with the Local Government Ministry Secretary Legal Consultant, followed by the late Minister Arumugam Ramanathan Thondaman and Deputy Minister Mr. Muthu Sivalingam.

I explained the Legal Complexity to the Minister stating that unlike other Pradeshiya Sabha members, a Tamil member could not undertake development activities in the plantation worker residential areas utilising the Pradeshiya Sabha funds and therefore, the particular section of the law needs to be amended. I also told him that no development activity could be undertaken in the plantation settlements without the Superintendent’s permission and that the plantation women were unable to access Pradeshiya Sabha services. Minister Mr. Arumugam Thondaman supported me stating that they were unable to do anything through the Pradeshiya Sabha. After listening to further explanation of Mr. Yogarajan, the Minister advised the legal consultant to draft an amendment and forward it to him with copies to us. The ministerial legal consultant at this stage interposed a problem that the estates were private properties. In this juncture the legal consultant said the estate lands managed by private companies therefore Pradeshiya

Sabhas could not be allowed to implement development projects in the estates without obtaining the permission from the Superintendents. They could sue us for undertaking activities without their permission.

I stated that the estates managed by the Regional Plantation companies belonged to the Reform Commission, and large estates which had not been privatized were owned by the State Plantations Corporation and Janatha Estate Development Board therefore, if it was stated that the Pradeshiya Sabha members could use funding for activities within the estates settlements no problem would arise. Minister Dinesh Gunawardana agreed stating that all large estates belonged to the government, and if it was mentioned that the Pradeshiya Sabhas could serve those estates, there would be no problem. After the Minister advised the consultant to draft the amendment along those lines and forward it to him within two weeks with copies to us.

After one week, the legal officer Ms. Gayani Gamage forwarded a copy of the draft amended to Section 33 of the Pradeshiya Sabha Act. It also read (similar to the one proposed by Mr. Selva Kumaran) that in the event of undertaking development projects in the estate residential areas, a proposal thereof be submitted to the Pradeshiya Sabha and after the approval of the Pradeshiya Sabha, permission should be obtained from the estate manager. In relation to the utilization of the Pradeshiya Sabha funds for the development of Village women, I had requested her to include the estate women. She had omitted that as well.

On receipt of the draft, I contacted the legal officer Gayani Prematilaka, and requested her to include estate women in Section XXII and to replace the wording "after obtaining the permission of the estate management" with "notice to the estate management". She accepted the first request, but in respect of the second request, she stated that the inclusion I requested for could not be done by her and it could be done only by the cabinet. I requested her to make the inclusion and forward it to the Minister. She stated that they would forward it to the ministerial secretary, and asked me to meet him and expedite forwarding it to the Minister.

I had requested the Minister Mr. Thihambaram to push the Secretary of the Local Government and Provincial Councils' Ministry office to forwards the draft to Mr. Dinesh Gunawardana. He asked me to accompany his co-ordinator Mr. Thilagaraj to meet the ministerial Secretary. We went, explained the secretary. The secretary agreed to forward the draft to the minister but nothing took place. On another day, as per the appointment made by Mr. Thihambaram over the telephone, Mr. Thilagaraj, Mr. San Parba and I met the Secretary Mr. R.A.A.K. Ranawaka requesting him to transmit the amendment to the Minister. He favourably responded to our request, transmitting the draft amendment to Minister Dinesh Gunawardana on 3rd November 2014 with copies to Minister Arumugam Ramanathan, Deputy Minister Muthu Sivalingam, Deputy Ministers Radhakrishnan and

Palany Thihambaram and Member of Parliament Mr. R. Yogarajan. Mr. Yogarajan had forwarded a copy of it to me.

A few days later, the Presidential election was announced in November 2015, and with that all efforts came to an abrupt end. The new government was formed with Mr. Maithripala Sirisena as the President. Mr. Palany Thihambaram became a Cabinet Minister, and Mr. Faizer Musthapa was made the Local Government Minister. I requested Mr. Palany Thihambaram over the phone to submit the amendment to the Cabinet and bring it into force through the Minister Mr. Faizer Musthapha. Mr. Palany Thihambaram told me that he had already done that. In the meantime, he asked me to meet the Secretary with Mr. Thilagaraj and to ask him to forward the amendment to the Minister Mr. Musthapha. Accordingly, Mr. Thilagaraj and I met the Secretary at the Ministry, showed him the draft amendment which I had and asked him to send the amendment to the Minister. The Secretary accepted our request, but the Minister took no action.

In the new government formed after 17th August 2015, Ministers Thihambaram and Mano Ganesan were made Cabinet Ministers, and Minister Radhakrishnan was made the Deputy Minister. Being happy about this turn of events, and being confident that it would make my task easier, I requested the Minister M.S. Mano Ganesan and Palany Thihambaram to re-submit the draft amendment (which had been submitted to the previous government) to Mr. Musthapha to effect the amendment. In spite of several approaches by both Ministers, Minister Faizer Musthapha did not take action. Whenever I reminded the Ministers, they would tell me that the Minister Mustapha had agreed to take action.

In this context, in response to my reminder, Mr. Thilagaraj who had been elected to Parliament has moved a private member motion in the parliament to draw the government's attention on 2nd December 2015, following which Mr. Velu Kumar spoke on it. But it too proved a futile attempt. Again I have contacted Minister Mano Ganesan reminded on it. On his request Minister Mustafa forwarded the draft amendment to the Attorney General Department for there to prepare the bill.



*Awareness creation among the plantation CBO members in Hatton – 7/5/2011*

The draft amendment forwarded to the Attorney General's department, had not been returned to the cabinet although several months had elapsed. When, thereafter he made inquiries at the Attorney General's Department, they had returned him saying that many enactments and amendments had reached the department before the draft amendment in question and it would have to be attended to in the order of receipt. Thereafter, Mr. Vamadevan took the matter up with the Attorney General's department



with a view to having it forwarded to the Ministry. That too failed. Then, I contacted Mr. San Praba to meet the Attorney General's Department officials to explore possibility of having the matter expedited. That too was of no use. Thereafter, the attempt of Mr. Vamadevan who was advisor to the Ministry, also bore no fruit.

The draft amendment forwarded to the Attorney General's department had not been returned to the cabinet although several months had elapsed. When, thereafter on my request Mr. Thilakaraj made inquiries at the Attorney General's Department, they had responded to him saying that many enactments and amendments had reached the department before the draft amendment in question and it would have to be attended to in the order of receipt. Thereafter, Mr. Vamadevan took the matter up with the Attorney General's department with a view to having it forwarded to the Ministry. That too failed. I contacted Mr. San Praba to meet the Attorney General's Department officials to explore the possibility of having the matter expedited. That too was of no use.

At this stage, I had to attend the UN series of meetings on Education, Economic and Socio-Cultural matters in 2017. Ms Yogeswari of our institution also attended the sessions with me. I handed over the draft to the speaker on our behalf, and reminded him that in the preceding session an assurance had been made to have the problem resolved, but the draft was in cold storage at the Attorney General's Department for months. The representative raised the issue during the Sri Lankan session. The Deputy Solicitor General Mr. Nerin Pulle, who represented the government answered that he would look into it immediately on his return to the country. The Deputy Solicitor General (DSG) who spoke to me after the meeting asked me let him know the file number and date on which it was forwarded. I told him that I would furnish them on return to the country. He gave me his mobile phone number asking me to contact him.

On my return to Sri Lanka, I contacted both Ministers and M.P. Thilagaraj and asked him to get the reference number of the file forwarded to the Attorney General's Office from the Ministry of Local Government. Mr. Thilagaraj said that he did not have the file number. In the meantime, when the Deputy Solicitor General contacted me, I told him that nobody had it. However, when I contacted the DSG a week later, he told me that he had got the number and he would attend to it and forward it to the Cabinet. Then I mentioned to him that the wording "permission should be obtained from the management" should be changed. He told me it could not be done. He had told before that The amendment should be submitted to the parliament, and with its approval, the change should be made at the cabinet group meeting and the Attorney Generals department could include it only after that.

A few days later, the DSG informed me over the phone that he had forwarded the draft to the Cabinet. I then informed this development to the Minister Mano Ganeshan, although he had requested Minister Faizer Musthapha to get the parliament approval, he had not taken any action to submit the draft to Parliament.



I reminded Ministers Mano Ganesan and Palany Thihambaram about the delay, several times. They informed me that the delay was due to the fact that the Minister had to go abroad often. Out of frustration, I told Minister Mano Ganesan over the phone that both of them being Cabinet Ministers was of no use to the people. Angered by this remark, Minister Mano Ganesan stopped talking to me, and informed this conversation to Minister Thihambaram and Mr. Vamadevan. Minister Thihambaram contacted me over the phone and told that I should not fall out with Mano Ganesan and that he was fighting as best as he could over this matter in the Cabinet.

A few days later, Minister Mano Ganesan had an argument with Minister Faizer Mustapha at the cabinet meeting demanding to submit the draft bill to The parliament. He had also aired his frustration over the lapse on the part of his Ministerial colleague to the Prime Minister. Following this, Minister Faizer Mustapha had assured that he would submit the draft at the parliament session to follow. After the Cabinet meeting, Minister Mano Ganesan who contacted me over the phone at 11.30 pm said the draft would be presented to the parliament in the following week. The following morning, Minister Palany Thihambaram too gave me the same information and said that Minister Mano Ganesan threatened to walk out if the amendment was not made immediately.

The bill of amendment was presented to parliament on 25<sup>th</sup> September 2018, together with the bill of new village development authority, all members of the house unanimously supported it. Nobody opposed it. Myself and my colleagues seated in the Parliament Gallery. Minister Mano Ganesan who contacted me over the phone the following morning, asked me as to which word should be changed. I read him the line "concurrence of the estate management and the owner be sought/ obtained" should be replaced with in "consultation with the management". Subsequently, the draft was amended and forwarded to the Attorney General's department through Minister Faizer Mustapha. The Attorney General's Department had sent it back to the Minister, and the Amendment was gazetted as Amendment No. 30 of 2018 to the Pradeshiya Sabha Act.

According to this amendment to the Act, all social welfare development activities can be undertaken for the people of the plantations and infrastructure facilities must be provided to them without hindrances, utilizing the Pradeshiya Sabha and Provincial Council Funds.

This amendment is the most significant right won by plantation based hill country people. It is noteworthy that I had to work for over a decade to have this amendment in place. I am duty bound to thank all who co-operated with me in achieving this outcome. The hill country plantation people and each representative elected to the Pradeshiya Sabha and Provincial Council should read and understand the Act. Similarly, it is essential that the hill country plantation people, young men and women and adults are aware of this amendment and what it brings them in the form of their rights to services and resources available to the citizens of this country.

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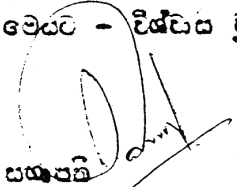
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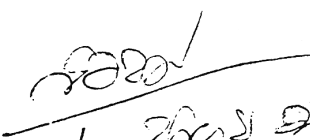
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01. මෙම ප්‍රදේශය සභාවේ සාමාජිකයෙක් වශයෙන්, උප සභාපති සභා සාමාජිකයෙක් වශයෙන් වැඩි දෙනෙක්  
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02. මෙම වැඩි දෙනෙක් පිරිම වන අය ද වේ. මෙම ප්‍රදේශය සභා සාමාජිකයෙක් වශයෙන්, උප සභාපති සභා සාමාජිකයෙක් වශයෙන් වැඩි දෙනෙක්  
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මෙයට - විශ්වාසය පු,

  
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මධ්‍යම ප්‍රදේශය සභාව.

  
1. මහා ප්‍රදේශ සභා සාමාජිකයෙක් වශයෙන්  
2. මහා ප්‍රදේශ සභා සාමාජිකයෙක් වශයෙන්

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය

අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1564/5 - 2008 අගෝස්තු 26 වැනි අඟහරුවාදා - 2008.08.26

No. 1564/5 - TUESDAY, AUGUST 26, 2008

(Published by Authority)

## PART IV (A) — PROVINCIAL COUNCILS

### Provincial Councils Notifications

#### CENTRAL PROVINCE PROVINCIAL COUNCIL

The Order made under Section 185(3) (a) (iii) of the Pradeshiya Sabha Act, No. 15 of 1987 to be read with Section 2 of Provincial Council (Consequential Provisions) of Act, No. 12 of 1989 and Section 2(3) (a)(iii) of Enactment of Supervision of Local Authorities Administration No. 7 of 1990

BY virtue of the powers vested in me by Section 185(3) (a) (iii) of the Pradeshiya Sabha Act, No. 15 of 1987 to be read with Section 2 of Provincial Council Act, No. 12 of 1989 and Section 2(3) (a) (iii) of Enactment of Supervision and administration of Provincial Council Act, No. 12 of 1989 and by Section 2(3) (a)(i) of Enactments of supervision and administration of Local Authorities, No. 07 of 1990 of the Central Provincial Council, I, Sarath Ekanayake, Chief Minister of Central Province and the Minister in-charge of Local Government, do hereby suspend temporarily with immediate effect of Mr. Sri Rengan Perumal, Chairman, Pradeshiya Sabhawa of Udapalatha, Vice Chairman Mr. Ramasamy Ramachandran and Members Mr. Thangavel Rajamani, Mr. Ramaiyaha Ramasamy, Mr. Perumal Ganesan, Mr. Paramasivam Suresh Kumar, Mr. Hellara Gedara Lokubanda, Mr. Arumugam Muthukumar, Mr. Suppaiaha Rajaratnam, Miss. Ramachandran Shanmugadeepa, Mr. Govindasamy Yogeswaran, B. Nugaliyadda, Mr. D. B. Upali, Mr. S. M. Mohamed Munseer, Mr. M. B. U. Jayapathy, Mr. M. G. Nawarathne, R. Wijendra, Mr. Mahamed Fareed Mohamed Munathareen, Mr. Madagammedgededara Nishantha Jayasinghe, I. M. Riyaz, Mr. S. G. Piyasena and Mr. K. P. Kaluarachchi from holding their posts and do hereby suspend temporarily with immediate effect of Pradeshiya Sabhawa of Udapalatha.

Further, by virtue of powers vested in me by Section 185(3) (a) (iii) of the Pradeshiya Sabha Act, No. 15 of 1987 to be read with Section 2 of Provincial Council Act, (Consequential Provisions) No. 12 of 1989 and Section 2(3) (a) (iii) of Enactment of supervision and Administration of Local Authorities No. 07 of 1990, and I hereby direct Mr. U. M. Abeyratne, the Assistant Commissioner of Local Government Kandy District, to be perform the duties and use the powers of the Pradeshiya Sabha of Udapalatha Kandy District of Central Province.

SARATH EKANAYAKE,

Minister of the Board of Ministers of the Provincial Council,  
Central Province, to whom the Subject of Local Government is assigned.

Kandy,  
25th August, 2008.

09-471/1

1A

**CENTRAL PROVINCE PROVINCIAL COUNCIL**

BY virtue of powers vested in me by Section 185(2) of the Pradeshiya Sabha Act, No. 15 of 1987 to be read with Section 2 of Provincial Council Act, (Consequential Provisions), No. 12 of 1989 and Section 2(2) of Enactment of Supervision and Administration of Local Authorities No. 07 of 1990, I, Sarath Ekanayake, Chief Minister of Central province and the Minister in Charge of Local Government, do hereby appoint Mr. N. Mahendrarajah, to inquire and report within 3 months time from the dated, whether the Udapalatha Pradeshiya Sabha (Chairman, Vice Chairman and the Members) has committed any misdeeds described in Section 185(1) of the Pradeshiya Sabha Act, and Section 2(1) of Enactments of the Local Authorities of Central Province.

This Officer shall have the powers of Commission appointed under the inquiry of Commission Act, pertaining to this inquiry.

SARATH EKANAYAKE,  
Minister of the Board of Ministers of the Provincial Council,  
Central Province, to whom the Subject of Local Government is assigned.

Kandy,  
25th August, 2008.

09-471/2

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දිනය } 2008.08.25

රාමචන්ද්‍රන් ඔත්තුගදිපා මෙනවිය.

ප්‍රාදේශීය සභා සභික.

උඩපළාත ප්‍රාදේශීය සභාව.

දැල්පිටිය.

අටබාගේ.

### වෛද්‍යා පත්‍රය.

2006 ජූනි 02 වන දින හෝ ඊට ආසන්න දිනක සිට මෘ උඩපළාත ප්‍රාදේශීය සභාවේ සභිකයෙකු වශයෙන් කටයුතු කරමින් සිටියදී 1987 අංක 15 දරණ ප්‍රාදේශීය සභා පනතේ 185 (1) (අ)(ආ)(ඇ)(ඈ)(ඉ) වගන්ති යටතට ගැනෙන සහ 1990 අංක 07 දරන මධ්‍යම පළාතේ පළාත් පාලන ආයතන පරිපාලනය හා අධීක්ෂණය කිරීමේ බලතල පැවරීමේ ප්‍රඥප්තියේ 2 (1) (අ)(ආ)(ඇ)(ඈ)(ඉ) වගන්ති යටතට ගැනෙන අකාර්යක්ෂමතාවය හා නොමනා පාලනය, ප්‍රාදේශීය සභා පනතින් හෝ වෙනයම් ලිඛිත නීතියක විධිවිධානවලට අනුකූලව ක්‍රියා කිරීම ප්‍රතික්ෂේප කර තිබීම හෝ නොසලකා හැර තිබීම, ඒ කාර්ය කිරීමේදී විපරාධාරය, මධ්‍යම පළාතේ පළාත් පාලන කොමසාරිස්වරයාගේ උපදෙස් නොසලකා හැර තිබීම, ප්‍රාදේශීය සභා පනතින් හෝ වෙනයම් ලිඛිත නීතියකින් පිරිනමා ඇති බලතල අතිරික්ත ලෙස යොදා තිබීම හෝ පාවිච්චි කිරීම යන වැරදි සිදු කිරීම සම්බන්ධයෙන් මෘට විරුද්ධව පහත සඳහන් වෛද්‍යාවන් ඉදිරිපත් කරනු ලැබේ.

වෛද්‍යා අංක 01

ප්‍රාදේශීය සභා පනතේ 173 හා 174 වගන්තියට පටහැනිව සහ සභා අනුමැතියකින් තොරව පුස්තැල්ලාව නගරයේ අවිධිමත් ලෙස ඉඩම් ලබාදීම හෝ කඩකාමර ලබාදීම පිණිස පහත සඳහන් පුද්ගලයන් සමඟ ගිවිසුමකට එළැඹීම මගින් සභාපතිවරයා විසින් නොමනා පාලනයක් සිදුකිරීම.

1. අලගප්පන් නඩරාජන් මයා.
2. පෙරුමාල් පුවනේස්වරන් මයා.



## 2. තිල්ලම දුන්නිද ඇල්ල මාර්ගය

කොන්ක්‍රීට් කිරීම.	515	2007.04.06	67500/-
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## 3. තව තිල්ලම කුරුස හතදිය කෝවිලට යන

මාර්ගය කොන්ක්‍රීට් කිරීම.	250	2007.02.19	44887.58
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	1250	2007.09.05	4987.50
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## වෝදනා අංක 04

සභාව සතුකරන ලද හෝ සහවේ දේපලක් නොවන ආධිපාතවරයා සායන මධ්‍යස්ථානය පිහිටි ඉඩම වටා කම්බි වැටක් ඉදිකිරීමට. 2007.02.22 දින මහ සභාවට ඉදිරිපත් කරනලද ඇස්තමේන්තුව සභාවෙන් අනුමත කර නොතිබේදී 2007.04.04 වන දින අංක 433 දරන චුළුවරයෙන් රු. 224222.18 ක් හෝ ඊට ආසන්න මුදලක් සභා අරමුදලින් වැය කිරීමට ඉඩ සලසා දීම මගින් සභාපතිවරයා විසින් නොමනා පාලනයක් සිදුකිරීම.

## වෝදනා අංක 05

ප්‍රාදේශීය සභා පනතේ 33 වන වගන්තියට පටහැනිව සභාව සතු නොවන පහත සඳහන් දේපල එකක් හෝ සියල්ලම සංවර්ධනය සඳහා සභා අරමුදල් වැය කිරීමට මහසභා අනුමැතිය ලබාදීම මගින් නොමනා පාලනයක් සිදුකිරීම.

කර්මාන්තයේ නම	සභා අනුමැතිය	චුළුවර	දිනය	මුදල
		අංකය		

### i. තිව්ටිකොක් දේවාල පාර

කොන්ක්‍රීට් කිරීම.	2006.11.30	286	2007.03.02	90000/-
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		877	2007.06.28	10000/-
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### ii. සෙල්වකන්ද දේවාලයට

යන පාර අලුත්වැඩියා

කිරීම.(සෙල්වකන්ද වත්ත පාර) 2006.09.29	512	2007.04.06	60198.58
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	1054	2007.08.01	6732.73
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iii. නිවිසිකොක් වත්තේ

වතුර වැංකිය ඉදිකිරීම	2006.07.27	1781	2006.12.29	43322.79
		578	2007.04.23	4958.08

iv. නිවිසිකොක් වත්තේ

ජල වැංකිය ඉදිකිරීම	2006.07.27	1713	2006.12.14	32493.07
		1002	2007.07.20	3643.67

v. නිවිසිකොක් ශ්‍රී පී කොටස

අංක 21 ලිපිනය යන පාර

සකස් කිරීම. (වැඩිදියුණු කිරීම.)	2006.11.30	434	2007.04.04	83596.25
		876	2007.06.28	9288.47

vi. මෙල්පිටි වත්ත

පටිපෙල ඉදිකිරීම.(කොන්ක්‍රීට් කිරීම)	2006.11.30	551	2007.04.18	62261.26
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චෝදනා අංක 06

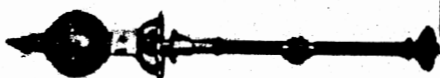
2007.06.12 දින කරන ලද සමීක්ෂණයේදී අනාවරණය වූ පුස්සැල්ලාව තහරයේ අතවසර ඉදිකිරීම් ඉවත් කිරීමට ප්‍රාදේශීය සභා පනත සහ /හෝ නිවාස හා තහර සංවර්ධන ආඥා පනත යටතේ නීත්‍යානුකූලව කටයුතු නොකිරීම මගින් නොමනා පාලනයක් සිදුකිරීම.

චෝදනා අංක 07

2007.06.12 දින කරන ලද සමීක්ෂණයේ දී අනාවරණය වූ පුස්සැල්ලාව තහරයේ සභාව සතු ඉඩම් ප්‍රාදේශීය සභා පනතේ 19(1)(xii) වගන්තිය ප්‍රකාරව විධිමත්ව ඛුද්‍ර දී සභාවට ආදායමක් ලබාගැනීමට කටයුතු නොකිරීම මගින් නොමනා පාලනයක් සිදුකිරීම.

චෝදනා අංක 08

පුස්සැල්ලාව තැපැල් කාර්යාලය අසල සිට මෙල්පිටි දක්වා මාර්ගය වැඩිදියුණු කිරීමේ කර්මාන්තය යටතේ සභාව සතු දේපලක් නොවන පුස්සැල්ලාව ශුද්ධ ක්‍රීත්ව විද්‍යාලයේ ගොඩනැගිල්ලකට ආරක්ෂාවට බැම්මක් ඉදිකිරීම සඳහා 2006.07.27 වන දින මහ සභාවේදී රු.415000.00ක ඇස්තමේන්තුවක් අනුමත කිරීම සහ 2007.02.09 දින අංක 182 වවුචරයෙන් රු.363949.50 ක් හෝ ඊට ආසන්න මුදලක් ගෙවීම් කිරීම. 2007.04.26 දින මහ සභාවේදී අනුමත කිරීම මගින් නොමනා පාලනයක් සිදුකිරීම.



28 MAY 2013

රාමයියා යෝගරාජන් B.Sc (Engg)  
පාර්ලිමේන්තු මන්ත්‍රී  
இராமையா யோகராஜன் B.Sc (Engg)  
பாராளுமன்ற உறுப்பினர்  
**Ramiah Yogarajan** B.Sc (Engg)  
Member Of Parliament

LJEWU 60 Sri Jayawardenepura Mawatte Rajagiriya Mobile : 077 2739211 / 071 2739211  
14<sup>th</sup> May 2013 2884375 Fax : 011 2053017 email : yogarajan@yogarajan.com

**Hon. ALM Athaula M.P.**  
**Minister of Provincial Councils and Local Government,**  
330, Union Place,  
Colombo 2

Dear Sir,

**Amendment of the Pradeshiya Sabha Act**  
**To enable Pradeshiya Sabhas to do Development Work within Plantations**

At the Consultative committee meeting your ministry held in Parliament I raised the issue of a legal hurdle placed on the Pradeshiya Sabhas to undertake development work in the Estates using public funds. I pointed out that section 33 of the Pradeshiya Sabha act no 15 of 1987 requires that any work in an estate be done only against payment and that a Pradeshiya Sabha was dissolved because of this clause. I appealed that the law be amended to enable Pradeshiya Sabhas to undertake development work within the Plantations without legal hindrance. You Honourable Minister were kind enough to offer to consider the required amendment if a draft proposal could be submitted.

I am attaching herewith the necessary amendment for your consideration. I also submit herewith the case of Uda Palatha Pradeshiya Sabha which was dissolved and all members of the council were barred from contesting elections for doing development work in estates. Many Pradeshiya Sabhas in Plantation areas are continuing to do development work in the Plantations at risk of removal by the Provincial councils. Hence it is important to remove this legal impediment to undertake development work in Estates. Since all estate residents today are citizens of this country and are recognised as voters and also exercise their franchise to elect Pradeshiya Sabha members it is but fair for the Pradeshiya Sabhas to provide development funds to the residents within the area of authority of the Pradeshiya Sabha whether in estates or otherwise.

Thanking you,  
Yours faithfully,

  
**R. Yogarajan M.P.**

09<sup>th</sup> May 2012

Dr. Jayampathy Wickramaratne.  
Presidential Counsel,  
Colombo,

Dear Sir,

**Brief note on the legal constrain related to plantation community development.**

- 1) The section 33 of the **Pradeshiya Sabha Act of 15 of 1987** prohibits the Pradeshiya Sabha to implement development activities in the plantation settlement.
- 2) The section 33 of the **Pradeshiya Sabha Act of 15 of 1987** says “**The Pradeshiya Sabha May, at the request of the owner or owners of any one or more estates or industrial enterprises situated within its limits, in any case in which the Pradshiya Sabha** is of opinion that the public interest would not otherwise justify the constriction or maintenance of a road in such a locality, contract with such owner or owners, for the estate or estates, or the enterprise or enterprises in question, subject to the payment of such contribution towards the expenses of such construction or maintenance as may be approved the Pradeshiya Sabha...”.
- 3) The section **225, (2) of Pradeshiya Sabha Act** refer as follows, “All by-laws made by a Town Council constituted for a town or by a Village Council constituted for a village area, and deemed, under section 18 (2) (e) of the **Development Councils Act, No. 35** of 1980 to be by-laws made by a Development Council shall, with effect from the date appointed under section 1 of this Act, be deemed to be by-laws made by the Pradeshiya Sabha constituted for the Pradeshiya Sabha area within which such town or village area was situated”.
- 4) The **Development Council Act no 35 of 18** (e) refer “all rules made by the Minister under the Town Councils Ordinance and the Village Councils Ordinance, and all by-laws made by such Town Council or such Village Council, and in force in any area immediately prior to the date determined under this section, **shall, mutatis mutandis, be deemed to be by-laws made by such Development Council** and shall apply within that area;”.
- 5) According to the **Village Council Ordinance 9 of 1924** section 3 defines the Village area as “Every divisional Assistant Government Agent’s division or part thereof brought within the operation of this Ordinance shall be **subdivided into village areas consisting of one or more villages or groups of villages** in such manner as the Minister may, by Order published in the Gazette, appoint:”.
- 6) Hence, the Village Council Ordinance refers who are not entitle to enjoy council benefits under the caption of “**excepted persons**” In Section 58, (i) “excepted persons means persons resident in Sri Lanka and being-



- (a) persons commonly known as European
- (b) persons commonly known as Burghers, and
- (c) labourers as defined in the **Estate Labour (Indian) Ordinance, including any woman or child related to any such labourer or any aged or incapacitated relative of any such labourer ;**

as well as a plantation and village was defined as " **plantation** " includes any land on which tea, coffee, cacao, cardamoms, cinchona, or rubber is growing, and any coconut estate of over five acres in extent;

"**village area**" means a portion of a divisional revenue officer's division declared to be a village area by Order under section 3 or deemed by virtue of any written law to be a village area under this Ordinance;"

7) Further the 13<sup>th</sup> amendment emphasize the followings under the **9<sup>th</sup> schedule, list 1, section 4 of Local Government,**

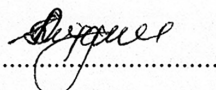
4.3 "Local authorities will have powers vested in them under existing law. Municipal Councils and Urban Councils will have the powers vested in them under the Municipal Councils Ordinance and the Urban Councils Ordinance. Pradeshiya Sabhas will have the powers vested in them under existing law. It will be open to a Provincial Council to confer additional powers on local authorities but **not to take away their powers:**" the Provincial Council cannot remove the previous laws enjoyed by the Local Governments.

As a result of the above clause, the first chief minister of Central Province publically announced that PC is not in a position to implement any development activities citing this impediment. Since 1989 hither to the development activities which were implemented within the plantation settlement were done through Ministry allocations funds and not through the Pradeshiya Sabha fund.

However, in 2007 the Udapalatha Pradeshiya Sabha used the Sabha fund to implement basic infrastructure activities in few estates but the Sabha was dissolved citing these activities as violations with other reasons.

Thank You.

Yours Sincerely,



P. Muthulingam.

Director

Institute of Social Development

**TRANSLATION**

**First Session of the Seventh Parliament**

**Minutes of the Fourth Meeting of the Consultative Committee on  
Local Government and Provincial Councils**

**(23<sup>rd</sup> May, 2012 at 2.30 p.m. in Committee Room No. 02)**

**Present**

Hon. A.L.M. Athaula (Chairman)  
Hon. Indika Bandaranaike  
Hon. Tissa Karalliyadde  
Hon. Lalith Disanayake  
Hon. R.M. Ranjith Maddumabandara  
Hon. Mohan Priyadarshene De Silva

Mrs. Nandini Ranawake (Secretary)

**In attendance**

Dr. Nihal Jayathilake, Secretary, Ministry of Local Government and Provincial Councils  
Mr. A. Abdul Majeed, Additional Secretary, (coordinating officer), Ministry of Local Government  
and Provincial Councils &  
Officials of the Ministry of Local Government and Provincial Councils, Departments and  
Institutions coming under the purview of the Ministry of Local Government and Provincial  
Councils

**01. The Committee met pursuant to the notice.**

The Hon. A.L.M. Athaula, Minister of Local Government and Provincial Councils presided over the meeting.

Hon. S.C. Muthukumarana, Hon. Premalal Jayasekera, Hon. Vidura Wickramanayake, Hon. Nieranjan Wickramasinghe, Hon. Thilanga Sumathipala, Hon. Sajith Premadasa, Hon. Eric Prasanna Weerawardene, Hon. Y.G. Padmasiri, Hon. R. Yogarajan, Hon. Shantha Bandara, Hon. Janaka Bandara, Hon. Lakshman Wasantha Perera, Hon. Dayasiri Jayasekera, Hon. Sumedha G. Jayasena and Hon. M.L.A.M. Hizbullah participated at the meeting with the permission of the Chairman.

**02. Motions for leave of absence -**

The Hon. Chairman informed that Hon. (Mrs.) Thalatha Athukorale and Hon. Dilip Wedaarachchi had informed their inability to attend today's meeting and they were granted leave for absence.

**03. Confirmation of Minutes -**

The Minutes of the third meeting held on 22.07.2011 were confirmed.

**04. Matters arising out of the Minutes:**

**4.01 Delay in issuing the Gazette Notification of local authority area - 333  
(Hon. Ajith P. Perera)**

Hon. Janaka Bandara inquired about the delay in issuing the Gazette notification with regard to division of the Bandaragama Pradeshiya Sabha area into two Pradeshiya Sabha areas as Bandaragama and Milleniya.

**6.11 Inclusion of the Harispattuwa electorate in the Kandy district under the “Pura neguma” Programme – (Hon. Eric Prasanna Weerawardene)**

The Hon. MP drew the attention on the request for a playground for Harispaththuwa.

The Hon. Chairman informed the MP to submit the said request with the approval of the Chairman of the Divisional Development Committee.

**6.12 Inability of allocating funds by the Pradeshiya Sabhas for the development activities in estates as per the Local Government Authority Act – (Hon. R. Yogarajan)**

The Hon. MP drew the attention on inability to allocate funds by the Pradeshiya Sabhas for the development activities in estates as per the Article 19 of the Local Government Authority Act and pointed out that as per the Article 33 of the said Act it is unfair to include that if a Pradeshiya Sabha is carried out any development activity in an estate the cost incurred to be charged by the estate owner. He stressed the need of amending the said Act and agreed to send the draft prepared in that regard.

The Secretary to the Ministry who informed to send the draft to the Ministry agreed to study on it and to do the needful.

**6.13 Upgrading the Monaragala Pradeshiya Sabha into an Urban Council (Hon. Sumedha G. Jayasena)**

The Hon. Minister requested to upgrade the Monaragala Pradeshiya Sabha into an Urban Council.

The Hon. Chairman agreed to summon the relevant Divisional Secretary and the Chairman of the Pradeshiya Sabha and to deliberate on the capability of declaring the urban area centering the Monaragala town as an Urban Council and the rest of the areas to be declared as a Pradeshiya Sabha.

**6.14 Request to establish a new Pradeshiya Sabha in the Abegamuwa Pradeshiya Sabha area in the Nuwaraeliya district - (Hon. R. Yogarajan)**

The Hon. MP requested to establish a new Pradeshiya Sabha by dividing the said Pradeshiya Sabha area into two parts as it is an area with a high density population.

**07. Next meeting** - The Hon. Chairman announced that the next meeting of the Committee would be informed later.

**08. Adjournment** - Accordingly, the Committee at 3.55 p.m. was adjourned sine-die.

Secretary  
Consultative Committee on  
Local Government and Provincial Councils

Consultative Committee Office  
Parliament of Sri Lanka  
09.06.2012

(This Minutes were approved by the Additional Secretary to the Ministry by his letter dated 29.06.2012)

Translation: done by Kanthi Peiris



1987 අංක 15 දරණ ප්‍රාදේශීය සභා පනත සංශෝධනය කිරීම පිණිස වූ යෝජිත පනත් කෙටුම්පතකි.

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ පාර්ලිමේන්තුව විසින් මෙසේ පනවනු ලැබේ.

1. මේ පනත 2014 අංක දරණ ප්‍රාදේශීය සභා ( සංශෝධන) පනත යනුවෙන් හඳුන්වනු ලැබේ.

1987 අංක 15 දරණ පනතට 33A වගයෙන් අළුතින් කොටසක් එකතු කිරීම.

2. 1987 අංක 15 දරණ ප්‍රාදේශීය සභා පනතේ 33 වගන්තියට පසුව පහත සඳහන් වගන්තිය 33A වගන්තිය වශයෙන් ඇතුළත් කරනු ලැබේ.

33A (1) ප්‍රාදේශීය සභා බල සීමාව තුළ ඇති ඉඩම් ප්‍රතිසංස්කරණ කොමිෂමට පවරා ඇති ඉඩම්වල හෝ ඒ අවට පිවත්වන හෝ වැඩ කරන ජනතාවට ප්‍රයෝජනය සඳහා අවශ්‍ය වන මංචාවන්, ලිං සහ අනෙකුත් යටිතල පහසුකම් ඉදිකිරීම සඳහා ප්‍රාදේශීය සභාවට අයත් අරමුදල් වැය කිරීම නිත්‍යානුකූල වේ.

(II) ප්‍රාදේශීය සභාව විසින් සම්මත කරගනු ලබන විශේෂිත යෝජනා සම්මතයකින් මිස, ඉහත අංක 1 උපවගන්තිය යටතේ වන ඉඩමක් සම්බන්ධයෙන් මංචාවන්, ලිං සහ අනෙකුත් යටිතල පහසුකම් ඉදිකිරීම ප්‍රාදේශීය සභාව විසින් ආරම්භ නොකළ යුතුය.

- 3 එවැනි යෝජනාවක් සම්මත කර ගැනීමට මසකට පෙර ඒ පිළිබඳ දැන්වීමක් ඉඩම් ප්‍රතිසංස්කරණ කොමිෂමේ සහකාර කොමසාරිස්වරයාට හා අධිකාරිවරයාට, කළමණාකරුට හෝ එහි ඉඩමක පාලනය දරනු ලබන නිලධාරියා ලබා දිය යුතුය. එසේම කළමණාකරු හෝ එවැනි නිලයක් දරන වෙනත් නිලධාරියකු විසින් ඒ සම්බන්ධයෙන් විරෝධතාවයක් දැක්වුවහොත් යෝජනාව සම්මත කිරීම තතර කළයුතුය.

4. ප්‍රාදේශීය සභාවක් විසින් ඉහත 1වන උප වගන්තියේ සඳහන් ඉඩමක් සම්බන්ධයෙන් 2 හා 3 උපවගන්තිවල කොන්දේසි ප්‍රකාරව මාර්ගයක් ලිඳක් හෝ වෙනත් යටිතල පහසුකම් ඉදිකිරීමේදී, ඒ සම්බන්ධයෙන් ප්‍රාදේශීය සභාවට වැයවෙන වියදම එවැනි ඉඩමක් පිළිබඳ ඇති අයිතිය ඉඩම් ප්‍රතිසංස්කරණ

කොමිසමට හෝ වෙනත් පුද්ගලයන් විසින් ප්‍රාදේශීය සභාව වෙත ගෙවීම සිදු නොකළ යුතුය.

5. මෙම වගන්තිය “ ඉඩම් ප්‍රතිසංස්කරණ කොමිසම ” යන්නට 1972 අංක 1 දරණ පනතින් පිහිටුවන ලද ඉඩම් ප්‍රතිසංස්කරණ කොමිසමට ඇතුළත් වේ.
6. මෙම කොටසේ සඳහන් ප්‍රතිපාදනයන් මෙම පනතේ හෝ වෙනත් ප්‍රතිපාදනයන්ට නොගැටෙන ලෙස අදාළ කරගත යුතුය.

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**உள்ளுராட்சி மற்றும் மாகாண சபைகள் அமைச்சு**

**Ministry of Local Government and Provincial Councils**

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මගේ අංකය  
எனது இல. }  
My No

PL / 10C / 05 / 14

ඔබේ අංකය  
உமது இல. }  
Your No

දිනය  
திகதி }  
Date

2014.11.03

ගරු දිනෙන් ගුණවර්ධන මැතිතුමා (සා.ම)  
ජල සම්පාදන හා ජලාපවහන අමාත්‍ය සහ ආණ්ඩු පක්ෂයේ ප්‍රධාන සංවිධායක,  
චතු කම්කරුවන්ගේ සුඛ සාධනය සැලසිය හැකිවන පරිදි  
ප්‍රාදේශීය සහ පනත සංශෝධනය කිරීම පිළිබඳ කමිටුවේ සභාපති

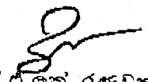
ගරු ඇමතිතුමනි,

චතු කම්කරුවන්ගේ සුඛ සාධනය සැලසිය හැකිවන පරිදි ප්‍රාදේශීය සහ පනත සංශෝධනය කිරීම.

පශු සම්පත් හා ග්‍රාමීය ප්‍රජා සංවර්ධන අමාත්‍ය ගරු ආරුමුගම් නොන්ඩමන් මැතිතුමා, ආර්ථික සංවර්ධන නියෝජ්‍ය අමාත්‍ය ගරු මුත්තුසිවලිංගම් මැතිතුමා සහ පාර්ලිමේන්තු මන්ත්‍රී රාමයියා යෝගරාජන් මැතිතුමාගේ ඉල්ලීම පරිදි චතු කම්කරුවන්ගේ සුඛ සාධනය සැලැස්වීම අරමුණු කොටගෙන ප්‍රාදේශීය සහ පනත සංශෝධනය කිරීම පිළිබඳව මගේ ගරු අමාත්‍යතුමා විසින් ඔබතුමාගේ ප්‍රධානත්වයෙන් පත්කරන ලද කමිටුවේ රැස්වීම් 2014.10.25 වන දින පාර්ලිමේන්තුවේදී පැවැත් වූ සාකච්ඡාව හා බැඳේ.

එම සාකච්ඡාවේදී තීරණය වූ පරිදි චතු කම්කරුවන්ගේ සුඛ සාධනය සැලසිය හැකිවන පරිදි ප්‍රාදේශීය සහ අරමුදල් යෙදවීම සඳහා හැකියාව සලසමින් ප්‍රාදේශීය සහ පනත සංශෝධනය කිරීම සඳහා ඉදිරිපත් කර ඇති යෝජනාවලිය පදනම් කොට ගෙන සකස් කරන ලද සංශෝධනය මේ සමඟ ඉදිරිපත් කරමි.

මෙම යෝජනාවලිය 2014.11.05 දින පැවැත්වීමට නියමිත මෙම අමාත්‍යාංශයේ උපදේශක කාරක සභාව වෙත ඉදිරිපත් කිරීම සුදුසු බැවින් ඒ සඳහා මගේ ගරු අමාත්‍යතුමා වෙත ඉදිරිපත් කිරීමට අනුමැතිය පතමි.

  
ආර්.ඒ.ඒ.සේ. රණවක  
ලේකම්

පිටපත -

01. පශු සම්පත් හා ග්‍රාමීය සංවර්ධන අමාත්‍ය ගරු ආරුමුගම් නොන්ඩමන් මැතිතුමා
02. ආර්ථික සංවර්ධන නියෝජ්‍ය අමාත්‍ය ගරු මුත්තුසිවලිංගම් මැතිතුමා
03. උද්භිද උද්‍යාන හා පොදු වනෝද්‍යාන කටයුතු නියෝජ්‍ය අමාත්‍ය ගරු ඩී.එස්. රාධාක්‍රිෂ්ණන් මැතිතුමා
04. ජාතික භාෂා හා සමාජ ඒකාබද්ධකරණ නියෝජ්‍ය අමාත්‍ය ගරු පී. නිගමබරම් මැතිතුමා
05. විදුලි සංදේශ හා තොරතුරු තාක්ෂණ නියෝජ්‍ය අමාත්‍ය ගරු ප්‍රභා ගනේශන් මැතිතුමා
06. රාමයියා යෝගරාජන් මැතිතුමා (සා.ම)

o/c

අතිරේක ලේකම් (පාලන හා පුද්ගලික)  
Addl. Secretary (Admin. & Finance)  
Tel: 2347528  
Fax: 2337191

අතිරේක ලේකම් (පළාත් පාලන සහ පළාත් සභා)  
Addl. Secretary (Local Govt. & Provincial Councils)  
Tel: 2326106  
Fax: 2324142

අතිරේක ලේකම් (සංවර්ධන)  
Addl. Secretary (Development)  
Tel: 2303722  
Fax: 2303724

ප්‍රධාන ගණකාධිකාරී  
Chief Accountant  
Tel: 2345973  
Fax: 2347532







March 17, 2010

## DEVELOPMENT



## Unions, NGOs want more powers for Pradeshiya Sabhas

BY YOHAN PERERA

17/03/2010

Daily Mirror

Several trade unions including the government led Nidahas Sevaka Sangamya, other plantation sector unions and several plantation sector based NGOs yesterday called for granting wide powers to Pradeshiya Sabhas to enable them to develop the plantation sector and provide the needs of the plantation Tamils.

They also called for the amendment of the Pradeshiya Sabha Act No: 15 of 1987 enabling the Pradeshiya Sabhas to take over plantation sector settlements which were currently under estate companies. They also called for the setting up of several new Pradeshiya Sabhas and divisional secretariats for the estate areas to enable active development.

One of the participants of the joint lobby group, the Institute of Social Development (ISD) Director P. Muthulingam told a news conference that the demands would be put forward to all political parties at this election with the objective of getting some redress to plantation sector workers who have not been absorbed for national development. He said the trade union NGOs and social service organizations decided to form a joint lobby group, as estate sector workers had suffered a sad plight during the last six decades.

## DM QUOTE

“

“One of the major impediments for the development of these persons is the Pradeshiya Sabha Act which had paved the way to put plantation settlements under the purview of estate companies

-P. Muthulingam

”

## FLASH BACK



● Nov 2006: Estate workers launch strike calling for a daily wage of Rs 300.

● Dec 2006: Strike settles as workers settle for Rs 290.

● Sep 2009: Workers resume struggle for Rs 500 wage hike but settle for Rs 400.

© DM GraphicsDesk

He said, “One of the major impediments for the development of these persons is the Pradeshiya Sabha Act which had paved the way to put plantation settlements under the purview of estate companies. This had deprived the plantation settlements of the right for development.”

Mr. Muthulingam recalled that the Uda Palatha Pradeshiya Sabha run by an independent group was suspended for developing estate settlements and for setting up of roads for such a settlement.

Former member of the suspended Uda Palatha Pradeshiya Sabha, R. Shanmugadeepa said the Sabha was suspended because it performed its duty towards those who elected it.

“We were elected members and our duty was to work for our electors and we were penalized for it,” she added. She therefore stressed the need for wider powers for Pradeshiya Sabhas to deal with the issues faced by estate workers.

Some of the organizations that had come together to form the joint lobby were Plantation Sector Social Forum, Joint Plantation Trade Union Centre, Civil Forum, All Ceylon United Workers Congress, Workers Liberation Front, United Plantation Workers Union and Institute of Social Development in addition to the Nidahas Sevaka Sangamya.

The lobby group which stressed that the ‘Mahinda Chinthanaya’ had promised vital changes to the plantation sector to improve the lifestyle of the estate workers said they would handover a proposal for developing the sector to president Mahinda Rajapaksa shortly.

Daily Mirror 17/03/2010

# பிரதேச சபைகளினூடாக மேற்கொள்ளப்படும் சேவைகள் தோட்டப்புற மக்களுக்கு கிடைப்பதில்லை

அம்பகமுவ திருபர்

பிரதேச சபை தேர்தலில் தோட்டப்புற மக்களும் வாக்களிக்கின்றனர். ஆனால் பிரதேச சபையினூடாக மேற்கொள்ளப்படும் சேவைகள் மாத்திரம் அம் மக்களுக்கு கிடைப்பதில்லை என கூட்டித் காட்டப்பட்டுள்ளது.

பிரதேச சபைக்கு தெரிவு செய்யப்படும் உறுப்பினர்கள் பெரும்பாலும் தோட்டப்புற மக்களின் வாக்குகளை பெற்றே வெற்றி பெறுகின்றனர். ஆனால் அவர்கள் பிரதேச சபையினூடாக மேற்கொள்ளப்படும் சேவைகளை பெற்றுக் கொள்ள முடிவதில்லை.

குறிப்பாக அம்பகமுவ பிரதேச சபைக்கு உட்பட்ட சில சிறிய கடைகள் இன்னமும் பிரதேச சபைக்குள் உள்வாங்கப்படவில்லை. ஆனால் சில கட்டணங்கள் பிரதேச சபையினால் அறவிடப்படுகின்றது. இக் கட்டணம் எதற்காக என்பது தெரியவில்லை. லக்கம்

கடைவீதி, மசைட் சந்தி, மவுசாக்கலை சந்தி போன்ற பல சிறிய கடைவீதிகளும் பிரதேச சபைக்குள் உள்வாங்கப்படல் வேண்டும். அதே சமயம் பிரதேச சபை உறுப்பினர்கள் மற்றும் மாகாணசபை உறுப்பினர்களுடன் கலந்தாலோசித்து தோட்டப்புறங்களை கிராமப்புறங்கள் போன்று பிரதேச சபைக்கு உள்வாங்குவதற்கு ஏற்பாடு செய்ய வேண்டும்.

பாராளுமன்ற உறுப்பினர்கள் அதே வேளை கடந்த அம்பகமுவ பிரதேச சபை கூட்டத்தின் போது இவ்விடயம் குறித்து பிரதேச சபை உறுப்பினர் கே.சுரேஸ்குமார் பிரதேச சபை சட்டமூலத்தில் 33 ஆவது சரத்து மாற்றி அமைக்கப்பட்டு தோட்டப்புறங்களுக்கும் இச் செயற்பாடுகள் முன்னெடுக்க வேண்டுமென வலியுறுத்தி பேசி இருந்தமையும் குறிப்பிடத்தக்க ஒரு விடயமாகும். அதே போன்று இவ்விடயத்தில்

சகல அரசியல் தலைவர்களும் முன் நின்று செயற்பட்டால் இவ்விடயத்தில் வெற்றிகாண முடியுமென தோட்ட பகுதி மக்கள் வேண்டுகோள் விடுக்கின்றனர்.

தினக்குரல் 01/08/2011 P-15

## பிரதேச சபை சட்ட மாற்றத்தின் மூலமே தோட்டத்தொழிலாளருக்கு நன்மை

தினக்குரல்

யோகராஜன் எம்.பி. கறுதிரர்

ரொஷான் நாகலிங்கம் 01/04/2011

உள்ளூராட்சி சபைகள் தேர்தல் சட்ட மூலத்தின் பிரதேச சபைகள் சட்டத்தில் மாற்றம் கொண்டு வரப்படுவதன் மூலமே தோட்டப்புற மக்களுக்கு சேவையைப் பெற்றுக்கொடுக்க முடியுமென பாராளுமன்ற உறுப்பினர் ஆர். யோகராஜன் தெரிவித்தார். இதுகுறித்து அவர் மேலும் தெரிவிக்கையில்;

எதிர்வரும் செவ்வாய்க்கிழமை உள்ளூராட்சி சபைகள் தேர்தல் சட்ட மூலம் பாராளுமன்றத்தில் முன்வைக்கப்படவுள்ளது. கடந்த வருடம் இச்சட்ட மூலத்தை வாக்கெடுப்புக்கு விடுவதை அரசாங்கம் கைவிட்டிருந்த நிலையில் மீண்டும் பாராளுமன்றத்துக்கு கொண்டு வரப்படவுள்ளது. 1989 பிரதேச சபைகள் சட்டத்தின் கீழ் தோட்டப்புற பகுதிகளில் பிரதேச சபைகள் அபிவிருத்தி மேற்கொண்டால் அதன் செலவை தோட்ட நிர்வாகமே வழங்கவேண்டும்.

இதனையும் மீறி பிரதேச சபை அதிகாரிகளும் சபை உறுப்பினர்களும் அங்கு அபிவிருத்தி மேற்கொண்டால் சட்டப்படி அவர்களுக்கு எதிராக நடவடிக்கையெடுக்க முடியும். இந்நிலையில் தோட்டப்புற மக்கள் வாக்களிக்க மறுக்கப்படாத அதே வேளை அவர்களுக்கான சேவையை பெற்றுக்கொடுக்க பிரதேச சபையினால் முடியாது

போகின்றது. எனவே, தோட்டப்புற மக்கள் வாக்களிக்கும் இயந்திரங்களாக மட்டுமன்றி அவர்களுக்கும் சேவையை பெற்றுக்கொடுக்க இச்சட்டத்தை மாற்றவேண்டும்.



ஸ்டீவ் ஜெயரத்னம்  
 (மாண்புமிகு தலைமைதாங்கும் உறுப்பினர் அவர்கள்)  
 (The Hon. Presiding Member)  
 கீழ்க்கண்ட வினாவிற்குப் பதிலளிப்பேன்.  
 1987-ஆம் ஆண்டின் 15-ஆம் இலக்கப் பிரதேசச் சபைச் சட்டத்தின் 19வது பிரிவில் ரோமன் இலக்கத்தில் குறிப்பிடப்படும் 14 வது, 22வது மற்றும் 33வது பிரிவுகளைக் காரணம் காட்டி உடற்பளர்த்த பிரதேச சபையைக் கலைக்கும் மத்திய மாகாண சபையின் கோரிக்கைக்கு நீதிமன்றம் அனுமதி வழங்கியது. எனவே, கௌரவ தலைமைதாங்கும் உறுப்பினர் அவர்களே, நாம் அங்கம் வகிக்கும் பாராளுமன்றம் ஒரு சட்டவாக்கச் சபை என்ற வகையிலும் நாம் எல்லாம் சட்டவாக்குநர்கள் என்ற வகையிலும் இந்தச் சட்டச் சிக்கலை உள்வாங்கி - புரிந்துகொண்டு அதனைத் திருத்துவதற்கு முன்வை வேண்டும் என்பதே எனது பிரேரணையின் நோக்கமாகும்.

1987 අංක 15 දරන ප්‍රාදේශීය සභා පනත ව්‍යුහකරණය කළ සංවර්ධන කටයුතු කරගෙන යාමට දැඩි බාධාවක් ඇති කර ඇති පනතක් විධියටයි තිබෙන්නේ. නුවරඑළිය දිස්ත්‍රික් පාර්ලිමේන්තු මන්ත්‍රී මා හිතවත් කිලකරාජා මැතිතුමා ඒ පිළිබඳ විස්තරාත්මක තොරතුරු මේ ගරු සභාවට එළිදරවු කළා. මේ පනත භාවිත කරමින් විසුරුවන තත්ත්වයකට පත් වූ මෙම ප්‍රාදේශීය සභාව මම නියෝජනය කරන මහනුවර දිස්ත්‍රික්කයේ උඩ පළාතයි. එම නිසා මේ යෝජනාව ස්ථිර කරමින්, ඒ ගැන කථා කරන්න ලැබීම ගැන මා සන්තෝෂ වෙනවා.



**PARLIAMENT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF  
SRI LANKA**

**PRADESHIYA SABHAS (AMENDMENT)  
ACT, No. 30 OF 2018**

[Certified on 28th of September, 2018]

*Printed on the Order of Government*

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*Pradeshiya Sabhas (Amendment)*  
*Act, No. 30 of 2018*

[Certified on 28th of September, 2018]

L.D.—O. 3/2016

AN ACT TO AMEND THE PRADESHIYA SABHAS ACT, NO. 15 OF 1987

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

- 1.** This Act may be cited as the Pradeshiya Sabhas (Amendment) Act, No. 30 of 2018.

Short title.
- 2.** Section 19 of the Pradeshiya Sabhas Act, No. 15 of 1987 (hereinafter in this Act referred to as the “principal enactment”) is hereby amended in subsection (1) of that section as follows:—

(1) by the substitution, in paragraph (xiv) for the words “improvement or maintenance of village works,” of the words “improvement or maintenance of village works or estate settlements,”;

(2) by the substitution, in paragraph (xxii) for the words “integrated development of selected villages,” of the words “integrated development of selected villages, estate settlements,”.
- 3.** Section 33 of the principal enactment is hereby amended as follows:—

(1) by the renumbering of that section as subsection (1) thereof and in the renumbered subsection (1), by the substitution for all the words from “enterprises in question,” to the end of that subsection of the following:—

“enterprises in question.”;
- Amendment of section 19 of Act, No. 15 of 1987.

Amendment of section 33 of the principal enactment.

2 *Pradeshiya Sabhas (Amendment)*  
*Act, No. 30 of 2018*

- (2) by the insertion, immediately after the renumbered subsection (1), of the following subsections:—

“(2) In the case of plantation regions, the Pradeshiya Sabhas may, upon adoption of a special resolution and in consultation with the administrative authority of the relevant estate, utilise the Pradeshiya Sabha fund to facilitate the residents of the respective plantation regions with roads, wells and other common amenities necessary for the welfare of such residents.

(3) (a) The roads, wells and common amenities constructed, maintained or facilitated under subsection (1) or (2) shall be vested in the Pradeshiya Sabha by an appropriate instrument and shall be constituted public roads, wells and common amenities.

(b) The Pradeshiya Sabha shall require the owners of the estates or industrial enterprises, administrative authorities of the relevant estates or the residents of such plantation regions, as the case may be, to pay such contribution towards the expenses of construction, maintenance or facilitation of such roads, wells and common amenities, as may be approved by the Pradeshiya Sabha and all such contributions shall be deemed to be special rates imposed upon such lands and plantation regions benefited and shall be recoverable as a rate imposed under the provisions of this Act.

(4) For the purpose of this section, “plantation regions” means the estates coming under the Divisional Secretary’s Divisions in the Districts in the Central, Uva, Sabaragamuwa, Southern, Western, North Central and North Western Provinces, in which the resident labourers live and tea, rubber, coconut, cinnamon, pepper, clove or oil palm are cultivated.”.

Sinhala text to prevail in case of inconsistency.

4. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

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# **PRADESHIYA SABHA ACT AND INCLUSION OF THE HILL COUNTRY TAMIL COMMUNITY**

*"In the case of plantation people, they are far less likely to directly participate in the affairs of decision making in the governance institutions including pradheshiya sabha (PS), Divisional secretariat and other state institutions that function at the local level under the direct control and supervision of central government. factors such as diminished form of citizenship, persistent exclusion from all forms of governance structures, long-standing statelessness, legal and policy discrimination all have contributed to this plight"*

*- Dr. Ramesh Ramasamy -*



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