

**Devolution versus Deconcentration:
A Study on Land Service Delivery System in Sri Lanka**

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Dedicated to
My Loving Parents

Abstract

Sri Lanka has experienced decentralization practices from deconcentration administration (*Kachcheri* system) from the time of Colebrook (1833) to devolution of Government power (Provincial Councils system) in 1987. Provincial Councils (PCs) are given 37 subjects under the Thirteenth Amendment to the Constitution including land (administration). The Divisional Secretariat (DS) system (Deconcentration administration system at the divisional level) established in 1992 to with the objective of providing public service under one roof without going to district, provincial or national level institutions. Due to this new system a large number of functions and responsibilities had to retransfer to the Centre from PCs. Some responsibilities of land administration are one among them.

The general objective of the study is to examine the impact of devolution versus deconcentration practices on quality of land service delivery in Sri Lanka. The study has two specific objectives. First, identify factors affecting the land service delivery in DSs and PCs systems. Second, assess the quality of land service delivery by both PCs and DSs.

The study was conducted in Thawalama DS division (DSD) in Southern Province (SP) and Nachchaduwa DSD in North-Central Province (NCP). Both primary and secondary data were used for the study which gathered by using four types of data collection methods viz; content analysis, survey methods, case studies and observations. Two types of survey methods employed for the study-questionnaire survey on service seekers and in-depth interview of officials who are dealing with land service delivery in both PCs and DSs. The total sample of study was 70 including 50 service seekers and 20 officials.

The land service delivery suffered central control practices such as blurred areas of constitutional and other legal provisions, controlling practices of financial and administrative capacity. The service delivery mechanism seems to be fragmented. The inhabitant weak administrative capacity deteriorates further due to implementation of some Central policies such as abolishing carder under the Management Circular No. 2002/16/1. Lack of coordination between each tier of Government, frequent transfer of DSs especially in remote

rural areas, lack of competence and experience of officers, lack of information on service delivery and bureaucratic behaviour of officials make further complexities on service delivery.

It appears that with the establishments of DSs system, it has resulted in overlapping functions and responsibilities and recentralization of the PCs subjects to the DSs. Furthermore, it helps to increase complexities of PCs subjects such as land. With this complex situation it creates some conflicts between PCs System and DSs system, especially in service delivery.

Though Citizen's Charter displayed standard time for service delivery, service seekers were unable to get service within specified period. The service seekers spent time varied from 0.2 to 0.2 to 14 person days in NCP while it reported from 0.2 to 53.7 person days in SP. The average time of which respondents spent to get service is 14 person days in NCP while it reported as 18.6 person days in SP. In addition to service charge 84 percent and 88 percent of the respondents in NCP and SP spent additional amount of money on transport, bribery, fee for lawyers and private survey in State granted lands. The additional cost of NCP varied from LKR 50 to 2,000 while it varied from LKR 25 to 14,000 in SP. The average cost (excluding service charge) of service is LKR 4,190 in NCP and LKR 18,276 in SP.

Eighty-four percent of the respondents in each province were not satisfied with land service delivery. Twenty and 36 percent of the respondents in NCP and SP faced negative bureaucratic attitudes such as asking for bribe, favoritism/nepotism of the officials, scolding service seekers, not providing customer-friendly service, asking to come again repeatedly, making delays and hiding documents etc.

Contents

Dedication	ii
Abstract	iii
Contents	v
List of Tables	ix
List of Figures/Graphs	x
List of Plates	x
List of Case Studies	xi
Abbreviations	xii
Acknowledgment	xiii
Chapter One: Introduction	
1.1 Background	01
1.2 Significance of the Study	03
1.3 Problem Statement	03
1.4 Objectives of the Study	04
1.5 Hypothesis	05
1.6 Theoretical Framework	05
1.6.1 What is Decentralization?	05
1.6.2 Types and Forms of Decentralization	07
1.6.3 Benefits and Practical Problems of Decentralization	12
1.7 Research Method	16
1.7.1 Source of Data	16
1.7.2 Data Collection Methods	18
1.7.3 Study Area	20
1.7.4 Sample Size	21
1.7.5 Analysis Plan	21
1.8 Scope and Limitation of the Study	21
1.9 Structure of the Thesis	22
Chapter Two: Historical Background of Decentralization in Sri Lanka	23
2.1 Introduction	23
2.2 Stages of De-concentration Administration System in Sri Lanka	23
2.2.1 <i>Kachcheri</i> System	23
2.2.2 Divisional and District Secretariat System	25
2.3 Devolution in Government Power in Sri Lanka	27

Chapter Five: People’s Perception on Land Service Delivery	74
5.1 Introduction	74
5.2 Basic Information of Respondents	74
5.3 Problems of Service Seekers	76
5.3.1 Type of Problems	76
5.3.2 Problem Forwarded Institutions	78
5.3.3 Present Situation of Problems	79
5.3.4 Reasons for the Delay of Service Delivery	81
5.4 Respondents’ Knowledge on Service Providers	84
5.4.1 Knowledge about <i>Grama Niladhari’s</i> Responsibility	85
5.4.2 Knowledge about Divisional Secretary’s Responsibility	86
5.4.3 Knowledge about Land Officer’s Responsibility	87
5.4.4 Knowledge about PLC’s Responsibility	88
5.5 Respondents’ Experiences	89
5.5.1 Total Number of Visits to get Service	89
5.5.2 Visit <i>Grama Niladhari</i> to get Service	91
5.5.2.1 Number of Times Visited	91
5.5.2.2 Reasons for <i>Grama Niladhari’s</i> Visits	92
5.5.2.3 Distance to GN’s Office	94
5.5.3 Visits Land Officer to get Service	94
5.5.3.1 Number of Times Visited	94
5.5.3.2 Reasons for visit Land Officer	95
5.5.4 Visits Divisional Secretary	96
5.5.4.1 Number of Times Visited	96
5.5.4.2 Reasons for visited Divisional Secretary	97
5.5.5 Visits Provincial Land Commissioner	97
5.5.5.1 Number of Times Visited	97
5.5.5.2 Reasons for visited PLC	98
5.5.5.3 Distance to PLC	98
5.5.6 Visits Mobile Service	99
5.5.7 Visits Other Officers	99
5.6 Conclusion	99

Chapter Six: Cost and Satisfaction of Service Seekers	101
6.1 Introduction	101
6.2 Cost of Service Seekers to get Service	101
6.2.1 Time	101
6.2.1.1 Total Time Spent	101
6.2.1.2 Time Differentiation by Officers	102
6.2.2 Service Charge	104
6.2.3 Additional Cost	104
6.2.3.1 Total Additional Cost	104
6.2.3.2 Transportation	105
6.2.3.3 Bribery	106
6.2.3.4 Average Cost of Service Seekers	107
6.3 Respondents' Satisfaction on Service	107
6.3.1 <i>Grama Niladhari's</i> Service	108
6.3.1.1 Level of Satisfaction	108
6.3.1.2 Reasons for Satisfaction or Not Satisfaction	108
6.3.2 Divisional Secretaries' Service	109
6.3.2.1 Level of Satisfaction	109
6.3.2.2 Reasons for Satisfaction or Not Satisfaction	109
6.3.3 Land Officers' Service	111
6.3.3.1 Level of Satisfaction	111
6.3.3.2 Reasons for Satisfaction or Not Satisfaction	111
6.3.4 Provincial Land Commissioner's Service	112
6.3.4.1 Level of Satisfaction	112
6.3.4.2 Reasons for Satisfaction or Not Satisfaction	113
6.3.5 Satisfaction on Mobile Service	113
6.4 Negative Bureaucratic Behaviour of Officials	113
6.5 Conclusion	114
Chapter Seven: Conclusion	115
7.1 Conclusion	115
7.2 Suggestions	119
7.3 Further Research Areas	120

References	121
Annex I	134
Annex II	139

List of Tables

1.1	Comparison of Basic Features between Deconcentration and Devolution	12
1.2	Summary of Data Collection Methods	18
3.1	PLC's Expenditure in 2010	52
3.2	Allocation of District Level Officials Before and After the Establishment of PCS	54
3.3	Land Commissioners' Departmental Carder Before the Establishment of PCs (Southern Province)	55
3.4	Southern Provincial Land Commissioners' Departmental Carder (2010)	56
3.5	Approved and Actual Number of Employees in North Central Province	57
4.1	Steps of Land Service Delivery by Type of Service	62
4.2	Standard Time for Land Service Delivery	65
4.3	Received and Resolved Land Issues in Southern Province	72
5.1	Respondents by Type of Problems	78
5.2	Respondents by Problem Forwarded Institutions/Officials	79
5.3	Cases by Time has taken	80
5.4	Cases by Present Situation	81
5.5	Reasons for Delay of the Problem Resolving	83
5.6	Respondents by Knowledge about Relevant Officials	85
5.7	Respondents Knowledge about <i>Grama Niladharis</i> ' Duties	85
5.8	Respondents Knowledge about Divisional Secretary's Duties	86
5.9	Respondents Knowledge about LO's Responsibilities/Duties	88
5.10	Respondents Knowledge about PLC's Responsibility	89
5.11	Total Number of visits to get Service	91
5.12	Number of Times visited GN	92
5.13	Reasons for Number of visits GN to get Service	93
5.14	Number of Times visited Land Officer	94
5.15	Number of Times visited Divisional Secretary	97
5.16	Number of Times visited PLC	98

6.1	Respondents by spent Time to get Service	102
6.2	An Average Time spent by Officer	102
6.3	Respondents by Total Additional Cost	105
6.4	An Average Cost of Service Seekers	107
6.5	Respondents by Satisfaction on Service Delivered by GN	108
6.6	Respondents by Reasons for Not Satisfactory with DSs' Service	110
6.7	Respondents by Reasons for Not Satisfied with LO's Service	112
6.8	Respondents by Reasons for Not Satisfied with PLC's Service	113

List of Figures/Graphs

1.1	Paradigm of Decentralization	13
1.2	Analytical Framework	16
3.1	Channels of Inter-Governmental Finance Allocation	51
4.1	Land Service Delivery Mechanism in Provincial Council	67
4.2	Mechanism of Land Administration Before and After Establishment of PCs	68
5.1	Number of Visits to get Services –Southern Province	90
5.2	Number of Visits to get Services –North Central Province	90
5.3	Total Number of Visits to get Services	90
6.1	Share of spent Time in NCP	103
6.2	Share of spent Time in SP	103
6.3	Share of spent Time of Total Sample	103

List of Plates

5.1&	A Service Seeker sleep on Chair in front of Mission Board at Thawalama DS	95
5.2	Office	
5.3	The Land branch of the Thawalama DS Office was with Empty Seats between 9.00 am to 11.30 am in one of Public Day	96
6.1	Easy access way to two Grama Niladhari Divisions which has been selected for the survey	106

List of Case Studies

01	North Central Province	70
02	Southern Province	71
03	Southern Province	84

Abbreviations

DGAO	- District Government Agent's Office
DPLC	- Department of Provincial Land Commissioner
DS	- Divisional Secretary
DSD	- Divisional Secretariat Division
DSDO	- Divisional Secretariat Division Office
GA	- Government Agent
GN	- <i>Grama Niladhari</i>
LC	- Land Commissioner
LCD	- Land Commissioner Department
LCG	- Land Commissioner General
LDO	- Land Development Ordinance
LKR	- Sri Lankan Rupee
LO	- Land Officer
NCP	- North Central Province
NCPC	- North Central Provincial Council
NGOs	- Non Governmental Organizations
NLC	- National Land Commission
PC	- Provincial Council
PLC	- Provincial Land Commissioner
PSDG	- Provincial Special Development Grant
SLAS	- Sri Lanka Administrative Service
SP	- Southern Province
SPC	- Southern Provincial Council

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Chapter One

Introduction

1.1 Background

As many States in the developing world, Sri Lanka has been experiencing decentralization since the colonial period. At present two decentralized institutions exist in Sri Lanka with having more closely related to public service delivery responsibilities in local and regional levels. First, the Divisional Secretariat which is the de-concentrated administration derived from the *Kachcheri*¹ system. It is headed by an officer Grade I of the Sri Lanka Administrative Service (SLAS) attached to the Ministry of Public Administration and Home Affairs. Second, Provincial Council (PC) which is the devolved system of government established in 1987. The executive power of the PC is vested in the Governor appointed by the State President. The Chief Minister who commands the majority support in the elected Provincial Council takes the responsibility of Provincial Government with a Board of Ministers comprising four Ministers selected from among the elected Councilors.

The administration of State land is one of among other devolved subjects assigned to the PCs. PCs are given selection of allotments, processing applications for state land (Land *Kachcheris*), grant prior approval for Land *Kachcheri* requested by Divisional Secretaries (DSs) who is the head of de-concentrated administration, grant approval for regularize encroached land, collect revenue, prepare, implement and monitoring land development programme and co-ordination work between Centre and DSs. According to Thirteenth Amendment to the Constitution, PCs can enact Statutes related on PCs and Concurrent subjects. Some of PCs have passed their own Statutes on land administration. For example, Western Provincial Council Land Development Statute No.07 of 2002, North Central Provincial Land Statute No.05 of 1994 and North Central Provincial Land Development Statute No.04 of 1994.

¹ '*Kachcheri*' a term of Indian origin introduced into Sri Lanka during the period of East Indian Company rule is the name given to the officer of the Government Agent, who administered a province until 1954 and there after a districts. The *kachcheri* came to symbolize highly centralized, paternalistic rule from Colombo (Braibanti, 1966).

However, the Transfer of Powers (Divisional Secretaries) Act No 58 of 1992 which introduced the Divisional Secretariat system made the Divisional Secretaries (DSs) as the custodian of State land and handed over the functions relating to the alienation of State land to the DS. Therefore, DSs are entrusted with the responsibilities of resolve land disputes, calling application for land *Kachcheris* related to farmers, held land *Kachcheris* and select allotters, grant permission on private survey for the deed granted State lands, grant permission to mortgage State granted lands, change the name of successor with the request made by allotter, change ownership and issue land permits under the Land Development Ordinance etc. Therefore, DSs and his subordinate at the village level; the *Grama Niladharis*² have a vital role in land service delivery.

Since 1935 the Government granted 830,832 hectares (2,052,987 acres) of land among landless people (Gamage, 2008; 97) and all of them (2,800,000 allotments) administrated under the Department of Land Commissioner till 1987. After the establishment of PCs most of them transferred to relevant PCs except for the nine land settlement schemes³ (with 150,000 allotments) located in the inter-provincial irrigation schemes (Borelessa, 2007; 88-89).

The research findings of the “Impacts of Provincial Council System on Smallholder Agricultural Sector in Sri Lanka” which was conducted by the Hector Kobbekaduwa Agrarian Research and Training Institute (HARTI) revealed that only 16 percent of the respondents were satisfied with land service provided by PCs⁴ (Damayanthi and Nanayakkara, 2008; 89-109)., 2007; In addition two more studies affirmed that PCs are far behind from the people’s expectation (Imaduwa,2007; 57, Ruwanpathirana, 2007; 81). Above data and empirical evidence stated that citizens are unable to get satisfactory level of service even though two types of decentralized institutions involved in land service delivery. Why and how such a situation has been emerged? The present study intends to address these issues.

² Village level field officer belongs to centre hierarchically under direct supervision of Divisional Secretary.

³ Those located in Anuradhapura (Anuradhapura, Mannar, Vavuniya, Kurunegala, Puttlam and Makadura), Pollonnaruwa, Mahiyanganaya (Kandy, Badulla, part of Matale), Ampara (Ampara, Batticalo), Debarawewa (Hambanthota, Monaragala and Rathnapura), Trincomalee Zones (Borelessa, 2007; 46).

⁴ Field data were collected from April 2006 to September 2006 in Uva, North-Western and Southern Provincial Council areas. The study includes sub sectors of crop cultivation, livestock, minor irrigation, land and inland fisheries. Farmer satisfaction on all other sub sectors was higher than land

1.2 Significance of the Study

Similarly in other countries, land is more in demand than in Sri Lanka for agricultural and other activities. The demand has been increasing due to population growth as well as development activities. In Sri Lanka, 80 percent of the land is vested with the Government and great majority of rural people engage in agricultural activities for their livelihood. Therefore, land is a more demanding factor and people try to get a plot of land from the Government⁵ for agricultural activities as well as housing purposes. Almost two decades passed with the PC and Divisional Secretariat system which are responsible for land service delivery. Though decentralization process made arrangement to get this service from closer agencies, people are unable to get satisfactory service and it becomes a burden issue in agricultural areas. Therefore, it is a timely relevant issue to study.

There are several studies related to PC system in various aspects. However, to the writer's knowledge a research study with a thorough focus on land service delivery problems relating to the devolved and de-concentrated systems in Sri Lanka is awaited. Therefore, the findings of the study will be an attempt at bridging the knowledge gap in the existing literature on the impact of decentralization on land service delivery in Sri Lanka.

1.3 Problem Statement

Twenty two years of devolution experience in Sri Lanka has revealed that the hybrid system of de-concentration administration system and devolved system of administration makes crucial problems related to service delivery. Several studies have noted that the people were not satisfied with the service delivery related to alienation of State land within the existing arrangement. For example the study findings of "Impact of Provincial Council System on Smallholder Agriculture Sector in Sri Lanka" has shown that service seekers are not satisfied with land service provided by Provincial Councils (Damayanthi and Nanayakkara, 2008; 106). Furthermore, official data of many PCs are proven that they are unable to provide

⁵ According to Land Commissioner General, reported land encroachment was 80,000 plots in 2006 (Damayanthi, and Lurdu, 2007; 88). One of the reasons for the encroachment is that weak land administration and land service delivery.

satisfactory service though they try their best (Imaduwa, 2007; 52, 57, Ruwanpathirana, 2007; 81, Thambugalla, 2007; 47-48, Ariyathilake, 2007; 9-10, Abayawickrama, 2007; 2, Borellessa, 2007; 47-48).

In addition to that, at public discourses, there are many criticisms on land service delivery of both PCs and Divisional Secretariat. This complain sharply rises in dry zone agricultural areas which consists of large number of land settlement schemes, and thousands of farmers have been obtaining land permits under the Land Development Ordinance (LDO) of 1935 or farmers who encroached on state lands for their livelihood. According to public discourse, the service delivery of land section in Divisional Secretariat is not at satisfactory level and it is inefficient. Thus, service delivery system of the land section in both PCs and Divisional Secretariats come out with a number of questions and criticisms. One major criticism is that though the two decentralized agencies are accountable to providing efficient and effective land service to the people, it has not successfully worked in Sri Lanka.

Why decentralized institutions (both Provincial Councils and Divisional Secretariats) have not been functioning satisfactorily in land sector? What are the factors influences for the dissatisfaction of service seekers? Whether it is the impact of problem of institutionalization/conflict between decentralized institution and something else? Is it due to problem of capacity (legal, administrative or fiscal) or problem of political and administrative culture? Is it a single factor or multi-factor phenomena? These questions will be focused in the study.

1.4 Objectives of the Study

The general objective of the study is to examine the impact of conflict between devolution and de-concentration on quality of land service delivery being provided by Provincial Councils and Divisional Secretariats in Sri Lanka. The specific objectives of the study are to:

1. Identify factors affecting the land service delivery in de-concentration administration (Divisional Secretariat) and devolved system administration (PC system).

2. Assess the quality of land service delivery by both decentralized institutions in terms of time, cost, level of satisfaction and bureaucratic approach etc.

In view of this broad objective, following research question has been raised.

1. Why decentralized institutions (both PCs and Divisional Secretariats) have not been functioning satisfactorily?

1.5 Hypothesis

Though one of major objectives of decentralization is to provide efficient, better and people-friendly service delivery at grass-roots level, people are unable to get such a service on land from relevant agencies due to institutionalization problem/conflict between de-concentration administration and devolved system of administration in Sri Lanka. The situation further deteriorates by bureaucratic culture of the officers.

1.6 Theoretical Framework

1.6.1 What is Decentralization?

Decentralization has become one of most popular terms in the development administration and also in the field of governance. From 1950s it has been popularized with different themes such as political independence, development, good governance and people centric participation etc (Work, 2002; 6, Accominotti *et al.*, 2009; 53-64, Conyers, 2006; 449, Scott, 1996; 3, Coulson, 1995; 2 cited in Devas, 2005; 3). Some scholars identified it as a ‘fashion in development administration’⁶ (Scott, 1991; 5, Conyers, 2006; 447-462) while some are identified as a two-edged of sword ⁷(Brillantes Jr, 2004; 39 cited in Utomo, 2009; 2). Decentralization has variety of meaning attach to it due to large and growing theoretical literature and various practices (Sharma, 2004; 29, Utomo, 2009, 1, Cohen and Peterson, N.D. (2); 1-2). In broadly, decentralization refers the transfer of authority and responsibility for

⁶ Scott mentioned that latest trend of decentralization is a ‘re-centralization’ (Conyers, 2006; 453)

⁷ Decentralization make positive results such as combating corruption, empowering community, improving service delivery, reducing poverty, preventing conflicts and fortifying accountability. On the other hand it may lead to enlargement of bureaucracies, soft-budget constraints, macro economic instability, and clientelism etc.

public functions from the Centre to periphery. Dennis A. Rondinelli (1980; 137) defines decentralization as ‘the transfer or delegation of legal and political authority to plan, make decisions and manage public functions from the Central Government and its agencies to field organizations of those agencies, subordinate units of Government, semi autonomous public corporations, area wide or regional development authorities, functional authorities, autonomous local governments, or non governmental organizations’. The degree of decentralization depends upon extent of legal, fiscal and administrative power given by Central Government to the subordinate or semi-autonomous institutions (Navaratna-Bandara, 2010; 163-192).

According to Conyers (2006; 451) objectives of decentralization is more complex. In 1950 and 1960 decentralization programmes closely related with the transition from colonial status to political independence (Accominotti *et al.*, 2009; 53-64). In 1970s it was to achieve greater responsiveness and responsibility. In 1980s it comes forward along with global emphasis on governance and human centered approach to human development (Work, 2002; 6). In 1990s decentralization closely associated with demand from local level due to failure of the centralized State over the previous four decades (Conyers, 2006; 449, Scott, 1996; 3, Coulson, 1995; 2 cited in Devas, 2005; 3,).

Number of political and economic reasons contributes to adopt decentralization practices. In the developed countries decentralization policies have been implemented to provide public services and goods in cost-effective ways. In the developing countries it was adopted to overcome economic inefficiencies, macro economic instability and ineffective governance. Post communist transitional countries tend to practice decentralization in order to shift to market economy and democracy. The African countries adopted it to as a way of national unity. Some countries such as Sri Lanka, Indonesia, Sudan, Ethiopia, the Philippines adopted it as a solution for ethnic or regional conflict (Devas, 2005; 2). However, it could be argued that in the practice of developing countries demand for decentralization is from external parties rather than local people. In general, this demand has derived from local and national political elites, development partners and other global pressure (*Ibid*).

In addition to that countries adapted to decentralization to reduce poverty, address gender, inequality, improvement of basic human needs and technology, combat corruption, increase accountability to citizens and tax payers, simplify complex bureaucratic procedures, enhance good governance (Rondinelli, N.D., 5, Scott, 1996; 4, Devas, 2002; 1, Aminuzzaman, 1999). External parties have recommended decentralization as a cure for awkward decision making at the Centre, as an aid to planning, as method of improving policy implementation and effective service delivery, pre condition for small scale ecologically sustainable development and path of enhance good governance (Scott,1996;1).

1.6.2 Types and Forms of Decentralization

Many scholars identified four types⁸ of decentralization on the basis of objectives viz political, administrative, fiscal and market (Rondinelli, 1980; 137, Utomo, 2009; 1, Rondinelli, N.D; 2, Work, 2002; 5, Ekpo, 2008; 3-4). In addition to that they distinguished different forms of decentralization. Administrative decentralization can divide three major forms such as deconcentration, delegation (decentralization proper) and devolution (Rondinelli, N.D; 2, Utomo, 2009; 20). Some scholars add two forms of market decentralization such as deregulation and privatization into the list (Rondinelli, 1980; 137, Rondinelli, N.D., 2-3, Meenakshisundaram, 1994; 10). Meanwhile Smith (2001) divides it into five basic forms, namely, de-concentration, delegation, devolution, partnership and privatization. (Smith, 2001 cited in Utomo, 2009; 2). Some scholars like Falleti (2004) and Collins and Greens (1994) do not include transfer of authority and responsibility to non state actors–privatization reforms- as decentralization. They argued that decentralization involves transferring of authority and responsibility from centre to periphery while privatization involves transferring authority and responsibility from public sector to private sector. Decentralization can come out in different forms and combinations from country to country. It depends on socio-economic, political and cultural contexts and historical background of the country.

⁸ In contrast that some scholars such as Cohen and Peterson (1), N.D.; 23, Cohen and Peterson, N.D.(2);10, Florestal and Cooper, 1997;2 use the word of ‘form’ to describe political, administrative, fiscal and market decentralization and they mentioned that above form divide ‘types’ such as deconcentration, devolution and delegation etc (see Cohen and Peterson, Methodological issues in the analysis of decentralization).

Political decentralization aims transfer of decision making power from Centre to citizens or their elected representatives at periphery (Cohen and Peterson, N.D.(1); 22, Rondinelli, N.D.; 2). It is always associated with pluralist politics and representative Governments and helps to increase democratization through giving opportunities to citizens and their representative to influence on decision making, formulating and implementing policies. Spatial decentralization refers to regional planners involved in formulating policies and programmes with objective of reducing excessive urban in few large cities or capital (Cohen and Peterson, N.D.(1); 23). Market decentralization aims to create favorable market conditions and mechanism for nongovernmental sector to produce and provide goods and services. It transfers the Government responsibilities on produce and provide of public goods and service to private or NGOs. Therefore, public goods and services are produce and provide by small and large firms, community groups, cooperatives and NGOs.

Administrative decentralization focused on hierarchical and functional redistribution of Central Governments' and its agencies' authority, function and financial resource among non-central Governmental units-field level of Governmental agencies, subordinate units or levels of Government, semi-autonomous institutions or co-operatives, area-wide, regional or functional authorities- to provide public services and goods (Rondinelli, N.D.; 2, Cohen and Peterson, N.D.(1); 23). Fiscal decentralization focused on transferring financial responsibilities from Central Government to different levels of Government (Rondinelli, N.D.; 3, Work, 2002; 10). It can be appear in many forms such as self-financing or cost recovery through user charges, expansion of local revenues through property or sales taxes or indirect charges, Authorization of Local Governments borrowing and mobilization of national or Local Government resources through loan guarantees and intergovernmental transfers of general revenue etc. Financial responsibility is one of major elements in decentralization. Though many developing countries Local Government or administrative units have legal authority to impose tax, the tax base is so weak (Devas, 2005; 3, Rondinelli, 2007; 3). Therefore, they depend on Central Government subsidies rather than exercise their authority on tax.

In practice, most of the forms of decentralization mixed with each other (Rondinelli, N.D; 2, Aminuzzaman, 1999). Furthermore, most system-wide institutional arrangement is implementing mixing characteristics of administrative decentralization with other highly centralized functions. This situation identified as ‘hybrid’ or ‘mixed’ decentralization. (Silverman,N.D; 15-16, Mawhood, N.D;13-14 cited in Cohen and Peterson, N.D.(2); 22-23, Ahmad *et al*, 2005; 2). But it is not a form of administrative decentralization (Cohen and Peterson, N.D., 23).

Deconcentration is a least and weakest form while devolution is a highest and strengthen form of decentralization (Cohen and Peterson, N.D. (1); 2, Utomo, 2009; 2, McLeane and King, 2007; 56, Rondinelli and Cheema, 1983: 18-25). Deconcentration refers “transfer of authority over specified decision making, financial and management functions by administrative means to different levels under the jurisdictional authority of the Central Government” (Cohen and Peterson, N.D.(1); 24). In this form of decentralization, ‘allocated’ decisions remains at the Centre while decentralize only decisions of ‘implementation’ (Conyers, 2006; 454, Sharma, 2004; 32-33, Work, 2002; 6, Ekpo, 2008; 3). In this form of decentralization, field agencies function through the personnel appointed by head office not their own. The fields units are simply exercise the orders and instructions handed down to them by the Centre and they are subordinate to Centre. It can create strong field administration under the supervision of the Centre. But some scholars like Fesler suppose that deconcentration is not a form of decentralization. This is because; it usually does not provide the opportunity to implement their own decision making power to local bodies (Fesler, 1968 cited in Utomo, 2009; 2).

Delegation is a more extensive or proper form of decentralization with compare of deconcentration. It focuses on redistributing Central Governments’ responsibilities for decision making and administrative authority for clearly defined tasks to semi-autonomous organizations, which are not fully controlled by the Central Government, but directly answerable or accountable to it (Rondinelli, N.D.; 3, Rondinelli and Cheema, 1983 cited in Ekpo, 2008; 4, Cohen and Peterson, N.D. (1); 27). Usually Governments delegate functions and responsibilities from Central Ministries to public co-operations, single and multi purpose

authorities, regional development authorities, etc. Delegated authorities have broad authority to plan and implement decisions on specific activities or subject areas. These authorities may be let off from limitations on regular civil service personnel and able to charge users directly for service (Rondinelli, N.D., 2).

Devolution is the most extreme forms of decentralization and some identify it as a democratic form of decentralization. It is considered as *true* decentralization or *genuine* decentralization (Forje, 2002, Work, 2002; 11, UNDP, 1999; 6 cited in Utomo, 2009; 3). Devolution may create or strengthen of independent units or tiers of Government. It transfer of authority for decision making, finance and management to Local Government units with cooperate status (Rondinelli, N.D; 3, Aminuzzaman, 1999). Maddick define devolution as “the legal conferring of powers to discharge specified or residual function upon formally constituted local authority” (Maddick, 1963; 25 cited in Rahaman and Khan, 1995; 3). Some administrative theorists argue that devolution is a concept quite separate from decentralization. Sherwood (1969; 60-87 Cited in Rondinelli, 1980; 138) argued that “decentralization describe an intra-organizational pattern of power relationship and devolution describe an inter-organizational pattern of power relationship. Thus, devolution is not a form of decentralization. It represents the concept of separateness, of diversity of structures within the political system as a whole”.

Administrative theorists identify basic features or characteristics of devolution which more or less similar in different era. Rondinelli (1980; 138) identified five major characteristics of devolution. These are,

1. Devolved unit be given autonomy and independence without direct control of centre
2. The local level units must have clear and legally recognized geographical boundaries to exercise authority and perform public functions
3. The Local Government must be given co-operate status and the power to raise sufficient resources to carry out specified function
4. Devolution implies the need to develop Local Governments as institutions.
5. Devolution is a process of reciprocal, mutually benefiting and co-ordinate relationship between central and local government.

Florestal and Cooper (1997; 3-4) identified five features of devolution as follows;

1. The entities that exercise responsibility legally separates from Central Government
2. The devolved units acts its own, not under hierarchical supervision of the Central Government
3. The entities can exercise only the powers given to them by law
4. The body can act only within the geographic limit set out in the law
5. The devolved units are often supervised by a board of officials elected by the local people.

Cohen and Peterson (N.D. (1); 27) identified seven requirements for effective devolution that need to be granted from national legislation and supporting regulations as follows;

1. Grant corporate status to specific local level units
2. Establish clear jurisdiction and functional boundary for devolved units
3. Transfer defined power to plan, make decisions and manage specified public tasks to devolved units
4. Establish rules for the interaction of devolved units with other units of the government
5. Authorize devolved units to employ their own staff
6. Permit devolved units to raise revenue from specifically assigned sources
7. Permit devolved units to establish and manage their own budgetary, accounting and evaluation system.

Though above requirements may valid from western theorem and legal perspective, actual implementation is less in most developing countries. In developing countries Central Government habitually holds some supervisory powers and plays a large role on financial resources.

In addition to above discussed three forms of administrative decentralization - de-concentration, delegation and devolution- there are two other forms of decentralization under the market decentralization namely privatization and deregulation. But it is not discussed here due to less importance for the study.

The present study focuses on two forms of administrative decentralization, namely de-concentration and devolution. Therefore, Table 01 presents comparison on basic features of de-concentration and devolution.

Table 1.1: Comparison of Basic Features between Deconcentration and Devolution

Deconcentration	Devolution
1. Merely shift responsibilities/work load from Central Government agencies to its field offices. 2. Field agencies do not have authority to recruit their own staff. 3. Field agencies stand in a subordinate relationship to the head quarter. 4. Field agencies do not have authority to generate their own income.	1. Devolved units have autonomy and independency in specified areas without direct control of centre. 2. Devolved units have clear and legally recognized geographical boundaries over which they exercise authority. 3. Devolved units have co-operated status and power to secure resource to perform their function. 4. Devolved units have authority to recruit their own staff. 5. Devolved entities permit to establish and manage their own budgetary, evaluation system and monitoring.

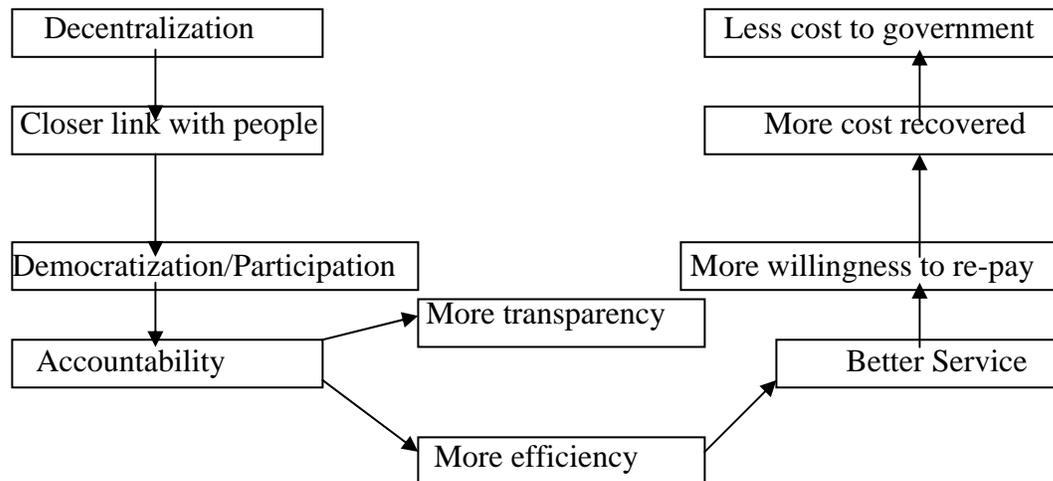
1.6.3 Benefits and Practical Problem of Decentralization

Development theorists recognized some benefits as well as practical problems of decentralization. Rondinelli (1980; 135-136) identified a number of benefits of decentralization⁹. Most of them are related with the concept of good governance specially to increase people's participation on decision- making, implementation and monitoring, deliver effective service, avoid severe limitation and 'red tapes' of central planning and bureaucracy etc. In addition to that it can increase Government officials sensitivity to local needs and conditions, and promote democratic governance etc (Rondinelli, N.D.; 5, Scott, 1996; 1,

⁹ Overcoming the server limitation of centrally control national planning, increase central government efficiency, allow greater representation for various groups in development decision making, can increase political stability and national unity, can lead to more flexible, innovative and creative administration, by creating alternative means of decision making it can offset the influence or control over development activities by entrenched local elites and can increase the number of public goods and services and the efficiency of service delivery.

Conyers, 2006; 450-456). Smith (2001) recognized paradigm of decentralization as presents in Figure 01.

Figure 1.1: Paradigm of decentralization



Adopted from Utomo, 2009.

As Rondinelli (N.D.; 4) explained “decentralization is not a panacea”. Though there are a large number of benefits, it has a number of practical problems and challenges; inadequate resources, confusion and blurred areas at the policy level, bureaucratic growth of in the name of decentralization, weak institutional capacity, inadequate mechanism of accounting and accountability, limited availability of information, re-centralization approach of Central Government and bureaucratic as well as local elites perspective, and behaviour can create more problems on decentralized programmes and policies (Aminuzzaman, 1999, Rondinelli, N.D.;5, Conyers,2006; 450-453). Furthermore, some theorist identified that unsystematic decision making process, sustainable to corruption by those receiving decentralized power and financial resources may create difficulties to achieve target of decentralization (Devas, 2002; 3-6, De Vries, 2000;195, Cohen and Peterson, N.D.(1); 33-34). Crook (2003) and Manor (1999) argued that decentralization is often adopted by national level elites as a strategy for mobilizing and maintaining regional power basis. Therefore, it is always risk the grabbed the resources by local elites (Cited in Devas, 2006; 5). Thus, it is difficulty to fulfill basic objectives of decentralization.

Rondinelli (1980; 139-142) recognized some practical problems of decentralization drawing out of African experiences. These are;

1. Central bureaucracy always opposed or undermined decentralized policies;
2. Traditional elites and leaders tend to oppose decentralized policies and programmes;
3. Decentralization policies are also weakened by the centrist attitudes of many government officials both in the national capital and local communities;
4. Levels of reviews and approvals of local plans create delays that discourage development planning by rural people and reinforce the power of the bureaucracy to modify or veto proposals;
5. Local administrative units suffer from serious shortage of trained manpower and financial resources to perform given responsibilities.

In a summary, practically decentralization programmes in developing countries has been facing administrative, fiscal and legal capacity problems as well as political and bureaucratic cultural problems. The impacts of those problems create inefficient service delivery. It is clear that even though countries have followed the decentralization practice, service delivery or quality of service is poor due to practical problems. Devas (2006; 5) explained this practical situation in a context of decentralization; for example, that “central control create more problems than they solve, including delays, frustrations, additional cost and perverse behaviour”.

Based on the theoretical discussion, the study attempts to analyze the land service delivery using the following analytical approach (Figure 02). The **independent variables** of the study will be central control, institutional capacity, service delivery mechanism and bureaucratic behaviour of officials. The **dependent variable** is quality of land service delivery. To easy understand, operational definitions of variables are mentioning below.

Quality of land service delivery: Quality of land service delivery measured by a set of indicators such as time, cost, satisfaction, frequency of visit for service taken and negative bureaucratic behaviour.

Central control: This independent variable consists of a set of indicators as follows;

Finance- Requested budget and actual amount granted by centre and time taken to grant allocated money.

Administration- Difference between approved and existing number of employee, problems faced by PCs and DSs in filling vacancies, period of vacancies.

Institutionalization- Constitutional provisions for division of functions and responsibilities between two institutions, Blurred or confusion areas of responsibility and powers within constitutional provisions, overlapping/compatibility areas by provisions of Acts, Ordinance, statutes and circulars and provincial statutes as a legal framework of PCs.

Institutional Capacity: This variable consists of following indicators related to human and physical resources.

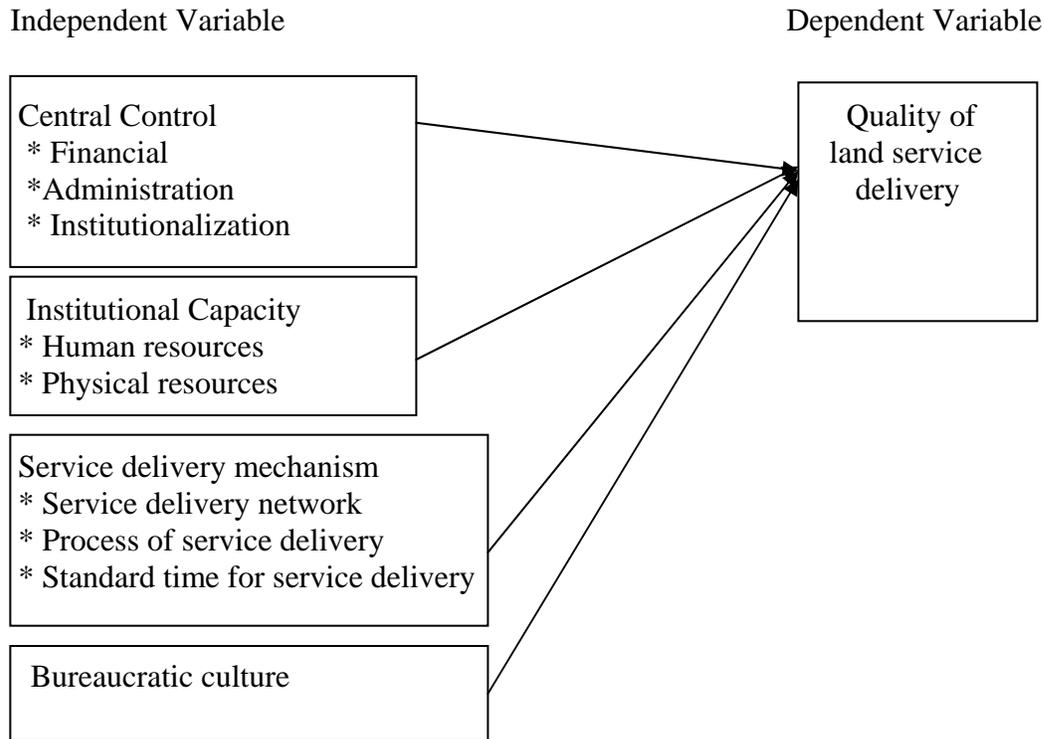
Human resources: Number of employees, competence (working experience, rank and training).

Physical resources: Office spaces including office rooms, recording rooms, communication facilities (telephone, internet and fax) and number of computers and type writers.

Service delivery mechanism: This independent variable consists of following indicators; numbers of steps have to be passed for obtaining land service, institutional network including co-ordination mechanism and institutions involved in the implementation of land service delivery, number of cases received and responded by both agencies, standard time period for service delivery and physical distance between service seekers and relevant agents.

Bureaucratic culture: This independent variable consists of Efficiency/inefficiency, corrupt practices, politicization, bureaucratic culture (seniority and status, master of public)

Figure 1.2: Analytical Framework



1.7 Research Method

1.7.1 Source of data

The study uses both primary and secondary data. Primary data are collected from officials of PCs and DSs related to land service delivery, service seekers and official document such as court decisions, PCs' Statutes, annual development plan and progress reports etc.

The secondary data are gathered through research reports, symposia proceedings, journal and newspaper articles and Finance Commission's Annual Reports. For example; theoretical discussion of the study was to build up using a number of research and academic papers such as 'Administrative Decentralization' (N.D.) by Cohen, J.M. and Peterson, S.B., 'Methodological Issues in the Analysis of Decentralization' (N.D.) by Cohen, J.M. and Peterson, S.B., 'The Rise and Fall of Decentralization: A Comparative Analysis of Arguments and Practices in European Countries' (2000) by De Vries, M.S., 'The Challenges of Decentralization' (2005) by Devas, N., 'Decentralization and Service Delivery: A

Framework' (2008) by Ekpo, A.H., 'Decentralization of Education: Legal Issues' (1997) by Florestal, K and Cooper, R., 'Decentralization in Developing Countries' (1994) by Meenakshisundaram, S.S., 'Decentralization in Bangladesh What Went Wrong?' (1999) by Aminuzzaman, S.M., 'Implementing Decentralization Policies: An Introduction' by Rondinelli, D.A. in Decentralization and Development (1983) ed. by Cheema, G.S., and Rondinelli, D.A., 'Government Decentralization in Comparative Perspective: Theory and Practice in Developing Countries' (1980) by Rondinelli, D.A., 'What is Decentralization' (N.D.) Rondinelli, D.A. in Litvack, J. and Seddon, J. (ed.) Decentralization Briefing Notes, 'Rethinking Decentralization and Deconcentration' (2009) by Utomo, T.W.W., and 'Changing Concepts of Decentralization: Old Public Administration and New Public Management in the Asian Context' (1996) by Scott, I.

The researcher has gathered information and data on country context using publication such as 'The Impact of the Provincial Council System on the Smallholder Agricultural Sector in Sri Lanka' (2008) by Damayanthi, M.K.N. and Nanayakkara, V.K., 'Twenty Two Years of Devolution: An Evaluation of the Working of Provincial Councils in Sri Lanka' (2010) by Amarasinghe, R., Gunawardena, A., Wickramaratne, J. and Navaratna-Bandara, A.M., 'Provincial Councils After Twenty Years: Success, Failures and Constraints' (2007) by Samaraweera, R., 'Devolution Experience in Sri Lanka (1988-1998): The Administrative and Fiscal Implications (2001) edited by Amarasinghe, Y.R., 'The Operational Experience of Fiscal Devolution and Provincial Finance in Sri Lanka: Challenges and Options in Getting to Devolution and Multi-Level Governance' (2007) by Institute of Professional Administrators, 'Background of the Devolution of Power in Sri Lanka: Since Donoughmore Provincial Council Proposal in 1928 to Introducing the Provincial Council System in 1987' (2007) by Navaratne Bandara, A.M. in Symposium Proceedings on the Provincial Council System and Agricultural Development (ed.) Damayanthi, M.K.N and Lurdu, M.D.S, 'Politics in Land Ownership and Thirteenth Amendment' (2007) by Zoysa, M.O.A. De. in Symposium Proceedings on Land Administration within the Provincial Council System (ed) Damayanthi, M.K.N and Lurdu, M.D.S., 'Local Government and Decentralized Administration in Sri Lanka' (1979) by Laitan, G.R.T., 'Symposium Proceedings on Land Administration within the Provincial Council System' (2007) ed. Damayanthi, M.K.N and Lurdu, M.D.S., and

Symposium Proceedings on Land Administration within the Provincial Council System’ (2007) Damayanthi, M.K.N and Lurdu, M.D.S. etc.

1.7.2 Data Collection Methods

The study used three types of data collection methods viz **content analysis, survey methods and case studies**. Two types of survey methods were employed for this study- questionnaire survey on service seekers and in-depth interview of PCs and DSs’ officials who are responsible for land service delivery such as DSs, Provincial Land Commissioners, Land Officers and *Grama Niladharis*. In addition, three case studies were taken into consideration in the collection of data of key informants. It helps to verify data collect through survey method. Beside that content analysis were used to gather secondary data, information and facts. Table 02 presents summary of research method.

Table 1.2: Summary of data collection methods

Variable		Indicator	Source of data	Data collection method
Independent variable	Central control	<u>Finance</u> -request budget and actual amount granted by centre, How long have taken to grant allocated money.	PCs’ annual development plans and progress reports, finance commission annual reports, Web sites PCs/DSs relevant officials.	Document review at PCs and DSs.
		<u>Administration</u> - differences between approved and existing number of employee, period of vacancies. Problems faced by PCs and DSs on filling vacancies.	PCs’ and DSs’ annual progress report, web sites. PCs/DSs relevant officials, PCs Hansard.	Document review at PCs and DSs. Interview/document review.
		<u>Institutionalization</u> - Constitution provisions for divisions of functions and	Constitution of Democratic Socialist Republic of Sri	Constitutional review.

	responsibilities between two institutions, blurred or confusion areas of responsibility within Constitutional. Provincial statutes as a legal framework of PCs	Lanka. North Central Provincial Land Development Statute No.4 of 1994 and North Central Province Land Statute No.5 of 1994.	Document review.
	Overlapping/compatibility areas made by provisions of Acts/Ordinance and Circulars.	Transfer of Power (Divisional Secretaries) Act No.58 of 1992, Land Development Ordinance No.5 of 1935, relevant circulars,	Document review.
Institutional Capacity	<u>Human resource:</u> Number of employee, Competence (working experiences, rank, training).	Official records and relevant officials at PCs and DSs.	Document review and interview.
	<u>Physical resources:</u> Official spaces, communication facilities.	Relevant officials at PCs and DSs.	Observation and interview.
Service delivery mechanism	Numbers of steps have to be passed for obtaining land service, institutional network.	Provincial land statutes, land development ordinance, circulars, Gazette announcement, organographs at PCs and DSs, relevant officials at PCs and DSs.	Document review, observation and interview.

		Number of cases received and responded by both agencies, standard time period for service delivery.	Official records of PCs and DSs. Citizen Charters, websites.	Document review.
	Bureaucratic behaviour of officials	Efficiency/inefficiency, corrupt practices, politicization, bureaucratic culture (seniority and status, master of public)	service seekers and officers	Observation, interview
Dependent variable	Quality of land service delivery	Time, cost, satisfaction of service seekers, frequency of visit to the <i>Grama Niladhari</i> office, DS office, Department of Provincial Council Land Commissioner, negative bureaucratic behaviour.	Service seekers Official records (to measure time).	Questionnaire survey and case studies, Cross checked by official records.

1.7.3 Study Area

The study was conducted in **two PCs**. Two PCs were selected according to land Statutes passed by PCs and importance of land service delivery. Currently, two PCs (Western PC and North-Central PC) have passed their own land Statutes and exercise their power and responsibilities under Statute. Among these two PCs, North Central PC selected for the study due to its importance of land service delivery as agricultural area. Among other seven PCs which did not pass land Statutes, Southern Province selected with considering importance of land service delivery, attempts of land Statute pass and possibility of information obtaining.

The North-Central and the Southern Provinces Consist of 29 and 47 Divisional Secretariats respectively. Among them **two DSs** were selected for the study with considering importance of land service delivery in area. It has decided after preliminary discussion with Provincial Land Commissioners (PLCs).

1.7.4 Sample Size

The sample size of questionnaire survey for service seekers was 50. From each DSs 25 respondents were selected using purposive sampling method. At the first step two PCs were selected on the basis of importance of land service delivery and Statute making. At the second stage two DSs were selected considering importance of land service delivery. At the Third stage, **five Grama Niladhari Divisions** were selected from each Divisional Secretariat with regarding importance of land service delivery. Finally, **five service seekers** were selected through *Grama Niladharis'* list on land service requests.

For the bureaucrats' interview **20 officials** were selected from both PCs and Divisional Secretariat. Two Assistant Divisional Secretaries, ten *Grama Niladharis* were interviewed form Divisional Secretariat. Two Provincial Land Commissioners, four Land Officers and one Provincial Minister (North Central Province) are interviewed for the Provincial Councils. In addition to that two lawyers who handling the State land cases were interviewed to gather information related to State land administration.

1.7.5 Analysis Plan

This study used comparative analysis method. To analyze quantitative data simple statistical methodology was used with statistical package for social sciences. The 'focus synthesis techniques' used to analyze qualitative data.

1.8 Scope and Limitation of the Study

In view of the established research question, researcher attempts to present the scope and objectives of the study here. This study related to implementation of decentralization policy and its impact on land service. Though Sri Lanka has experienced each and every forms of decentralization the study focused only on **deconcentration** and **devolution**. This Study addressed land service delivery in **PCs area** not in inter-provincial irrigation schemes. Due to

time and financial limitation study has conducted in selected two Divisional Secretariats in two Provincial Councils. Currently, there is at least thirty nine Acts and Ordinance related to land administration in Sri Lanka. To avoid complexities, the study considers only service delivery under the **Land Development Ordinance of 1935**.

1.9 Structure of the Thesis

The thesis comprises of seven chapters. First chapter provides an introduction to the study. It focuses on background and context of the study, theoretical background, problem statement, analytical framework, objectives, research methods and scope and limitation of the study. Chapter two presents brief historical survey on decentralized practices in Sri Lanka focusing on the land power distributed between the PCs and DSs. This chapter provides background information to the reader on the subject which researcher dealing with next chapters. Chapter three discusses the service delivery system at the regional level after the establishment of Provincial Council system. It discusses central control of finance, administrative and legal capacities. Chapter four explains the process of service delivery including service delivery mechanism and gap between receiving and resolved cases etc. Chapter five presents the findings of the questionnaire survey on service seekers perception on land service delivery. This chapter specially discusses difficulties and problem faced by them. Chapter six presents the cost of service seekers and their satisfaction on land service delivery. In this chapter specially discusses on people's perception on satisfaction and factors affecting people's satisfaction or not satisfaction with service delivery. Chapter seven presents a summary and conclusion of the study

Historical Background of Decentralization in Sri Lanka

2.1 Introduction

Initial steps toward decentralized administration in Sri Lanka had been taken during its British Colonial rule. This chapter briefly examines the stages of decentralization practices in Sri Lanka of which the latest is the introduction of Provincial Council and Divisional Secretariat system. In addition, it briefly examines the legal framework of land service delivery to provide background knowledge for the third and fourth chapters.

2.2 Stages of De-concentration Administration System in Sri Lanka

2.2.1 *Kachcheri* System

The British Colonial rulers bringing Sri Lanka fully under their control in 1818 established centralized control all over the Island (www.unescap.org). The British system of administration was further strengthened through de-concentration of administration system since Colebrook reforms in 1833. The Government divided the Island into five administrative provinces¹⁰ and established a prefectoral system headed by the Government Agent (GA) appointed by the Governor. The Province was sub divided into Districts and each district was administered by an Assistant Government Agent (AGA). The local administration headed by the GA in addition to local administration undertook from military and police functions during emergency (Collins, 1951, Dickson, 1833; 366, Mendis, 2005; 147). The Government expected from GAs' to collect revenue, maintenance of law and order, early inform about people's riots or dissatisfaction and properly maintain public property¹¹. The administrative

¹⁰ Northern Province- districts of Jaffna, Mannar, Wanni and the Kandyan provinces of Nuwarakalawiya.
Southern Province- districts of Galle, Tangalle, Matara, Hambantota and Kandyan provinces of Sabaragamuwa, Lower Uwa and Wellassa.

Eastern Province- districts of Trincomalee, Batticaloa and Kandyan provinces of Thamankaduwa and Bintenna.
Western Province- districts of Colombo, Chilaw, Puttalam and Kandyan provinces of Seven *Korales*, Three *Korales*, Four *Korales* and Lower Bulathgamme.

Central Province- central districts of the Kandyan kingdom (Mills, A.L., 2005; 68)

¹¹ The encyclopedia of Britannica explains GA's role as follows;

centre of the GA was called *Kachcheri* and it became the centre of attraction as the ordinary masses were to depend on the decisions by the GA for many of the services they expected from the Government. However, the people's needs were inadequately served by the local administration as it was basically focused on law and order and revenue collection. The integrated prefectorial system of regional administration was implemented from 1833 to 1930. The system had lasted due to implementation of Donoughmore reforms of 1931.

The constitutional reforms introduced in 1931 following the recommendations of Donoughmore Commission brought a highly centralized and vertically arranged departmental field structures which operated through their own functionaries ignoring the *Kachcheris* in the district (Leitan, 1979; 21). At this time over 150 departments and Central Government Ministries operated at the district level largely outside the sphere of influence of the GA. This caused to erode the strong position of GA. However, as a result of identification of co-ordination problems among departmental works at the district level, the Government established the District Agricultural Committee in 1948 which was headed by the GA and decentralized the powers and authority on agriculture related development activities and decision making powers from the Centre to district.

Under the above discussed deconcentration system, some departments such as the Department of Agriculture established their field units at divisional level and it has reported remarkable achievement in providing Central Government services to rural villages; especially in agricultural, irrigation and rural development sectors. Therefore, de-concentrated service delivery system continued to function after independence.

“The Government Agents are the sole means of communication between the Government and the native inhabitants of the island, it is their duty to ascertain the real feelings of the people in reference to any Government measure the expediency of which may be doubtful, and to keep them thoroughly acquainted with any change in the law, and also to bring before the Government the wants of the people, and to obtain early information of any dissatisfaction or fear of a rising of the people. They have consequently very delicate and important duties to perform in relation to the native chief and nobles. They have also to collect through their subordinates all over the revenue not derived from customs duties. To see that the public buildings and highways are kept in proper order; and generally to see to the welfare of the province” (Dickson, 1833; 365-366)

2.2.2 Divisional and District Secretariat System

The DSs system was established under the Transfer of Powers (Divisional Secretaries) Act No 58 of 1992. Before the establishment of DSs system these officers were employed under the same Ministry as an Assistant Government Agent (AGA) in the sub district level under the hierarchical direct supervision of GA. The Government re-designated existing AGAs as DSs in 1992. As same as former *kachcheri* system, DSs are responsible to Central Government through District Secretary and both the strata of officials were functioning as the employees of the Ministry of Public Administration and Home Affairs of the Central Government.

As the preamble¹² of the Act described, the Transfer of (Divisional Secretaries) Act provides legal provisions for transfer of power from district level to divisional level. In addition to that, DSs shall have to perform PCs' responsibilities as described in Article 3 (2) of the Act. The Article 3 (2) is as follows;

A divisional secretary shall, with the concurrence of his appointing authority, exercise, perform and discharge within his division, any power, duty or function conferred or imposed on, or assigned to, him by a Statute of a Provincial Council or any power, duty or function delegated to him by the Governor of a Province.

With the enactment of Act No 58 of 1992 and administrative reforms that followed, DSs have been granted more powers and responsibilities in terms of service delivery at the divisional level in comparison to the pre-existing *kachcheri* system. According to the above Act, most of the powers and responsibilities of the public service delivery have been transferred from district level to sub district level (division). Land subject is the most illustrative example regarding transfer of power from district to divisional level. Therefore, it can be considered a land mark of de-concentration in the recent history of Sri Lanka. Change in divisional level

¹² “ an act to provide for the transfer of powers, functions and duties exercised, performed and discharged by the government agents under various laws, to divisional secretaries; and for matters connected therewith or incidental thereto”

administration under DSs system was stated to be with the objective of providing efficient, effective and people-friendly public service delivery system at the divisional level¹³.

Though it introduced as a step of decentralization of administrative powers from the national, provincial or district level to sub district level, some other factors such as President's cold-shoulder on PC system and entreaty of SLAS Association were influenced the government decision. When shifted into the present Divisional Secretaries system, AGAs were to implement functions of PCs and activities at the divisions' level. With the establishment of DSs it was expected that DSs will implement duties/responsibilities which were earlier implemented by the GA at the district level. In addition to that, it was expected s/he will implement some representative works in non PCs (Central) subjects at the divisional level.

In parallel to Transfer of Power (Divisional Secretaries) Act, the circular 21/92 explained that DSs' status in divisional level shall be equal to GAs' status in district level. According to the circular, 23 line Ministries' workloads have shifted to DSs¹⁴. Of the above 23 Ministries, more than 117 functions/responsibilities had shifted to DSs. Furthermore, with the expansion of the Central Ministries in recent years, functions and responsibilities of the DSs too have expanded.

According to the Circular 21/92, DSs are to be appointed as the Deputy/Assistant Commissioner of some Departments/ Ministries such as the Deputy Agrarian Services Commissioner, Deputy Director of Cultural Affairs and News, Deputy Director of Fishery

¹³ In administrative circular 21/92 and 21 May 1992 issued by M.N Junayed, Secretary to Ministry of Public Administration, Provincial Councils and Home Affairs, expressed the objectives of Divisional Secretariats system as follows;

1. To take responsibility of service delivery at the divisional level.
2. To provide and facilitate service delivery at the divisional level, without visiting of district, regional or national level institutions.
3. To increase accountability/responsibility to the people
4. to take action to implement national and provincial policies at the divisional level.

¹⁴ These Ministries were, Agricultural Development and Research, Buddhism, Cultural Affairs and News, Defense, Education and Higher education, Environmental and Parliament Affairs, Finance, Fishery and Aquaculture Resources, Food and Corporative, Health and Women's Affairs, Industries, Science and Technology, Labour and Vocational Training, Justice, Land, Irrigation and Mahaweli Development, Policy Planning and Implementation, Electricity and Energy, Port and Naval Affairs, Public Administration, Provincial Councils and Home Affairs, Social Welfare, Tourism and Rural Industries Development, Trade and Commerce, Transport and Highways and Youth Affairs and Sports.

and Aquaculture Resources, Chairman of Land use Committee, District Registrar for Birth, Marriage and Death Registration, Deputy Commissioner of Trade and Commerce and Deputy Commissioner for Motor Traffic.

Under the Act, there were 312 Divisional Secretariats established as at 4th June 2008 (Damayanthi and Nanayakkara, 2008; 156). Specified qualification to be appointed as a DS is SLAS grade I/I qualifications. But, most of the DSs do not have the required qualification. For example, while 118 (37.8 percent) DSs have SLAS grade I/I, remaining 183 (58.6 percent) were in lower grades in 2008. Furthermore, of 312 DSs, 133 (46.2 percent) were in lowest rank (SLAS grade II/II) indicating that they have a lesser amount of experience.

Though the major objective of establishing the DSs system was to provide services at a single place more closely to the people, in practice it has resulted in a centralized system of divisional administration and powerful bureaucratic centre at that level. Furthermore, it creates more complexities on service delivery in some subjects such as land and has negative consequences on functioning of the PCs system.

Some argue that DS system enhances the opportunity for corrupt practices; especially on the land subject (Herath, 2010; 510, Ruwanpathirana, 2007; Land Commissioner Generals' Circular No. 2005/01 dated on 18.05.2005). Though DSs provide service at a divisional level instead of national, provincial or district level, the quality of service is questionable and it is not rare to hear criticisms of service seekers on service providers at the divisional level due to negative bureaucratic behaviour, corrupt practices and lethargic and unsystematic service delivery etc.

2.3 Devolution of Government Power in Sri Lanka

2.3.1 Local Government System during British Regime

Before the arrival of Western Colonial powers, Sri Lanka had a well established decentralized administration which allowed the local people to manage their own affairs. The *Mahawansa*,

a chronicle written in the sixth century provides ample evidence to this effect¹⁵. The pre-colonial system had *Gam Sabhas* (village councils) and *Rata Sabhas* (regional councils) focus on local and regional level administration respectively (Gunawardena, 2010; 193). The above system lasted until 1818 when the British established a centralized administrative system in the county. However, Colonial Government had re-introduced the village Councils under the Paddy Lands and Irrigation Ordinance No. 9 of 1856. The Village Councils were chaired by the British appointed GA or AGA who in turn appointed the other members of the Village Councils (www.localgovforum.lk).

In 1865 the British Colonial administration established two Municipal Councils for Colombo (the capital city of the country under colonial administration) and Kandy (the capital city of the last Sinhala Kingdom) under the Municipal Council Ordinance No.17 of 1865, but with the ex-officio basis. Under this system GA was appointed as the Mayor. Furthermore, the British administration had established the 'Sanitary Boards' for small towns (1892) and 'Local Boards' (1898) with the chairmanship of GA (Mendis, 2005; 147, De Silva, 1981;317-318, www.localgovforum.lk).

The Government enacted the Village Communities Ordinance No.26 of 1871 and introduced the Village Committees for local administration and rural courts for judicial administration. This committee was chaired by GA or AGA and other members were appointed. The Chairman at his discretion appointed the members numbering not less than 3 not more than 13. (www.localgovforum.lk). The latter could be considered as the starting point of present Local Government system in the island. This system changed after the implementation of the Donoughmore Constitutional reforms in 1931. The Donoughmore reforms recommended establishing the Local Government as one of the Executive Committee of the new State Council, with a Minister in charge. In 1938 the Government had introduced reforms on Village Committees. Under the reforms provisions had made to elect members of the Village Committee, to elect the chairman by other members, to create wards and the exclusion of local chiefs from being members. Village Committees could collect land tax and provide local

¹⁵ The *Mahawansa* mentions that local administration was carried out by the *Nagara Guttika* (city Mayor)

services such as roads, water supply, common amenities and public health (www.localgovforum.lk).

There are some other important events that occurred during the British Colonial regime that are related to the present Local Government system. These include the reestablishment of the village committees, establishment of Urban Councils (1939) and Town Councils (1940). The name of the 'Village Committee' had changed as the 'Village Councils' (*Gam Sabhas*) in 1940 and the system had functioned till 1980 when it was replaced by the District Development Councils in 1980¹⁶.

2.3.2 Present Local Government System in Sri Lanka

At Present, there are three local government authorities functioning in Sri Lanka viz. Municipal Councils (23), Urban Councils (41) and Rural Councils or *Pradeshiya Sabhas*¹⁷ (271). It should be noted at this stage that the Local Government is one of the subjects of PCs. Under the Constitutional provisions, PCs have general coordinating and supervision Power of local councils mentioned above including the power of dissolution of those.

When PCs were established, the Constitutional provisions were also provided expecting that PCs would pass Statutes and make arrangement to legally transfer the functions and responsibilities to the Local Government institutions. However, the provincialization of supervision of Local Government bodies by the PCs have not been realized according to the expectations at the beginning except for few Statutes passed by the PCs on the Local

¹⁶ The Tennakoon Commission (1979) recommended that establish the District Development Councils (DDC) to carry out development functions of the Central Government at the district level. Therefore, the Parliament was enacted The District Councils Act No. 35 of 1980 and established 24 DDCs in 1981. In parallel, it was appointed the District Minister for the district. The DDCs consisted of elected members and local Members of Parliament. In addition, legislation was passed to abolish the Town Councils (83) and Village Committees (549) and to transfer their functions to the new DDCs. This latter change was opposed by the Tennakoon Commission (www.localgovforum.lk).

¹⁷ The Wanasinghe Committee recommended that establishing the *Pradeshiya Sabhas* with the replacing DDCs which established in 1981 under the recommendation of Tennakoon Commission. 257 *Pradeshiya Sabhas* started functioning on 1 January 1988 (www.localgovforum.lk).

Government administrative matters (Amarasinghe, 2010; 103-105, UNDP, 2009, Gunawardena, 2010; 197). PCs started to implement some of their function through the DSs instead of reverting to support from the Local Government authorities.

In general, other mandatory functions and responsibilities of the Local Government institutions have been governing by the Municipal Council Ordinance No.29 of 1947, Urban Council Ordinance No.61 of 1939 and *Pradeshiya Sabhas* Act No.15 of 1987. Article No. 3 of *Pradeshiya Sabhas* Act of 1987 mention their functions and duties as follows;

“The *Pradeshiya Sabha* constituted for each *Pradeshiya Sabha* area shall be the local authority within such area and be charged with the regulation, control and administration of all matters relating to public health, public utility service and public thoroughfares and generally with the protection and promotion of the comfort, convenience and welfare of the people and all amenities within such area.”

Other two Local Government authorities; Municipal Councils and Urban Councils are also entrusted with same duties and functions within their geographic areas of authorities. The main subject areas of Local Government authorities entrusted by their respective laws as are follows: drainage system, health clinics, pre-schools, playgrounds and public parks, public bathing places, drinking water schemes, libraries, conference halls and community buildings, public markets, street lights, bus stands, solid waste management, public roads (Class D and E), public lavatories/ toilets, arbitration, seizer of stray cattle, ayurvedic medical dispensaries, other welfare activities and regulation of pollution caused by factories.

However, *Pradeshiya Sabhas* can involve in some extra subject areas in respect of rural development and poverty alleviation in comparison to the mandated functions of the Municipal Councils and Urban Councils. For example, in addition to the above mentioned subject areas that is to be undertaken by *Pradeshiya Sabhas*, Sections 18 and 19 of the *Pradeshiya Sabhas* Act, provides powers for those to spend on public health, housing, relief of distress, local works, experiments in agriculture and animal husbandry, promotion of religion and culture, organizing employment programmes, promotion of rural women’s

development activities, integrated development of selected villages, community development projects and provision of relief to the poor people. However, *Pradeshiya Sabhas* in practice are not engaged in most of the above mentioned subjects. This is mainly due to reasons such as lack of finance and human resources as well as their work being overlapped with the Centre and PCs.

Furthermore, there are two other decentralization practices limiting Local Government functions and minimizing their role in entrusted subject areas. First, DSs system which acts as the coordinator of the Central Government Ministries and agencies including the *Samurdhi* Authority¹⁸ at the local level coincide with Local Government authorities. Since DSs have a vital role to play in service delivery, poverty alleviation and rural development, the role of Local Government institutions' are limited (UNDP, 2009, cited in Lahiri, 2001; 30 in USAID, 2005; 13). Secondly, some of the Local Government authority's functions have been retransferred to some other delegated authorities, boards or co-operations such as the National Water Supply and Drainage Board, The National Housing Development Authority and the Urban Development Authority etc. These agencies belong to Centre and serve the people directly or through Local Government authorities. Therefore, Local Government authorities have to depend on such mandated agencies to perform the functions entrusted on them and serve their respective areas of authority. Furthermore, these delegated agencies are directed by Central Government policies and political interests rather than the interests of the Local Government bodies. Therefore, these agencies are influenced by the Parliament or PCs members in practice rather than Local Government members or chair persons in terms of decision making and implementing projects and programmes of local interest (Gunawardena, 2010; 202).

Finally, some other Central Government agencies have been undertaken some of Local Governments' subject areas such as social services, housing, distress and relief, religious and cultural activities and activities related to youth, women's and children's affairs. There is an increasing trend for Central agencies to invest on local infrastructure directly or through the Divisional Secretariats as wish and wimps of the Central Government politicians. As

¹⁸ Island wide Government programme for poverty alleviation which commenced in 1994

Gunawardena (2010; 202) mentions, even if finance for these project are sometimes spent through Local Government authorities, the latter do not have the power to take decisions on where and what purposes money is spent.

2.3.3 Provincial Councils System

Though Sri Lanka had number of devolution attempts since 1928¹⁹, it had not realized till 1988 due to many reasons (Navaratna Bandara, 2007; 10-12, Navaratna Bandara, 2010; 33-54). In 1988, PCs system was established under the Act No 42 of 1987 and Thirteenth Amendment to the Constitution of the Democratic Socialist Republic of Sri Lanka. It offered as a solution to Tamil ethnic group who had agitated for a separate state. The second was to devolve political and administrative powers to the provinces in order to speed up the regional development.

The Thirteenth Amendment has transferred powers over large areas of public policy including land administration from the central legislature to elected PCs²⁰ (Damayanthi and Nanayakkara 2008; 16). Though Thirteenth Amendment to the Constitution proposed to establish nine PCs at the initial stage only eight PCs were established with the Northern and Eastern provinces being temporarily merged subsequently into one unit in terms of the Indo-Lanka peace accord. In the Ninth Schedule of the Thirteenth Amendment to the Constitution of 1978, subjects were allocated as follows;

1. Provincial Councils List
2. Reserved List
3. Concurrent List

¹⁹ There were many attempts related to devolution such as Dohnoughmore Commissions' suggestion on 'Provincial Councils' in 1928, proposals on 'District Councils' Bill of 1947, 'Regional Councils' proposal submitted by Choksy Commission in 1955, 'Regional Councils' (Rata Sabha) proposal in 1957, District Councils proposal in 1967 'District Development Councils' in 1980. In 26th July, 1957 Mr. S.W.R.D. Bandaranayake signed a deal with the Tamil Federal Party (Bandaranayake- Chelvanayagam accord) promising one Regional Council for Tamil in Northern but UNP main opposition party and Sinhala Buddhist organizations together launched a massive campaign against it. Therefore it couldn't realize. The second serious attempt made by UNP leader and Prime Minister Dadlly Senanayake by signed a deal with Tamil Federal Party to power sharing in 24th March 1965. But as same as first attempt, it has not realize due to massive protest of main oppression party (Sri Lanka Freedom Party) and Sinhala Buddhist organizations

²⁰ See Annex 01 for the lists of subjects.

Usually, the failures of the centralized forms of State intervention and the de-concentration had its limits are the major reasons for turning towards devolution. However, the final attempts for the devolution in Sri Lanka also includes the same weakness (Damayanthi and Nanayakkara, 2008; 15). The PCs are elected bodies for a term of five years. Members of the PCs are elected on the basis of the proportional representative system. The number of members of each PC is determined on the basis of its land area and population²¹.

Under the Thirteenth Amendment to the Constitution, Government powers, subjects and responsibilities were shared among Government and PCs. As presents in the Annex 01, the subjects were allocated under three lists as List I or Provincial Council List (includes 37 subjects), List II or Reserved List (includes 19 subjects) and List III or Concurrent List (includes 36 subjects). The PCs have been vested with legislative and executive powers over the subjects assigned to them.

Although the PCs have been practicing Parliamentary form of Government in the provinces, the Government implemented the Presidential system since 1978. The Governor being the chief executive of the PC and being direct representative of the President links the Centre with the PCs. The term of the Governor is five years and there is no bar for re-appointment. Other officials of the executive branch consist of Board of Ministers (Chief Minister at the head and not more than four other Ministers). According to the Article 154 F (1) the Board of Ministers shall have to aid and advise the Governor of a province in the exercise of his function. However, Governor shall in the exercise of his functions, act in accordance with such advice, except in so far as he is by or under the Constitution required to exercise his functions or any of them in his discretion. As described in Article 154F (2) the exercise of the Governor's discretion shall be on the President's directions. Therefore, Centre can use this provision to control PCs such as avoiding enacting statues etc.

²¹ One member is to be elected for every 1000 sq km and per 40,000 persons. Number of member of every PCs are as follows,
Western Province – 104, Central Province – 58, Southern Province -55, Northern Province – 38, Eastern Province – 37, North Western Province – 52, North Central Province – 34, Uva Province – 34, Sabaragamuva Province - 44 (Source: Zoyza, 2003; 190)

Since establishment of PCs system in 1987, there are three institutions (Government, Provincial Councils and Local Government institutions) have been involving in to governance practices at the national, provincial and local levels. As a result of establishment of PC system, it has created second tire Government which is closely related to the day-to-day needs of the citizens. But in contrast classic federal system, the Sri Lankan PCs system does not have an independent jurisdiction (Amarasinghe *etal*, 2001; 16-17).

PCs have Statutes making powers to implement their subjects and responsibilities (both in PCs and Concurrent list) in accordance with Constitutional provisions of 154 (g). However, the Government had provided interim provisions to implement PCs subjects with enacting the Provincial Councils (Consequential Provisions) Act No. 12 of 1989. Though, they have legal power to make rules and establish their own institutions to implement power and responsibilities most of the PCs' subjects as well as all concurrent subjects are remain untouched with the PCs rule makers (Damayanthi and Nanayakkara, 2008; 112, Amarasinghe, 2010; 106).

Sometime same subject mentioned in both concurrent and PCs' lists. Therefore, it makes confusion as well as overlapping when it comes to implementation of programmes between the Government and PCs. In addition to that, experience of twenty-two years of PCs system has proved that the Government uses such a blurred provision as a tool for controlling the PCs. Therefore, many researchers argued that under the banner of decentralization, the Government exercise "re-centralization" practices during the last twenty two years (Amarasinghe *et al*, 2001; 51, Samaraweera, 2007;14, Damayanthi and Nanayakkara, 2008; 111, Dasanayake, 2007). In addition to that, The powers and responsibilities given to PCs are subjected to range of restrictions such as Constitutional provisions on 'national policy' or other limitation given by Constitution (Annex 01), re-transferred thorough Act or circulars and legal interpretation of the Supreme Court and Attorney General etc (Amarasinghe *et al*, 2001; 18-21; 51, Dassanayake, 2007 cited in Damayanthi and Nanayakkara; 28-31, Institute of Professional Public Administrators, 2007; 61).

Many researches emphasized that though PCs commenced work, they could not produce their desired results. Therefore, PCs appeared as an ineffective and unimportant administrative unit in Sri Lanka. There are two arguments related that. One argues that it happens due to greedy of power of Central Government (Samaraweera, 2007; viii, Abayawikrama, 2007; 1, Jayasena, 2007). Second argument is that though Central Government agencies transferred their power, functions and resources to the PCs, they could not succeed in service delivery due to number of reasons such as immaturity of PCs, traditional mind setup of bureaucrats and lack of innovative ideas of bureaucrats and politicians etc (Kamaladasa, 2007, Borelessa, 2007, Jayathilake, 2007). With regard the situation, Karunanayake and Abheyaratna (2002; 313) argue in their work on ‘realities and challenges of regional development in Sri Lanka’ that devolved system in Sri Lanka is a de-concentration of administration rather than devolution in the proper sense of the word.

2.4 State Land Ownership and Administration in Sri Lanka

2.4.1 Provincial Councils

According to item 18 of the List I of Thirteenth Amendment, land is declared as a PC’s subject as described in Appendix II of the List I. However, the absolute power of land disposition and ownership still is retained with the Centre under the Appendix II of the List I, Article 33(d) of the Constitution and the clause of National Policy as stated in the List II of the Ninth Schedule. Therefore, though the List I of Thirteenth Amendment stated that ‘Land’ as a subject of the PC, actually the Centre has given the land administration power to the PC.

Under the Appendix II, PCs have been given land administration responsibilities such as allottees selection, the regulation of mines and mineral development, fees on land alienated under the Land Development Ordinance, land revenue including the assessment and collection of revenue, survey and maintenance of land records for revenue purpose, taxes on land and building including the property of the state to the extent permitted by law made by Parliament and taxes on mineral rights etc (List I, Ninth Schedule, Thirteenth Amendment to the Constitution). Though the PCs have the power of selection of allottees, it is re-centered

through the DSs, because the power of selection of allottees was given to the DSs under the Transfer of Powers (Divisional Secretaries) Act, No.58 of 1992 (Damayanthi, and Nanayakkara, 2008;111).

The Provincial Land Commissioner Departments are empowered by either Provincial Council (Consequential) Act or Provincial Land Development Statutes. Though the North-Central and Western PCs passed land statutes, North-Central Provincial land Statutes is not in use but the Western Provincial Council Statute implement in some way in the midst of conflicts with the Centre. In addition to that, all Provincial Councils' Land Commissioners are appointed and Gazetted as Additional Land Commissioners of the Centre. Therefore, in addition to provincial functions/duties and power, they implement Land Commissioner General's power, duties and responsibilities at the provincial level. Under the jurisdiction of PCs, Provincial Land Commissioner and his/her department implement following main functions.

1. Granting prior approval to DSs to hold land *Kachcheris*
2. Granting approval under section 20 (a) of the Land Development Ordinance to regularize land encroach
3. Monitoring and co-ordination of implementation of the provisions related to deeds under the Land Development Ordinance
4. Co-ordination of land related functions among Land Commissioner General, Central Ministry of Land, Provincial Council and DSs.
5. Holding inquires into the appeals pertaining to land disputes in the province
6. Planning, co-ordination and implementation of special land development programme for the province
7. Co-ordination of survey activities within the province
8. Drafting laws and statutes when required
9. Appear on court when it necessary
10. Planning and conducting of training activities for officers dealing with land administration and monitoring of provincial staff for land administration
11. Provide guidance and instruction to DSs when it necessary

12. Attending to preliminary activities of identifying and allocation lands for special development projects on behalf of the PC and functioning as arbitrator in allocation of such lands to various institutions (<http://www.ncp.gov.lk>).
13. Calling application for land *kachcheris* related to non farmer group
14. Publishing paper advertisement for registration of landless people in the province
15. Holding appeal inquires on allottees selections and takes final decision on DS's selection under the provisions of Land Development Ordinance
16. Check and forwarded drafted *Jayabhoomi* deeds to the relevant agencies.

2.4.2 Divisional Secretaries

Before the establishment of the DSs system, Assistant Government Agent (AGA) or Divisional Revenue Officer (re-designated as Divisional Secretary in 1992 with more authority) performed some duties related to land administration within their jurisdictional boundary under the hierarchical direct supervision of GA at district level. In addition to those powers and duties, almost all responsibilities and duties related to the land subject of the GAs' has transferred to DSs in 1992. Therefore, DSs have to allocate more time on land administration. As one of practitioner stated that around 80, 50 and 20 percent of the DSs' duties are related to land in dry zone, wet/intermediate zone and urban areas respectively (Heenbanda, 2007; 71). Therefore, land subject is a one of important subjects in the DSs.

The Divisional Secretary has the following functions and duties to perform:

1. Act as the custodian of State lands within the division and recommends land for state use
2. Recommends lands for alienation to other agencies
3. Recommends lands for acquisition
4. Implements settler select criteria
5. Manages land in inter-provincial and land development schemes
6. Makes recommendations for surveys
7. Takes action to protect reservations
8. Locates land for mapping and survey activities

9. Calls application for land *kachcheris* for farmer category with the prior approval of provincial land commissioner
10. Holding land *kachcheris* and select allottees
11. Granting land permits
12. Prepare preliminary draft of land deeds
13. Granting approval for private survey and mortgage land
14. Recommend for transfer of ownership of land which have deed
15. Keep, maintain and protect the state land related documents such as land ledgers, disposition registers and maps etc.
16. Cancellation of permits and change the name of succession of alienated lands under the Land Development Ordinance.

2.5 Conclusion

Sri Lanka has performed decentralization practices from pre independent era. Though it has tried to implement devolve system of power at various regimes it was not realized till established PCs system in 1987. With the establishment of PCs system, Government has transferred power and responsibility of number of subjects to the PCs under the Provincial Council List and Concurrent List. But it has been limited under clause of 'National Policy' in Reserved list, some other provisions in Provincial Council List as well as other Constitutional provisions. In addition to Constitutional provisions, Government re-centralizes the power and responsibilities with the enacting rules and regulation, issuing circulars and using administrative practices. Thus, in Sri Lanka government implement 'recentralization' under the banner of 'decentralization'. Land is the best example for that.

Divisional Secretariat system is the extend arm of deconcentration administration system from the district level to sub district level (divisions). With the establishment of DSs most of the functions, responsibilities and powers of the PCs have re-transferred to the Centre. In the mean time with the re-transfer the DSs and GNs from PCs to Central Government, it has created a gap between grass-root level and PCs and help to enhance malpractices in the regional and grass root level. Though general practices of power devolution is the subject of

local administration given to devolve unit, in contrast that Sri Lanka keeps these powers and officials remained with Centre. Though land administration is given to PCs, most of the powers and function still remain with Centre and is implements by DSs at the divisional level. The results of the situation will discuss in the chapter three and four.

Devolution versus Deconcentration: Service Delivery System at the Regional Level

3.1 Introduction

This chapter examines the factors which influence the performance of land service delivery within the framework of Provincial Councils and Divisional Secretariat systems. Therefore, chapter explains the institutional arrangement of PCs and DSs for land service delivery specially focuses with constitutional, legal, administrative and resources arrangements of the both agencies.

3.2 Institutionalization of the Land Service Delivery

In most developing countries, the Central Governments tend to have a control over devolved power using various methods. Mostly used in such attempts include controlling of finance, administrative power and legal actions. As in many other developing countries, Sri Lanka's Provincial Council system is also controlled by the Central Government by application of various strategies.

3.2.1 Constitutional and Legal Arrangement for Land Service Delivery

3.2.1.1 Constitutional Provisions for Land Service Delivery

According to the List I of Ninth schedule as referred in the Article 154G of the Constitution of Sri Lanka, the subject of land has been considered as a provincial subject. List I in the Ninth Schedule provides power on land to PCs as follows;

“18. Land- Land, that is to say, right in or over land, land tenure transfer and alienation of land, land use, land settlement and land improvement, to the extent set out in Appendix II”.

Appendix II explains how PCs and Central Government has implement powers and responsibilities related to land administration and land ownership. In relate to these matters it explains the way of allottees selection, alienation or disposition of the state lands, principles and criteria regarding size of land plots and land utilization for the PCs and Central Government purposes as follows;

“Land and Land Settlement

State land shall continue to vest in the Republic and may be disposed of in accordance with Article 33 (d) and written law governing the matter.

Subject as aforesaid, land shall be a Provincial Council Subject, subject to the following special provisions;-

1. State Land-

1.1 State Land required for the purposes of the Government in a Province, in respect of a reserved or concurrent subject may be utilized by the Government in accordance with the laws governing matter. The Government shall consult the relevant Provincial Council with regard to the utilization of such land in respect of such subject.

1.2 Government shall make available to every Provincial Council State land within the province required by such council for a Provincial Council subject. The Provincial Council shall administer, control and utilize such State land, in accordance with the laws and statutes governing the matter.

1.3 Alienation or disposition of the State land within a Province to any citizen or to any organization shall be by the President, on the advice of the relevant Provincial Council, in accordance with the laws governing the matter.

2. Inter Provincial Irrigation and Land Development Projects

2.1 such projects would comprise irrigation and land development schemes-

(a) within the province initiated by the State and which utilize water from rivers following through more than one province; a Provincial Council however, may also initiate irrigation and land development schemes within its province utilizing water from such rivers;

(b) within the province which utilizes water through diversions from water

systems from outside the province; and

(c) all schemes where the command are fallen within two or more provinces such as Mahaweli Development Project.

2.2 These projects will be the responsibility of the Government of Sri Lanka

2.3 The principles and criteria regarding the size of holdings of agricultural and homestead lands arising out of these projects will be determined by the Government of Sri Lanka in consultation with the Provincial Councils.

2.4 The selection of allottees for such lands will be determined by the Government of Sri Lanka having regard to settler selection criteria including the degree of landlessness, income level, size of family and agricultural background of the applicants. The actual application of these principles, selection of allottees and other incidental matters connected thereto will be within the powers of the Provincial Councils.

2.5 The distribution of all allotments of such land in such projects will be on the basis of national ethnic ratio. In the distribution of allotments according to such ratios, priority will be given to persons who are displaced by the project, landlessness of the District in which the project is situated and thereafter the landlessness of the Province.

2.6 Where the members of any community do not, or are unable to take their entitlements of allotments from any such project, they would be entitled to receive an equivalent number of allotments in another inter-provincial irrigation and Land Development Scheme. This unused quota should be utilized within a given time-frame.

2.7 The distribution of allotments in such projects on the basis of the aforesaid principles would be done as far as possible so as not to disturb very significantly the demographic pattern of the province and in accordance with the principle of ensuring community cohesiveness in human settlements.

2.8 The administration and management of such projects will be done by the Government of Sri Lanka.”

Furthermore, Appendix II makes provisions for the National Land Commission (NLC) and

formulation of national policy on use of State lands. The NLC will include representatives of all PCs. Furthermore, it will have a technical secretariat representing all the relevant disciplines required to evaluate the physical and socioeconomic factors that are relevant to natural resources management.

According to Item 26 of List I of Ninth Schedule, PCs have power of regulation of mines and mineral development within the province, but to the extent permitted by or under any law made by Parliament. Furthermore, the List I of Ninth Schedule provides provisions on collection of fees on alienated lands under the Land Development Ordinance and Crown Lands Ordinance (Item 36.13), land revenue including the assessment and collection of revenue (Item 36.16), taxes on land and building including the property of the state (Item 36.17) and taxes on mineral rights (Item 36.18). However, the powers given to the PCs under Item 36.17 and 36.18 are limits to the extent permitted by law made by Parliament. In addition, PCs are given power and responsibility of state land survey and maintenance of land records for revenue purpose (Item 36.17).

Article 33(d) explains State land ownership and power of grants and dispositions of land as follows,

33. In addition to the powers and functions expressly conferred on or assigned to him by the constitution or by any written law whether enacted before or after the commencement of the Constitution, the president shall have the power-

(d) to keep the Public Seal of the Republic, and to make and execute under the Public Seal, the Acts of Appointment of the Prime Minister and other Ministers of the Cabinet of Ministers, the Chief Justice and other judges of the Supreme Court, **Such grants and dispositions of lands and immovable property vested in the Republic** as he is by law required or empowered to do and to use the Public Seal for sealing all things whatsoever that shall pass that Seal.

Though there is no any provision related to state land in concurrent list, the provision of “National Policy on all subjects and function” in reserved list covers state land and its

functions. Therefore, centre can involve to the matters on state land and related functions under this provision.

With considering constitutional provisions related to land subject, it is clear that PCs are given subject on land administration but not land ownership or disposition or alienation of state lands. From the initial stages of establishment of PCs, there has been a debate on land subject. Some argued that land is one of PCS subjects in accordance to List I, while others argued that PCs have only land administration powers and thus land subject should remain with the centre. However, in the Supreme Court determination on Land Ownership Bill (26/2003-36/2003), the Justice Mrs. Shirani Bandaranayake announced that, land as a PCs' subject with the extents describes by item 18 of List I as follows;

‘infact in the reserved list, reference is made to state lands and provides that ‘State Lands and foreshore, except to the extent specified in item 18 of list I’.

Such extents, as referred to earlier are clearly set out in appendix II of the 9th schedule which specifically state that **“Land shall be a provincial council subject”**. In considering the afore mentioned contents it is abundantly clear that the matter in question is a provincial council subject that has been devolved to the provincial councils in terms with the 13th amendment. (Cited in Herath, 2010; 719).

Furthermore, the Supreme Court analyzed the provisions related to land subject as amended by Thirteenth Amendment and explained that Thirteenth Amendment has given land related powers to PCs except Presidents' power on land (Herath, 2010; 724).

The responsibilities relating to lands are given to PCs by item 18 in List I, seriously limited by the Appendix II in the same list, Article 33(d) of the constitution as well as provision made for the national policy in Reserved List. These provisions provide legal protection for land ownership of the centre. Since Sri Lanka has been following presidential government system it would create more complexities in comparison to parliamentary system on politically sensitive subjects like land with. There is no legal provisions relate to procedure have to

follow when PCs disagree with government request made under 1.1 or government reject PCs request made under 1.2. However, in 1989, Land Commissioner General issued a circular related item 1.1 of Appendix II of List I. Under this administrative arrangement if PCs does not reply for government request, it considers as PC agrees with the request. If PC disagrees with the matter, PC can suggest another land for centre (Damayanthi and Lurdu, 2007; 88-89). However, there is no any legal or administrative arrangement to take action, when centre rejects PCs' request. Therefore, the item 1.1 and 1.2 seems to be blurred are of provisions.

Centre tried to control PCs using provisions of 2.1 and 2.2 of Appendix II of List I. For example Centre has Gazetted some area of Hambantota district as 'Mahaweli area' even though this area isn't located surrounding Mahaweli river. On the other hand under the circular 91/1 dated on 1991.02.27, Centre had transferred land administration power and responsibility of inter provincial irrigations projects to NCP though these are central subject in accordingly Appendix II of List I of Ninth Schedule to the Constitution (Herath, 2010, 696-705).

From item 2.4 to 2.7 of Appendix II, describe provisions related to selection of allottees. In addition to these provisions, PCs are empowered by the Provincial Council (Consequential) Act. No 12 of 1989. However, with the transfer of power to Divisional Secretaries, the powers and responsibilities on holding land *kachcheris* and allottees selection has given to Divisional Secretaries. This seems to be re-transfer of power from PCs to Centre. However, Divisional Secretary shall take prior approval for land *kachcheri* as well as approval for final list of allottees form PLC. Furthermore, PLC has power to reject/cancel DSs selection when s/he is not satisfied with the selection in accordingly provisions made by Land Development Ordinance.

The National Land Commission is the proposed stage for PCs and Centre to resolve land related issue and make guidance. But, since the NLC has not been established, the opportunity for joint and co-operative action has been denied. Though it has not been decided what the National Policy is? It seems to be centre used this provision to control PCs.

From Item 36.13 to 36.18 of List I of Ninth Schedule to the 13th Amendment, provide provisions for revenue collection by PCs. This is one of major revenue sources of PCs. Though, PCs are given the responsibility of maintenance of land records by Item 36.16, these records, specially land ledgers were handed over from PCs to Divisional Secretariats under the provisions made by Transfer of Powers (Divisional Secretaries) Act of 1992.

3.2.1.2 Constitutional Provisions for Statute Making

Article 154 (g) provides power to PCs, to make statutes related to subjects of PCs list and Concurrent list. In the meantime it provides provisions to Parliament to make laws related to concurrent list but after the consultation with all PCs. On the other hand, Parliament may make laws in respect of any matter set out in the PC List with the fulfillment of necessary requirement as follows;

1. Before Bill is placed on the order paper of Parliament, such bill needs to be sent to every PC for the expression of their view.
2. Every PCs need to agree with the passing of the Bill and such Bill needs to be passed by a majority of the members of parliament present and voting or
3. Where one or more PCs do not agree with the passing of the Bill, such Bill is passed by the special majority required by Article 82.
4. If any of PCs does not agree with passing Bill, such bill is applicable only for the agreed PCs.
5. The Parliament can pass laws on subjects of PCs List, when one or more PCs request from Parliament. But this law is only applicable to requested province.

Both the centre and PCs use the above provisions in some matters. For example Land Ownership Bill of 2003 could not be passed in Parliament. Because some filed cases against the Bill, saying that the matters on Bill related to PCs subjects. The Supreme Court determined that the matter of Bills comes under the PCs list and it has not been sent to PCs for their view before it was placed on Parliament order. Therefore, it could not be passed.

Though PCs have legal authority to pass statues on PCs and Concurrent list, past experiences

shows that PCs do not use this power as expected. There are only three Land related statutes passed by the PCs (North Central Province and Western Province). Though two land statutes passed by NCP, it seems to be a copy of Land Development Ordinance of Central Government, not in new innovation for the province. However, these two land statutes have not been implemented yet in NCP. Furthermore, though NCP has passed another land statute (North Central Province Land Development Statutes No.2 of 2002) and regulations it could not be implemented because the NCP was not able to obtain the approval of Provincial Governor. Southern Province also faced same problem regarding central control in terms of passing statute on land subject.

3.2.1.3 Other Legal Provisions for Land Administration

To implement powers and responsibilities which are granted to the PCs, centre provides legal facilities bypassing Provincial Council (Consequential) Act No12 of 1989. Under the Provincial Council (Consequential) Act, Ministers and Officers of the PCs are given power to implement their responsibilities and functions as follows;

“ 2 (1) where any power or function is conferred on, or assigned to a Minister or to a public officer, as the case may be, by any written law made prior to November 14,1987 on any matter set out in List I of the Ninth Schedule, such power or function may-

(a) if such power or function is conferred on, or assigned to a Minister, be exercised or discharged, in relation to a province and unless the context otherwise requires, by the Governor of that province or the Minister of the Board of Ministers of that province to whom the subject has been assigned; and accordingly, references in every such written law to a Minister shall be deemed to include references to Governor of a province or the Minister of the Board of Ministers of such province to whom the function has been assigned; and

(b) if such power or function is conferred on, or assigned to, a public officer, be exercised or discharged, in relation to a province and unless the context otherwise requires, by the officer of the provincial public service

holding on office, corresponding to the office held by such public officer; and accordingly, references in every such written law to a public officer shall be deemed to include a reference to the officer of the provincial public service who holds an office corresponding to the office held by such public officer.”

Even though, it has passed twenty-two years with the PCs, except Western PC, other PCs has been using these provisions to perform their functions and responsibilities related to land subject. Though government provides interim provision to implement PCs powers and responsibilities it also has limitation. According to the Act, these interim provisions only valid for any written law made prior to November 14, 1987 on any matter set out in List I of Ninth Schedule. Therefore, if any law made by parliament after 14th November 1987, PCs can not apply these provisions even though it may subjects of the PCs.

Land Development Ordinance (LDO) is one of most important legal document related to land administration in Sri Lanka. According to section 3 (1) (b) of the LDO, the Land Commissioner has power of general supervision and control of all GAs and LOs in the administration of state land and in the exercise and discharge of the powers and duties conferred and imposed upon them by the LDO. Under the section 4 (1) of the LDO the Land Commissioner may from time to time give general or special directions to a GAs or to a LOs as to the performance of his/her duties relating to land administration and may direct or authorize any question of doubt or difficulty in connection with such duties to be referred to the Land Commissioner for decision. In accordingly provisions of Provincial Council (Consequential) Act, Provincial Land Commissioner can implement above powers and responsibilities within the jurisdiction of PC.

Section 8 of the LDO describes GA's powers and responsibilities relating map out the state land for the various purposes such as village expansion, village forest, pasture, human resettlement, prevention of the erosion of the soil, forest reserves, preservation of objects of archaeological or historical interest and the requirements of local authorities etc. Section 22 and 23 describes GA's power on allottees selection and related activities. With the implementation of Transfer of Powers (Divisional Secretaries) Act, all those powers of GA

have transferred to the DSs at divisional level. Under this situation, land administration powers and responsibilities have distributed among centre. Evolved situation likely cause more complex problems in land subject in the decentralization context of Sri Lanka.

3.2.2 Financial Constraints

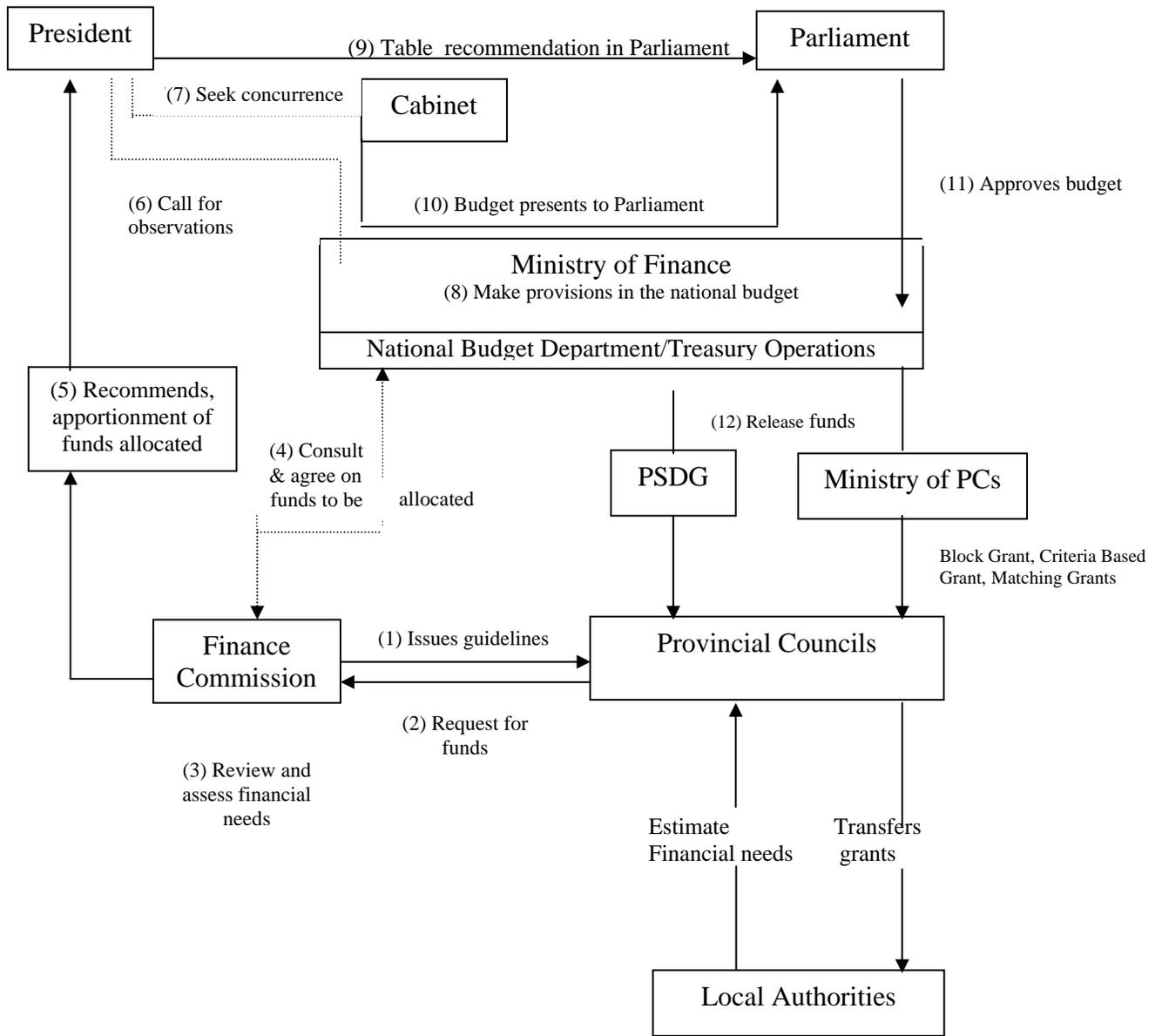
With regard to total government expenditure in 2008, PCs expenditure is LKR 101,173 millions (9.44 % of total expenditure). PCs have their own income sources such as revenue collection, tax on property etc. But, percentage of PCs revenue is too little. In 2008, PCs are collected 3.21 % of total government revenue (Gunawardena, 2010 (2); 120). Therefore, PCs have to depend on Central Government's grants. Centre makes provisions to allocate four types of grants viz; criteria based grants, matching grants, provincial specific development grants and revenue collection to the PCs. Financial transfer to provinces comprises of an annual cycle. It consists of the assessment of provincial needs, allocation of funds from the annual budget to meet such needs and the apportionment of such funds between the provinces (Figure 3.1). The assessment of provincial need is the responsibility of Finance Commission. However, as is evident from other research, PCs face delays in grant allocation from Finance Commission (Damayanthi and Nanayakkara, 2008; 78-80, Bandara, 2007; 55). As Bandara shows in his work, the Financial Commissions' approval process takes nearly 10 months. Therefore, Provincial Councils receive money at the end of the year.

In addition to delay of grant allocation, PCs have been facing the problem of reduction of estimated budget as well as cutting down the allocated grants due to number of reasons, especially due to financial constraints by the central government. For example, though SP requested 1.5 million in 2009 and 2010 from projects funds/PSDG for land development activities and resolves land issues by implementing some regional programmes, they did not receive any grants for the purposes (Southern Province Action Plan 2009 and 2010). The NCP also requested 2 million, 2.5 million and 1.5 million for land development activities in 2008, 2009 and 2010 they didn't receive it (NCP Land Commissioner Department Action Plans in 2008, 2009 and 2010). Southern Provincial Council revealed that in 2008 that they launched regional programmes to resolve land issues related to permits, deeds and regularization of

encroached lands in Matara and Hambantota districts. Though the Finance Commission accepted and approved the project and budget, Provincial Council did not receive money. Finally they implemented project, using finance from another project under the Agricultural Ministry. However, they couldn't continue the project due to inadequate financing.

As revealed by PLC officials in both provinces, though they requested recurrent expenditure including casual staff's salary, they have not been granted funds. Therefore, PCs have to find finance resources for it. Except for above problems, PCs are receiving recurrent expenditure without delay but not capital, PSDG or project grants. When PLCs request PSDG or project grants, some officers in PCs are reluctant to include the budget/project proposals to development plan due to less importance given by them for the land subject in accordance of their agenda. In addition to that, Finance Commission gives less weight to such matters by placing high priority to infrastructure development and other related matters (Personal communication with PLC officials in NCP and SP).

Figure 3.1: Channels of Inter Governmental Finance Allocation



Source: Adopted from Institute of Professional Public Administrators, 2007; 100

Data in the Table 3.1 presents Southern Provincial Land Commissioner Departments expenditure in 2010. It reveals that PLCs did not get any expenditure form capital grants.

Table 3.1: PLC's Expenditure in 2010

Type of Expenditure	Southern Province	
	Amount LKR ('000)	% of provincial total
Personal emolument	36,822	3.4
Other recurrent	11,687	0.3
Total recurrent	48,509	0.3
Criteria grants	0	0.0
PSDG	0	0.0
Projects grants	0	0.0
Total capital grants	0	0.0
Grand Total	48,509	0.28

Source: www.spc.gov.lk

As stated by Additional Divisional Secretaries of Thawalama and Nachchaduwa Divisional secretariats are granted personal emolument without delay. Though sometime they felt with delay of other recurrent grants such as maintenance, supplies (stationery and fuel etc) and traveling expenses etc. they manage it utilizing other projects resources for temporarily. Therefore, they do not face difficulties as much as PCs.

3.2.3 Administrative Capacity

Under the Thirteenth Amendment to the Constitution and the Provincial Councils Act No 42 of 1987, the Government of Sri Lanka has devolved considerable political administrative authority to PCs. The shift towards a decentralized system also meant some changes in existing land administration system. Some powers for land administration were shifted upwards to PCs and some powers shifted downwards to Divisional Secretariat Division Offices (DSDOs). Under the Transfer of Powers (Divisional Secretaries) Act of 1992, land administration powers were transferred from GA to DSs.

At the provincial level, Provincial Land Commissioner (PLC) was entrusted with overseeing land services of the Government encompassing all the districts in a particular PC. Under the new system, PLCs are appointed and gazetted as Additional Land Commissioner of the Centre. In that sense PLCs are accountable to the Land Commissioner who in turn was accountable to the Minister of Land and the President in that order. This meant only the President can grant land plots that are vested with the State.

Though PCs have power on statute making, PCs do not use this power to establish their own staff at a provincial level. For example, though the North Central Province has passed two Land Statutes, arrangement has not been made to establish their own staff to fulfill requirements of PCs. Furthermore, since PCs have to wait for the approval of the Central Government's Carder and Salary Commission to fill their vacancies; these remain vacant for long periods extending from 4 to 5 years (personal communication with officers of the Southern and North Central PLCs Departments). The emerging situation is largely attributed to Central Government policies as well as lack of interest of higher officials and politicians at the provincial level (personal communication with officials of Southern and North Central Province PLC's Departments). It adversely affects on land service delivery system at the local level.

3.3 Institutional Capacity

3.3.1 Human Resources

Before the establishment of Provincial Councils (PCs), there was a well established land service delivery system ensued with the implementation of the Land Development Ordinance (LDO) of 1935. Under the above system, the authority and responsibility for land service delivery at the national level was vested with a Land Commissioner (LC) who headed the Land Commissioner's Department (LCD). LC had the authority and responsibility of administration of Government owned land or land reserves and those land plots that had been granted or alienated to the citizens under LDO and various other land grant schemes.

Next level of administration in Sri Lanka at the time was District Government Agent's Office (DGAO) or *Kachcheri*. At the district level, authority and responsibility for land service delivery was vested with the Government Agent (GA). Under that system, Government Agent was directly responsible to the Land Commissioner on land administration by the government and he/she was assisted by a Deputy Land Commissioner/Additional Government Agent (Land).

The land service delivery system at the DGAO or *Kachcheri* level was equipped with a land

section staffed with qualified and experienced personnel like Deputy Land Commissioner/Additional Government Agent (Land), Land Officers, Land Settlement Officers or Colony Officers, Field Officers, draftsmen, surveyors, survey assistants. Under the above system, *Grama Niladharie* services too were enlisted for village level work. (Jayathilake, 2007, 34-36, Personal communication with Ruwanpathirana, 19.01.2011).

Attempts at decentralization had several changes in existing system. A major one was reduction in number of officers in many subjects such as officers who were dealing with land administration. For example, 92 district level officers employed in 1987 in the country were reduced to 19 with the establishment of PCs (Table 3.2). In the process of reduction of staff, Southern Province's district level officials were reduced from 13 to 2 (including PLC). Similarly North Central Province official were reduced from 14 to 2 (including PLC).

Table 3.2: Allocation of District Level Officials Before and After the Establishment of PCs

Province	Number of officials before establishment (Assistant Land Commissioners/ District Land Officers)	Number of officials after establishment (Provincial Land Commissioners/ Assistant Land Commissioners)
Western	8	02
Southern	13	02
Central	13	02
Northern	12	} 04
Eastern	11	
North Western	09	05
North Central	14	02
Uva	06	01
Sabaragamuva	07	01
Total	92	19

Source: Jayathilake, 2007; 35-36.

This situation resulted from government allocating the majority of qualified, senior and well experienced officers to non-land related posts like secretaries to the Provincial Ministers or as Head of Departments etc. Reduction of staff from land branch of the *Kachcheries* is much evident in the Southern Province as could be observed from data in Table 3.3 and 3.4. As Jayathilake (2007; 36) has shown, changes in staffing adversely affect the land service delivery system in Sri Lanka both at the provincial and central levels.

However, under the government policy of providing employment for graduates, government approved some new carders (Programme Assistant) for the Provincial Land Department as well as other institutions at both Central and PC level later. Therefore, approved number of carder has increased but PCs do not have adequate number of field level officers as well as technical staff to implement their responsibilities.

Table 3.3: Land Commissioners' Departmental Carder before the Establishment of PC (Southern Province)

Post	Number of Employees	
	Approved	Actual Number
Deputy Land Commissioner (SLAS II/I)	03	03
Assistant Land Commissioner (SLAS II/II)	04	02
District Land Officer/Assistant Land Commissioner	06	05
Land Settlement/ Colony Officer	44	39
Regional Officer	03	07
Field Advisor	75	63
Surveyor	07	07
Survey Assistant	21	21
Superintendent	03	02
Supervisor	06	08
Driver	07	11
Total	179	168

Source: Ruwanpathirana, 2007; 79

Table 3.4: Southern Provincial Land Commissioners Department Carder (2010)

Post	Number of approved employees	Number of actual employees	Vacancies
Provincial Land Commissioner	01	01	0
Deputy Land Commissioner	01	01	0
Assistant Land Commissioner (SLAS and Departmental)	07	04	03
Management Assistant	14	10	04
Peon	04	04	-
Labourer	03	03	-
Driver	03	03	-
Surveyor	03	0	03
Survey Assistant	09	04	05
Regional Officer	07	01	06
Land Officer/Land Settlement Officer	44	43	01
Field Advisor	45	26	19
Development Assistant/Programme Assistant	48	37	11
Total	189	137	52

Source: Land Commissioner Department, Southern Province

In addition to reduced number of carders or abolishing existing posts during initial stages of establishing PCs, a considerable number of posts were also abolished under the Central Government Management Circular 2002/16/1. For example in the Southern Province, 19 field advisor posts, five Survey Assistants and regional officer posts were abolished. In the North Central Province, 22 vacancies were abolished including posts of Land Officers (15), posts of Surveyors (6) and Planning Officer (1). As revealed by the Land Officers in the North Central Province, they have had 35 Land Officers at the initial stage of PCs and now they have only 9. Therefore, most of the Land Officers have to cover duties in 2-3 Divisional Secretariat Division Areas (DSDAs) and some of Divisional Secretariats do not have a single Land Officer. Since LO plays a vital role in land administration at the Divisional Secretariat level causing delays in land service delivery. Furthermore, since PCs do not employ field level officers, they largely depend on *Grama Niladharies* (GNs) who are directly accountable to the Central Government via DSs causing inefficiencies.

Table 3.5: Approved and Actual Numbers of Employees in North Central Province

Post	Approved Number	Actual Number on 31 st December 2010
Provincial Land Commissioner	01	01
Assistant Land Commissioner	01	0
Land Development Officers	35	9
Surveyor	6	2
Survey Assistant	4	2
Planning Officers	1	0
Development Assistant/ Programme Assistant	37	32
Management Assistant	12	11
Driver	2	2
Peon	2	2
Labourer	3	3

Source: Provincial Land Commissioner Department, North Central Province.

Above situation has been further deteriorated with the transfer of administration powers from GAs to DSs as was indicated early. However, transfer of powers from GAs to DSs has been effecting without providing necessary carders to DSs (Jayathilake, 2008; 36, personal communication with Ruwanpathirana, 19.01.2011 and Kandakkulama, 25.03.2011). At present, DSs have to cope up land service delivery with the assistance of Land Officers who are under the PCs and few Management Assistants. However, Divisional Secretariats are severally under staff, especially in comparison to the land branch of the *Kachcheri* which GA had before 1992. For example land section in Nachchaduwa Divisional Secretariat has one Land Officer, one Land Settlement Officer, one Management Assistant, and one Development Assistant to attend the tasks related land service delivery. The land section of Thawalama Divisional Secretariat consists of one Land Officer, one Management Assistant and one Development Assistant.

In addition to central control of administrative capacity, there are other constraints affecting the DS staff. For instance, even though the other government institutions have shifted from using type writers to computers, type writes are still being used in preparation of land deeds at Divisional Secretariats. On the other hand, it is very rare to find officers who have the ability to use type writers. As Deputy Land Commissioner of SP revealed that the situation is associated with errors/mistakes in land deeds.

Another constraint is lack of sufficient experience or proficiency for land administration by the officers at the divisional and provincial levels (Personal communication with Ruwanpathirana, 02.05.2011). However, in recruiting authorities do not seem to consider competence or experience in land administration. For example, the post of PLC is a SLAS I/II post and it would have been useful if higher grade official are recruited to that post. Since DSs with higher SLAS grades and PLCs have difficulties in controlling them.

At the divisional level there are other problems. For instance, Thawalama and Nachchaduwa Divisional Secretariats studied for the present exercise are located in remote rural areas and it was learnt that both the Divisional Secretary and Assistant Divisional Secretary posts of those remain vacant for long periods. For example Thawalama DS post was vacant from 2008 to February 2011 and duty related to the post was covered by number of DSs of Galle district who had to travel long distances. This situation is largely related to its remote location. For example, acting DS that covered duties last had to travel around 60 km to reach Thawalama DS Office. Furthermore, Assistant DS for the above office was a new recruit to the service and had less experience (Personnel communication with Jayaweera, 23.02.2011).

In February 2011 government has appointed a new DS for Thawalama office but his specialization was in vocational training this necessitating him to study most subjects related to the position, especially land administration. But as a divisional level coordinator of large number of central government ministries and department, the office do not have sufficient time to study the subject. The following statement of Nachchaduwa Assistant Divisional Secretary clearly demonstrates this situation.

“I was appointed as the Assistant Divisional Secretary of Nachchaduwa about four months ago. I do not have sufficient knowledge of duties related to the job, especially land administration. I do not have sufficient knowledge or experience of the circulars, land laws etc. However, most of the cases we received in the office are related to land problems. Therefore, I need to consult others. When I have doubts, I contact Land Officer because I do not have any other alternative” (Personal communication with Nirosha Ishwara, 23.03.2011).

The above situation is not acceptable. First, the officer is pressurized to learn the duties related the position in a short time which is almost impossible given the range of duties that a DS have to carry out at any given time. Second, DS should advise LO rather than LO advising DS.

During the time of *Kachcheri* system was operating, clerks handling land subject were not transferred to other section without special reason. In general, when they were transferred it was for another *Kachcherie's* land section. This practice helped to maintain officers with working experience in land administration. In contrast, at present the Management Assistants are frequently transferred from land section to other sections as well as other institutions. Therefore, they are not in position to acquire sufficient knowledge of land administration when comparing with *Kachcheri* era (Personal Communication with Ruwanpathirana, 19.01.2011, Muthugala, 23.03.2011 and Senevirathna, 25.03.2011).

As regard to training, Provincial Councils arrange some training for the officials, especially for the Land Officers. Some Land Officers arrange training for GNs who are engaged in field level land administration. But this is only related to land laws and regulations (Wijekoon, 24.03.2011, Sheela, 26.03.2011, Nandana, 25.03.2011, Ranasinghe, 24.03.2011, Kumara, 22.02.2011). However, none of the PC staff working on land as a subject have received foreign training after they were established. As Deputy Land Commissioner, Southern Province stated even PLC did not have any foreign training from 1987. By considering the situation in its totality, it is clear that PCs have been suffering from understaffing from initial stages of their establishment and situation has deteriorated further later.

3.3.2 Physical Resources

Both Divisional Secretariats studied seemed to have adequate space for office rooms, communication facilities and official equipment such as computers. But they do not have sufficient space and facilities for recording and mapping. None of the sample Divisional Secretariat had mapping rooms. On the other hand, though they have recording room facilities, amenities for protection of documents are not sufficient at both Divisional

Secretariats.

According to the rules and regulations, maintenance and protection of state land related documents such as land registry, ledgers, maps, files and other documents are the responsibility of DSs. This situation results in documents being misplaced or giving opportunity to misuse by corrupt officers. It was learned that service seekers complain regarding misplaced documents at DS office. Higher officials also acknowledged the malpractices by officers. For example number of service seekers in Thawalama and Nachchaduwa DSs said that they couldn't get service due to hidden or misplaced documents. Deputy Land Commissioner of Southern Province affirmed the situation in Thawalama DS office. He said that "when bribery commission arrests previous LO of Thawalama DS office, they found number of land ledgers and registries from his private house. He misused these things". As mentioned by officials both in DS office and Provincial Land Commissioner Department, same situation can be identified in Nachchaduwa DS office.

Of Nachchaduwa DS office, most of the staff interviewed stated that government has to change some land laws due to malpractices of Nachchaduwa Divisional Secretariat. They were of the opinion that officers misuse land registry, ledgers and other legal documents with the absence of DSs' direct supervision and control on the section. Since DS has large number of subjects to handle, his/her attention on land subject is not sufficient. Therefore, this could create more opportunity for malpractices.

Both the sample Provincial Council Land Departments suffer from inadequate office space. Though Southern Province's Deputy Land Commissioners have office spaces in Matara and Hambantota, their counterparts in the North Central Province do not have this basic facility. When the people of the districts located in the North Central Province need to avail services from the Provincial Land Commissioner's Department, they must visit Anuradhapura Provincial office. In comparison, district offices provided the services in the Southern Province. Even though Southern Province has Deputy/Assistant Land Commissioners offices at district level, their office spaces are not sufficient to maintain a proper recording system.

3.4 Conclusion

According to provisions of the Thirteenth Amendment, land is a one that devolved subject to the PCs. However, when analyze the provisions, it is clear that PCs are given land administration not land ownership. Land ownership still remains with centre; President. Some provisions of Appendix II of List I in Thirteenth Amendment are blurred and making complexities when trying to implement powers. The Transfer of Powers (Divisional Secretaries) Act of 1992, make more complexities in terms of service delivery. The Centre uses these blurred areas as well as some other provisions of the Constitution to control the PCs.

As such Centre has the control over subject of land though the subject of land administration has been devolved too the PCs. The Presidential powers on land, National Policy Clause, the Governor's power and weak financial and administrative authority have been used by the centre for this purpose. In this regard the Centre is benefited by the complex arrangements in the devolution arranged in 1987 too. Furthermore, the process of land service delivery affected by the human and physical resources arrangement exited at the PCs level as well as bureaucratic culture. The real power lies in the hand of DSs not with the PCs.

Lack of competence of officials both in PCs and DSs Offices are badly affected on service delivery system. Due to fragmented mechanism or lack of coordination between PCs and DSs it will enhance opportunity to misuse public property, illegal practices of officials and impediment of service delivery etc. Collectively all these matters make delay of service delivery or reduce quality of service. In the next chapter researcher will explain the process of service delivery including service delivery mechanism.

Process of Service Delivery

4.1 Introduction

This chapter explains the process of service delivery by both PCs and DSs. Within the chapter researcher explains the institutional network, standard time for service delivery and progress of service delivery by both institutions.

4.2 Service Delivery Mechanism

4.2.1 The Process of Service Delivery

LDO and related regulations provide rules, procedures and guidance for granting land for development purposes, selecting land grant beneficiaries and issuing land permits and deeds. Provisions in the LDO or amendments to it also provide rules, procedures and guidance for land plots granted by the State for transfer of ownership, nominating successors and granting permission for mortgaging, grant permission for private survey as well as correcting typing errors or any other mistake in deed or permits provided to land grant beneficiaries. The number of steps and procedure that have to be followed in land administration varies. Table 4.1 shows steps and procedure that have to be followed by type of service.

Table 4.1: Steps of Land Service Delivery by type of Service

Steps	Responsible Person/Officer
<p>4.1.1 Selecting allottees and granting land plots</p> <ol style="list-style-type: none"> 1. Publish paper advertisement and call application from landless people in the area 2. Take action to give publicity for the advertisement at grass root levels 3. Prospective beneficiaries submit application to the GN 4. Submit application with recommendation to DS and prepare a list 5. Holding a land <i>kachcheri</i> and select suitable persons for land grant (after one month of final submission date) 6. Publish the list of selected person at public places and call objection from people 	<p>PLC</p> <p>DS and GN</p> <p>Service seekers</p> <p>GN</p> <p>DS, ADS, ALC</p>

<p>7. Hold inquiries for objections 8. Prepare and get approval from PLC/LC for final list of selection 9. Inform the selected persons and grant land permits for one year with conditions. 10. Register the information (allottee's name, address, land size, boundary and plot number date, installment etc) in land disposal registry and land ledger 11. Submit documents to land registrar office for registration 12. Send original copy of permits to allottee after the registration.</p>	<p>DS PLC DS DS DS DS DS DS</p>
<p>4.1.2 Issuing of land deed 1. Land permit holder submit a request for a deed to DS through GN 2. DS orders to hold necessary investigation at the field level 3. GN Submit application to DS with recommendation after primary inquiry 4. LO Hold filed investigation 5. Forward application with relevant documents to DS 6. Recommendation for request to issuing of deeds 7. Preparation of deed 8. Send draft deed to Provincial Land Commissioner Dept. 9. Check the draft and send it to Dept. of Land Commissioner General or back to DS office for correction 10. Check the draft and send it to Presidential Secretariat 11. Sign for the deed 12. Send approved deed back to Divisional Secretariat 13. Send deed to Department of Land Registrar General 14. Register the deed in land registry 15. Send back registered deed to Department of Provincial Land Commissioner 16. Send deed to relevant DS office 17. Deliver the deed to relevant person</p>	<p>Service seeker DS GN LO LO DS LO,DS DS PLC LCG President Presidential Secretariat DS Land Registrar Land Registrar PLC DS</p>
<p>4.1.3 Nominate /change successor 1. Submit a request to DS through GN 2. Submit recommended request to DS 3. Forward request to land branch with approval 4. Register/change names in land registry. ledger and other relevant documents 5. Send copies to Land Registrar Office 6. Send back original documents to DS office 7. Send original documents to service seeker</p>	<p>Service seeker GN DS LDO, DS DS Land Registrar DS, LDO</p>
<p>4.1.4 Transfer of ownership 1. Submit a request to DS through GN</p>	<p>Service seeker</p>

2. Order to hold basic investigation to GN 3. Held basic investigation and forwarded recommendation to DS 4. Order to hold field investigation to LDO 5. Hold field investigation and submit recommendations to DS 6. Request to resubmit ownership of land from allottee to government 7. Resubmit deed and ownership to government 8. Issue a new land deed for new owner (have to follow 17 steps which described under 3.7.2)	DS GN DS LDO DS Service seeker DS and other officials as described in 4.1.2
4.1.5 Grant permission for land mortgage 1. Submit a request to DS through GN 2. Make recommendation on request 3. Submit request with relevant documents (photo copy and original copy of deed, letter from spouse, copy of land registry) to land branch of the DS office 4. Forward the request to DS 5. Issue an approval letter	Service seeker GN Service seeker LDO DS
4.1.6 Grant permission for private survey 1. Submit a request to DS through GN 2. Make recommendation on request 3. Submit recommended request with photo copy and original deed to land section in DS office 4. Forward the request to DS 5. Give approval to undertake a survey paid by the user 6. Submit the plan to DS through land section 7. Give approval for plan and send it to Department of Land Registrar	Service seeker GN Service seeker LDO DS Service seeker DS

Source: Personal communication with Aluthwala (LO, Thawalama DSD), 23.02.2011 and Muthugala (LO Nachchaduwa DSD), 23.03.2011.

4.2.2 Standard Time for Service Delivery

All Divisional Secretariats display a Citizen Charter showing the services provided by them, procedural requirement (mainly documentary evidences and approvals) that have to be fulfilled or completed in availing a service and time taken by it to complete a service. The data in the Table 4.2, presents standard time for land service delivery, when service seeker has fulfilled the necessary procedural requirements. However, it was found that service seekers have to spend long time to complete procedural requirements (Table 4.1, and Table 6.1). Furthermore, it was also observed that service delivery was also delayed due to inadequate management system and inefficiencies on the part of officers or their non availability in seat

even on declared office days.

Table 4.2: Standard Time for Land Service Delivery

Type of service	Time for service delivery
Issuing of land license after the approval	½ day
Transfer of ownership/register successor	20 minutes
Permission for mortgaging land to obtain a loan or submitting the deed as collateral	1 hour
Permission for private survey on state granted land (have a <i>Jayabhoomi</i> deed)	20 minutes
Issuing of tree cutting permits (except jack [<i>artocarpus integrifolra</i>] and <i>bedidel</i> [<i>artocarpus nobils</i>] trees)*	01 week
Issuing of sand and granite license*	02 weeks
Issuing of license to transport timber*	01 hour
Recommendation for the request made for electricity*	10 minutes
Solution for disputes regarding electricity*	02 weeks

* Land grantees have to obtain certification/recommendation from land branch at DS office to obtain these services.

Source: Citizen Charters of Nachchaduwa and Thawalama DS offices.

The Department of Provincial Land Commissioner (DPLC) does not directly provide the land services to the citizens as Divisional Secretariats do, but DPLCs are mandated to coordinate work both with DS offices and Land Commissioner's Department. Furthermore, DPLC also takes decisions on land *kachcheris* proposed by DSs, granting approval to regularize the encroached upon land plots by local people, planning and monitoring of land development programmes in Province etc. There was no citizen charter displayed at the North Central Provincial Land Commissioner's Department office, but it is published in the website though without the standard time taken for service delivery. The Department of Southern Provincial Land Commissioner displays their services though without a time frame.

4.2.3 Institutional Network for Land Service Delivery

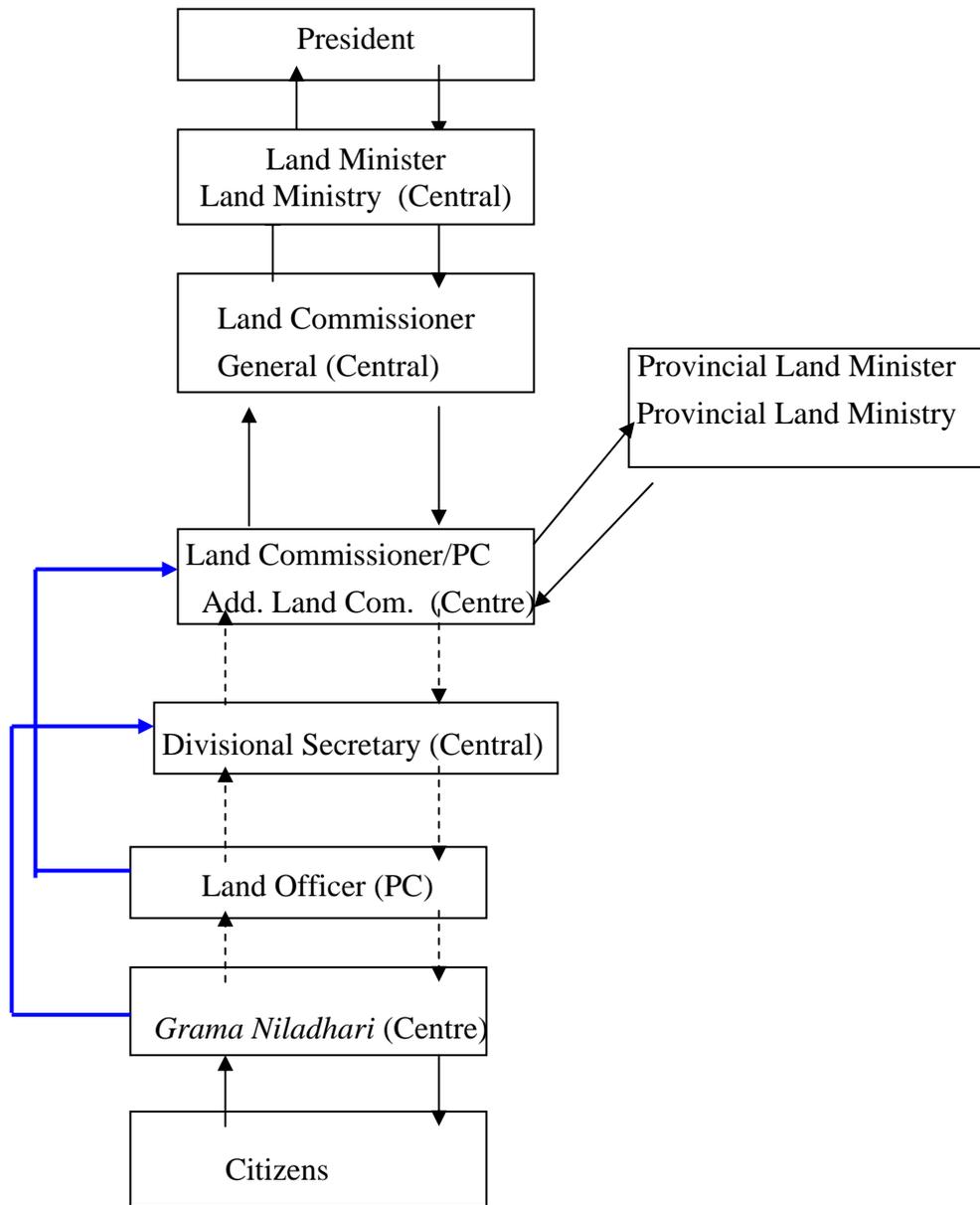
A number of institutions and officials are involved in land service delivery. Citizens apply for land related services directly to DS office or through the respective GNs. Thus the

institutional chain consists of GNs at the grass root level. At the divisional level the officers involved in supply of land services include Management Assistants attached to the land section, Land Officer, Assistant DS and DS.

At the district level, institutional arm for service delivery is the Department of the District Land Registrar and Provincial Deputy/Assistant Land Commissioner office. However, the most practical tasks related to land service delivery is undertaken at the Divisional Secretariats and there are many Divisional Secretariats in a district. The DPLC at the provincial level is entrusted with overseeing the implementation of land policy of the government at the Provincial level. At the higher national level, the Department of Land Commissioner General, Presidential Secretariat, and President in that order oversees the implementation of the land policy of the Government. This policy much influenced or determined by the LDO of 1935. Figure 4.1 shows land service delivery mechanism in the two provinces studied. Though the North Central Province has passed two Land Development Statutes in 1994 and 1995 respectively, it has not yet established an own operational mechanism for service delivery.

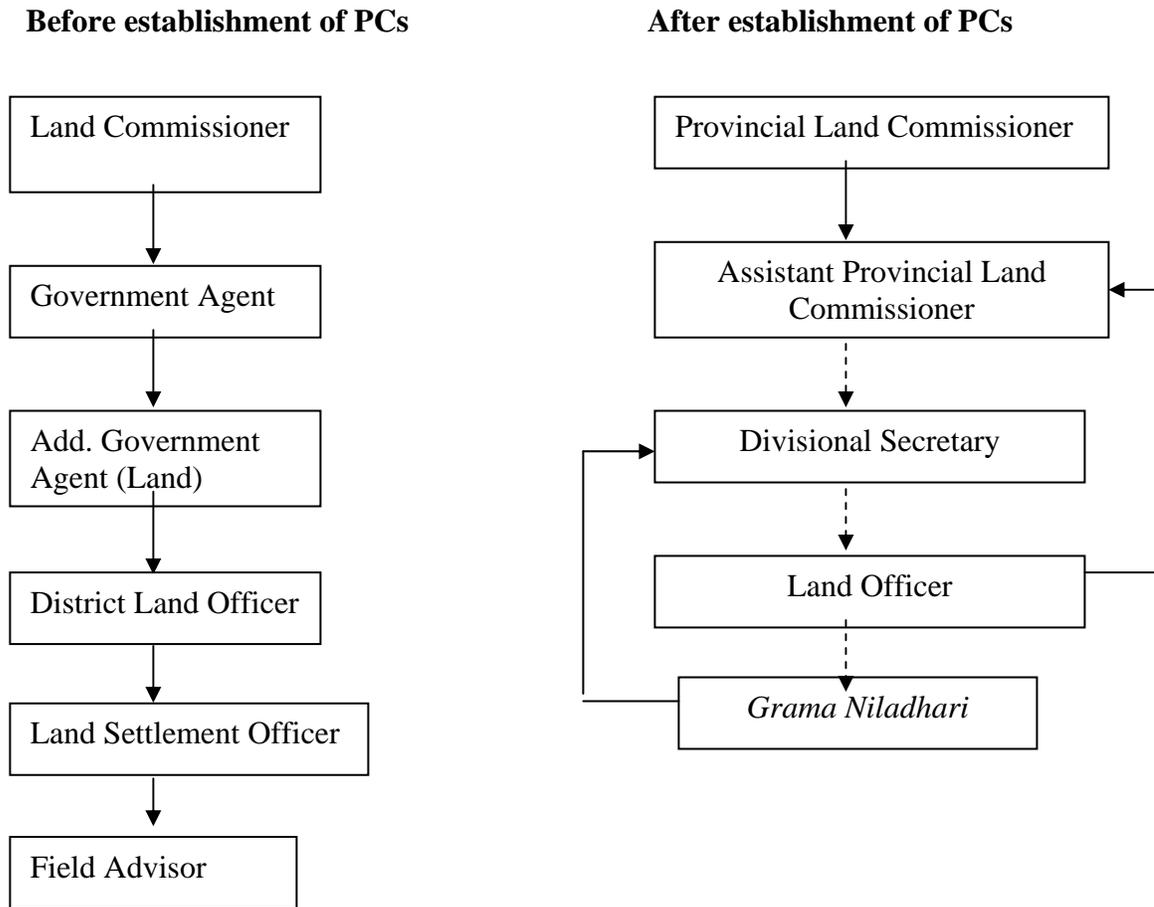
In comparison to the system of land service delivery that existed before 1987, present mechanism seems to be fragmented (Figure 4.2). Though the land administration is a subject entrusted on PCs in the devolved administration system, they do not have field level officers as was shown already.

Figure 4.1: Land Service Delivery Mechanism in Provincial Council



* GN is responsible to DS and LO is responsible to PLC/PC.

Figure 4.2: Mechanism of land administration before and after establishment of PCs



Source: Jayathilake, 2007; 30, 34

In 1992, the Government had transferred most of the land related duties and authority from GAs to DSs. As shown in Figure 4.1 and 4.2 DSs implement their responsibility at grassroots level through the GNs who are accountable to the central government and under the supervision of DSs and LO at the divisional level. Land Officers as already noted are accountable to the PCs through PLC. On the other hand, DSs are responsible to the Ministry of Home Affairs and Public Administration through the District Secretary. Therefore, though DSs accountable to the Central Government, Ministry of Land or Land Commissioner General does not have direct supervision or controlling powers over them (Borellessa, 2008; 48). This shows the contradictions in chain of command and accountability. On the other hand, even if Land Commissioner General has power for controlling or supervision of DSs in matters related to land administration, it is impracticable to implement it island wide. This is

mainly because the Department of Land Commissioner General does not have sufficient human or physical resource to supervise 312 DSs in island wide.

Therefore, it seems that the institutional mechanism for land service delivery that presently exists is fragmentary and lack well established chain of command, and means for coordination between the institutions involved. Since at the beginning of every year or mid of year with new appointment of DSs, Southern Province Governor issue an appointment letter to DSs as provincial officer to implement provincial activities at the divisional level. Therefore, it may create some kind of legal co-ordination between Provincial Council and Divisional Secretariat. But practical implementation or validation of appointment letter is questionable.

Though Southern Province uses some kind of legal mechanism with DSs, North Central Province does not implement any legal strategy to build up co-ordination mechanism except personal relationship (Personal Communication with Kandakkulama, 25.03.2011). As same as provincial and Ds level, there is no any legally established co-ordination mechanism between Land Officers in divisional level and *Grama Niladhari's* in grass root level except personal relationship which they build by their personal will (Dharmadasa, 23.03.2011, Dilrukshi, 14.02.2011, Dayani,15.02.2011, Sheela, 26.03.2011, Nandana, 25.03.2011, Ranasinghe, 24.03.2011, Kumara, 22.02.2011, Aluthwala, 23.02.2011, Muthugala, 23.03.2011).

PCs prepare and send various land development programmes and guidelines for resolving land issues to DSs, however it does not have the legal power to take action against DSs if they are not implemented (Ariyathilake, 2007; 08, Borellessa, 2007;48). Therefore, PC administration seemed to tend to overcome the constraint by building up personal relationships with central government officials (DSs and GNs) to implement their activities (Personal communication with Ruwanpathirana, 02.05.2011). Southern Provincial Council seemed to use existing institutional mechanism to coordinate with DSs. However, North Central Provincial Council (NCPC) appeared to use existing institutional mechanism to a lesser extent but depend more on personal relationships. Similarly, at the divisional level Land Officers had any legally established working or coordination system with *Grama Niladharies* for fulfilling their duties. Land Officers (LOs) are too heavily depended on personal

relationships they had with GNs in fulfilling their duties.

LOs are officially under PCs/PLC and accountable to those for their work. On the other hand, they work directly under the supervision of DSs at the Divisional Secretariat. This means that the Land officers have some free space to work on their own as they are neither directly under DSs or little supervised by PC/PLC authorities (Personal Communication with Ruwanpathirana, 19.01.2011 and Kandakkulama, 25.03.2011). This situation is probably connected to reported malpractices or violating of rules and regulations by Land Officers. Following case studies reveal to a great extent the situation at the ground level. Furthermore, case studies 01 and 02 demonstrate to some extent that decentralization of power to ground level in Sri Lanka has provided more opportunities for corrupt practices by those in authority.

Case 01: North Central Province

About three years ago, people of the Nachchaduwa DS area had lodged complaints to PLC and politicians regarding malpractices by LO as well as DS. Though PLC inquired about the complaints from DS, a reply was not received and for this reason PLC could not take any actions against the officer regarding the matter. The LO was retired in 2010 due to completion of his service period and DS has been transferred to another location. This situation emerged due to lack of well defined accountability system between DS and PLC. At present number of people of Nachchaduwa area have deeds/permits for the same land as a result of malpractices of officials.

Case 02-Southern Province

Former LO at Thawalama DS had worked for about 5 years without any complaint lodged against him by DS. This has been in spite of the fact that the people of the area had lodged many complaints against this LO to PLC, politicians of the area as well as to DS regarding his malpractices. Since LO works under the supervision of DS, PLC has written to DS several times and asked for explanation about the people's complaints. But DS has kept silence. PLC also has sent a number of letters to the relevant officer through DS asking for explanations. But officer did not reply. When PLC asked reply for the explanation letter at the meetings, the officer has said that he did not receive any such communication. Therefore, PLC or Provincial Public Service Commission couldn't take any action against the officer.

Later the service seekers had written to the Bribery Commission against officer's behavior and the Bribery Commission had arrested the officer. When they checked the officers' home, they had found a number of legal documents related to state land administration such as land registries, land ledgers and land disposal books etc. These documents are not supposed to leave the recording room of DS office and should have been under the supervision of DS. In general, without permission of DS, nobody can remove those documents from the recording room. At present the officer in question is in jail in accordance to a court decision but service seekers are still suffer from the consequences of his malpractices such as making illegal change and removal of some pages in the legal documents.

4.3 Number of Cases received and responded by Agencies

Records show that the number of cases received by DS offices and DPLC has large differences due to differences of type of cases brought forward to them. In general, both agencies send their monthly and annual progress reports to the higher authorities. For instance, PLC sends reports to the Governor of the respective PC and DS send report to the relevant District Secretary. Though both agencies present figures about their progress most of the figures are imprecise. Nobody keep records of actual number of cases received and resolved. When inquired about the number of cases received and resolved by land branch of DS office from LO of Thawalama, answer was that "normally we receive around 50 cases per week. In that sense we may receive around 2,500 requests per year including matters related to issuing land permits, deeds, transfer of ownership, correction of deeds, permits, permission

for private survey and mortgage land, land disputes, road disputes and recommendation for request made for electricity etc. Of these cases we are able to provide solutions for 50% to 60%. When we cannot give solutions for cases like land disputes, we direct them to relevant agencies”. The Land Officer of Nachchaduwa DS office mentioned that normally they receive around 350 requests per week and around 16,000 -17,000 requests per year. Of those cases around 50% can be resolved in a short time and others involving complex issues and take a long time. However, they resolve between 35% to 40% cases that they receive annually.

Data in the Table 4.3 presents number of received and resolved cases in the Southern Province during last 4 years. This figures comprised of data from every DS office in Southern Province. Of those received cases, resolved cases are around 30% except in year 2005.

Table 4.3: Received and Resolved Land Issues* in Southern Province

Year	Number of requested	Number of inquired cases	Number of resolved cases	Number of cases have to take action
2005	4,172	2,190 (52.5%)	1,982 (47.5%)	2,190 (52.5%)
2006	13,712	9,240 (67.4%)	4,495 (32.8%)	9,217 (67.2 %)
2010	4,340	3,263 (75.2%)	1,188 (27.4%)	3,152 (72.6 %)
2011 Janu- Febru.	768	489 (63.7%)	193 (25.1%)	575 (74.8 %)

* Only land disputes and regularization of encroachments

Source: Southern Province Land Commissioner Department

From January 2010 to March 2011, Southern Province Land Commissioner’s Department received 108 drafted deeds from Divisional Secretariats. However, they sent only 37 deeds to LCGD of central government and rest was sent back to the relevant DS offices as the documents were not completed or had errors. (Personal communication with Mr. Ruwanpathirana, 02.05.2011 and Mr. Wijewickrama, 02.05.2011). It clearly shows that inefficiency of land service delivery.

According to North Central Province Land Commissioner’s Department (NCPLC) officers they receive around 5,000 requests (land permits, deeds and regularization of encroachments) per year. Of those cases they provided solutions for around 2,000-2,500 (40%-50%) cases. Considerable number of requests for services had been sent back to relevant DS offices

because these were not completed (Mr. Kandakkulama, 25.03.2011).

The observed situation results from number facts. First, divisional level official (Land Officer) cannot finish all field level investigation within three days in a week that they are allowed to field duties. Second they do not have adequate facilities such as traveling facilities or fuel allowance to do field investigation quickly. They are entitle only for Rs. 2,400/= per month for traveling which is not sufficient for traveling in remote rural area such as Thawalama DS area. Third, lack of coordination between PLC and DSs as was discussed early. Forth, officers, especially GNs do not have sufficient knowledge for dealing with land matters or they do not pay much attention to the subject. Fifth, fact is the bureaucratic behavior of officials. For example, since PLC is a SLAS class I/II post and DSs who are SLAS class I/I are reluctant to implement orders from PLC. Sixth, since DS play a vital role in coordination of each and every Central Government Ministries and department in divisional level, s/he do not have sufficient time to pay attention on land matters. Seventh, though PCs are entrusted with land administration power and responsibilities, they do not seem to have the necessary vision, practical programmes or mechanism to implement those.

4.4 Conclusion

The process of land service delivery is long, complex and coalesce system of both DSs and PCs. Thus, it creates opportunity to make delays as well as corrupt and malpractices within the system. Though standard time for the service delivery is shorter, according to observation and information provided by officials revealed that it takes long time to provide services. After the establishment of PCs and DSs the service delivery mechanism seems to be fragmented. Therefore, has been creating number of problems on service delivery as well as institutional mechanism. Among received cases around 50% of the cases resolved by both institutions within the year. In the next chapter researcher will analyze the data gathered from service seekers relating the experiences and perceptions of service seekers on land service delivery.

People's Perception on Land Service Delivery

5.1 Introduction

Service seekers are one of the major components of the service delivery system. Their attitudes and perceptions are really important to evaluate and improve the service delivery system. As noted in chapter one this chapter presents and analyzes service seekers' perceptions on land service delivery under the PCs and DSs systems. The basic information of respondents is presented at the beginning of the chapter. Furthermore, in this chapter specially discussed type of land issues, difficulties and problems faced by service seekers, number of times visits to get service from each institution or officers and service seekers' knowledge about duty/responsibility of officials.

5.2 Basic Information of Respondents

Even though the two selected DS Divisions (DSDs) are agricultural areas; Nachchaduwa DSD is mainly related with subsistence farming while Thawalama DSD is mainly related with commercial agriculture (smallholder tea plantations). Nachchaduwa is the smallest DS division (82 square kilometres) in Anuradhapura district which consists of 19 GN divisions. Total population is 27,880 of 7,981 families. Of total population, 94 percent is Sinhalese and the rest are Muslims. With regard to the level of education of the population, 5.2, 12.9, 24.3, 9.8 and 4.6 percent belongs to no schooling, educated up to grade 5, to ordinary level, passed ordinary level and advanced level respectively. Furthermore, 0.8% of the population is made of degree or diploma holders (*Sampath Pethikada-Nachchaduwa DS Division, 2010*).

The total land area of Thawalama DSD is 183 square kilometres and it includes 11 percent of the total land area in the Galle district. The DSD consists of 36 GN divisions. The total population is 35,397 and the principal livelihood is farming.

The total sample consists of fifty service seekers including twenty-five respondents from each

DSs. It consists of 40 % (20) of female and 60 % (30) of male respondents. The North Central Provincial (NCP) sample consists of 56 % (14) of females and 44 % (11) males while the Southern Provincial (SP) sample consists of 24 % (6) of female and 76 % of male.

With regard to the age of the respondents by PCs, 36 % (9) and 24 % (6) in NCP belongs to the age of 30-39 and 40-49 respectively. Twenty percent belongs to each group of 50-59 and 60-69 in NCP. In SP, 28 %, 24 % and 20 % respondents belong to age groups of 50-59, 40-49 and 30-39 respectively. Sixteen percent belongs to age group of 60-69 while 12 % belongs to age group of 20-29 in SP. Since every respondent has been living more than twenty years in their relevant *Grama Niladhari* divisions, they have enough knowledge about service delivery mechanism, officials and their behaviour.

With regard to the level of education of NCP sample, 40 % (21) and 44 % (18) of the respondents have studied up to grade 1-5 and grade 6-11 respectively while 44 % (11) and 28 % (7) of the respondents in same categories in SP. Twelve percent (6) respondents have passed GCE ordinary level in each province while 4 % (1) of NCP and 12 % (3) of SP respondents have passed GCE advanced level. Four % (1) of respondents in SP belongs to no-schooling category.

In NCP, 76 % (19) of the respondents are engaged in primary occupation and the rest is house wives (20 %) and elders (4 %). Of those employees, the majority (65 %) is farmers. Twenty percent of the respondents are agricultural labourers. 10 and 5 % are engaged in the private sector and the trade. In SP, 76 % (19) of the respondents are engaged in primary occupation while 24 % (6) is house wives and elders. Of those employees, 82 % (18) is farmers while 9 % (2) is agricultural labourers. Rest is engaged in government sector employment (4.5 %) and trading (4.5 %). Thirty six percent (18) of the respondents have secondary occupation. Of those, 50 % (9) and 39 % (7) are occupied as agricultural labourers and farmers respectively. The rest is engaged in self employment (5.5 %) and skilled job (5.5 %).

Sixty percent (15) of the respondents are married while 36 % (9) are widows in NCP. Rest (4 %) is reported as divorced. In SP, 80 percent (20) are married while 20 % (5) reported as

widows. In NCP, 36 % (9) and 20 % (5) of the respondents' families consist of four and five members respectively. It was reported that, the 16 % of the respondents belong to one member families while another 16 % belongs to three member families in NCP. Rests are belonging to two member families (8 %) and six member families (4 %). In SP, 40 % (10) and 20 % (5) respondents belong to four and five member families respectively. Sixteen and 12 % of respondents belong to three and six member families respectively. Rest is consisted of one member (4 %) seven members (4 %) and nine members (4 %).

5.3 Problems of Service Seekers

5.3.1 Type of Problems

Hundred percent of the respondents have been cultivating/developing State land and facing problems related to them. Furthermore all of them brought forward their problems to relevant officials or institutions. Though problems are varied by provinces, they can be categorized into two vast areas viz, problems related to legal ownership (getting land permits/license or deed, problem related to land transfer/alienation, problem on mortgaged land to banks, get new land plots) and land disputes. Those problems can be categorized into three according to involvement of institutions as follows;

1. Involve the Divisional Secretaries or Central Government officers solely
2. Involve the PCs officials only
3. Involve both PCs and Central Government Officials

As data revealed in Table 5.1, DSs and GNs only involves for the issuance of permission to mortgage State land to banks. Both PCs and DSs officers are involved in different stages of the process to resolve other problems. For example, problem on getting land plot. DSs have power to call application with the prior approval of PLC or PLC has power to call applications for land *kachcheries* in respective province. People have to submit their applications to the GN. With his/her recommendation, GN has to submit applications to the DS. DSs can held land *kachcheries* with the prior approval of PLC and need to get approval for final list of selection. Service seekers can appeal to PLC against DSs selection and PLC can get final decision on selection under the provisions of LDO. Therefore, both PCs and DSs

are involved in the most of land related problems. However, within the service seekers' presented problems, it can not be identified as a single problem which PCs are solely involved.

Though both PCs and DSs are involved in resolving land disputes and problems related to boundary, after the issuance of land deed they do not have power to get involved in this type of matters. It has to resolve from civil court. If it emerges before issuance of deed they can get involved in resolving them. But traditionally DSs and LOs tend to get involved in the matters related to land disputes and boundary (Ruvanpathirana, 2.5.2011). Service seekers also tend to bring forward these types of problems to DSs instead of filing a case in the civil court.

As presented in Table 5.1 the majority of the respondents (50 %) faced problems on getting land permits/license or deed. In the SP it was recorded almost double (68 %) compared with the NCP (32 %). In contrast with the above situation, higher percentage of land disputes were recorded in the NCP (28 %) while the SP recorded in lower percentage (8 %). Twelve percent of respondents in each province faced the issues related to boundary or plan²². Respondents in both provinces faced with problems related to transferring of land inheritance (10 %). The problems related to mortgage state granted land to banks (8 percent) and to get new land plots (16 percent) are other problems learnt from the NCP.

²² Basically it was created by the government; because government has issued '*Jayabhoomi*' deed without land map/plan. In the '*Jayabhoomi*' deed only the land size and the names of neighbours/ allottees or locations with directions were mentioned. Therefore, such allottees have been facing a number of problems related to boundary particularly when obtaining bank loans etc.

Table 5.1: Respondent by Type of Problems

Type of Problem	NCP		SP		Total	
	#	% of total (N=25)	#	% of total (N=25)	#	% of total (N=50)
Involve only DSs						
Problems related to mortgaging land	2	8	0	0	2	4
Involve both PCs and DSs						
Problems related to getting land permits/ license or deed	8	32	17	68	25	50
Land disputes	7	28	1	4	8	16
Problems related to land transfer/alienation	1	4	4	16	5	10
Problems related to boundary	3	12	3	12	6	12
Apply for new land plots	4	16	0	0	4	8
Total	25	100	25	100	50	100

Source: Field survey, 2011.

To mortgage state granted land, allottees must follow some legal procedures such as getting permission from the DS and submitting the plan of the land to the bank. If allottees have ‘*Jayabhoomi*’ deed they need to make arrangements for land survey and preparation of plans privately. Before surveying the land they must get permission from the DS and after the preparation of the plan they must get it approved by the Divisional Secretary. Therefore, allottees have to follow a long procedure and face a number of problems related to State granted land mortgaging.

5.3.2 Problem Forwarded Institutions

Each and every service seeker brought forward their problems to one or more officials or institutions concerning with land service delivery (Table 5.2). Though they forward their problems even at highest official of the system, it can be identified with a general trend of forwarded pattern of respondents brought forward their problems to grass-root level officer; *Grama Niladhari*. For example 96 % of the respondent brought forward their problems to GN. Though land administration is entrusted with PCs they do not have their own staff at the grass-root level. This vacuum is fulfilled by *Grama Niladhari* but s/he belongs to the Centre and acts as grass-root level agent of the DS but not PC. On the other hand from the colonial

era *Grama Niladhari* has been implementing many powers and responsibilities related to State land under the acts and ordinance of State lands. Therefore, people tend to bring forward their problems to *Grama Niladhari* spontaneously. Next to *Grama Niladhari*, people tend to present their problems to the DS (80 %) and Land Officer [(LO) 62 %]. Since the NCP has more land disputes, a considerable number of respondents (28 %) brought forward their problems to the Police station, though it is not a component of land service delivery mechanism. In the SP, 28 % of the respondents brought forward their problems to Department of Provincial Land Commissioner (DPLC) while 8 % of the respondents forwarded their problems to same institution in the NCP.

Table 5.2: Respondents by Problem Forwarded Institutions/Officials

Institution/Officer	NCP		SP		Total	
	#	% of total (N=25)	#	% of total (N=25)	#	% of total (N=50)
<i>Grama Niladhari</i>	23	92	25	100	48	96
Divisional Secretary	20	80	20	80	40	80
Land Development Officer	14	56	17	68	31	62
Provincial Council Land Commissioners' Department	2	8	7	28	9	18
Police	7	28	2	8	9	18
Central Ministry of Land	0	0	2	8	2	4
Presidential Secretariat	0	0	1	4	1	2
Agrarian Development Officer	1	4	0	0	1	2
District Land Registrar Office	1	4	0	0	1	2

Note: Total percentage is not equal to 100 due to multiple responses of respondents

Police is not a part of land service delivery. But people brought forward their land disputes to police since police entrusted with implement the law and order. Police has forwarded all the land disputes to DS.

Source: Field survey, 2011.

5.3.3 Present Situation of Problems

In the NCP 16 % of the cases were long standing issues (more than five years) while the rest was less than five years. In contrast to 76 % of the cases in the SP were long standing issues (having 5-35 years history). Furthermore, 44 % of the cases in SP have 20 or more than 20 years history related to the present issue (Table 5.3).

Although whole respondents have been facing land related problems and bringing them to relevant agencies/officials for their attention during the past two-three decades, service seekers have grievances about resolving their problems.

Table 5.3: Cases by Time Has Taken

Time has Taken	NCP		SP		Total	
	#	% of total (N=25)	#	% of total (N=25)	#	% of total (N=50)
Less than 6 months	5	20	3	12	8	16
6 months – 1 year	2	8	0	0	2	4
1 year – 5 years	15	60	4	12	19	38
5 years- 10 years	1	4	1	4	2	4
10 years -15 years	0	0	6	24	6	12
15 years - 20 years	0	0	4	16	4	8
20 years- 25 years	1	4	5	20	6	12
25 years- 30 years	2	8	1	4	3	6
30 years- 35 years	0	0	1	4	1	2
Total	25	100	25	100	50	100

Source: Field survey, 2011.

As data presented in Table 5.4 resolved cases were 12 %. With regard to the provincial base it was recorded as 16 % (4 cases) and 8 % (2 cases) from NCP and SP respectively. To resolve the problems in NCP, less time has been spent compared with SP. Among resolved four cases in NCP it has taken less than one year (1 case), 1-2 years (1 case) and 2-3 years (2 cases) to resolve problems. Those cases were related to problems on boundary, land dispute, getting approval to mortgage land and getting land permit. On the other hand, among resolved two cases in SP it has taken 4-5 years (1 case) and 24 years (1 case) to resolve problems. These two cases were related to transferring of ownership and getting land deed. In addition to that, eight percent (2 cases) of the cases were at final stage in SP. Thirty-two percent (20 % of NCP and 16 % of SP) of the respondents reported that though some steps have been taken, it failed to give a final solution to their problems. Four percent (1 person) of SP respondents mentioned that he gave up the case after following long procedures due to highly dissatisfaction of service delivery mechanism as well as politicians of the area. According to data presented in Table 5.4, thirty-six percent (9 respondents) reported that official did not take any action for their problems though they forwarded to them.

Table 5.4: Cases by Present Situation

Present Situation	NCP		SP		Total	
	#	% of total (N=25)	#	% of total (N=25)	#	% of total (N=50)
Resolved	4	16	2	8	6	12
Preliminary inquiry has done	4	16	0	0	4	8
Forwarded to higher authority	3	12	4	16	7	14
Nothing has done	9	36	0	0	9	18
Sent back from higher officers due to incomplete application	0	0	5	20	5	10
At a final stage	0	0	2	8	2	4
Some steps has passed but did not get solution	5	20	11	44	16	32
Case gave up by service seeker	0	0	1	4	1	2
Total	25	100	25	100	50	100

Source: survey data, 2011.

5.3.4 Reasons for the Delay of Service Delivery

Respondents mentioned various reasons for impediment of problem resolving. Twenty- three (10) percent of the total sample; including five respondents from each province (24 % of NCP and 22 % of SP) mentioned that it is due to their fault such as failure to fulfill basic requirement, failure to submit relevant legal documents or certificates or not having paid tax continuously etc. In addition to that, another 4.5 % of the total sample; 9.5 % (2) respondents in NCP mentioned that they could not get solution due to other parties not agreeing for the solution suggested by relevant officials.

Except above mentioned reasons all other explanations reveal that weakness of the service delivery mechanism or officials' behavior. Highest percentage; 77 % of the total respondents identified that the inefficiency of the officials as a reason for the delay. Furthermore 11 % of the respondents of the total sample (24 % of NCP) mentioned that the delay emerged due to not following up the job regularly. In other words it is due to the inefficiency of the officials. In addition to that, 18 % reported that their documents had been misplaced or hidden at DS office as a reason for the delay. Of this category the higher percentage (26 %) was reported

from the SP. Furthermore, 43 % of the total respondents mentioned that they could not get solution due to corrupt practices of officials. It included three components such as favoritism/nepotism of the officials (15.9 %), expect bribery (6.8 %) and politicization of officials (20.4 %). Though nobody mentioned bribery as a ground for the delay in NCP it cannot be identified with much differentiation on officials' behavior in both provinces (Table 5.5). Though service seekers mentioned that number of reasons for delay of service delivery, the long and complex procedure and bureaucratic culture has been largely contributed to it. In addition, this long and complex procedure of service delivery helps to increase corrupt practices (see case study 03).

The number of components can be identified under the weakness of mechanism such as frequent transfers of officials (15.9 %), long procedures or other complexities of land law/policy (20.4 %), lack of resources in DS office (9.1 %), having no evaluation system for officials (2.3 %), having no enough knowledge for officials on land law (9.1 %) and having no enough provision of information to the service seekers (4.5 %). Around 22 % (5) of the respondents in the SP mentioned that frequent transfer of officials as one of reasons for delays on resolving their problems while 9.5 % (2) respondents of NCP mentioning the same. Thawalama DSD is one of remote rural areas in the SP and officials are getting transfers within a shorter period and appoint acting officers to cover duty is a normal phenomenon in the area. It badly affects service seekers.

Table 5.5: Reasons for Delay of the Problem Resolving

Reason	NCP		SP		Total	
	#	% (N=21)	#	% (N=23)	#	% (N=44)
Couldn't fulfill requirements	5	23.8	5	21.7	10	22.7
Inefficiency of officials	15	71.4	19	82.6	34	77.3
Frequently transfer of officials (DS and LDO)	2	9.5	5	21.7	7	15.9
Favoritism/nepotism of officials	4	19.0	3	13.0	7	15.9
Couldn't give bribery to officials	0	0	3	13.0	3	6.8
Misplaced the files/documents in DS office	2	9.5	6	26.0	8	18.1
Politicization of officials/ political influences	4	19.0	5	21.7	9	20.4
Problem on land law/policy	4	19.0	5	21.7	9	20.4
Lack of resource in DS office	1	4.8	3	13.0	4	9.1
Do not have evaluation system for officials	0	0	1	4.3	1	2.3
Officials haven't enough knowledge on land law	2	9.5	2	8.7	4	9.1
Other parties did not agree for the solution	2	9.5	0	0	2	4.5
Couldn't follow up regularly	5	23.8	0	0	5	11.4
Do not provide proper instruction/ information to service seekers	2	9.5	0	0	2	4.5

Note: total percentage do not equal to 100 due to multiple answers

Source: Field survey, 2011

As mentioned early in this section, the lack of information about service delivery indicates variation by provinces. Though respondents reported it in less percentage, the researcher observed that the system of providing relevant information is the worst in the NCP compared with SP. Two factors are contributed to improvement of providing information in SP. First, in early 2000, Thawalama Divisional Secretariat has distributed a book (*Janathavata Athvelak*) to villagers which includes most of the information related to the Divisional Secretariat's services. Secondly, it was observed that display of Citizen Charter in the *Grama Niladhari's* office is more systematic and attractive than in the Thawalama DS division compared with the Nachchaduwa DS division.

Case Study 03

Wilbet Hevavitharana, a 71-year-old farmer who lives in Thawalama DSD of the Southern Province encroached on around six acres of State land in 1984; he developed and planted tea on the entire land and paid taxes for the land. In 1996, the Government has granted a 'Jayabhoom' deed to him but only for the one and a half acres. The 'Jaybhoomi' deeds are granted without survey plans of the lands; it states only boundaries of the land. Therefore, within the boundaries it may include more than the extent mentioned in the deed.

After some times he gave three acres to his two sons; one of them sold his land plot and left the village in 1999. In the meantime, another person come and wanted to build a house on Wilbert's land. Then Wilbert made complaints to the *Grama Niladhari* and Police Station. Then only he came know that one of daughters-in-law had partitioned "Jayabhoomi" deed from his land and sold it to that person. Then they revealed that *Grama Niladhari* made arrangements to issue a separate deed to his daughter-in-law.

To resolve the problem he visited a number of officers including *Grama Niladhari* (462 times), DS (3 times), LO (5 times) and mobile land service delivery organized by PLC (1 time) since 1999. The total number of visits was 471 times and he spent 48 person days to get service. Furthermore, he had given 250 tea plants (market value around LKR 2000) to the one of *Grama Niladhari* and ditched in *Grama Niladhari's* tea plantation in two days free of charge. All officers were saying "we cannot do anything; we have forwarded this to higher authority and have to wait for their answer". However, even after 12 years, he has not been able to get a reasonable solution for his problem.

5.4 Respondents' Knowledge on Service Providers

As data shows in Table 5.6, similar pattern of knowledge can be identified on service providers within two provinces. Almost all service seekers have some kind of knowledge about responsibilities and duties of *Grama Niladhari*, Divisional Secretary and Land Officer. But, service seekers in NCP were less informed (44 %) about post of Provincial Land Commissioner (PLC) and his responsibility/duties compared with SP (84 %).

Table 5.6: Respondents by Knowledge about Relevant Officials

Officer	NCP		SP		Total	
	#	% (N=25)	#	% (N=25)	#	% (N=50)
<i>Grama Niladhari</i>	25	100	25	100	50	100
Divisional Secretary	25	100	25	100	50	100
Land Development Officer	25	100	24	96	49	98
Provincial Land Commissioner	11	44	21	84	32	64

Source: Survey data, 2011

5.4.1 Knowledge about *Grama Niladhari's* Responsibility

Without much variance, the majority of the respondents in both provinces are informed about *Grama Niladhari's* involvement in resolving land disputes. Twenty-six and 12 % of respondents in each province are informed about involvement of every matter related to state lands and recommendation for tree cutting permits in state granted lands respectively.

Table 5.7: Respondents' Knowledge about *Grama Niladhari's* Duties

Duty/responsibility	NCP		SP		Total	
	#	% (N=25)	#	% (N=25)	#	% (N=50)
Resolve land disputes	19	76	20	80	39	78
Inquires and recommendation on land deed/ permits/ licenses	17	68	20	80	37	74
Recommendation on transfer of ownership	1	4	2	8	3	6
Involvement in state land related every matters	6	24	6	24	12	24
Inquires on road disputes	0	0	2	8	2	4
Tax collection	3	12	11	44	14	28
Recommendation for permits on tree cutting	3	12	3	12	6	12
Issue application for land <i>kachcheris</i>	0	0	1	4	1	2
Recommendation for private survey	0	0	1	4	1	2
Provide information	5	20	1	4	6	12

Note: The total percentage do not equal to 100 due to multiple answers.

Source: Survey data, 2011

Twenty percent of respondents in the NCP were identified *Grama Niladhari* as the information provider while 4 % in SP identified as same. Furthermore, the respondents in

both provinces were more informed about *Grama Niladharis'* duties on tax collection, inquiries and recommendation on land deed/permits, recommendation on transfer of land ownership, private survey etc.

5.4.2 Knowledge about Divisional Secretary's Responsibility

Highest percentage (48 %) of the respondents in SP was identified that issuance of land deed/permits/license as one of the responsibilities of the DS while 40 % of respondents in the NCP were identified to take final decision on land disputes. In addition to that, giving approval for land transfer (4 %), approval for private survey (4 %) and conducting land *kachcheris* (4 %) are other responsibilities which respondents were identified in same percentage in both provinces.

Table 5.8: Respondents' Knowledge about Divisional Secretary's Duties

Duty/Responsibility	NCP		SP		Total	
	#	% (N=25)	#	% (N=25)	#	% (N=50)
Issue land deeds/ permits	5	20	12	48	17	34
Final decision on all land matters	4	16	4	16	8	16
Conduct <i>kachcheris</i>	1	4	1	4	2	4
Approval for all matters on land	1	4	3	12	4	8
Approval for tree cutting	0	0	1	4	1	2
Approval for private survey	1	4	1	4	2	4
Call application for land <i>kachcheris</i>	3	12	1	4	4	8
Final decision on land disputes	10	40	1	4	11	22
Approval for land permits/ deeds	2	8	4	16	6	12
Recommendation for deed transfer	0	0	2	8	2	4
Approval for land transfer	1	4	1	4	2	4
Involvement in all matters related to state land	3	12	0	0	3	6

Note: The total percentage do not equal to 100 due to multiple answers

Source: Survey data, 2011

Although 100 % of the respondents in each province stated that they are informed about DS's land related responsibilities/duties; it seems that they are not well informed about DS's duties/responsibilities. For example though 16 % respondents in each province mentioned that the DS is left with the final decision on land matters; it is not valid for all matters but for some. Although, 12 and 4 % respondents in the NCP and SP respectively mentioned that

calling application to select allottees as one of responsibilities of DS, it is partially true; because the DS has the power only to call applications for land *kachcheris* from farmers with the prior approval of land Commissioner/ Provincial Land Commissioner (Herath, 2010; 506).

5.4.3 Knowledge about Land Officer's Responsibility

As data presents in table 5.9, respondents have enough knowledge about duties and responsibilities of the Land Officer (LO). Basically they were identified with three categories of responsibilities/duties carried out by LO as follows.

1. Field work
2. Official work
3. Co-ordination between PC, DS and other related agencies.

Without much differentiation by provinces, respondents were identified two functions related to filed work viz land related inquires (40.8 %) and involvement of resolving land disputes (10.2 %). With regard to the official work of the LO, a number of responsibilities/duties were identified by respondents in each province without much differentiation such as preparation of land deed/permits/license/ transfer of ownership (59.2 %), making arrangements for survey (14.3 %), involvement in land related all matters (8.2 %), issuing land permits/deeds (8.2 %) and providing information (4.2 %). Twelve percent of respondents in the NCP mentioned that making arrangements for land *kachcheri* as one of responsibilities of the LO.

Table 5.9: Respondents' Knowledge about LO's Responsibility/Duties

Responsibility/Duty	NCP		SP		Total	
	#	% (N=25)	#	% (N=24)	#	% (N=49)
Land related inquires	9	36	11	45.8	20	40.8
Land registration	3	12	4	16.7	7	14.3
Involvement for resolve land disputes	2	8	3	12.5	5	10.2
Involvement in land related all matters	2	8	2	8.3	4	8.2
Preparation of licenses/deeds/permits/ transfers	13	52	16	66.7	29	59.2
Co-ordination between PC and DS	0	0	1	4.2	1	2.1
Make arrangement for survey	5	20	2	8.3	7	14.3
Issue land permits/deeds	3	12	1	4.2	4	8.2
Provide information	1	4	1	4.2	2	4.2
Make arrangement for land <i>kachcheris</i>	3	12	0	0.0	3	6.3
Official work on land matters	9	36	0	0.0	9	18.4
Do not know	0	0	1	4.2	1	2.1

Note: total percentage do not equal to 100 due to multiple answers

Source: Survey data, 2011

Though one of the responsibilities of the LO is the co-ordination between the Provincial Council and the Central Government institutions like the Divisional secretary, 4.2 % of respondents in SP (2.1 % of the total sample) identified it as a responsibility of the Land Officer.

5.4.4 Knowledge about PLC's Responsibility

Though 64 % of the total respondents (32 persons) were aware of the post of Provincial Land Commissioner (PLC), of those, around 22 % do not know what the duty/responsibility of the officer is. Of those respondents around 33 % from the NCP (Table 5.10).

Table 5.10: Respondents' knowledge about PLC's Responsibility

Responsibility/ duty	NCP		SP		Total	
	#	% (N=11)	#	% (N=21)	#	% (N=32)
Final decision on land matters	1	9.1	5	23.8	6	18.75
Approval for land deed/permits	2	18.2	6	28.6	8	25.0
Issue land deeds and licenses	1	9.1	3	14.3	4	12.5
Calling for land <i>kachcheris</i>	4	36.4	8	38.1	12	37.5
Land development activities	0	0.0	1	4.8	1	3.1
Make arrangement for surveys	0	0.0	1	4.8	1	3.1
Coordination between field level and centre	0	0.0	1	4.8	1	3.1
Held mobile services	0	0.0	3	14.3	3	9.4
Prepare land deeds	1	9.1	1	4.8	2	6.2
Power on appeals	2	18.2	1	4.8	3	9.4
Do not know	4	36.4	3	14.3	7	21.9

Note: total percentage do not equal to 100 due to multiple answers

Source: Survey data, 2011

In addition to that, though respondents mentioned a number of responsibilities/duties related to PLC, some of them have limitations such as final decision on land matters, and issuing land permits/license. For example though 25 % of the total respondents were identified granting approval for land deed/permits as one of the responsibilities of PLC, the officer has the power only to recommend for deed but not for approval. However, as an Additional Land Commissioner of the Central Government, he has to give approval for some category of land permits. Other responsibilities which respondents identified were land development activities, calling for land *kachcheris*, taking action on appeal and holding mobile service are directly related with PLC's responsibilities.

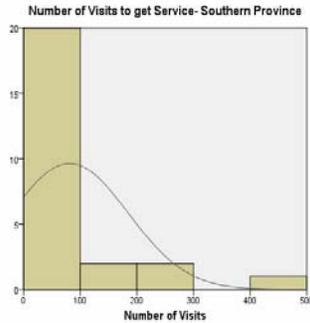
5.5 Respondents' Experiences

5.5.1 Total Number of Visits to get Service

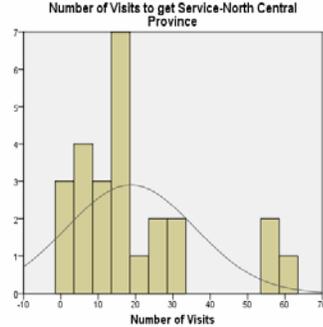
Since all respondents brought forward their problems to relevant officials for their attention, all of them visit one or more relevant officers/institutions at least once. The number of total visits varies from one (in NCP) to 471 (in SP) times. In the NCP, the highest percentage of respondents (40 %) visited official to get service 1-10 times and all cases were reported within 1-60 time visits (Graph 5.2). In contrast to that, in SP, the highest percentage (20 % in each)

of visits was reported from 1-10 and more than 100 times (Graph 5.1).

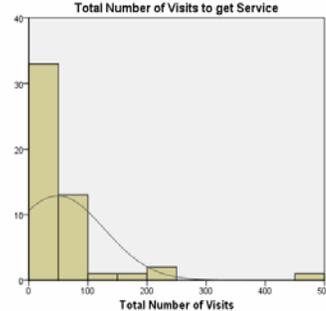
Graph 5.1



Graph 5.2



Graph 5.3



Source: Survey data, 2011

The mode of total number of visits in the total sample is two, while it is reported as 14 in the NCP and 53 in the SP. The mean value of the total number of visits in the total sample is 49 while it is reported as 19 in the NCP and 81 in the SP.

It is affirmed that service seekers in the SP visited and spent more time to get the service. Two reasons are contributed for the higher variance. First, it depends on the type of problem/issue. The majority of the cases (84 %) in the SP are related to get land deed and transfer of ownership. When all the requirements are fulfilled, it will take at least three years to get a land deed in general. Therefore, within this period service seekers tend to visit officers several times (specially *Grama Niladhari*) and check the progress.

Most of the cases reported in the NCP were related to land permits and land disputes. In the NCP, with or without permits/license or deed, people tend to cultivate land plots. In general, if someone cultivate/develop land once, others do not try to encroach it even the land is abandoned for some time. Since legal permission is not a much important factor for them to cultivate a land the number of times to visit the officers are not much higher in the NCP compared with the SP. On the other hand, the higher percentage of cases in the NCP was land disputes among the family members or relatives. Therefore, these cases tend to resolve within a shorter period and involving a less number of officials compared with issuing land deed or

permits. This also helps to reduce the number of visits to get their services in the NCP.

As data present in Table 5.11, the highest percentage of visits (76.6 %) to the Central Government officers such as GNs and DSs. The percentage of visits to the LOs is 18.5 % while percentage of visits to the PLCs is 0.6 % in total sample. It is clear that though land administration was devolved subject to the PCs, people are mostly dealing with Central Government officers but not with PC's officers. It means though land administration mentioned as devolve subject to the PCs, it powers and duties still keeping with Centre.

Table 5.11: Total Number of Visits by Officers

Officer	NCP		SP		Total Sample	
	# of Visits	% of Total	# of Visits	% of Total	# of Visits	% of Total
<i>Grama Niladhari</i>	233	55.5	1,482	72.9	1,715	69.9
Divisional Secretary	68	16.2	96	4.7	164	6.7
Land Officer	115	27.4	338	16.6	453	18.5
Provincial Land Commissioner	4	0.9	10	0.5	14	0.6
Mobile Service	0	0.0	106	5.2	106	4.3
Total	420	100.0	2,032	100.0	2,452	100.0

Source: Survey data, 2011

5.5.2 Visits *Grama Niladhari* to get Service

5.5.2.1 Number of Times Visited

As mentioned early in this chapter, the highest percentage of the respondents visits in *Grama Niladhari*. The times of *Grama Niladhari* visits vary from 0 in the NCP to 462 times in the SP. The highest percentage of *Grama Niladhari* visits in the NCP (64 %) was reported in 1-10 times while in the SP it was reported in 1-10 (20 %) and 21-30 times (20 %). Eight percent (2) did not visit *Grama Niladhari* in the NCP because they directly made complaints to the Police about their land disputes. Though times of visit to *Grama Niladhari* vary from 1 to 462 times in the SP, it was reported from 1 to 40 times in NCP. The average number of times visits GN of total sample is 34 while it reported as 59.3 times in SP and 9.3 times in NCP.

Table 5.12: Number of Times Visited GN

Number of Times	NCP		SP		Total	
	# of respondents	% (N=25)	# of respondents	% (N=25)	# of respondents	% (N=50)
0	2	8	0	0	2	4
1-10	16	64	5	20	21	42
11-20	3	12	3	12	6	12
21-30	2	8	5	20	7	14
31-40	2	8	4	16	6	12
41-50	0	0	1	4	1	2
51-60	0	0	2	8	2	4
61-70	0	0	0	0	0	0
71-80	0	0	1	4	1	2
81-90	0	0	0	0	0	0
91-100	0	0	0	0	0	0
More than 100	0	0	4*	16	4	8
Total	25	100	25	100	50	100

* Highest 462 times.

Source: Survey data, 2011

5.5.2.2 Reasons for *Grama Niladhari's* Visits

Even though respondents mentioned a number of reasons to visit GN more than once it can be categorized into four categories as follows;

1. Negative bureaucratic behavior of officers (ask bribes, inefficiency of officials, and hand over new request/application, not being ready to hear service seekers' problems, officers did not report to duty or not found at the office and to check progress of the work)
2. Weakness of institutions/procedure (does not make proper arrangement to provide services in the absence of the relevant officer, complexities of procedures, do not provide easy access to information and officers' lack of knowledge on land law and practices)
3. Weakness of service seekers (submitted incomplete application)
4. To follow up procedures (make complaints or appear for inquiry).

Table 5.13: Reasons for Number of Visit GN to get Service

Reason	NCP		SP		Total	
	#	% (N=25)	#	% (N=25)	#	% (N=50)
Due to incomplete application	0	0	6	24	6	12
Officer did not report to duty	1	4	3	12	4	8
Though officer reported to duty s/he not at the office	0	0	4	16	4	8
Inefficiency	0	0	6	24	6	12
Asked bribery	0	0	1	4	1	2
Do not ready to here service seekers problem	0	0	1	4	1	2
To check progress	14	56	16	64	30	60
Officer do not know land law	0	0	1	4	1	2
Due to complexities of procedure	1	4	1	4	2	4
To hand over new request/application	7	28	8	32	15	30
To make complaints	0	0	1	4	1	2
To appear for inquiry	3	12	0	0	3	6
To collect information	3	12	0	0	3	6

Note: Total percentage is not equal to 100 due to multiple answers given by respondents

Source: Survey data, 2011

The majority of the respondents have visited a number of times to GN due to negative bureaucratic culture of the officers without much variation by provinces. For example, as data presents in Table 5.13, the highest percentage of total respondents (60 %) have visited to check progress (56 % in the NCP and 64 % in the SP). Thirty-two percent of the SP and 28 % of the NCP, stated that they have to visit a number of times to submit new request/application. This is because; previous request was misplaced by officials. Service seekers have been facing another problem at a grass-root level to meet official due to public day or office day of the officials. Though field level officers must provide their service in seven days of week except on holidays, in general, they do not report to duty other than public days (Monday and Thursday). Service seekers also adjust to this situation. Whenever officers come to office, service seekers have to wait for them. This situation is the worst in remote rural areas in Sri Lanka.

5.5.2.3 Distance to GN's Office

An average distance to GN's office is 1.2 kilometers for the total sample. With regard to the provincial base of those respondent visited GN in the NCP, 61 and 31 % have to travel around 0.5>1 kilometers and 1>1.5 kilometers respectively. Furthermore, each 4 % have traveled 1.5>2 kilometers and 2.5>3 kilometers to reach GN's office in the NCP. Of those visited GN's office in the SP, 36, 24, 16 and 12 % have to travel 0.5>1 kilometers, 1.5>2 kilometers, 1>1.5 kilometers and less than 0.5 kilometers respectively. In addition to that, 8 and 4 % have to travel 2.5>3 kilometers respectively in the SP.

5.5.3 Visits Land Officer to get Service

5.5.3.1 Number of Times Visited

After *Grama Niladhari*, the respondents visited the Land Officer (LO) to get service; 88 % in the NCP and 84 % in the SP. In the NCP, number of times of visits varied from 0 to 15 while in the SP it varied from 0 to 50. The highest percentage (60 %) of LO visiting reported in 1-5 times in the NCP while highest percentage (20 %) of visits were reported in three categories viz; 1-5, 6-10 and 16-20 times in the SP (Table 5.14). The average number of times visits LO of total sample is 9.1 while it reported as 13.5 in SP and 4.6 in NCP.

Table 5.14: Number of Times Visited Land Officer

Number of Times	NCP		SP		Total	
	#	% (N=25)	#	% (N=25)	#	% (N=50)
0	3	12	4	16	7	14
1-5	15	60	5	20	20	40
6-10	4	16	5	20	9	18
11-15	3	12	3	12	6	12
16-20	0	0	5	20	5	10
21-25	0	0	0	0	0	0
More than 25	0	0	3*	12	3	6
Total	25	100	25	100	50	100

* 2 respondents visited 40 times and 1 respondent visited 50 times

Source: Survey data, 2011

5.5.3.2 Reasons for Visit Land Officer

The reasons for the number of visits can be categorized into four categories as same as visits of GN. The highest percentage of respondents (28 % in the NCP and 72 % in the SP) visited LO due to absence of an officer. Twenty percent and 48 % of respondents in the NCP and the SP respectively went there to check the progress. Eight percent of respondents in each province visited LO a number of times due to misplacing/hiding of their documents and submitting new request/application. Eight percent in the SP mentioned that they had to visit LO a number of times due to inefficiency of officers (see plate 5.1, 5.2 and 5.3). Service seekers in the NCP mentioned that they had to visit LO a number of times for inquiry (4 %), to collect information (4 %) and due to complexities of procedures. On the other hand service seekers in the SP mentioned that they had visited LO a number of times due to complexities of procedures (4 %) and incomplete application which they submitted.

The distance to LO office varied from 1 to 10 kilometers in the NCP. On the other hand, it varied from 6 to 18 kilometers in the SP.



Plate 5.1 & 5.2: A service seeker sleep on chair in front of the mission board (“Dedicated for service- Protect citizens’ right”) at Thawalama DS office who came to get service from land section and waited around five hours without meeting any relevant officials.



Plate 5.3: The land branch of the Thawalama DS office was with empty seats between 9.00 am to 11.30 am in one of public day (Wednesday, 23 February 2011)

5.5.4 Visits Divisional Secretary

5.5.4.1 Number of Times Visited

After LDO, respondents were inclined to visit the divisional secretary to get service both in the NCP (80 %) and SP (72 %). The number of times visits varied from 0 (12 % of the total sample) to 20 (2 % of the total sample). Twelve, 28, 20, 4, 8 and 8 % of the respondents in the NCP visited the DS to get service in 1, 2, 3, 4, 5 and 10 times respectively. In the SP, each 01 and 8 times were reported by 8 % and 2, 3, 4 and 5 times were reported by 12 % in each. Furthermore, in the SP, each 12 and 20 times were reported in 4 % (Table 5.15). The average number of times visited DS is 3.2 for total sample while it was reported in 3.8 in SP and 2.7 in NCP. Since the LO office is located in the DS's office, service seekers have to travel same distance – they travel to the LO – to reach the DS.

Table 5.15: Number of Times visited Divisional Secretary

Number of Times	NCP		SP		Total	
	#	% (N=25)	#	% (N=25)	#	% (N=50)
0	5	20	7	28	12	24
1	3	12	2	8	5	10
2	7	28	3	12	10	20
3	5	20	3	12	8	16
4	1	4	3	12	4	8
5	2	8	3	12	5	10
More than 5	2*	8	4**	16	6	12
Total	25	100	25	100	50	100

* 10 times

** 2 respondents visited 10 times while 1 respondent visited 12 times and another visited 20 times

Source: Survey data, 2011

5.5.4.2 Reasons for Visited Divisional Secretary

Of those respondents visited the DS, 46 % (48 % in the NCP and 44 % in the SP) visited to check progress of their work. Another 42 % (44 % in the NCP and 40 % in the SP) mentioned that they had to visit the DS a number of times due to busy schedules and absence of the officer. Sixteen percent of the respondents (28 % in SP and 8 % in NCP) reported that they had to visit number of times due to inefficiency of DSs including hand over the new requests or application. Due to complex procedure 4 % (8 % in SP) had to visit number of times. Furthermore, 2 % of the respondents stated that they had to visit number of times due to expectation of bribe of officials.

5.5.5 Visits Provincial Land Commissioner

5.5.5.1 Number of Time Visited

Fourteen percent of the respondents in the total sample (12 % in the NCP and 20 % in the SP) visited PLC to get service. Among the total respondents in the NCP, 8 and 4 % visited PLC by 1 and 2 times respectively. Among the total respondents in the SP, 8 % visited once while

4 % visited two and five times (Table 5.16).

Table 5.16: Number of Times visited PLC

Number of Times	NCP		SP		Total	
	#	% (N=25)	#	% (N=25)	#	% (N=50)
0	22	88	21	84	43	86
1	2	8	2	8	4	8
2	1	4	1	4	2	4
5	0	0	1	4	1	2
Total	25	100	25	100	50	100

Source: Survey data, 2011

An average time of PLC visit was 0.3 for total sample while it was reported 0.4 in SP and 0.2 in NCP. These data shows that though land administration is a PCs subject, service seekers do not have much connection with PLCs. This is because, though land administration is given to PCs, most of the service re-centered with DSs system.

5.5.5.2 Reasons for Visited PLC

Of those visited PLC, mentioned three reasons as follows;

1. Did not provide solution from mobile service (66.7 % of those visited PLC in SP)
2. To check progress (100 % and 66.7 % of those visited PLC in the SP and the NCP respectively)
3. Due to inefficiency of officials (33.3 % of those visited PLC in the NCP).

5.5.5.3 Distance to PLCs

Respondents have to travel around 65-79 kilometers to visit PLC from Thawalama DS division to Galle in the SP. The respondents in the NCP have to travel around 15-20 kilometers to visit PLC from Nachchaduwa DS division to Anuradhapura.

5.5.6 Visits Mobile Service

Nobody visited mobile service in the NCP while 52 % respondents visited in the SP. All relevant agencies collectively contribute for the mobile services. Respondents visit in the SP vary from 01 to 15 times. Twenty-eight percent of respondents visited in 6-10 times while others visited in 1-5 (12 %) and 11-15 (12 %) times to get service. The distance of mobile service depends on the place where it will be held. Respondents in SP mentioned that they had to visit around 15 to 25 kilometers to get service from mobile service. All respondents who had visited mobile service mentioned that due to inefficiency of officials they could have visit.

5.5.7 Visits Other Officers

Eight percent (2) and 4 % (1) of respondents in NCP visited politicians and district land registrar's office to get service while none of respondents in SP visited them. Eight percent (2) and 4 % (1) respondents visited the surveyor by two times to get service in NCP and SP respectively.

5.8 Conclusion

Hundred percent of the respondents have cultivated or developed state lands. Every respondent face problems related to state lands and brought forward those to relevant institutions or officers. These problems can be categorized into two vast areas viz, problems related to legal ownership (getting land permits/license or deed, problem related to land transfer/alienation, problem on mortgaged land to banks, get new land plots) and land disputes. Among these problems, DSs are solely engaged in issuing permission to land mortgage. Both DSs and PCs involve with all other problems in various stages. But Central Government officers; GNs are involved in the initial steps of the land service. Since DSs have more powers and responsibilities on State land administration service seekers have visited and spent more time to get services from Central Government officers when comparing with PCs officers. The time of visited and spent to get service from PLC is

negligible in comparison to other officers.

Highest percentage of problems reported in SP is related with legal ownership while highest percentage of problems in NCP is land disputes. SP has long standing issues compared with NCP. Some cases have more than 20 years history. Rather than the weakness of devolution practices, other factors such as locates in remote area, officers have to cover large area , long and complex procedures of land service delivery, bureaucratic culture, competence of officers and mechanism etc contributes for the above situation.

In both provinces respondents are well informed about duties and responsibilities of GNs, DSs and LOs. But knowledge on PLCs duties/responsibilities varied from 44 % in NCP to 84 % in SP.

Next chapter will present and analyze the data collected though questionnaire survey related to service seekers cost and their satisfaction on service provided by both PCs and DSs.

Cost and Satisfaction of Service Seekers

6.1 Introduction

This chapter presents and analyzes the cost of service seekers and their level of satisfaction on land service delivery. Furthermore, chapter explains the factors affecting on service seekers satisfaction or dissatisfaction.

6.2 Cost of Service Seekers to get Service

Most of the service seekers spent both time and finance to get service in various ways. The total cost of service seekers varied by type of problem, distance of relevant institution, personal relationship with officers and knowledge about service delivery procedures etc.

6.2.1 Time

6.2.1.1 Total Time spent

The time which they spent varied from 0.2 to 14 person days in NCP while it varied from 0.2 to 53.7 person days in SP. The highest percentage of respondents in both NCP (52 %) and SP (20 %) were spent 1>5 person days to get service (Table 6.1). The mean time of NCP respondents is that 4.6 person days while it reported 18.6 person days in SP. The median value reported as 4.1 person days in NCP while it reported as 15 person days in SP. The total respondents in NCP were spent 116.3 person days. In contrast that, 465.1 person days were spent by SP respondents in total. If we consider market value of person day as LKR 800, the total sample has spent LKR 465,120 (LKR 93,040 in NCP and 372,080 in SP). Therefore, on an average a respondent spent around LKR 9,302 by time to get service.

Table 6.1: Respondents by spent Time to get Services

Person Days	NCP		SP		Total	
	#	% (N=25)	#	% (N=25)	#	% (N=50)
> 1	3	12	3	12	6	12
1 > 5	13	52	5	20	18	36
5 >10	6	24	1	4	7	14
10 >15	3	12	4	16	7	14
15 > 20	0	0	2	8	2	4
20 > 25	0	0	4	16	4	8
25 >30	0	0	1	4	1	2
30 >35	0	0	0	0	0	0
35 >40	0	0	1	4	1	2
40 >45	0	0	1	4	1	2
45 >50	0	0	2	8	2	4
50 >55	0	0	1	4	1	2
Total	25	100	25	100	50	100

Source: Survey data, 2011.

6.2.1.2 Time Differentiation by Officers

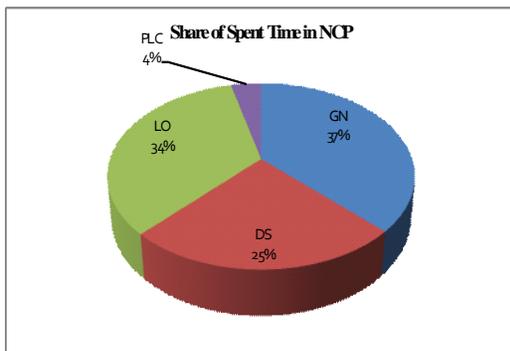
Total sample was spent 568.7 person days (463.8 in SP and 104.9 person days in NCP) to get their services. Data in the Table 6.2 shows that average time spent by service seekers to get their services with different officers. Though land administration is a subject of PCs, time spent by service seekers to get PLCs' service is negligible with compare of other officers. Comparatively, Service seekers have spent more time with Central Government officers such as GNs

Table 6.2: An Average Time spent by Officer (Person Days)

Officer	NCP	SP	Total Sample
<i>Grama Niladhari</i>	1.7	6.6	4.1
Divisional Secretary	1.0	1.0	1.0
Land Officer	1.3	6.5	3.9
Provincial Land Commissioner	0.1	0.5	0.3
Mobile Service	0.0	4.1	2.0

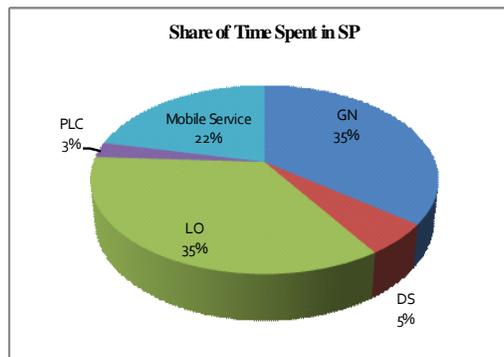
Source: Survey data, 2011.

Graph 6.1



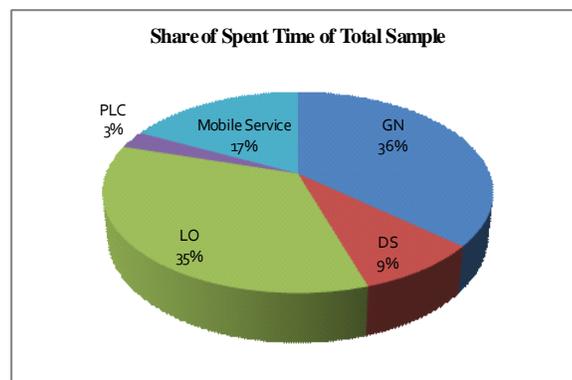
Source: Survey data, 2011.

Graph 6.2



Source: Survey data, 2011.

Graph 6.3



Source: Survey data, 2011.

As show in Graph 6.1, 6.2 and 6.3, without differentiation by provinces, highest percentage of total time (36.4 % or 207 person days) they spent with GN. Next to GN, they spent time to get service from LO who attach to DS office and helps to implement duties and responsibilities of both DSs and PCs. It can be identified large differentiation of spent time to get service from DSs by provinces. The percentage of time spent for DSs varied from 5 % in SP to 25 % in NCP. The respondents in SP have spent 22 % of their total time to get services from mobile services.

Though LOs are PCs officers they have to implement both PCs and DSs duties and responsibilities at DSD. Therefore, the time spent to get services from LOs can not directly consider as time spent with get services from PCs. In total, service seekers have spent more time with Central Government officers viz, GNs and DSs.

6.2.2 Service Charge

Forty-eight percent (12) and 40 % (10) respondents in NCP and SP spent some amount as service charge respectively. They spent the money for stamp fee, certificate fee, tax and for the survey charge. The amount has spent varied from LKR 15 in SP to LKR 8,000 in NCP. 28 % and 12 % of the respondents spent LKR 15>100 while 8 and 4 % of the respondents spent LKR 101>1000 in NCP and SP respectively. Other respondents in NCP spent LKR 2001>3000 (4 %), 5001>6000 (4 %) and 7001>8000 (4 %). In the mean time other respondents in SP spent LKR 1001>2000 (8 %), 2001>3000 (8 %), 4001>5000 (4 %) and 6001>7000 (4 %). Of those respondent spent money as service charge, 8 % in NCP mentioned that he did not receive any receipts for the money while others received it.

6.2.3 Additional Cost

6.2.3.1 Total Additional Cost

In addition to service charge, 84 % (21) and 88 % (22) of the respondents in NCP and SP spent additional amount of money for transport, bribery and fee for lawyer. Sixteen (4) and 12 % (3) in NCP and SP did not bear any amount of money as additional cost for get land service.

The additional cost of NCP varied from LKR 50-2,000 while it varied from LKR 25-14,000 in SP. As data presents in Table 6.3, it can be identified higher variation of additional cost among NCP and SP. Basically, three reasons are contributed to the situation. First, respondents in NCP spent less amount of money for transportation when comparing with SP. This is because of most of the respondents in NCP used bicycles to travel and they have to travel less distance when comparing with respondents in SP. On the other hand, Thawalama Divisional Secretariat is located in a very remote mountain area in SP and people have to spend extra money for private transport due to lack of public transport in the area (see plate 6.1). Second reason is that, though respondents in NCP spent on material or labour as bribes, most of them are not to ready reveal it. Third, around 24 % of the cases in NCP are that request for new land plot in December 2010 while 68 % of cases in SP is older than 10 years.

Then, it is a possibility to spend higher amount of additional cost in SP.

Table 6.3: Respondents by Total Additional Cost

Amount (LKR)	NCP		SP		Total	
	#	% (N=25)	#	% (N=25)	#	% (N=50)
0	4	16	3	12	7	14
1>1000	18	72	7	28	25	50
1001>2000	3	12	0	0	3	6
2001>3000	0	0	7	28	7	14
3001>4000	0	0	3	12	3	6
4001>5000	0	0	1	4	1	2
5001>6000	0	0	0	0	0	0
6001>7000	0	0	0	0	0	0
7001>8000	0	0	1	4	1	2
8001 >9000	0	0	0	0	0	0
9001 > 10000	0	0	1	4	1	2
10001 >11000	0	0	0	0	0	0
11001>12000	0	0	1	4	1	2
12001>13000	0	0	0	0	0	0
13001>14000	0	0	1	4	1	2
Total	25	100	25	100	50	100

Source: Survey data, 2011.

6.2.3.2 Transportation

Sixteen percent (4) and 28 % (7) respondents of the NCP and SP did not spend money for transport. Seventy-two and 12 % of the respondents in NCP spent LKR 50>1000 and 1001>2000 respectively. The respondents in SP spent LKR 100>1000 and 3001>4000 by 20 % in each category. Other respondents in SP spent LKR 1001>2000 (8 %), 2001>3000 (12 %), 6001>7000 (4 %) and 7001>8000 (4 %) and 8001>9000 (4 %) as transport cost.



Plate 6.1: Easy access way to two *Grama Niladhari* Divisions (*Elihela North and Kumberegoda*) which has been selected to the survey. If someone enters from this s/he has to travel 7-10 kilometres to reach the relevant GN divisions using three wheeler (CNG) or own private vehicle. If someone is willing to use public transportation to reach these villages (available only four times a day), s/he has to travel around 12 kilometres using another way and another 4-5 kilometres by private vehicle or by walking.

6.2.3.3 Bribery

Ninety-two percent (23) and fifty-six % (14) of the respondents in NCP and SP mentioned that they did not give bribes to officials or inter-median persons to get service. Of those who claimed that they paid bribes in NCP (8 %) spent LKR 100>1000. Twenty percent of the respondents in SP spent LKR 100>1000. Other respondents in SP spent by 1001>2000 (8 %), 2001>3000 (8 %), 4001>5000 (4 %) and 5001>6000 (4 %). Of those who have given bribes in the Southern Province, 9.1 % of respondents mentioned that they had to provide food and beverage on a number of times when officers came for inquiries while 18.2 % of the respondents stated that they had given tea plants (one by 250 plants and another by 100 plants in late 1990s) to the *Grama Niladhari* to get service. Furthermore, 9.1 % respondents among those who have paid bribes to officials in SP mentioned that they had to work two days in *Grama Niladharis* paddy fields to get service.

It is very difficult to get accurate information related to bribery. According to researcher's experience; actual figure of bribery in NCP may be higher than those amounts. Especially in remote rural areas such as Nachchaduwa in NCP, people pay bribes to officials by material or labour. In general, they do not consider it a bribe but a responsibility/duty or way of paying

gratitude to officials.

6.2.3.4 Average Cost of Service Seekers

In addition service charge service seekers have spent a considerable amount of money as additional cost. According to data given by respondents, researcher has calculated service seeker's average cost as presents in Table 6.4.

Table 6.4: An Average Cost of Service Seekers

Type of Cost	Cost (LKR)		
	NCP	SP	Total
Time (person days)	4.6	18.6	11.6
Market value for time (Person day= LKR 800/=)	3721.60	14,883.20	9302.40
Transport	438.60	2,418.00	1428.30
Bribery	30.00	894.00	462.00
Service charge	967.00	846.10	906.54
Other cost	0.00	81.00	40.50
Total cost with service charge	5157.20	19,122.20	11,739.74
Total cost without service charge	4,190.20	18,276.10	10,833.20

Source: Survey data, 2011.

The government has to spend between LKR 4,000-8,000 to issue a land permit and between LKR 16,000 - 20,000 per a deed including LKR 10,000 of survey cost per an acre (personal communication with relevant officials in NCP and SP). When compared with government expenditure on land service delivery, service seekers have to spend a higher amount of money.

6.3 Respondents Satisfaction on Service

In general, majority of the respondents in both provinces (by 84 % in both provinces) affirmed that they are not satisfied with land service delivery.

6.3.1 Grama Niladhari's Service

6.3.1.1 Level of Satisfaction

As data presents in Table 6.5, 12 % of the respondents (3) in SP are highly satisfied with *Grama Niladhari's* service. These cases were reported from *Kumburegoda* GN division in SP and reason for that the new GN who was appointed a year ago has taken steps to resolve a number of long standing unresolved issues. Forty-eight and 36 % of the respondents in NCP and SP affirmed that they are satisfied even though 52 % of respondents in each province stated that they are not satisfied or highly not satisfied with service delivery by GN.

Table 6.5: Respondent by Satisfaction on Service delivered by GN

Level of Satisfaction	NCP		SP		Total	
	#	% (N=25)	#	% (N=25)	#	% (N=50)
Highly Satisfied	0	0	3	12	3	6
Satisfied	12	48	9	36	21	42
Not satisfied	6	24	9	36	15	30
Highly not satisfied	7	28	4	16	11	22
Do not know	0	0	0	0	0	0
Total	25	100	25	100	50	100

Source: Survey data, 2011.

6.3.1.2 Reasons for Satisfaction or Not Satisfaction

Of those who are satisfied with GN's service has given four reasons for their satisfaction. 33, 42, 67 and 50 % of the satisfied respondents in SP mentioned that dedication for service, efficiency, people-friendly service and act as information provider as reasons for their satisfaction. Fifty percent of the satisfied respondents (6) in NCP mentioned that the efficiency as a reason while the majority of them mentioned people-friendly service (92 %) and act as information provider (92 %) as reasons for their satisfaction.

The respondents, who were not satisfied with service provided by GN, have given a number of reasons for their opinion. Among these reasons NCP respondents stated that inefficiency (84 %), lack of knowledge on land law (38 %), corrupt practices of officials including

favoritism, politicization and provide service based on bribery (47 %) and difficulty to meet (31 %). The majority (93 %) of respondents among those who were not satisfied with the service delivered by GN in SP, stated the inefficiency of the officer as the reason while being unable to provide correct/sufficient information (31 %), provide only lip service (31 %), make delay (15 %), corrupt practices (38 %), unable to provide people-friendly service (15 %), lack of knowledge on land law (8 %), difficulty of meeting (8 %) and non trust behaviour (8 %) mentioned as other reasons.

6.3.2 Divisional Secretaries' Services

6.3.2.1 Level of Satisfaction

Eight percent of the respondents in each province stated that they are satisfied with DS's service but none of respondents is highly satisfied with it. Fifty-six percent of the respondents in each province affirmed that they are not satisfied while 36 % in NCP and 20 % in SP stated that they are highly not satisfied with service delivered by DS. Another 16 % of respondents in SP mentioned that they have no idea about service delivered by DS.

6.3.2.2 Reasons for Satisfaction or Not Satisfaction

Of those who are satisfied with the service provided by DS, mentioned two reasons; dedication for service (by 50 % in each province) and efficiency (100 % in NCP and 50 % in SP) as grounds for their opinion. In contrast with those who were not satisfied with DS's service, mentioned a number of reasons for their answer such as inefficiency, corrupt practices, lack of knowledge on grass-root level problems and situation, lack of knowledge on land law, could not implement proper evaluation system for officials, make delays, do not have enough resource to provide satisfactory service, less experiences on land service and frequently transfer of officials etc (Table 6.6).

Even though most of the reasons related to institutional mechanism than personal weaknesses, the reasons which shows higher value of percentage related to personal weakness such as lack of knowledge on ground level (24 %), politicization of officials (22 %) and do not provide

proper instruction to officials (22 %) etc.

Table 6.6: Respondents by reasons for not satisfactory with DS's services

Reason	NCP		SP		Total	
	#	% (N=23)	#	% (N=23)	#	% (N=46)
Inefficiency	2	8.7	5	21.7	7	15.2
Difficulty to meet	7	30.4	3	13.0	10	21.7
Favoritism	2	8.7	2	8.7	4	8.7
Provide service based on bribery	1	4.3	1	4.3	2	4.3
Lack of knowledge on ground level	6	26.1	5	21.7	11	23.9
Do not implement proper evaluation system for officials	7	30.4	1	4.3	8	17.4
Lack of knowledge on land law	5	21.7	1	4.3	6	13.0
Do not provide proper instruction to officials	7	30.4	3	13.0	10	21.7
Do not provide peoples' friendly service	1	4.3	1	4.3	2	4.3
Do not have systematic way to resolve problems	1	4.3	1	4.3	2	4.3
Make delays	2	8.7	0	0	2	4.3
Politicization of officials	5	21.7	4	17.4	9	19.6
Less experiences on land service	0	0	2	8.7	2	4.3
Frequently transfer of officials	0	0	2	8.7	2	4.3
Do not pay enough attention on land problems	2	8.7	1	4.3	3	6.5
Haven't enough resources	1	4.3	0	0	1	2.2

Note: Total percentage do not equal to 100 due to multiple answers given by respondents

Source: Survey data, 2011

As revealed by field research data, service seekers are mostly dealing with Central Government officers who located in grass root and divisional level to get land service. These officers do not accountable for PCs but they are responsible for the Centre. Therefore, if people face any problem they have to complain to the Central Government agencies. But it is very rare to get satisfy solution for their problems. This situation mostly contributes for the

service seekers not satisfaction with service delivery by DSs offices.

6.3.3 Land Officer's Service

6.3.3.1 Level of Satisfaction

By 8 % of the respondents in SP and NCP were highly satisfied or satisfied with LO's service. Fifty-two and 44 % of the respondents are not satisfied and, are highly not satisfied with service provided by LO in NCP. Among SP respondents 44 and 40 % are not satisfied and highly not satisfied with LO's service. Another 12 % in SP mentioned that they have no knowledge on LO's service.

6.3.3.2 Reasons for Satisfaction or Not Satisfaction

Of those who are satisfied with LO's service in SP, mentioned that customer-friendly service (50 %) and efficiency (100 %) as reasons for their satisfaction while 100 % of satisfied respondents in NCP stated efficiency as a reason.

The majority of those not satisfied respondents in both provinces (79.2 % in NCP and 66.7 % in SP) mentioned that inefficiency as reason for their dissatisfaction of LO's service. Furthermore, most of the respondents in both provinces stated 'land section as a highly inefficient section in DS office'. Next to inefficiency of the officials in land section, corrupt practices (58.3 %) mentioned as one of reasons for not being satisfied in NCP (Table 6.7). It is worth mentioning here that some officers in land section of Nachchaduwa DS office revealed that the government has taken steps to change some of land laws due to corrupt practices of the Nachchaduwa Divisional Secretariat. Of those who are not satisfied in SP, misplace documents (23.8 %), unable to provide people-friendly services (23.8 %) and difficulty of meeting (19 %) as main reasons for their dissatisfaction. Though small percentage as 9.5 % of not satisfied respondents in SP stated that frequent transfer of official as one of reasons, it directly affects the service delivery system and quality of service.

Table 6.7: Respondents by Reasons for Not Satisfied with LDO'S Services

Reason	NCP		SP		Total	
	#	% (N=24)	#	% (N=21)	#	% (N=45)
Inefficiency	20	83.4	14	66.7	34	75.5
Difficulty to meet	2	8.3	4	19.0	6	13.3
Corrupt practices	14	58.3	3	14.3	17	37.7
Lack of knowledge on ground level	0	0	3	14.3	3	6.7
Do not implement proper evaluation system for officials	0	0	2	9.5	2	4.4
Lack of knowledge on land law	1	4.2	2	9.5	2	4.4
Do not provide peoples' friendly service	2	8.3	5	23.8	7	15.5
Do not provide sufficient/correct information	0	0	1	4.8	1	2.2
Do not have systematic way to resolve problems	0	0	2	9.5	2	4.4
Misplaced documents/ do not keep proper records	4	16.7	5	23.8	9	20.0
Less experiences on land service	0	0	2	9.5	2	4.4
Frequently transfer of officials	0	0	2	9.5	2	4.4

Note: Total percentage do not equal to 100 due to multiple answers given by respondents

Source: Survey data, 2011

6.3.4 Provincial Land Commissioner's Service

6.3.4.1 Level of Satisfaction

One respondent among 25 (4 %) is satisfied with PLC's service in NCP. Efficiency of service delivery is the reason for satisfaction. However, no body satisfied with PLC's service in SP. Thirty-two percent and 44 % respondents in NCP and SP expressed that they were not satisfied or highly not satisfied with PLC's service. However, since 60 % of the total sample (64 % in NCP and 56 % in SP) did not have any experience with PLC, they were reluctant to express their perception about PLC's service.

6.3.4.2 Reasons for Satisfaction or Not Satisfaction

As same as other officials, the majority of the respondents (87.5 % in NCP and 90.9 % of SP) stated that inefficiency as one of reasons for their not being satisfied (Table 6.8). Twenty-five and 18 % of respondents in NCP and SP identified the Provincial Council as an institution for making delays. Of those who were not satisfied with PLC service in SP, 27.2 % mentioned that corrupt practices of officials contributed for their not satisfaction.

Table 6.8: Respondent by Reasons for Not Satisfied with PLC’S Services

Reason	NCP		SP		Total	
	#	% (N=8)	#	% (N=11)	#	% (N=19)
Inefficiency	7	87.5	10	90.9	17	89.5
Difficulty to meet	0	0	1	9.1	1	5.3
Corrupt practices	0	0	3	27.3	3	15.8
Do not provide peoples friendly service	0	0	1	9.1	1	5.3
Make delays	2	25.0	2	18.2	4	21.0
Politicization of officials	1	12.5	1	9.1	2	10.5
Frequently transfer of officials	0	0	1	9.1	1	5.3

Note: Total percentage do not equal to 100 due to multiple answers given by respondents

Source: Survey data, 201

6.3.5 Satisfaction on Mobile Service

Twenty percent of the respondents in SP affirmed that they are not satisfied with mobile service which has been implemented by the PC. Others stated that since they did not have any experience with mobile service they can not express any idea about service of PLC.

6.4 Negative Bureaucratic Behavior of Officials

Twenty percent and 36 % of respondents in NCP and SP mentioned that they faced negative bureaucratic practices such as asking for bribe, favoritism/nepotism of the officials, scolding service seekers, not providing customer-friendly service, asking come again repeatedly,

making delays and hiding documents etc. Of those respondents in NCP, 25, 50 and 72 % faced negative bureaucratic attitude of GN, DS and LDO respectively. Of those who faced negative bureaucratic attitude in SP, 44, 28 and 72.2 % experienced it from GN, DS and LO respectively.

6.5 Conclusion

Most of the service seekers spent both time and money to get service in various ways. In addition to service charge, around 86 percent of the respondents spent an additional amount of money for transport, bribery, fee for lawyers and private survey in state granted lands. The additional cost of NCP varied from LKR 50 to 2,000 while it varied from LKR 25 to 14,000 in SP. The average cost (excluding service charge) of service borne by seekers is LKR 4,190 in NCP and LKR 18,276 in SP.

Eighty-four percent of the respondents in each provinces were not satisfied with land service delivery. However, 48 percent of the respondents in each provinces were satisfied with GN's service while 8 percent of the respondents in each provinces were satisfied with DS's and LO's services. Four percent of the respondents were satisfied with PLC's service in NCP while nobody was satisfied in SP. Efficiency, customer friendly service, dedication for service are the main reasons for satisfaction of the service seekers. Inefficiency, negative bureaucratic behaviour, corrupt practices, lethargy, lack of knowledge on land laws and ground level situation and peoples do not have place/institution to bring forward their grievances and malpractices of the officers.

Twenty and 36 percent of the respondents in NCP and SP faced negative bureaucratic behaviour such as asking for bribes, favoritism/nepotism of the officials, scolding service seekers, not providing customer-friendly service, asking come again repeatedly, making delays and hiding documents etc.

Next chapter will conclude the whole study and its findings. Furthermore, next chapter will present further research area which found from the present study

Chapter Seven

Conclusion

7.1 Conclusion

After many years of discussions, agitations, negotiations and many attempts at power devolution as far back as in 1928, the Provincial Council (PC) system was established in 1987 in Sri Lanka. This initiation appeared to have had the objective of meeting the aspiration of the Tamil majority that largely inhabited in the northern and eastern provinces of the country. Land (administration) was one amongst the 37 devolved subjects under the Thirteenth Amendment to the Constitution of Sri Lanka and was the focus of analysis in the present study. Though land administration is given to PCs, most of the functions of land administration were recentralized in 1992 under the Transfer of Powers (Divisional Secretaries) Act and establishment of Divisional Secretaries (DSs) System.

The first chapter of the thesis presents the background and the context of the study, significance, problem statement, objectives, hypothesis, theoretical framework, research methods and scope and limitation of the study. The present study was commenced with the objective of examining the impact of the conflict between devolution and de-concentration on the quality of the land service delivery being provided by PCs and DSs in Sri Lanka. The study had two specific objectives viz identify factors affecting the land service delivery in both DSs and PCs and assess the quality of the land service delivery by both decentralized institutions in terms of time, cost, level of satisfaction and bureaucratic approach etc. The hypothesis of the study was that people are unable to get expected service on land due to institutional problem or conflict between de-concentration administration and devolved system of administration in Sri Lanka. The situation further deteriorates by bureaucratic behaviour of officers.

The literature on decentralization has provided theoretical framework of the study. Research has built up analytical framework on the basis of literature of decentralization. The independent variable of the study was the quality of the land service while four dependent

variables viz; central control, institutional capacity, service delivery mechanism and bureaucratic behaviour were used for the study. The hypothesis of the study was tested in Thawalama and Nachchaduwa DSDs in Southern Province and North-Central Province respectively. The study area was selected in accordance with the importance of the land service delivery and land related Statutes passed by the PCs. The total sample of the field research was 70 including 50 service seekers and 20 officials. The researcher used three types of data collection method such as content analysis, survey methods (questionnaire survey for the service seekers and in-depth interview for the officers) and case studies.

The chapter two presents a brief history of decentralization in Sri Lanka. In this chapter the researcher discusses evolution and expansion of deconcentration administration system and devolved administration system of the country. Furthermore, it discusses the divisions of functions, power and responsibilities among PCs and DSs officers. This chapter reveals that though land administration is one of devolved subjects for PCs, most of the functions, responsibilities and powers re-centered to DSs under the Transfer of Power (Divisional Secretaries) Act and it has resulted in overlapping functions and responsibilities of the PCs' subjects with the DSs'. Furthermore, it helps to sharpen or increase complexities of the Provincial Council subjects such as land. With this complex situation it creates some conflicts between PCs and DSs system, especially in service delivery.

The chapter three and four examines the factors influencing the performance of the land service delivery within the framework of PCs and DSs systems. Within this chapter the researcher explains the constitutional, legal, administrative and resources arrangements of the both agencies and the process of the land service delivery by both institutions. The chapter reveals that in addition to a weakness that emerges from the defective constitutional deficiencies, powers of PCs have been decreasing with the combination of other central control practices of finance, legal and administrative capacities. Furthermore, some other factors like master subordinate frame of mind and relationships between Centre and PCs and lack of desire of PCs' higher authorities to enact legal provisions on their subjects badly affect on land related duties.

The third chapter reveals that land as a devolved subject has a number of blurred provisions. When referring to Appendix II of List I, it seems that PCs are given land administration but not the entire land subject. The land ownership, disposition and land granting power remain with the president of the country but not with the devolved units. The centre has been implementing most of the power through DSs under the Transfer of Power (Divisional Secretaries) Act No.58 of 1992. The power and responsibilities of PCs given under the List I of Ninth schedule have seriously been limited by Appendix II of the same list. Furthermore, the government uses Article 33(d) of the Constitution as a controlling tool of PCs under the clause in 'National Policy' in the List II of the Ninth schedule. In addition to above situation, unclear demarcation of each tiers of the government makes delays, overlapping functions, duties and responsibilities causing stress on officials as well as service seekers.

In addition to above, the Centre controls PCs in many ways using the Governor's power. The Governor's power is used by withholding the governors' approval for Provincial land Statutes even if they have been passed by PCs. Thus, it appears that using the above mentioned legal provisions, the Centre implements 'recentralization' under the banner of the decentralization in Sri Lanka.

PCs are mostly dependant on the Central Government funds except for the modest amount of money they collect as revenue from the citizens of the respective provinces. Therefore, the Government has many chances to control fiscal capacity of PCs. The Government controls their finance capacity using various methods such as making delays to approve development budget by the Finance Commission as well as slashing significant portions of approved budgets by the treasury etc.

When PCs were established, the Government expected to create provincial level administrative system to perform PCs' functions and responsibilities. But it was not realized due to many reasons and the Government took steps to re-allocate some important post to the centre such as the Divisional Secretaries and *Grama Niladharis*. This has caused fragmented institutional mechanism for service delivery and co-ordination between the Centre and PCs. Furthermore, when the PC system was introduced, the Government abolished or reduced a

considerable number of carders in land subjects in comparison to the previously existed *Kachcheri* system. Besides that the Centre took steps to abolish a large number of carders of the Provincial Land Commissioner Departments through the Government's Management Circular of 2002/16/1. In addition, by causing delays in granting approval for recruitment for 2-3 years for filling PC vacancies, the Centre has had controlling or constraining effect on those.

Furthermore, DS positions remain vacant for long periods in remote rural divisional secretariats like of Thawalama. This extremely curtails the land service delivery in such locations. In addition to that, though land is a very important subject, DSs have little time to pay attention on land subject.

The chapter four reveals that there is no legal mechanism except the letter of appointment issued by the governor to DSs for co-ordination between DSs and PCs. However, this letter is not issued in all provinces including in the North Central Province. Therefore, it results in a gap between PCs and DSs. In addition to institutional problems, bureaucratic behaviour and cultural practices contribute to increase existing gap between PC and DS officials. This is clear in service delivery system on land subject.

Chapter five analyzes the perceptions and experiences of the service seekers. It reveals that service seekers spent higher amount of the time to get the service from the Central Government officers such as GN and DS. Compared with other officers, they spent negligible amount of the total time to get the services from the PLCs.

Chapter six analyzes the cost and satisfaction of service seekers on service delivery. A great majority of the service seekers (84%) in both provinces affirmed that they were not satisfied with land service delivery by both institutions. Long delays in problem solving, lethargy or inefficiency of officials, high costs involved in transportation for availing services, bribery or other charges, high survey and lawyer's fee and negative attitude of officers etc were the factors affecting citizens' dissatisfaction.

Even though Sri Lanka has been implementing both de-concentrate administrative system in the sub district level as well as devolve system of administration in the provincial level, most of the officers attached to these institutions are not free from their traditional bureaucratic heritage. Therefore, the service delivery system of both agencies is not customer-friendly and is not in a position to provide a good quality and efficient service to the public. Though DSs system provides (physically) easy access to services, in a divisional level, the system provided increased opportunities for malpractices and corruption, especially in land subject.

Finally, present study has proved the validation of its hypothesis. The study reveals that due to the institutional problem or the conflict between DSs and PCs and the negative bureaucratic attitude of the officials, the service seekers are unable to get the expected services from the decentralized institution.

7.2 Suggestions

1. If land subject (administration) will further continue to be vested with PCs, it must provide clear legal and constitutional provisions as well as clear demarcation of each tiers of the government.
2. Though DSs provide local administration, they are responsible to the centre not to PCs. It is needed to attach them and their staff to the PCs. It will help to reduce unnecessary delays and conflict on the service delivery.
3. Provincial councils need to take action to enact laws related to own subject and implement those.
4. With the establishment of National Land Commission as mentioned in Appendix II of List I of Ninth Schedule to the Thirteenth Amendment, it can resolve a number of problems related to land subjects such as co-coordinating problems, overlapping duties and responsibilities etc.

7.3 Further Research Area

During the field research and literature review, other important areas of research related to it were surfaced.

1. With the establishment of divisional secretariat system in 1992, the entire local governing system has been changed in many aspects including that of the service delivery system and relationship between the service seekers and the officials, bureaucratic culture etc. It will be useful to do a field to study to examine the impacts of these changes in terms of socio, economic and cultural aspects.
2. Findings of the present research reveals that the decentralization practices of Sri Lanka viz DS system and PCs system provide enhanced opportunities for corrupt practices at grassroots level. Therefore to examine the factors contributing to above and its effects and impacts on the service delivery and the public as well as the common or public property will be another study area related to present study.
3. During discussions and consultations with the officials, it was revealed that the legal provisions and land policy was not compatible in the existing context. The continuities and discontinuities of the land policy in the context of decentralization or compatibility with present context will be another study area.
4. The researcher has noted that some differentiation of service delivery, people's trust and bureaucratic attitude of the field level staff with gender differences. Though this research couldn't explore this field, it can be identified as a future research area related to public administration and public policy.

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Annex 01: Divisions of Subjects among PCs and the Government

Provincial Council List (List I)	Reserved List (List II)	Concurrent List (List III)
<ol style="list-style-type: none"> 1. Police and Public Order 2. Planning and implementation of provincial economic plans 3. Education and educational service 4. Local government 5. Provincial housing and constructions 6. Road, bridges and ferries thereon within the PC other than national highways and national bridge and ferries 7. Social services and rehabilitations 8. Regulation of road passenger carriage services and the carriage of goods by motor vehicles within the provinces of inter provincial road transport services 9. Agriculture and agrarian services 10. Rural development 11. Health 12. Indigenous medicine 13. Rest houses maintained by local authorities 14. Pawn brokers 15. Markets-fairs 16. Food supply and distribution within the province 17. Co-operatives 18. Land 19. Irrigation 20. Animal husbandry 21. Subject to the formulation and implementation of National Policy in 	<p>National policy on all subjects and functions</p> <p>Defence and national security</p> <p>Foreign affairs</p> <p>Post and telecommunications, broadcasting, television</p> <p>Justice in so far as it relates to the judiciary and the courts structure</p> <p>Finance in relation to national revenue, monetary policy and external resources, customs</p> <p>Foreign trade, inter province trade and commerce</p> <p>Ports and harbours</p> <p>Aviation and air ports</p> <p>National transport</p> <p>Rivers and waterways, shipping and navigation, maritime zones, exclusive economic zones and continental</p>	<ol style="list-style-type: none"> 1. Planning 2. and 3. Education and educational services 4. Higher education 5. National housing and constructions 6. Acquisitions and re-acquisitioning of property 7. Social services and rehabilitation 8. Agriculture and agrarian services 9. Health 10. Registration of births, marriages and deaths 11. Renaming towns and villages 12. Private lotteries within the province 13. Festival and exhibitions 14. Rationing of food and maintenance of food stocks 15. Co-operatives, co-operative banks 16. Surveys 17. Irrigation 18. Social forestry and protection of wild animals and birds 19. Fisheries

<p>regard to development and planning, the power to promote, engage in agricultural, industrial, Commercial and trading enterprise and other income generating projects within the province</p> <p>22 Reformatories, borstal institutions</p> <p>23. Possession, transport, purchase and sale of intoxicating liquors</p> <p>24. Burials and burial grounds, cremations and cremation grounds other than national memorial cemeteries</p> <p>25.1 Libraries, museums and other similar institutions controlled or financed by a Provincial Council</p> <p>25.2 Ancient and historical monuments and records other than those declared by or under law made by Parliament to be of national importance</p> <p>26. The regulations of mines and mineral development to the extent permitted by or under any law made by parliament, within the province</p> <p>27. Incorporations, regulations and judicial winding up of corporations with objects confined to the province excluding trading corporations, banking, insurance and financial corporations</p> <p>28. Regulation of unincorporated training literary, scientific, religious and other societies and associations</p> <p>29.1 Theatres and dramatic performance, music, cinemas entertainments and amusements, excluding the sanctioning of cinematography films for exhibition</p>	<p>shelf and internal waters, state lands and foreshore except to the extent specified in item 18 of List I</p> <p>Minerals and mines</p> <p>Immigration and emigration and citizenship</p> <p>Elections including presidential, parliament, provincial councils and local authorities</p> <p>Census and statistics</p> <p>Professional occupations and training</p> <p>National archives</p> <p>All subjects and functions not specified in List I or List III</p>	<p>20. Animal husbandry</p> <p>21. Employment</p> <p>22. Tourism</p> <p>23. Trade and commerce</p> <p>24. Newspapers, books and periodicals and printing presses</p> <p>25. Offences against statutes with respect to any matters specified in this List</p> <p>26. Fees of respect of any of the matters in this list, excluding fees taken in any court</p> <p>27. Charities and charitable institutions</p> <p>28. Price control</p> <p>29. Inquiries and statistics for the purpose of any of the matters in this List or in the Provincial Council List</p> <p>30. Adulteration of food stuffs and other goods</p> <p>31. Drugs and poisons</p> <p>32. Extension of electrification within the province and the promotion and regulation of the use of electricity within the province</p> <p>33. Protection of the environment</p> <p>34. Archaeological sites and remains</p> <p>35. Prevention of the extension from one province to another of infections or contagious</p>
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<p>and public performances</p> <p>29.2 Encouragement and development of sports</p> <p>30. Betting and gambling other than imposition of license fees and taxes</p> <p>31. Provincial debt</p> <p>32. Offences against statutes with respect to any other matters specified in the list</p> <p>33. Fees in respect of any other matters in this List, excluding fees taken in any court</p> <p>34. Development, conservation and management of sites and facilities in the province for the generation and promotion of electrical energy</p> <p>35. Borrowing of money to the extent permitted by or under any law made by parliament</p> <p>36.1 Turnover taxes on wholesale and retail sales within such limits and subject to such exemptions as may be prescribed by law made by parliament</p> <p>36.2 Betting taxes and taxes on prize competitions and lotteries, other than National Lotteries and lotteries organized by the Government of Sri Lanka</p> <p>36.3 License taxes, arrack, toddy rents, tapping license fees and liquor license fees</p> <p>36.4 Motor vehicle license fees within such limits and subject to such exemptions as may be prescribed by law made by parliament</p> <p>36.5 Dealership license taxes on drugs</p>		<p>diseases or pests affecting human beings, animals or plants</p> <p>36. Pilgrimages</p>
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<p>and other chemicals</p> <p>36.6 Stamp duties on transfer of properties such as lands and motor cars</p> <p>36.7 Toll collection</p> <p>36.8 Fines imposed by courts</p> <p>36.9 Fees charged under the Medical Ordinance</p> <p>36.10 Fees charged under the Motor Traffic Act</p> <p>36.11 Departmental fees in respect of any of the matters specified in this list</p> <p>36.12 Fees under the Fauna and Flora Protection Ordinance</p> <p>36.13 Fees on lands alienated under the Land Development Ordinance and Crown Lands Ordinance</p> <p>36.14 Court fees including stamp fees on documents produced in court</p> <p>36.15 Regulatory charged under the Weight and Measures Ordinance</p> <p>36.16 Land revenue, including the assessment and collection of revenue and survey and maintenance of land records for revenue purposes</p> <p>36.17 Taxes on lands and buildings, including the property of the state to the extent permitted by law made by parliament</p> <p>36.18 Taxes on mineral rights within such limits and subject to such exemptions as may be prescribed by law made by parliament</p> <p>36.19 Licensing fees on the possession transport, purchase and sale of intoxicing</p>		
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liquors 36.20 Other taxation within the Province in order to raise revenue for provincial purposes to the extent permitted by or under any law made by parliament 37. Protection of environment within the province to the extent permitted by law		
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Source: The Constitution of the Democratic Socialist Republic of Sri Lanka

Annex 02: Tentative Questionnaire for Service Seekers

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Code Number

(This questionnaire data will use only for the thesis writing on “Devolution versus Deconcentration: A Study on Land Service Delivery in Sri Lanka” which have to submit to the North South University, Bangladesh for the partial fulfillment of MPPG)

Basic Information

1. Province:.....
2. Divisional Secretariat Division:.....
3. *Grama Niladhari* Division:.....
4. Name of the service seeker: Miss/Mrs/Mr.....
5. Address:.....
6. Telephone Number, if you have.....
7. Date of the interview:.....

01. Personal Information

Information	Code number/ relevant figure
1.1 Gender	
1.2 Age	
1.3 Level of education	
1.4 Functional status	
1.5 Primary occupation/income	
1.6 Secondary occupation, if any	
1.7 Marital status	

Code:

- | | | | |
|-------------------------------|--|---|--------------------------|
| <u>1.1 Gender</u> | <u>1.4 Functional status</u> | <u>1.5 & 1.6 Primary & Secondary Occupation</u> | |
| 0. Female | 1. Employee | 1. Farmer | 2 Agricultural labour |
| 1. Male | 2. House wife | 3.Non agricultural labour | 3. |
| | Unemployed | 4. Self Employment | 5. Skilled job |
| | 6.Private sector employment | | 4. Elderly |
| | | 7. Government Sector employment | |
| | | 8. Pensioner | 9. NGO sector employment |
| | | 10. Trader | 11. Entrepreneur |
| | | 12.Other (Specify) | |
| <u>1.3 Level of education</u> | | <u>1.7 Marital status</u> | |
| 1.1-5 years | 2. 6-11 years | 1. Married | 2. Unmarried |
| 3. Passed GCE O/L | 4. Passed GCE A/L | 3. Widow | 4. Divorced |
| 5. Degree or above | 6. No Schooling (But can read and write) | | |
| 7. Can not read and write | | | |

2.0 Problems related to state land

2.1) Do you have cultivated/developed any state land belongs to you?

Code: 1. Yes 2.No

2.2) Have you faced any problem related to state land at any time?

Code: 1. Yes 2. No

2.3) If, answer to above question is “yes” what type of problem you have faced? Please tick relevant answers.

Problem	Tick relevant answer/s
1. Problems on getting land permit/license	
2. Land dispute	
3. Problems on alienation/transfer	
4. Problems related to boundary	
5. Other (specify)	

2.4) Have you forwarded your problem to relevant institution/officials?

Code: 1. Yes 2.No

2.5) If you have forwarded, please provide following information

Problem (2.5.1)	Forwarded Institution/ Official (2.5.2)	Date of forwarded (2.5.3)	Present situation (2.5.4)
1. Problems on getting land permit/license			
2. Land dispute			
3. Problems on alienation/ inheritance transfer			
4. Problems related to boundary			
5. Other (specify)			

Code:

2.5.2 institution/officials

1. Grama Niladhari 2. Divisional Secretary 3. Land Development Officer
4. Provincial Council Land Office 5. Other (specify)

2.5.4 Present situation

1. Resolved 2. Preliminary inquiry has done 3. Forwarded to higher authority
4. Forward to peace council 5. Nothing has done 6. Other (specify)

2.6) If, your problem has resolved, how long it took? Years Months

2.7) If, your problem has not resolved yet, what are the reasons for that?

- 1.....
2.....

- 3.....
- 4.....
- 5.....

2.8) If, you did not forwarded your problem what are the reason for that?

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

3.0 Knowledge about service providers

3.1) Do you know following institutions/officials have responsibilities to provide land service? (Please tick relevant cage)

Institution/official (3.1.1)	Yes (3.1.2)	No (3.1.3)
1. <i>Grama Niladhari</i>		
2. Divisional secretary		
3. Land Development Officer		
4. Field Advisor		
5. Provincial Land Commissioner Department		

3.2) If, you have informed about above service providers, Do you know what type of service they provide to the citizen? Please mention.

Institution/official (3.2.1)	Type of service (3.2.2)
1. <i>Grama Niladhari</i>	
2. Divisional secretary	
3. Land Development Officer	
4. Provincial Land Commissioner Department	

4.0 Frequency of visit to relevant offices

4.1) How many time you have visit the following offices to get your service?

Institution/official (4.1.1)	Number of visits (4.1.2)
1. <i>Grama Niladhari</i>	
2. Divisional secretary	
3. Land Development Officer	
4. Provincial Land Commissioner Department	
5. Other (specify)	

4.2) If you have visited more than one time to meet relevant officials/institutions, please provide following information. If you have number of reasons, please give it in accordingly importance.

Institution/official (4.2.1)	Distance from your home (km) (4.2.2)	Reason/s for number of visits (4.2.3)
1. <i>Grama Niladhari</i>		
2. Divisional secretary		
3. Land Development Officer		
4. Provincial Land Commissioner Department		
5. Other (specify)		

Code: 4.2.3 Reasons for number of visits

1. Incomplete application
2. Relevant officer did not duty report on the day.
3. Though officer has duty reported s/he was not at the office
4. Other (specify)

5.0 Time

5.1) What is the total time you have spent for the service from initial step to-date/ final stage?

Person days

Person hours

5.2) Please provide following information.

Institution/official (5.1.1)	Number of visits (5.1.2)	Total time have spent (person hours) (5.1.3)
1. <i>Grama Niladhari</i>		
2. Divisional secretary		
3. Land Development Officer		
4. Field Advisor		
5. Provincial Land Commissioner Department		
6. Other (specify)		
Total person hours		

6.0 Cost

6.1) How much you had to pay as a service charge?

Category (6.1.1)	Amount (Rs) (6.1.2)
1. For application	
2. For stamp fee	
3. Other (Specify)	
Total	

6.2) Did relevant officials give you official receipt for your payment?

Code: 1. Yes 2. No

6.3) In addition to above amount, did you pay/spent any amount to get your service?

Code: 1. Yes 2. No

6.4) If, answer to question number 6.3 is “yes” please provide following information. If you have pay in material please give market value of relevant materials.

Reasons for paying (6.4.1)	Amount (Rs) (6.4.2)
1. For brokers/intermediate persons	
2. As a bribery for officials	
3. To meet politicians	
4. To filled the forms	
5. Other (specify)	
Total	

7.0 Satisfaction

7.1) Are you satisfied with land service delivered by relevant officials/ institution, in generally? Code: 1. Yes 2.No

7.2) Degree of satisfaction on land service delivery by each officials/institutions

Institution/official (7.2.1)	Level of satisfaction (7.2.2)
1. <i>Grama Niladhari</i>	
2. Divisional secretary	
3. Land Development Officer	
4. Field Advisor	
5. Provincial Land Commissioner Department	
6. Other (specify)	

Code: 7.2.2 Level of satisfaction

1.Highly satisfy 2.Satisfy 3.Not satisfy 4.Highly not satisfy 5.Not known

7.3) If, you are satisfy with land service delivery by relevant agencies, What are the reasons?

Please give reasons in accordingly priority.

Institution/official (7.3.1)	Reasons for satisfaction (7.3.2)
1. <i>Grama Niladhari</i>	1. 2. 3.
2. Divisional secretary	1. 2. 3.
3. Land Development Officer	1. 2. 3.
4. Field Advisor	1. 2. 3.
5. Provincial Land Commissioner Department	1. 2. 3.
6. Other (specify)	1. 2. 3.

7.4) If you are not satisfy with land service delivery what are the reasons? Please give reasons in accordingly priority.

Institution/official (7.3.1)	Reasons for not satisfaction (7.3.2)
1. <i>Grama Niladhari</i>	1. 2. 3.
2. Divisional secretary	1. 2. 3.
3. Land Development Officer	1. 2. 3.
5. Provincial Land Commissioner Department	1. 2. 3.
6. Other (specify)	1. 2. 3.

8.0 Negative bureaucratic behaviour

8.1) Did you face any negative bureaucratic behaviour related to land service delivery?

Code: 1. Yes 2. No

8.2) If, answer is “yes” to above question, what are those?

Institution/official (8.2.1)	Negative bureaucratic behaviour (8.2.2)
1. <i>Grama Niladhari</i>	1. 2. 3.
2. Divisional secretary	1. 2. 3.
3. Land Development Officer	1. 2. 3.
5. Provincial Land Commissioner Department	1. 2. 3.
6. Other (specify)	1. 2. 3.