

**Challenges of Resource Distribution:  
A Case Study on the Distribution of Educational Resources  
in Southern Provincial Council**

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*Dedicated to,  
All who encouraged me*

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## **ABSTRACT**

Sri Lanka has made numerous attempts for devolution of power since 1928. In November 1987, Sri Lanka government enacted Thirteenth amendment of the constitution and established the Provincial Councils (PCs) in 1988. The 13<sup>th</sup> amendment to the constitution and Provincial Council Act No 42 of 1987 deal with the power and functions of the PCs.

Disparity in the distribution of human resources between provincial and national school is a big issue in the education system of Sri Lanka. Most of the schools which come under the provincial level are suffering due to the inadequacy of human, physical and financial resources.

The study attempted to examine, how effective the arrangement within the provincial council system in removing the disparities in the field of education. The general objective of the study is to examine the Identify the challenges face by Southern provincial council in relation to resource distribution to the schools.

The study was conducted in southern provincial council in Sri Lanka. The study was carried out based on both qualitative and quantitative methods. Though the qualitative method took significant place to analyze and interpret data.

The major findings of the study is that though Education Ministry implemented several strategies and innovations meant to improve the resource distribution process, it failed to ensure the better resource distribution to the schools. The main factor for that it doesn't has an appropriate constitutional and legal framework, institutional capacity, service delivery mechanism built up by public-private partnership and mutual understand between national and local political leadership. This situation lead to emerge the various challenges in resource distribution include shortage of sufficient and competence human resources, inconsistency politics, unclear powers and functions to undertake the resource distribution, inadequate financial resources, inadequate physical resources,

The poor quality of the large number of small schools in economically disadvantaged locations in Sri Lanka has been an issue of concern over the years and the inequitable distribution of teachers and paucity of resources have exacerbated the situation. It was found that establishing equity in the resource allocations between national and provincial schools is a key challenge for the general education system.

The centralized education system in Sri Lanka has resulted in an inefficient and thus inequitable provision of educational opportunities. Decentralization is recommended, so that decisions can be made closest to the location where the decision will have most impact. Such a system would help to promote efficiency, effectiveness, and equity in education system in Sri Lanka.

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## LIST OF ABBREVIATIONS

BTT	Business Turnover Tax
CBT	Criteria Based Grant
DO	Divisional Officer
DS	Divisional Secretary
DSD	Divisional Secretariat Division
DPD	Deputy Provincial Director
DER	Department of External Resources
HR	Human Resource
IDLO	International Development Law Organization
NDC	National Education Commission
NCE	National College of Education
NGO	Nongovernmental organization
MOE	Ministry of Education
MAB	Management Advisory Board
MIAC	Management Improvement Advisory Committee
PC	Provincial Council
PD	Provincial Director
PME	Provincial Ministry of Education
SPC	Southern Provincial Council
TTC	Teachers Training Center
TC	Teachers Center
UN	United Nations
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
WB	World Bank

## **CHAPTER 01**

### **INTRODUCTION**

The devolution is an organizational arrangement widely used in modern states to arrange power sharing in government. Devolution is the most extreme form of decentralization and some are identified it as a democratic form of a decentralization. It is considered as true decentralization or genuine decentralization (Forge, 2002; 11, UNDP, 1999: 6 cited in Utomo, 2009:3).Devolution may create or strengthen of independent units or tiers of government. It transfers authority for decision making, finance and management to local government units with cooperate status (Rondinelli, 1980).

Sri Lanka has experimented number of attempts for devolution of power since 1928. For an example, the idea of provincial councils introduced by the Donoughmore Commission in 1928, the District Council Proposal submitted in 1947, Regional Council Proposal submitted in 1955 by the Choksy Commission, the Rata Sabha Proposal introduced in 1958 under the Bandaranayake- Chelvanayagam agreement and the District Council Proposal introduced in 1968 can be identified as early attempts taken by Sri Lanka to devolve power. Provincial Councils System in 1987 was the final attempt.

In November 1987, Sri Lanka government enacted Thirteenth amendment of the constitution and in 1988 established the Provincial Councils (PCs). They have been provided legal power from Provincial Council Act No. 42 of 1987. Provincial Councils have separate legislatures, board of ministers, separate provincial ministers, provincial bureaucracy and provincial public service commission. Each PC consists of members elected by the voters of the province based on the proportional representative system. A governor is appointed by the president of the republic in respect of each province for five year term. The governor's power includes summoning, proroguing, and dissolving the PC. The executive power, extending to matters with respect to the PCs statute making authority, vested with the governor. A

board of ministers is appointed from among the members of the council with the chief ministers as its head.

According to the Thirteenth Amendment of constitution, the function of the government and PCs are listed in the Ninth schedule to the constitution. It includes the subject arrangement between the Centre and the Provincial Councils as provide in the three lists of powers, namely, the Provincial List, the Reserved List and Concurrent List. It can be observed that sound constitutional provisions have been made to grant wide powers to the PCs such as legislative, executive, judicial, law and order. The Education is the one of important subject which has been assigned to provincial councils.

### **1.1 Decentralization of Educational Administration**

According to the Sri Lankan experience, for the first time, under the Donoughmore commission 1933 there was an executive committee on education to implement administrative decision. It created a system of centralized administration, based on Colombo. The Department of education was one of the forty departments of the colonial government and the director could make his own decisions and even authority to recommend the executive committee.

After achieving independence Sri Lankan Education system was managed by central department, and this was the largest state organization in the country.

In 1968, there were some reforms to decentralize the country's administration. According to this reform 14 educational departments were established and each under a director. Each region had one or more districts under a chief education officer. Under these reforms regional director carried out educational programmes based on policy laid down by the minister. However, in that period there was a tendency towards centralizing administration of the education system, though the system was in a decentralized format. The workload of the head office of the department of education increased in the sixties to an unprecedented extent.

Besides the direct management of nearly 8000 schools publishing and distributing, revising curricular reform also were become responsibilities to the department.

Although there were proposals to decentralize the education system. They were not implemented. A unit for the training of administrative officials was initiated for the first time by the ministry of education.

In 1978, the government made a new proposal, to decentralize educational administration by delegating authority to regional offices.. The country was divided in to 25 educational regions with 7 sub regions and 17 schools clusters, by this proposal. The functions of the ministry were detailed in the report of 1983; those were to be policy formulation, national Education planning and evaluation of the organization network at all levels, assigning programme targets to the districts, evaluation of programmes performance, and evaluation of managerial personnel. (Udagama, 1994) By 1984, there were 25 regional educational offices with 16 sub-regional offices in Sri Lanka. The number of school clusters increased to 57. This regional division was created under the control of assistant director. The director was given responsibilities in administration, in financing and in the implementation of school works

By 1987 every school was zoned and school development societies were also established. According to the Act no 42 of 1987, the administrative powers and functions were devolved to the provincial council and education was one of the subjects that assigned to the authority of provincial councils.

Under the 13<sup>th</sup> Amendment the following educational powers and functions were devolved to the provincial council:

01. Provision of all facilities for all state schools other than special field school (National school)
02. Supervision of the management of (a) preschools; and (b) all state school other than specified schools.



03. The transfer and disciplinary control of all educational personnel; i.e. teachers, principals and education officers
04. Recruitment in to the teaching service of those with diplomas and degrees, from colleges of education and universities, recognized as teaching qualifications.
05. Until adequate number of these categories is available, recruitment in to the teaching service will be on the results of recruitment examination conducted by public service commission. On the results of these examinations, interviews and selection will be conducted together with the provincial authorities.
06. Training of teachers and other educational personnel will come with the purview of the National Institute of education. Provincial authorities will indicate their needs to the National Institute of Education.
07. Appointment of principles of A, B, C will be by the secretary to the Ministry of the Minister in charge of the subject of education or the public service commission.
08. Appointment of provincial Board of Education, which will have advisory functions, will be the responsibility of Minister of Education. However, this will be done with the concurrence of the chief Minister of the provincial authority.
09. Preparation of plans (educational development plan, and annual implementation plan) will be the responsibility of the provincial authority.
10. Implementation of the annual development plan.
11. Appraisal of the performance of principals, teachers, and education officers.
12. Conducting of in –service training programmes for which prior approval of the National Institute of Education has been obtained.
13. Conducting of local examinations approved by the commissioner – general of examinations.
14. Implementations of non-formal education programmes.
15. Registration and supervision of pre-schools.
16. Obtaining the approval of the National institute of education for local variations in the primary curriculum and selected subjects in the secondary curriculum.

17. Construction and maintenance of educational buildings and play grounds.
18. Procuring and distribution of science equipment's other than certain specified items indicated by the ministry.
19. Production and distribution of school text books after approval by the ministry.
20. Organization and development of schools libraries in accordance with guidelines given by the National library service board. (Udagama, 1994)

At Present There are two types of schools in Sri Lanka. These are governmental schools and nongovernmental schools. Government schools are categorized in to two main types, national and provincial schools. The former is controlled by ministry of education of the central government and later is controlled by the provincial councils. The total number of the schools managed by the government. In 2013 is 9662 out of which 350 are national schools, under. Thus, 9662 schools are managed by the provincial councils.

The resources are the most important factor which need for the existence of any type of organization and institutions. Without basic resources such as human, physical and financial resources, no any organizational effort will be succeeded. For the educational sector too human, physical and financial resources are required. In Sri Lanka generally, the resources for education sector are mainly allocated by the central government and the provincial governments has to distribute those resources to regional level.

Majority of the schools belonged to provincial councils are facing the problem of lack of recourses.

This study focuses on analyzing the challenges of distributing resource to the education sector. It has made an attempt to examine, the effective of the arrangements of the provincial councils introduced to allocate disparities in the resource distribution of the educational sector.

**Table 1.1: No of National and Provincial Schools**

Province	National	Provincial	Total
Western	71	1270	1341
Central	54	1459	1513
Southern	66	1040	1106
Northern	20	954	974
Eastern	29	1045	1074
North western	35	1194	1229
North central	11	776	787
Uva	36	828	864
Sabaragamuva	28	1096	1124
Total	350	9662	10012

(Source: Data Management Branch, Ministry of Education, 2013)

## **1.2 Problem statement**

The centralized education system in Sri Lanka has resulted in an inefficient and well planned provision of educational opportunities. But an decentralized system would help to promote efficiency, effectiveness, and equity in education system in Sri Lanka.

Disparity between distribution of human resources in between provincial and national. Quality of schooling is a serious issue in Sri Lanka. Variation in school facilities, and the availability and quality of human and material resources are serious issues among

them. While schools in some parts of the country are rich in resources, others in rural, remote areas have inadequate classroom space, furniture and sanitation facilities.

Distribution of free text books and uniforms is also inconsistent, with some schools and they have to wait for months to receive. Sri Lanka has an adequate number of trained teachers, but inefficient deployment and transportation issues, coupled with insecurity; displacement and resettlement have caused acute shortage of teachers in some parts of the country.

The lack of access to quality education has been largely due to disparities in the distribution of facilities and resources. Inadequate teacher deployment to rural areas, uneven distribution of skills among teachers, inadequate cost recovery in territory education, lack of accountability, effective supervision, monitoring and evolution, and lack of linkages within the outside the educational system are major issue faced by many provincial schools.

Textbooks constitute the main learning resource in education. While delays in textbook delivery often happen due to poor planning and neglect and do not constitute acts of corruption in its strict sense, they have a serious impact on the quality of teaching. The survey revealed that 23.3% of households had not received textbooks at the beginning of the academic year, and that 6.2% of children had not received their textbooks at all. The MOE has recognized this problem and reportedly improved delivery of textbooks at the beginning of school year 2009. (MOE, 2010)

Lack of resources and teacher shortages are worse for smaller and rural schools, particularly in conflict affected, north and east provincial in remote plantations areas and in less developed provinces.

The Presidential Commission of Youth Unrest (1993) highlights “unfair distribution of school facilities between urban and rural sectors” as the main cause for the unrest during 1987-1989. The schools in rural areas remain understaffed as qualified

teachers prefer to work only in urban sectors. Moreover School infrastructure in backward areas is conspicuously poor.

The educational reforms of 1997 focused on the main areas, so improving management of resources and delivery of service through school based management and strengthening administrative structures at the central, provincial and local levels. Therefore The Education Sector Framework and Programme (2006-2010) formulated by the Ministry of Education with the support of the World Bank, which drew also on the National Education Commission(NEC) proposals of 2003. The education sector development plan has been incorporated the new ten year horizon development framework 2006-2016 prepared under the aegis of the department of the national planning. The education sector development plan based on a sector wide approach to general education that commenced implementation in 2006 is structured under four themes.

1. Equity in access to education
2. Equality in the quality of education
3. Efficiency and equitable access to resource allocation
4. Strengthening governance and delivery of service

### **1.3 Research question**

During this study, the researcher tries to find answers to following research questions, What are the challenges faced by Southern Provincial Council (SPC) in relation to resources distribution to schools within the Province?

### **1.4 Objective of the study**

The objective of this study is to examine,

- The challenges faced by the Southern provincial council in relation to resource distribution to the schools.

### **1.5 Significance of the study**

Many studies have been conducted on Provincial council system in Sri Lanka, but a very few have focused on the education resource distribution within the Provincial Councils. The findings of this study is developed some kind of new knowledge to the existing literature on the educational resource distribution in Sri Lanka. Also the conclusions and recommendations based on the research findings would be useful for decision making bodies to understand different problems that are related with the education resource distribution in Sri Lanka; finally, this study must open up some new directions leading future researchers for further studies in the same area.

### **1.6 Scope of the study**

As mentioned in the background section, there were 09 provincial councils in Sri Lanka. But this study focuses only on Southern Provincial Council due to time and financial constraints and lack of other resources. In addition to that, though Southern Provincial Council has number of functions and responsibilities under its ordinance, the study focus only distribution of education resources.

### **1.7 Theoretical framework.**

Researcher intends to apply Decentralization Theory in this study.

According to Dennis A Rondinelli, Decentralization mean, “the transfer or delegation of legal and political authority to plan, make decisions and mange 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”. (Dennis A. Rondinelli, 1980; p)

Decentralization is a comprehensive concept that takes many forms. Scot (2002) and Akramove (2008) have identified three major forms, namely de-concentration, delegation and devolution.

**De-concentration** entails shifting the administrative workload from the national government to local offices without changing the rules for authority and control.

The **delegation** model concern transferring responsibility for delivery of public goods and services to lower levels of government or other organizations, which act on behalf of the central government.

**Devolution** is the preferred form of decentralization and it refers to transfer full power and responsibility for delivery of public goods and services to local governments, who have legislative, revenue – rising, and decision making powers. (Akramov, 2008).

The study deals with Provincial Council (PC) system of Sri Lanka. PC system is considered as a devolution arrangement. Therefore, it is worth full to make understanding about the concept of “devolution” as a form or type of decentralization.

## **1.8 Analytical framework**

Following literature review (literature review has presented in chapter 02) and theoretical framework, analytical framework has been developed. This framework explains Southern provincial council can ensure effectiveness resources to the schools

In line with this, the researcher will use “challenges of distribution of resource” as a dependent variable and it measured by using different indicators. Constitutional and legal framework, resources, and political factors used as independent variables and, these independent variables measured by different indicators.

**Table 1.2 Analytical framework**

<b>Dependent variable</b>	<b>Independent variables</b>	<b>Indicators</b>
<b>Challenges of Distribution of resource</b>	Constitutional and legal Framework of the Provincial councils	Powers Functions of Provincial council
	Central government control	Finance
	Resources	Human Physical
	Political Factors	Competition among politicians

## **1.9 Research Methodology**

Both qualitative and quantitative research methods are used in this study. The Data will be gathered by using primary and secondary resources.

**Primary data** is collected from bureaucrats of provincial council and political leaders related to resource distribution of education.

The **secondary data** is gathered through published books, research newspaper article, central bank annual reports, and finance commission, provincial council statutes, court decisions, annual development plan and progressive reports, Newspaper articles.

### **1.9.1 Data collection methods**

The study uses 02 types of data collection methods viz content analysis and, survey method. Conducting interviews was used in this study A total number of 20 respondents were interviewed.

- Provincial Director of Education
- Secretary of Ministry of Education (PCs)
- Divisional Educational Director/ officers
- Zonal Educational Director/ officers



- Head of Provincial Department of Finance
- Head of Provincial Department of Budget
- Chief Minister of Provincial Council
- Minister of Education in Provincial Council
- Chief Secretary of Provincial Council
- Opposition party members (03)
- Related officers in provincial council

### **1.9.2 Study area**

Southern provincial council is selected as the study area and special focus was given to the Department of Education.

### **1.9.3 Data analysis**

In this study, collected data from different sources as mentioned above is analyzed by using the qualitative and quantitative methods and it is presented by using texts, diagrams and tables.

**Table 1.3: Summary of Data Collection Methods**

<b>Variables (Independent)</b>	<b>Indicator</b>	<b>Source of data</b>	<b>Data collection methods</b>
<b>Constitutional &amp; legal framework</b>	<b>Powers &amp; function</b> (clearly defines powers and function)	13 <sup>th</sup> Amendment to the constitution & No 42 Provincial Council Act	Acts review & Interview,
<b>Central control</b>	<b>Finance</b> (request budget and actual amount granted by central, how long have taken to grant allocated money)	PCs Annual development plans, & progress reports, Finance Commission Annual reports, PCs, Finance commission officials.	Document review at PCs and Finance commission, Interview
<b>Resources</b>	<b>Human</b> (number of employee, competence, working experience, training)	Official records & relevant officials at PCs	Document review & interview
	<b>Physical</b> (official spaces, communication facilities)	Official records and relevant officials at PCs	Document review & interview
<b>Political factors</b>	<b>Competition among politicians</b> (between national & PC political leadership / among PCs political leadership)	Officials records & relevant officials	Document review & interview

### 1.10 Chapter plan

This study consists of 06 chapters.

**Chapter one** presents background to the study, statement of the research problem, research questions, and objectives and significance of the study. Also it includes the framework developed for data analysis.

**Chapter two** presents a critical theoretical framework and a literature review in order to give clarity and focus to the research questions. The theoretical framework is addressed by giving special reference to devolution, decentralization and good governance.

**Chapter three** present a brief overview of education system and Devolution in Sri Lanka,

**Chapter four** analyses the procedure of allocation of finance for education.

**Chapter five** examine the challenges faced by the Southern Provincial council in distribution resources to schools.

**Chapter 6** provides the conclusion and recommendations, which can be used to rectify the existing imbalances in distribution of educational resources; also it identifies the needs of further researchers.

## **CHAPTER 02**

### **LITERATURE REVIEW AND CONCEPTUAL FRAMEWORK**

#### **2.1 Introduction**

The aim of this chapter is to provide a critical theoretical framework and a literature review in order to give clarity and focus to the research problem. The literature review is focused on resource distribution regarding education and the theoretical framework is addressed with devolution decentralization and good governance, specially their definitions, various forms, dimensions, advantages and disadvantages which they may have.

#### **2.2 Literature Review**

A number of books, journal articles, reports, official documents have been reviewed for the purpose of this research study.

“Twenty Two Years of Devolution, An evolution of the working of Provincial Councils in Sri Lanka, (2010) Amarasinghe, et al tried to explore, the factors that have constrained the performance of fiscal devolution, and it failed to appropriate fiscal frame work to support devolution. This study explains the context of center Provision relations and provincial public administrative leadership failed to properly design the public administrative organization in Provincial councils.

This study covers the entire period of the working on provincial councils and is based on field research conducted in all the 09 provinces. Specially focusing on the Western, Central, Eastern, North – Western and Uva Provinces. attempt have been made to study the key aspects, constitutional, legal, legislative fiscal and political. This study was conduct over the period 2009 to August 2010.

Educational opportunities for the poor in Sri Lanka: Assessing spatial disparity, Tilakarathna (2009), examines the availability of resources/ facilities across the districts, and within districts among different types of schools. Moreover it examines the effectiveness of various educational welfare programmes, such as distributing free school text books programme and uniform, the benefits of these programmes and what they have received equally by students of all schools. This study tried to examine to bring together the views, opinions and suggestions of various stakeholders in the education sector (government officials, principals and teachers, students and parents) on resources/ facilities in school and the effectiveness of education welfare programmes and find out ways to improve the facilities and the quality of education in Sri Lanka. The study has used both qualitative and quantitative techniques, to examine the extent of disparity in resources (both human and physical) across the districts (inter regional disparities).

“The Devolution Experience- A case study of centre – periphery and inter – provincial relations pertaining to education,” Udagama (1994), observed schools under provincial authority suffer without qualified personal and failing to retain their pupils, teachers, and principles are reluctant to serve in remote areas. Further he has stressed devolution has not been able to solve problems of teachers storage in remote schools and the lack of specialized teachers in provinces such as southern, Uva, Sabaragamuwa, north central province etc. in addition to that he has observed that the political uncertainty of the provincial council, the centre- periphery political manoeuvres and education policies considered as political party issue have not created a healthy political climate for the growth and development of education under the new system.

Devolution Experience in Sri Lanka (1988-1998), The Administrative and Fiscal implications, Amarasinghe (2001), tried to examine the various aspects of the implementation of devolution, tried to explain the practical experience of the provincial council focusing on the administrative and fiscal aspects of their functioning. He argued that the provincial council system in Sri Lanka operation has earned a niche in the political system in the country. Power of the centre, limited

nature of fiscal devolution, continues intervention by the center, those reasons affected that hinder the provincial council system. The study mostly employed the interview, group discussion, questionnaire, and document review method throughout the research covering the three selected provincial council in Sri Lanka. (Southern, North-Western, and Sabaragamuwa)

Celebrating 60years of progress and challenges in education in Sri Lanka, Aturupane (2008), tried to examine the policy framework and organization of the education sector, Education access and coverage, Furth more he explained the quality of education: improving learning outcomes, and investment in education, economic and social benefits of investment of education. Finally he observed that the education system faces several challenges in the future.

This is brief introduction about earlier writings on the provincial council and in different contexts. But in very few studies done under this particular theme about the challenges of resource of education in provincial council.

### **2.3 Conceptual Framework (Theoretical Framework)**

In order to make a good and concrete foundation, researcher intends to apply following theory in this study. I planned to use 02 concepts in this study. Namely devolution, decentralization and Good Governance. The following are the justification and the relevancy of these concepts to this study.

According to Dennis A Rondinelli, Decentralization mean, “the **transfer or delegation of legal and political authority** to plan, make decisions and mange 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”. (Dennis A. Rondinelli, 1980; p.137)

The Provincial Council is considered as a sub-national government in Sri Lanka. The concept of devolution is identified as types of Decentralization. Therefore, the concepts of decentralization and devolution are useful to examine the institutional capacity of Southern Provincial Council and the challenges faced by this Provincial Council in relation to resources distribution among the schools.

The concept of good governance also can be relevant to this study. Because the basic element or characteristics of good governance such as Equality, Transparency, Effectiveness and efficiency are very important to the equal resource distribution among the schools. When there is an absence of these principles in the process of delivering resource it may create the problems related to unequal resource distribution and corruption.

## **2.4 Decentralization**

### **2.4.1 Conceptualizing Decentralization**

Decentralization, or decentralizing governance, refers to the restructuring or organization of authority so that there is a system of co-responsibility between institutions of governance at the central, regional and local levels according to the principle of subsidiarity, thus increasing the overall quality and effectiveness of the system of governance, while increasing the authority and capacities of sub-national levels. Decentralization could also be expected to contribute to key elements of good governance, such as increasing people's opportunities for participation in economic, social and political decisions; assisting in developing people's capacities; and enhancing government responsiveness, transparency and accountability”(UNDP, 1997)

Decentralization connotes generally the transfer of power, authority, responsibilities and functions from the central government to sub – national governments (Rahman and Khan, 1997 and Akramov, 2008). Dennis A. Rondinelli (1980;137) defines decentralization as ‘the transfer of 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 nongovernmental organizations.”

#### **2.4.2 Forms of decentralization**

Decentralization can take several forms. Deconcentration, delegation and devolution are generally recognized as the main forms of decentralization.

Decentralization is a comprehensive concept that takes many forms. Scot (2002) and Akramov (2008) have identified three major forms, namely de-concentration, delegation and devolution.

De-concentration entails shifting the administrative workload from the national government to local offices without changing the rules for authority and control.

The delegation model concern transferring responsibility for delivery of public goods and services to lower levels of government or other organizations, which act on behalf of the central government.

Devolution is the preferred form of decentralization and it refers to transfer full power and responsibility for delivery of public goods and services to local governments, who have legislative, revenue – raising, and decision making powers( Akramov, 2008).

Rondinelli (1981) distinguishes between four different categories of decentralization (Parker & Kirsten 1995, p.242-243). They are:

- i.. Deconcentration: It is defined as a transfer of power to local administrative offices of the central government



- ii. Delegation: It is the transfer of power to sub-national governments or other government entities
- iii. Devolution: It is the transfer of power to sub-national political entities
- iv. Privatization: It is the transfer of power to the private sector

### **2.4.3 Dimensions/Types of Decentralization**

Decentralization can be looked at further in terms several dimensions. According to Akramov (2008) and Manor (1997), there are three dimensions of decentralization, namely fiscal, administrative (institutional) and political.

**Fiscal decentralization** implies the transfer of financial responsibility in as far as the generating of revenue as well as authority to make expenditure decisions from the central government to the lower levels of government (Akramov, 2008). This is a core component of decentralization, as the discharge of devolved functions by the local governments requires matching financial resources from the central government.

**Administrative decentralization** concerns transferring of planning and policy implementation responsibility to locally based civil servants who work under the jurisdiction or elected local governments or central government ministries or agencies (Akramov, 2008). Also Administrative decentralization seeks to redistribute authority, responsibility and financial resources for providing public services among different levels of government. It is the transfer of responsibility for the planning, financing and management of certain public functions from the central government and its agencies to field units of government agencies, subordinate units or levels of government, semi-autonomous public authorities or corporations, or area-wide, regional or functional authorities. The sub-systems may be territorial units (federalism) or bodies entitled to self-sufficiency. Decentralization is based on the principle of subsidiarity (Holtmann 2000, p.131).

**Political dimension of decentralization**, concerns transferring decision making power and resources to lower levels of government, encouraging citizens and their

elected representatives to participate in policy decision making. under political decentralization, key local government officials are selected through local elections rather than through central government appointment (Akramov, 2008) it must however, be stressed that all three dimensions are cardinal in ensuring that the goals of decentralization are achieved and that all three operate in an interdependent fashion albeit the fiscal aspect is critical . Also Political decentralization aims to give citizens or their elected representatives more power in public decision-making. It is often associated with *pluralistic politics* and *representative government*, but it can also support democratization by giving citizens, or their representatives, *more influence in the formulation and implementation of policies*. From the perspective of *democratic principles*, decentralization then means the distribution of powers between elected authorities. This can simply mean that detailed decisions are made by local representatives of local powers, though always within policy guidelines, and probably funding arrangements, directed by the center (Robertson 1993).

#### **2.4.5 Benefits and problems of decentralization**

Academics recognized some benefits as well as practical problems of decentralization. Rondinelli (1980; 135-136) identified numbers of benefits of decentralization. (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.

Smith (1985) has identified six benefits of decentralization: those are following, Political education, Training in political leadership, Political stability, Political capacity, Accountability, responsiveness.

Esman and Uphoff(1988) identified seven benefits: these are namely, Accurate representative information, adaptation of program, group communication. Resource mobilization, local expertise, better utilization and maintenance of facilities and services, cooperation.

Rondinelli (1980; 139-142) identified some practical problems of decentralization drawing African experiences, these are,

- i. Central bureaucracy always opposed or undermined decentralized policies;
- ii. Traditional elites and leaders tend to oppose decentralized policies and programmes;
- iii. Local administrative units suffer from serious shortage of trained manpower and financial resources to perform given responsibilities;
- iv. Decentralization policies are also weakened by the centrist attitudes of many government officials both in the national capital and local communities.

## **2.5 Devolution**

The study deals with Provincial Council (PC) system of Sri Lanka. The PC system is considered as a devolution arrangement. Therefore, it is worth full to make understanding about the concept of “devolution” as a form or type of decentralization. This is the most extensive type of administrative decentralization. It refers to the transfers of authority and functions to local autonomous institutions which are constituted under constitutional provisions. These autonomous organizations are independent in their functions like hiring their employees, generation of local revenues and elect their representatives Devolution“ occurs when authority is transferred by central government to autonomous local-level government units holding corporate status granted under state legislation.

Also it refers to the transfer of authority to legally constituted provincial, district and local bodies. It is the most common understanding of genuine decentralization. Through devolution, the central government relinquishes certain functions or creates new units of government that are outside its direct control (UNDP 1997).

The devolution of Power to sub-national units of government is seen by many as the ideal form of decentralization as it combines the promise of local democracy with

technical efficiency. The transfer of authorities to autonomous lower-level units, such as provincial, district, local authorities often referred to as devolution and is the most common understanding of genuine decentralization (UNDP 1997).

### **2.5.1 Main feature of devolution**

- i. Local body should be established that is constitutionally, separate from central government and responsible for a range of significant local services.
- ii. It should have its own treasury, budget, and accounts along with substantial authority to raise its own revenue.
- iii. It should employ its own competent staff whom it can be hired, fired and promoted.
- iv. Central government administrators should serve purely as external advisors and inspectors and have no control within the local authority.

Devolution ensures equitable distribution of resources hence the assumption that if adopted it will enable local residents to make relevant and accurate decisions regarding priorities for their own areas. Chigwenya (2010:2) defines devolution as the transfer of administrative and political powers from central government to lower tiers. The lower tiers become semi-autonomous, but they have decision-making powers. According to Onyango, Cheluget, Akello, Okari and Keraro (2012:705), devolution makes democracy stronger by giving people more say in matters relating to their local areas. It allows local authorities to exercise discretionary powers when making decisions on matters that affect local communities. In simple terms devolution of power is perceived as the transfer of authority for decision making from central to local government (Mukonza and Chakauya 2012:101). Nyanjom (2011) in Constitution Working Paper, Number 4, describes devolution as one among several forms of decentralisation, which is a characteristic of all governments globally while decentralisation as a governance tool, is based on the principle of subsidiarity which assigns specific functions hitherto conducted by central government to the lowest feasible sub-centres. According to Jacobs and Chavhunduka (2003:3), “compared to

deconcentration and delegation, devolution can provide for better problem-solving capacity, which takes into account local knowledge and conditions.

MAB/MIAC identified a range of benefits and negative perceptions relating to devolution of corporate services. Some of the reported benefits included: „

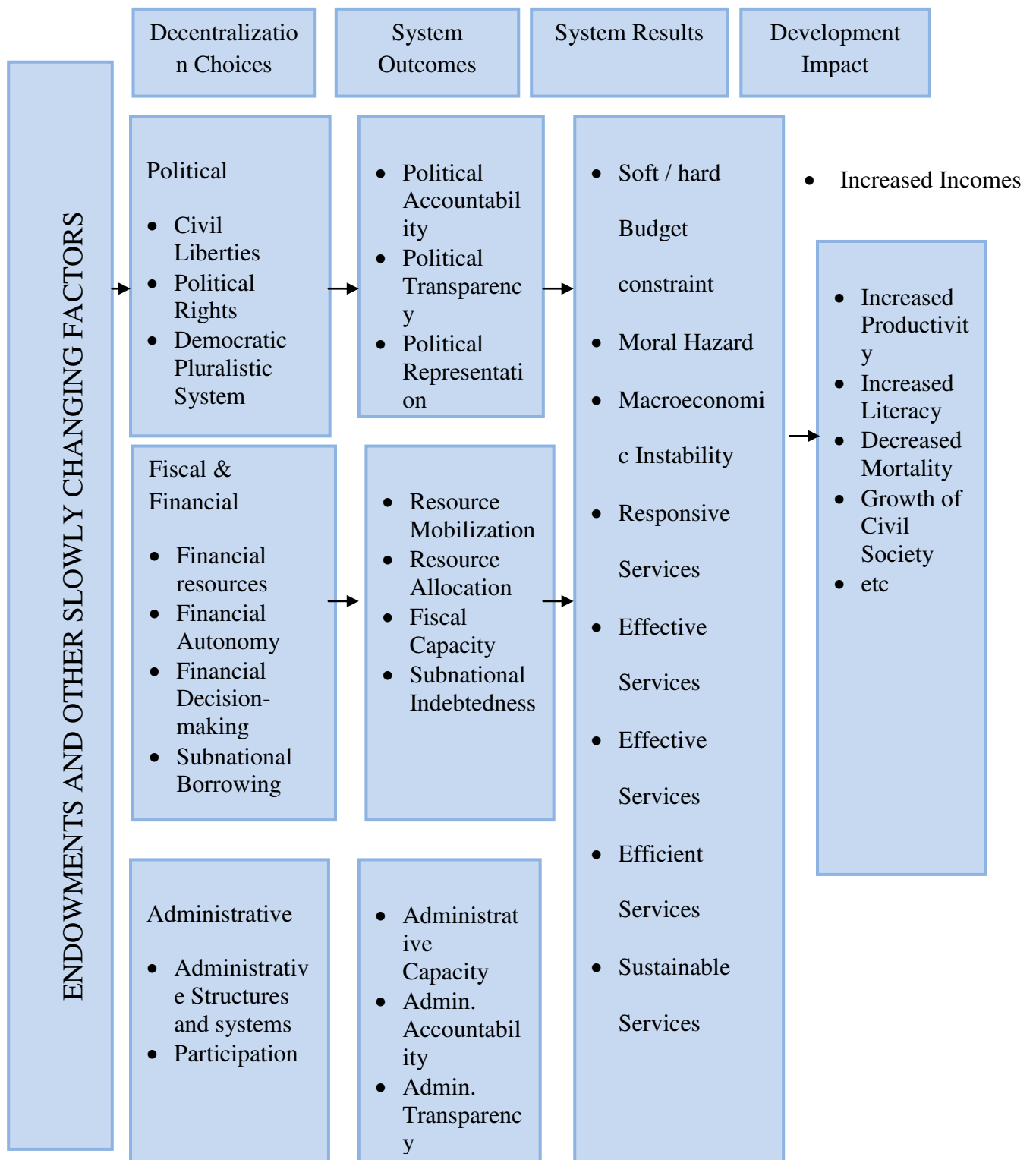
- devolution is a powerful tool to promote and implement organizational change;
- managers are more in control of achieving outcomes; „
- Managers become more familiar with corporate management issues and are better able to contribute to the development of acquisition of management tools.
- people have the opportunity for increased job satisfaction through increased responsibility; and „
- Managers have more scope for initiative in determining both the type and level of service required to achieve outcomes, and the method of service delivery.

Some of the negative perceptions about devolution included.

- loss of quality and increased inconsistency in decision-making; „
- loss of purchasing power and other economies of scale; „
- duplication of tasks or functions;
- a reduction in the number of people skilled in providing corporate services which has led to a loss of efficiency;
- diminution of expertise (especially in some personnel functions); and
- Loss of corporate identity.(MAB,1992)

To characterize decentralization, one must consider political, fiscal, and administrative issues. All these components must complement each other to produce more responsive local governments that will deliver effective, efficient and sustainable services and maintain fiscal discipline. This has been referred to as a Soufflé Theory.

(Source: Adapted from Parker, Andrew N. 1995, *Decentralization: The Way Forward for Rural Development?* Policy Research Working Paper 1475. The World Bank, Washington, D.C)



## **2.6 Good governance.**

### **2.6.1 Definitions of good governance**

Good Governance is a concept that has recently come into regular use in political science, public administration and, more particularly, development management.

It appears along such concepts and terms as democracy, civil society, popular participation, human rights and social and sustainable development. In the last decade, it has been closely associated with public sector reform.

In the 1992 report entitled “Governance and Development”, the World Bank set out its definition of good governance. This term is defined as “the manner in which power is exercised in the management of a country’s economic and social resources for development” (.World Bank, 1992)

Good Governance impels a manner in which power is exercised in the management or resources for sustainable development. The term good governance refers to the way government carries out its work. It is “... Among other things participatory, responsive, transparent, accountable, effective, equitable and that promotes the rule of the Law? (UNDP, IDLO, 2003).

According to Organization For Economic corporation and Development(OECD), good governance encompasses, the role of public authorities in establishing the environment in which economic operators function and determine the distribution of benefits as well as the relationship between the ruler and the ruled (in IDLO, 2003). Good governance assumes the government’s ability to maintain social peace, guarantee law and order, promote or create conditions necessary for economic growth, and ensure a minimum level of social security.

World Bank (1994), further elaborates good governance as “ epitomized by predictable, open and enlightened policy making, a bureaucracy imbedded with a professional ethos, an executive arm of government accountable for its actions, and a



strong civil society participating in public affairs; and all behaving under the rule of the law” (in IDLO). Economic growth, and ensure a minimum level of social security. The United Nations Development Programme’s (UNDP) definition of good Governance is set out in a 1997 UNDP policy document entitled “Governance for Sustainable Human Development”. The document states that governance can be seen as the exercise of economic, political and administrative authority to manage a country’s affairs at all levels.

### **2.6.2 Elements of Good Governance**

In an October 1995 policy paper called “Governance: Sound Development Management”, the ADB outlined its policy on this topic. Good governance is defined as “the manner in which power is exercised in the management of a country’s economic and social resources for development”. Further, in a separate opinion issued by the ADB General Counsel, it was explained that governance has at least two dimensions:

- a. political (e.g., democracy, human rights); and
- b. economic (e.g., efficient management of public resources).

Given that the ADB’s concept of good governance focuses essentially on the ingredients for effective management, the institution is concerned only with these aspects of governance.

The ADB has identified four basic elements of good governance:

- a. *Accountability*. Public officials should be answerable for government behavior and responsive to the entity from which they derive authority. The accountability of public sector institutions is facilitated by evaluation of their economic performance. The suggested specific areas of action would be in the building of government capacity through, for example, public-sector management, public-enterprise management and reform, public financial management and civil-service reform. (ADB, 1995)

- b. *Participation.* Government structures should be flexible enough to offer beneficiaries and others affected the opportunity to improve the design and implementation of public programmes and projects. The specific areas of action would be in the development of participatory development processes through, for example, participation of beneficiaries, a public/private-sector interface, decentralization/empowerment of local government and cooperation with non-governmental organizations (NGOs).(ADB,1995)
- c. *Predictability.* Laws and policies should exist that regulate society and that are applied fairly and consistently. Predictability requires the state and its subsidiary agencies to be bound by and answerable to the legal system in the same way as private enterprises and individuals. The specific area of action could be the development of predictable legal frameworks for private-sector development.(ADB,1995)
- d. *Transparency.* Information should be made available to the general public and there should be clarity as to rules and regulations. Access to timely information on the economy can be vital to economic decision-making by the private sector and can also serve to inhibit corruption.(ADB,1995)

The United Nations Development Programme's (UNDP) definition of good governance is set out in a 1997 UNDP policy document entitled "Governance for Sustainable Human Development". The document states that governance can be seen as the exercise of economic, political and administrative authority to manage a country's affairs at all levels.

It is explained that governance has three dimensions: economic, political and administrative. Economic governance includes the decision-making processes that affect a country's economic activities and its relationships with other economies. Political governance is the process of decision making to formulate policy. Administrative governance is the system of policy implementation. Encompassing all

three, good governance defines the processes and structures that guide political and socio-economic relationships.

Its essential characteristics are:

- a. Participation. All men and women should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their interests. Such broad participation is built on freedom of association and speech, as well as on the capacity to participate constructively.
- b. Rule of law. Legal frameworks should be fair and enforced impartially, particularly the laws on human rights.
- c. Transparency. This concept is built on the free flow of information. Processes, institutions and information should be directly accessible to those concerned, and enough information should be provided to render them understandable and monitor able.
- d. Responsiveness. Institutions and processes should serve all stakeholders.
- e. Consensus orientation. Good governance should mediate differing interests in order to reach broad consensus on the best interests of the group and, where possible, on policies and procedures.
- f. Equity. All men and women should have equal opportunity to maintain or improve their well-being.
- g. Effectiveness and efficiency. Processes and institutions should produce results that meet needs while making the best use of resources.(UNDP,1997)
- h. Accountability. Decision-makers in government, the private sector and civil-society organizations should be accountable to the public as well as to

institutional stakeholders. This accountability differs depending on the organization and whether the decision is internal or external to an organization. (UNDP, 1997)

As a concept Good governance is best, ideal concept. Good governance cannot be a one-way process. Citizens cannot expect good quality services from a government without discharging their obligations towards good governance.

### **2.6.3 Conclusion**

This chapter focused on a presentation of the critical theoretical framework and a literature review. The literature review shows that many studies have been done under this particular theme. But, no studies have been conducted concerning newly southern provincial Council. The theoretical framework is focused on decentralization and Good governance show that these models have had a positive impact on resource distribution at education level.

## **CHAPTER 03**

### **DEVOLUTION AND EDUCATION IN SRI LANKA**

#### **3.1 Introduction**

The aim of this chapter is to discuss the education system in Sri Lanka. Also it discusses the legal framework and the Organization structure and management of the education system. Further it explains the power and functions of the Provincial councils in relation to education sector.

#### **3.2 The Legal Framework of Education**

The policy of the government of Sri Lanka is to provide free-education from the primary stage to the first degree level of university education. The Constitution of the Democratic Socialist Republic of Sri Lanka in its chapter on, ‘Directive Principles of State Policy and Fundamental Duties’ states that it is pledged to establish in Sri Lanka a democratic society the objectives of which include, “complete eradicate on of illiteracy and the assurance to all persons of the right to universal and equal access to education at all levels”. (MOE, 2013)

Another important constitutional amendment that led to far reaching effects on the management of the education system has been the 13<sup>th</sup> amendment to the constitution, which created the provincial council system. Further most of the functions performed by the central government have been devolved to the provincial authorities by the piece of legislation.

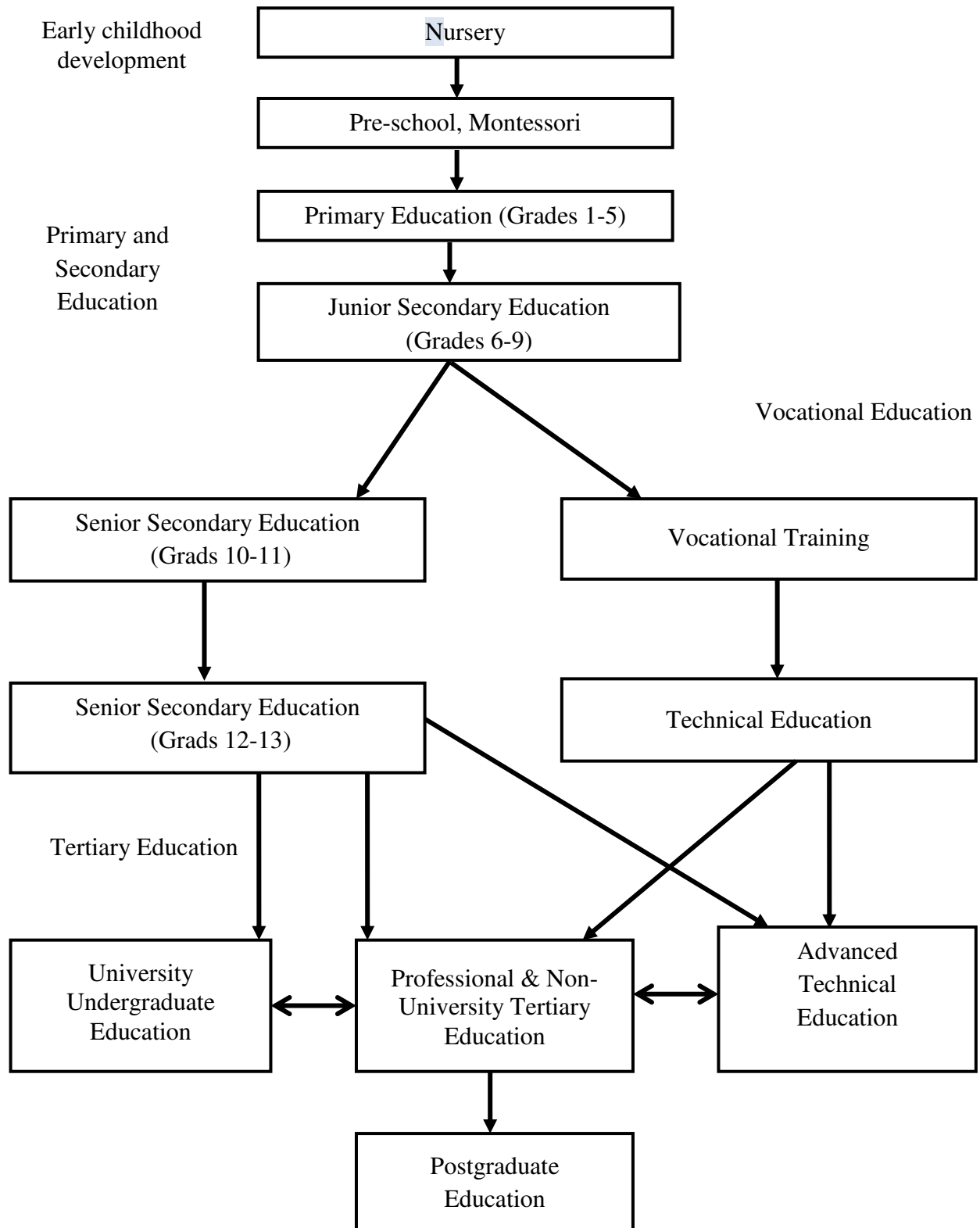
The compulsory education regulation enacted in 1997 under the education reforms is get another piece of legislation, which filled gap, that existed for over half a century. Under this legislation enrolment and attendance of children between the ages of five to fourteen years was made compulsory and attendance committees were established at school level to monitor on the attendance of pupils.

The government has enacted compulsory education legislation, making it a legal Requirement for all children aged 6-14 years to complete nine years of education (Jayaweera, 1998). The legislation defines the compulsory basic education cycle as Grades 1-9, consisting of primary education (grades 1-5) and junior secondary education (Grades 6-9). Parents and guardians are responsible for complying with the legislation and Ensuring that their children and wards aged 6-14 years participate in the education System.

### **3.3 Education System in Sri Lanka**

There are five levels of education in Sri Lanka: pre-primary for 3–4-year-olds; primary for 5–9-year-olds (Grades 1–5); lower (or junior) secondary for 10–13-year-olds (Grades 6–9); upper (or senior) secondary for 14–15-year-olds (Grades 10–11); and collegiate for 16–17-year-olds (Grades 12–13). (MOE, 2013)

**General organization structure of the education system in Sri Lanka**



**Figure3.1: Source: MOE, 2013, p27**

### 3.4 School system in Sri Lanka

The school system has evolved over a period of two centuries and at present there are 9,931 government schools and 98 recognized private schools. In addition there are 560 Buddhist centers (Pirivenas) of learning and approximately 300 “International schools “which prepare students mainly for foreign examinations. The schools administered by the Central Ministry of Education are designated as national schools and other schools administered by the provincial councils as provincial schools. The number of national schools is 342 and the balance come under the provincial councils. (MOE, 2013)

The government schools are classified by type depending on the terminal grade of the School and the complexity of the courses offered. There are:

1. AB schools which have classes up to GCE AL I all subject streams, namely Science, arts and Commerce with or without primary sections.
2. 1C Schools which have classes up to GCE AL I Arts and Commerce streams with or without primary sections.
3. Type 2 Schools which have classes up to GCE OL only.
4. Type 3 schools which are primary schools and terminate at grade five while in a few place they go up to grade eight.(MOE,2013)

According to School Census 2012 there are 342 national schools (1AB and Type 1C), 431 1AB provincial schools, 2,041 Type 1C schools, 4,030 Type 2 schools and 3,125 Type 3 schools. (MOE, 2013)

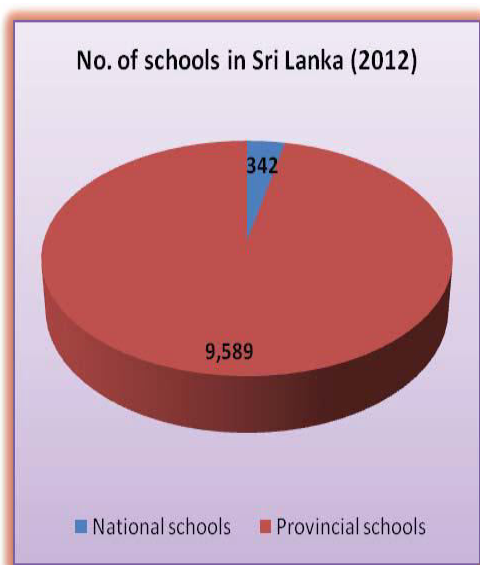


**Table 3.1: Number of Schools by type, by province and students and teachers**

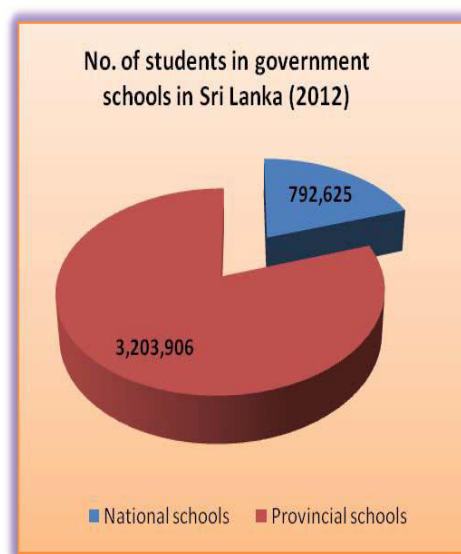
Province	Numbers of School						Number of students	Number of teachers
	1AB	1AB	IC	Type 2	Type 3	Total		
	(National)	(Provincial)						
<b>Western</b>	71	91	271	573	337	1,343	940,393	42,013
<b>Central</b>	54	60	322	524	542	1,502	525,594	30,960
<b>Southern</b>	65	48	251	497	242	1,103	509,194	28,679
<b>Northern</b>	14	62	121	312	442	951	247,276	14,637
<b>Eastern</b>	29	48	182	373	432	1,064	388,222	20,486
<b>North Western</b>	35	44	285	598	252	1,214	473,642	27,394
<b>North Central</b>	10	24	160	329	254	777	265,490	14,878
<b>Uva</b>	36	26	198	349	251	860	274,815	18,962
<b>Sabaragamuwa</b>	28	28	214	475	372	1,117	371,905	21,779
<b>Total</b>	<b>342</b>	<b>431</b>	<b>2,004</b>	<b>4,030</b>	<b>3,124</b>	<b>9931</b>	<b>3,996,531</b>	<b>219,788</b>

(Source: MOE, 2012, p29)

**Figure 3.2 &3.3: Distribution of schools& Students by province, national and provincial categories and type**



(Source: MOE, 2012, p29)



(Source: MOE, 2012, p29)

### **3.5 The Organization Structure and Management of the Education System**

The responsibility for provision of education in Sri Lanka is shared by the central government and the provincial councils, in terms of the constitutional amendment carried out in 1987 for the devolution of power to the provinces. Under this scheme the central government is responsible for:

- Laying down national policy on education, norms and standards of education based on recommendations of the National Education Commission (NEC).
- Formulation of national policy framework and policy guidelines.
- Education sectorial planning and development for the general education sector in collaboration with the national and provincial educational authorities.
- Monitoring the maintenance of standards in educational institutions.
- Formulating the national curriculum and training the provincial trainers through the NIE.
- Establishing service conditions for the four education services: the teachers service, the principals service, the education administrators service, and the teacher educators services
- Teacher education.
- Formulation and implementation of pre-service teacher education curricula.
- Human resource management of education administrators, school principals and school teachers at the national level
- Management of specified schools designated as national schools.
- Administering professional development programmes and courses for principals, section heads and teachers
- Publishing and distributing free textbooks and accrediting any textbooks produced by the private sector.
- Administration of Public examinations.
- Providing free school uniforms and subsidies for schoolchildren.
- Establishing national norms and standards for essential and higher-order learning spaces, teaching-learning capital assets and teaching-learning material
- Donor coordination. (MOE, 2012)

The central Ministry of Education (MOE) is under the charge of the minister in-charge of the subject of general Education. The minister is responsible to the President and the cabinet of ministers on all matters relating to general education. The minister is assisted by a deputy minister. The Secretary to the Ministry of Education is the chief executive officer and is accountable to the Minister of Education and the President for the implementation of policy. Under the secretary there are additional secretaries in charge of divisions and directors of education in-charge of specific subjects. (MOE, 2012)

There are also other agencies functioning under the ministry responsible for specialized areas. These are: The Department of Examinations under a Commissioner General responsible for the conduct of public examinations.

- The Department of Educational Publications under a Commissioner General responsible for the product on and distribution of textbooks.
- The National Institute of Education under a Director General responsible for the development of the national curriculum, training of teachers and carrying out Research on education. The national schools and teacher education institutes, namely the National College of Education (NCE) and Teacher Training Colleges (TTC) and Teachers Centers (TC) are administered by the Chief Commissioner for teacher education. (MOE, 2012)

## Education Administrative and Management Structure in Sri Lanka

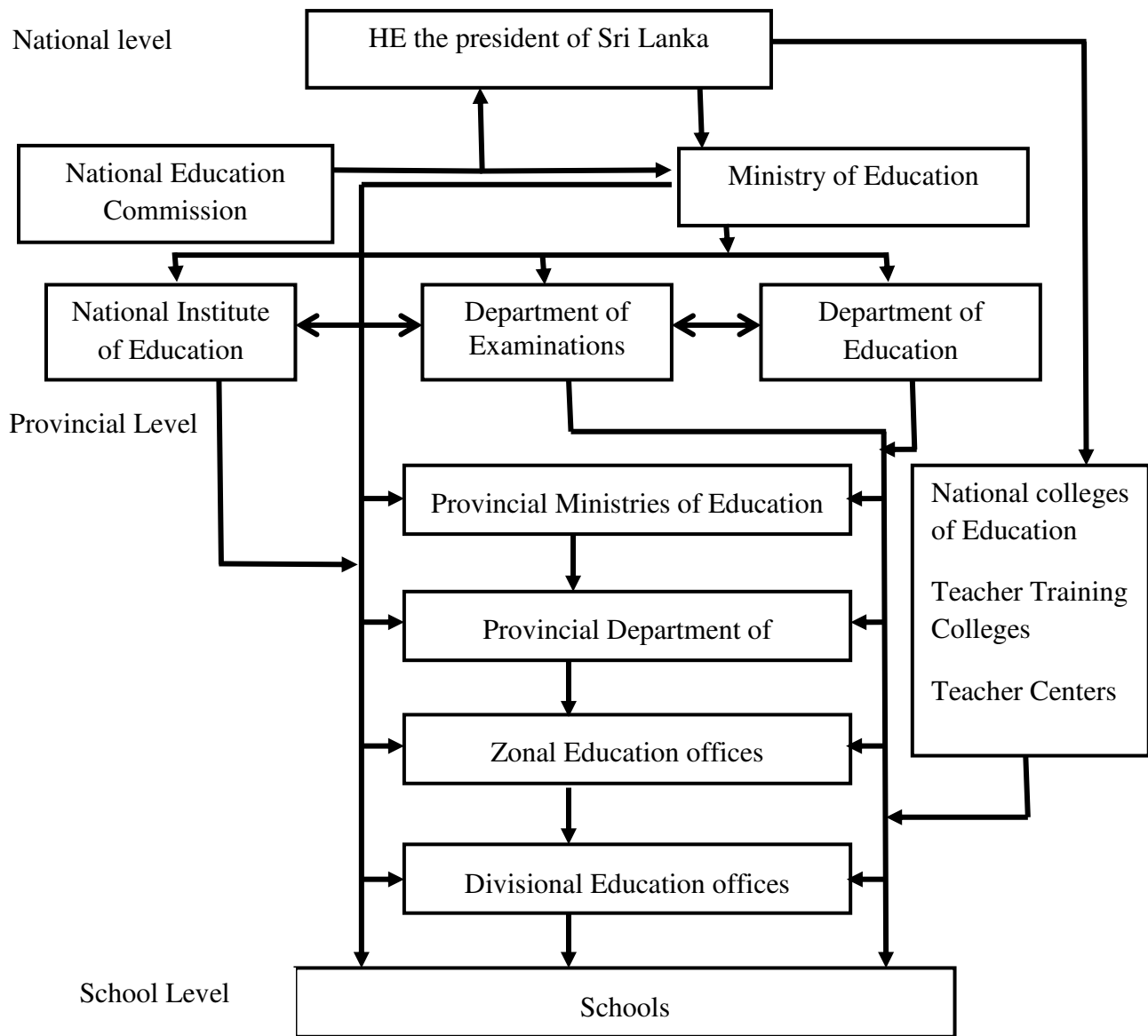


Figure 3.4: Source: MOE, 2013, p44

### **3.6 Education Administration Structure and Provincial Devolution, 1987**

There are nine provincial councils co-terminus with the nine provinces. There is a Provincial Ministry of Education in Each province under a Provincial Minister of Education. The Provincial Minister is assisted by a Provincial Secretary of Education. The schools are managed by the Provincial Department of Education under the Provincial Director of Education. For facilitation of administration a province is divided in to a number of educational zones headed by a Zonal Director of Education. The administrative functions related to the management of schools and supervision is carried out by the Zonal Education Office. Each zone has approximately 100 to 150schools. The zones are further sub-divided into education divisions functioning under Deputy Director’s in-charges of education Divisions. (MOE, 2012)

The Provincial Councils, especially, Provincial Ministry of Education (PME) and Provincial Department of Education on will be jointly responsible for the following broad functions with regard to school education at provincial levels: (MOE, 2012)

- Establishing provincial level norms and standards, within and in consistent with national Policies, norms and standards of education.
- Preparation and implementation of provincial education development plans both Medium-term plans and annual implementation plans including budgetary requirements in line with the national policy framework.
- Managing the provincial schools.
- Managing the teacher cadre in provincial schools and implementing continuing teacher development programmes.
- Implementing special and non-formal education programmes.
- Conducting regular provincial-level monitoring and evaluation. (MOE, 2012)

Since the transfer of powers to the peripheries, the earlier three-tier structure of education in the country changed into the present five tier administrative structure consisting of the following levels (MOE, 2004)

- 01- The Ministry of Education at the center,
- 02- Provincial Ministry/ Provincial Departments of education,
- 03- Zonal Education Offices,
- 04- Divisional Education Offices,
- 05- Schools (Provincial and National)

**01 Ministry of Education**

The main responsibilities of the Ministry of Education at the center are: formulating and Implementing National Policy on Education, management of schools in the formulation and implementation of this policy, management of National Schools and other specified schools and regulating the functioning of private schools, development of school curriculum, training of teachers and education managers, ensuring conformity with national policy on education, and ensuring policy implementation and coordination at national, provincial and school levels. (De Silva, 2004)

**02 The Provincial Ministries of Education/ Provincial Department of Education**

Under the Provincial Ministry of Education, the Provincial Department of Education is responsible for the administration of provincial level education of the Provincial department of The Provincial Council through its Ministry of Education provides financial resources for the province to the Provincial Department of Education. Sri Lanka has 09 Provincial Departments of Education in the nine provinces The Provincial Director of Education, who heads the Provincial Department of Education, plays a dual role in reporting both to the Ministry of Education as well as the Provincial Ministry of Education. While the Provincial Director of Education is responsible for all the education programs in the province, the Department as a whole is responsible for planning and budgeting of education at the provincial level,

administration of zonal and divisional level offices, and education development. (De Silva, 2004)

**03 The Zonal Education Office**

The head of the Zonal Education Office is the Zonal Director. This office is responsible for Administrative work of the schools and teachers as well as quality improvements of teaching and learning in the zone (De Silva, 2004)

**04 Divisional Education Office**

The head of the Divisional Education Office is the Divisional Director, whose responsibilities include supervision of schools, distribution of textbooks, education supplies, and data collection. (De Silva, 2004)

**3.7 Conclusion.**

This chapter focused on discusses the education system in Sri Lanka. Though the 13th amendment made provisions to power and functions to Education. Also, introduced the strategies which are implemented to enhance the education.

## **CHAPTER 04**

### **FINANCIAL ALLOCATION FOR EDUCATION**

#### **4.1 Introduction**

The aim of this chapter is to discuss the Allocation of the Educational resources and education finance in country. Firstly it discusses what the basic resources needs for better education system is. In second part of this chapter introduced legal framework and legislative powers of Southern Provincial council (SPC). In third part mainly focuses on finance in the Provincial council education system.

#### **4.2 What are the basic resources which need for Education?**

The resources are the most important thing which need for the existence of any type of organization and institutions. Without the basic resources such as human, physical and financial resources, no any organization effort will be succeeded. So, in education also human, physical and financial resources are required. Therefore the following human, physical, and financial resources are essential for the education in any provincial or in national level.

Human Resource can be identified as a teachers, administration, planners, and managers. Physical Resources are Buildings - classrooms, hostels, office space / specialized rooms workshops, laboratories, libraries. Office and store rooms, recreation rooms / school furniture desks and chairs, blackboards, office and library furniture, storage facilities, special types of furniture for workshops Playgrounds, gardens, space for agriculture, environment and science education, learning aids, models, maps, equipment's laboratory and workshop equipment's chemicals, disposables, computers Audio, video learning materials (electronic and other media), water supply and electricity, stationery, supplies, chalk.

Financial resources are another important thing for education. There are three major source of financing education besides donations in provincial councils.



- 01 Funds allocated under the ministry of public administration, provincial councils and home affairs as follows,
  - a. Provision for devolved subjects and the establishments costs of the provincial councils
  - b. Criteria based grant to provincial councils of which a percentage is spent on education
02. Allocation under the central ministry of education as well as the line ministries funds for subjects not devolved to the provincial council capital expenditure under MTIP foreign funding
03. Allocation from other ministries

.

#### **4.3 Legal Framework of Southern Provincial Council (SPC)**

The Thirteenth Amendment to the Constitution, while amending the Constitution of 1978 (it amended Articles 18, 138, 155 and 170 of the Constitution of 1978), sought to add a new Chapter XVII A and Articles 154 A to 154 T relating to the executive, administrative and legislative powers of the Provincial Councils (Warnapala 1997).

The Provincial Councils Act, No. 42 of 1987 was certified on 14<sup>th</sup> November, 1987. The Act brought to provide for the procedure to be followed in PCs; for matters relating to the Provincial Public Service; and for matters connected therewith or incidental thereto (Preamble of Provincial Council Act. No. 42 of 1987).

The main features of the Provincial Council Act, No. 42 of 1987 as amended by Act No. 27 of 1990 and Act No. 28 of 1990 may be referred to (Wickramaratne 2010). Part I of the Act deals with membership of PCs, Part II with meeting and conduct of business, Part III with finance and Part IV with the Provincial Public Service Commission (Ibid).

Provincial Councils Act No. 42 of 1987 provides the procedures to be followed by provincial councils in relation to;

- Membership of Provincial Councils
- Meetings and conduct of business in Provincial Councils
- Financial procedures of Provincial Councils
- Establishment of Provincial Public Service Commission

#### **4.4 Legislative Powers of SPC**

SPC is an elected body which was given power to pass statutes applicable to their respective Province, with regards to certain specified matters. The validity of a 'statute' can always be canvassed in a court of law, even years after its passage. (Uditha and Mahen 2009).

The devolution of powers in respect of PC is specified under the 9<sup>th</sup> Schedule of the 13<sup>th</sup> Amendment to the Constitution, under 3 lists viz.

1. List I, the Provincial Councils List, which specifies the powers and functions under which provincial councils may pass statutes in relation to their respective provinces;
2. List II, the Reserved List which indicates the powers which belong exclusively to the central government;
3. List III, the Concurrent List, under which both the center as well as the provinces are able to legislate (Leitan 2000).

#### **4.4.1 Provincial Council List**

The SPC has Statute-making powers over the subjects named in List I of the Ninth Schedule to the Constitution (Provincial Council List). Article 154G (1) of the Constitution Reads: ‘every Provincial Council may, subject to the provisions of the Constitution, make statutes applicable to the Province for which it is established, with respect to any matter set out in List I of the Ninth Schedule’ (1978 Constitution, Article 154G(1)). This power is subject to the provisions in the Constitution including Article 75 and Article 154(G) (10). However, legislative power of the Provincial Council is not exclusive.

The Provincial Council List (List I) enumerates 37 subjects or ‘items’ (many of which contain ‘sub-items’ further specifying the scope and limits of the itemized subjects) over which legislative and executive powers are devolved on Provincial Councils. Three of the most important subjects are further elaborated in three appendices that form part of the Provincial Council List.

Some of the subjects listed in the Provincial Council list (List) are: Police and Public order, Planning, Education and Educational services, Local government, Provincial housing and construction, Roads and bridges and ferries thereon within the province, Social services and Rehabilitation, Regulation of road passenger carriage services and the carriage of goods by motor vehicles within the Province and the provinces of inter-provincial road transport services, Agriculture and Agrarian Services, Rural Development, Health, Indigenous Medicine-Ayurveda, Markets fairs, Food supply and distribution within the Province, Co-operative, Land, Irrigation, Animal husbandry, Possession, transport, purchase and sale of intoxicating liquors, The regulation of mines and mineral development, to the extent permitted by or under any law made Parliament, within the Province (Ninth Schedule of the 1978 Constitution).

The Statutes made by Provincial Councils have to be consistent with the other provisions of the Constitutions. Once a Provincial Council passes a statute on a

subject in List I following the prescribed procedure the existing Parliamentary law shall remain suspended (Amarasinghe 2010).

#### **4.4.2 The Reserved List**

The subjects and functions listed in Reserved List are exclusively reserved only for the Central Government. These cover areas of national importance. Indeed a provincial Council shall have no power to make statutes on any matter set out in the Reserved List II of the Ninth Schedule.

The Matters set out in the Reserved List II are: National Policy on all subjects and functions relating to: Defense and Security with Internal security, law and Orders and prevention and detection of crimes. Foreign Affairs, Post and Telecommunication, Justice placed in relation to the Judiciary and Courts Structure, Finance in relation to National Revenue, Monetary policy, external resources and customs, Foreign trade, Inter Provincial Trade and commerce, Ports and Harbors, Aviation and Airports, National Transport, Rivers and waterways, Shipping and Navigation, Maritime Zones including historic waters, territorial waters, Exclusive economic zone, State land a foreshore, Mines mineral, Immigration and Emigration and Citizenship, Election including Presidential, Parliament, Provincial Council and Local Authorities, Census and Statistics (Ninth Schedule of the 1978 Constitution).

#### **4.4.3 Concurrent List**

The Concurrent List contains the matters in respect of which both the Parliament and the Provincial Council may make laws and statutes respectively. The Concurrent List (List III) enumerates 36 subjects, once again with some items further elaborated in sub-items. The following are some of the subject listed in Concurrent List. Namely; Higher Education, national Housing and Construction, Social services and rehabilitation, Agricultural and Agrarian Services, Health, Registration of births, marriages and deaths, Renaming of Town and villages, co-operative, co-operative Banks, Irrigation, Social forestry and protection of wild animals and birds, fisheries,

Animal Husbandry, Employment, Tourism, Drugs and Poisons (Concurrent List, 13<sup>th</sup> Amendment to the 1978<sup>th</sup> Constitution).

Every Provincial Council may subject to the provisions of the Constitution, make Statutes applicable to the respective Province, with respect to any matter on the concurrent List III of the Ninth Schedule after such consultation with Parliament as it may consider appropriate in the circumstances of each case (Article 154G (5) (a)). Also any matter on the Concurrent List the Central Government can legislate after consultation with the Provincial Council. If any provision of any statute made by a Provincial Council is inconsistent with the provisions of any such law made by Parliament, such law shall prevail and the provisions of the statute shall, to the extent of such inconsistency be void (Article 154G(5)).

#### **4.5 Finance of the provincial council**

In relation to Provincial councils, the constitutional and legal framework governing their financial resources, utilization of funds, audit and other controlling mechanisms, is provided under the 13<sup>th</sup> Amendment to the constitution and part 3 of the provincial councils act No 42 of 1987. Under these provisions, funds available to provincial councils can be categorized broadly as follows;

There are arrangements to ensure the financial needs of the SPC. The following are the ways to get fund for SPC's activities:

1. Devolved Revenue
2. Surplus on Advance Account Activities
3. Profits made on enterprises directly run by the Eastern Provincial Councils
4. Grants from the Government on the recommendation of the Finance Commission
5. Grants from Line Ministries
6. Others

#### 4.5.1 Devolved Revenue Power

The decentralization theorem asserts that the assignment of public expenditure powers to provinces must be determined by adequate finances to meet such needs. Revenue rising powers assigned to EPC include a combination of tax and non-tax sources. Provincial revenue sources have been identified under the Ninth Schedule of Thirteenth Amendment to the Constitution (Para 36.1 to 36.20).

**Table No: 4.1**

<b>Provincial Revenue</b>		
	<b>Article</b>	<b>Subject</b>
Tax	36.1	Turnover taxes on wholesale and retail sales
	36.2	Betting taxes
	36.5	Dealership license taxes on drugs and other chemicals
	36.17	Taxes on lands and buildings including property of the State to the extent permitted by law
	36.18	Taxes on mineral rights within limits and exemptions as prescribed by law
	36.20	Other taxation within the province in order to raise revenue for provincial purpose to the extent permitted by law
Duties	36.6	Stamp duties
Fees and Charges	36.3	Toddy tapping licence fees and liqueur license fees
	36.3	Motor vehicle licence fees within such limits and subject to such exemptions as may be prescribed by law
	36.8	Fines imposed by courts
	36.9	Fees charged under the Medical Ordinance
	36.10	Fees charged under the Motor Traffic Act
	36.11	Departmental fees in respect of any of the matters specified in List I
	36.12	Fees under the Fauna and Flora Protection Ordinance
	36.13	Fees on lands alienated under Land Development Ordinance and Crown Lands Ordinance
	36.14	Court fees, including stamp fee on documents produced in court
	36.15	Regulatory charges under the Weights and measures Ordinance
	36.16	Land revenue, including the assessment and collection of revenues, and survey for revenue purpose
	36.19	Licence fees on possession, transport, purchase and sale of intoxicating liquors.
	36.20	Other taxation within the Province in order to raise revenue for Provincial purposes to the extent permitted by or under law made by Parliament

Source: Wicramaratne. 2010, Fiscal Devolution: Operational Issues, p.115.

Business Turnover Tax (BTT) was the major revenue source of provincial councils. However, it has been observed that the operation of the provincial BTT and other

similar national taxes resulted in tax on tax. This has caused a high tax burden particularly, on Small and Medium Enterprises (SME) and consumers. With a view to avoiding this complicated tax system, the BTT collected by the provinces was abolished by the National Budget - 2011 presented before the Parliament. In order to supplement the reduction of revenue collected by the provinces, a special revenue sharing system was introduced by the National Budget – 2011 (Finance Commission 2011).

To implement this policy decision, Secretary to the General Treasury issued the Fiscal Policy Circular No: 01/2010 on 29th of December, 2010. Accordingly, revenue collected by central authorities such as Commissioner General of Inland Revenue (CGIR), Director General of Customs (DGC) and Commissioner General of Motor Traffic (CGMT) should be transferred to the provinces, on the following basis, with effect from the 01st of January, 2011.

- 33 1/3% of the Nation Building Tax (NBT)
- 100% of Stamp Duty
- 70% of Vehicle Registration Fees

#### **4.5.2 Grants from the Central Government**

The Central Government allocates fund to SPC from the Annual Budget on the recommendation and in consultation with the Finance Commission (FC).

Financial transfer to SPC constitutes an annual cycle. It comprises:

- Assessment of the “Needs of the Province”
- Allocation of funds from the Annual Budget
- Apportionment of Funds between the Provinces

Furthermore, the funds released to the SPC on the recommendation of the FC are:

1. Matching Grant
2. Block Grant

3. Criteria Based Grant (CBG)
  4. Provincial Specific Development Grant (PSDG)
  5. Education Sector Development Project (ESDP)
  6. UNICEF/UNFPA
1. **Matching Grant:** The Matching Grant is released as an incentive based on the collection of Devolved Revenue.
  2. **Block Grant:** This is a grant meant to meet recurrent expenditure needs of provinces for the purpose of sustaining and improving the service delivery system. The estimate of revenue of the province for a particular year is deducted from the estimated recurrent needs for the same year and the balance is recommended as Block Grant.
  3. **Criteria Based Grant (CBG):** The CBG is to meet the capital expenditure for improving the socio-economic condition in the provinces in a manner that contributes towards reducing regional disparities. The Criteria Based Grant was recommended to the Provincial Council to meet capital needs based on criteria such as population, area, per capita income, Social/Economic disparities etc. an annual basis.
  4. **Provincial Specific Development Grant (PSDG):** The Provincial Specific Development Grant is recommended by the Finance Commission in consultation with the Department of National Planning the basis of national priority. This grant is mainly expected for financing capital nature development projects paying special attention to infrastructure development under different devolved subjects.
  5. **Education Sector Development Project (ESDP):** As the National Budget allocations are inadequate to meet the actual requirements, the World Bank has funded for the budgetary support programe. This commenced from the year 2006.



6. **UNICEF/UNFPA:** For the development works in the Education, health and Probation sectors supported by the UN where ever the needs are urgent and inadequate of domestic funds.

#### **4.6 Education Finance**

With the expansion of educational facilities and with the establishment of a national system of education the government almost entirely took over the burden of financing the cost of education. In the early period during the decade of 1960s the government invested nearly 5 per cent of the GDP and 15 per cent of the annual government expenditure on education. However during the following decades due to illiquidity and cash rationing problems and issues arising due to several factors such as the rise in oil prices need for more investment on infrastructure and later due to the ethnic conflict that went over for two and a half decades the government was compelled to curtail expenditure on education. Even after the conclusion of the conflict rehabilitation of war affected areas took precedence. However on absolute terms the allocation on education was never reduced. In the current budget the allocation for education has increased substantially. Even under conditions of financial contractions Sri Lanka has been able to maintain its educational services comparatively at a satisfactory level due to the population transition and the infrastructure development undertaken during the early years. (MOE 2013)

### Education Financial Allocation Flow in Sri Lanka

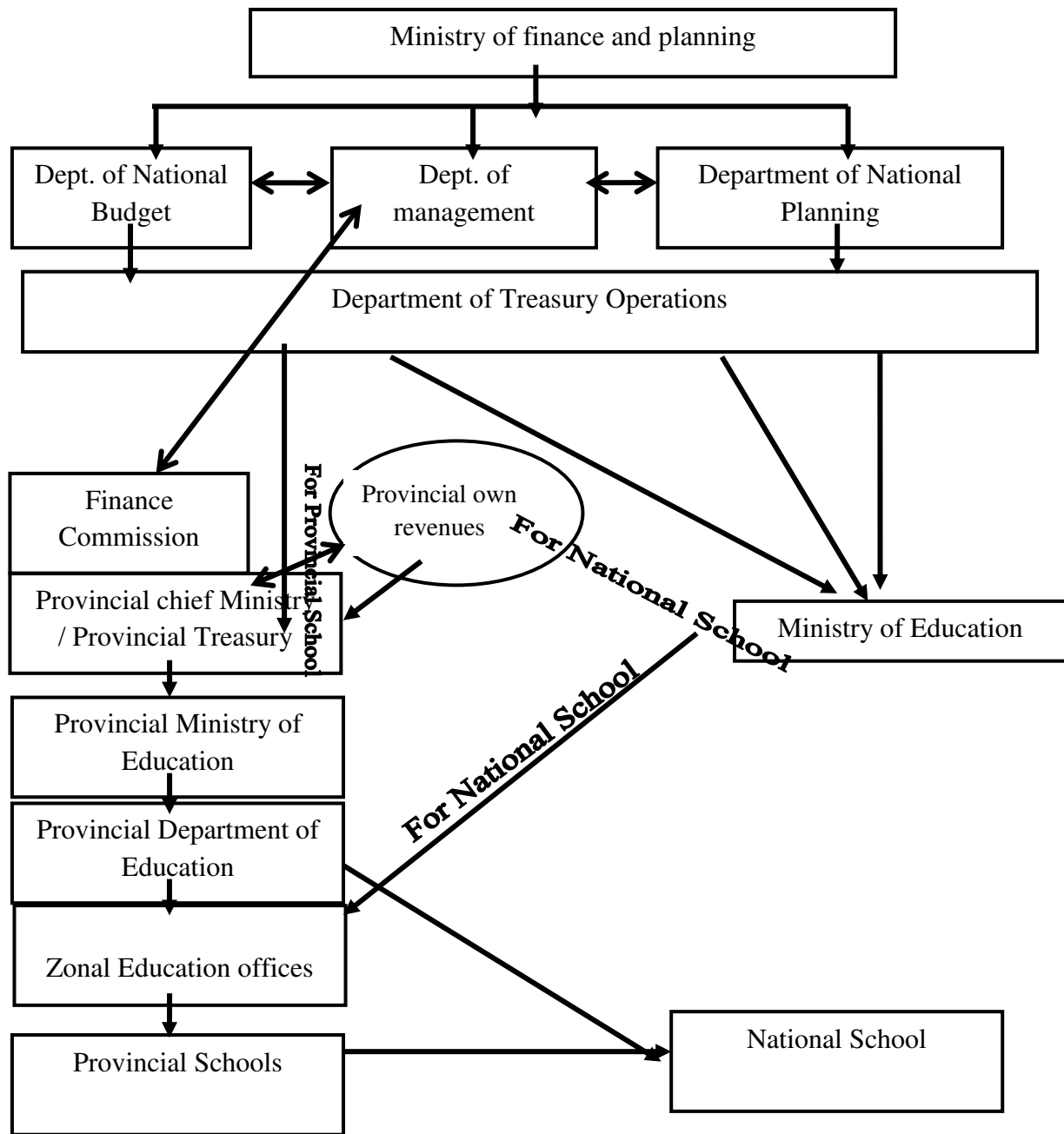


Figure4.1: Source: MOE, 2013, p47

## **CHAPTER 05**

### **An Analysis of Challenges faced by Southern Provincial Council (SPC) in Distribution of Educational Resources.**

#### **5.1 Introduction**

The aim of this chapter is to analyze the challenges faced by Southern Provincial Council in distribution of education resources using qualitative and quantitative methods. This chapter is divided into two parts. Firstly it discusses the nature of present resource distribution in Southern Provincial Council. In the second part, attempts were made to identify challenging areas in distribution of educational resources.

#### **5.2 Introduction- Southern Provincial Council (SPC) & Education Administration structure**

Southern Provincial Council was established in terms of the 13<sup>th</sup> amendment to the constitution of the democratic socialist republic of Sri Lanka and the Provincial Council Act No. 42 of 1987.

#### **Ministry of Education, Land and Land Development, Highways, Information**

Main subjects assigned to the Ministry

01. Education
02. Land and Land development
03. Highways
04. Media

Ministry consists with following institutions,

- 01 Provincial Department of Education
- 02 Provincial Land and Land development
- 03 Provincial Road Development

Subjects of Media and Information directly coming under the ministry as units.

There is a Provincial Ministry of Education in each province under a Provincial Minister of Education. The Provincial Minister is assisted by a Provincial Secretary of Education. The schools are managed by the Provincial Department of Education under the Provincial Director of Education.

For facilitation of administration a province is divided in to a number of educational zones headed by Zonal Director of Education .The administrative functions related to the management of schools and supervision is carried out by the Zonal Education Office. Each zone has approximately 100 to 150schools. The zones are further sub-divided into education divisions functioning under Deputy Director's in-charges of education divisions.

### **5.2.1 Functions of the Ministry**

- 01 Provide educational facilities to all children of school going age group to enhance their physical, psychological, cultural and social wellbeing and to implement live school mobilization programmes to create the intelligence and skillful of students for knowledgeable society.
- 02 Offering land for landless people, legalization of trespassed land spreading villages and creating colonies.
- 03 Maintenance and development of the provincial road network, comprising of C,D and E class roads and the planning, designing and construction new provincial roads, bridges and other structures to enhance the existing provincial road network to satisfy the road user.
- 04 Development of infrastructure facilities of rural estate oriented community to reduce regional disparity in the southern province.

- 05 To ensure quality and accuracy of information through capacity building of media personnel's.

### **5.3 Current Scenario of Distribution of Educational Resources.**

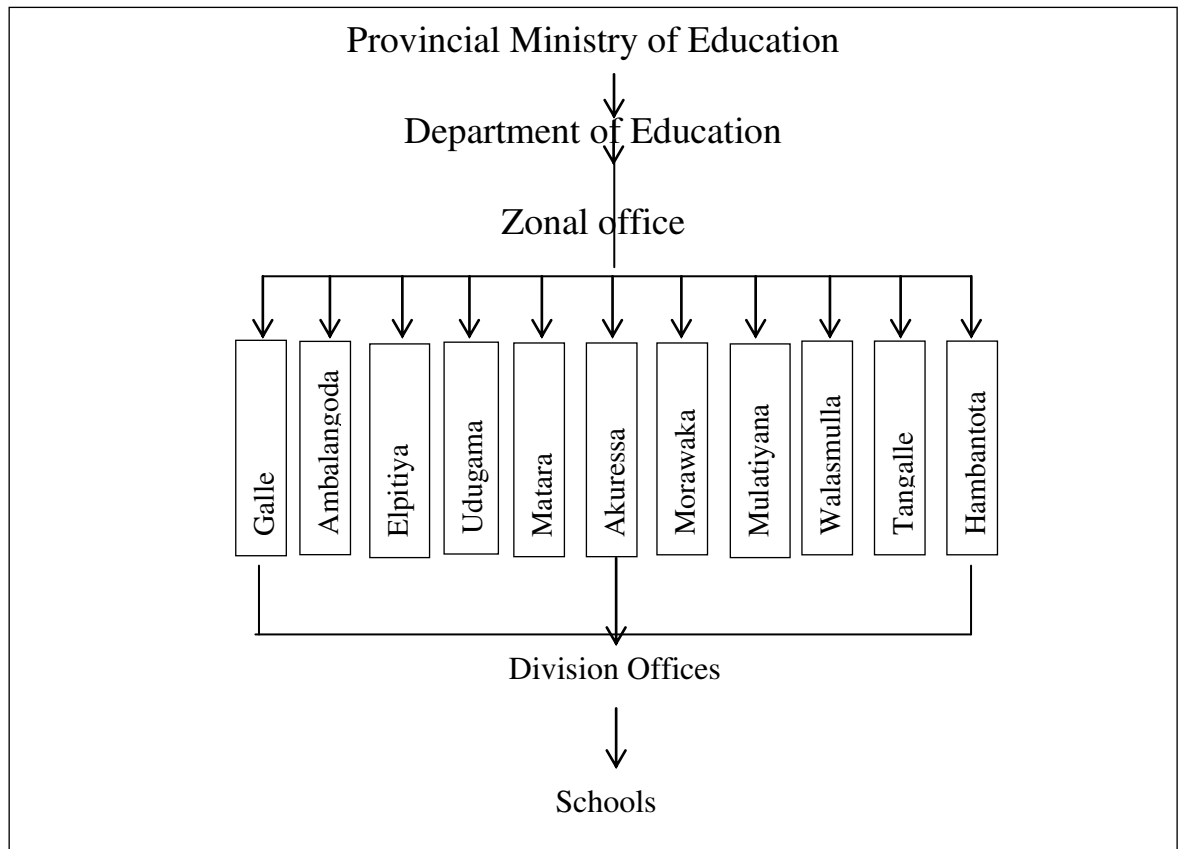
The **resources** are the most important thing which need for the existence of any type of organization and institutions. Without the basic resources such as human, physical and financial resources, no any organization effort will be succeeded. So, in education also human, physical and financial resources are required. Therefore the following human, physical, and financial resources are essential for the education in any provincial or in national level.

#### **5.3.1 Human Resource**

The Southern Provincial Education Department is responsible for carrying out the functions of education devolved to the provincial council under the 13th amendment of the Constitution. The provincial Minister in charge of the subject is the executive authority for education within the Province. Education functions are implemented by the Provincial Department of Education headed by the Provincial Director of Education with the Zonal Education Offices and Divisional Education Offices.

The province is subdivided into 3 administrative districts, each district has 3 - 4 Education Zones (altogether 11) headed by a Zonal Director of Education and number of Divisional Education offices (altogether 39) headed by Divisional Director of Education.

**Figure: 5.1 Administrative structure of the Education Ministry**



(Source: Department of Education, 2015)

Southern Province has 66 National Schools and 1,049 Provincial schools. The total students population is 518542 and 29,366 Teachers are serving in these schools.

**Table: 5.1: Number of Provincial Schools in Southern Province**

<b>Provincial Schools</b>					
Zonal	01 AB	01C	02	03	Total
Galle	16	29	37	48	130
Ambalangoda	07	14	20	37	78
Alpitiya	10	19	51	40	120
Udugama	03	13	26	33	75
Mathara	10	25	32	31	98
Akuressa	05	18	28	29	80
Mulatiyana	06	14	48	22	90
Deniyaya	02	16	29	27	74
Hambanthota	07	27	54	26	114
Tangalle	05	22	50	25	102
Walasmulla	07	22	32	27	88
<b>Total</b>	<b>78</b>	<b>219</b>	<b>407</b>	<b>344</b>	<b>1049</b>

(Source: Department of Education, 2014)

**Table: 5.2 Number of Provincial School**

<b>National schools</b>			
Zonal	01 AB	01C	Total
Galle	16	01	17
Ambalangoda	05		05
Alpitiya	03		03
Udugama	03		03
Mathara	11	02	13
Akuressa	02		02
Mulatiyana	03		03
Deniyaya	03	01	04
Hambanthota	07		07
Tangalle	05		05
Walasmulla	04		04
<b>Total</b>	<b>62</b>	<b>04</b>	<b>66</b>

(Source: Department of Education, 2014)

**Table 5.3 Number of teachers and students in provincial schools in Southern Province**

<b>Provincial schools Students and Teachers</b>		
<b>Zonal</b>	<b>Students</b>	<b>Teachers</b>
Galle	53747	3016
Ambalangoda	32217	1541
Alpitiya	37943	2132
Udugama	22441	1370
Mathara	36126	2601
Akuressa	25328	1559
Mulatiyana	26245	2167
Deniyaya	25275	1606
Hambanthota	43787	2673
Tangalle	29148	2022
Walasmulla	26076	2072
<b>Total</b>	<b>358333</b>	<b>22759</b>

(Source: Department of Education, 2014)

**Table: 5.4: Number of teachers and students in National schools in Southern Province**

<b>National schools Students and Teachers</b>		
<b>Zonal</b>	<b>Students</b>	<b>Teachers</b>
Galle	47684	1885
Ambalangoda	15658	521
Alpitiya	8630	282
Udugama	5172	207
Mathara	33461	1504
Akuressa	4349	191
Mulatiyana	5044	271
Deniyaya	8385	339
Hambanthota	13652	630
Tangalle	8244	381
Walasmulla	9930	396
<b>Total</b>	<b>160209</b>	<b>6607</b>

(Source: Department of Education, 2014)



**Table 5.5: Total of Schools, students and teachers in Southern province**

	Schools	Students	Teachers
Provincial schools	1049	358333	22759
National schools	66	160209	6607
Total	1115	518542	29366

(Source: Department of Education, 2014)

### **5.3.2 Physical Resources and Financial Resources.**

Physical resources are very important thing for education. Namely,

- Buildings - classrooms, hostels, office space etc.
- Specialized rooms – workshops, laboratories, libraries. Office and store rooms, recreation rooms, rooms allocation for extracurricular activities.
- school furniture desks and chairs, blackboards, office and library furniture, storage facilities, special types of furniture for workshops Playgrounds, gardens, space for agriculture, environment and science education, learning aids, models, maps, equipment’s laboratory and workshop equipment’s chemicals, disposables, computers Audio, video learning materials (electronic and other media), water supply and electricity, stationery, supplies, chalk etc.

Provincial ministry of education and Department of Education will be jointly responsible for the managing the provincial schools and preparation and implementation of provincial education development plans both medium terms and annual implementation plans including budgeting requirements in line with the national policy framework.

The Ministry of education provides following services to the children’s ensuring better education.

**Table 5.6 Annual Development Education plan (Criteria based grant) 2013**

**Goal- Promoting equitable access to basic and secondary education**

<b>Action</b>	<b>Target</b>	<b>Projects in order of priority</b>	<b>Broad activity</b>	<b>Budget Rs Million</b>
No of furniture's repaired	1000 school students furniture's	Repairing the broken school furniture ( Table and desks)	Repairing the broken school furniture's	03
No of trained educational officers	200 educational officers	Capacity development of Ministry and Department offices	Training programme	0.5
No of furniture's supplied to the divisional educational office (for newly appointed development officer)	50 tables, 60 chairs, 20 cupboard	Supplying the furniture's	Strengthening the divisional educational office	02
No of aesthetic programme for GCE (O/L)students	Galle, Matara, Hambantota districts	Conducting aesthetic programme for GCE O/L students	Create well balanced mental condition and well preparation of students for GCE O/L examination	1.5
No of repaired teacher quarters	06	Repairing of teacher quarters	Repairing of school building	03
No of evaluated principles/ no of evaluated teachers/ no of evaluated students	300 teachers, 5000 students, 50 principles	Evaluate programme for principals, teachers, and students	Evaluation programme	04
<b>Total</b>				<b>14</b>

(Source: Ministry of Education; Sothern Province, 2014)

According to the table higher percentage of financial provisions allocated for the giving education services in 2013.

**Table 5.7 Amounts required for continuation work and bills in hand**

Project	Bill in hand (Rs)
School building repairing	307000.00
Building repairing – zonal education office	656000.00
Teachers quarters repairing	294000.00
Construction and repairing of southern provincial sport training center	425000.00
total	1682000.00

(Source: Ministry of Education; Sothern Province, 2014)

**Table 5.8 Summary of annual budget**

Amount required for new work	14000000.00
Amount required for continuation work and bills in hand	1682000.00
total	15682000.00

(Source: Ministry of Education; Sothern Province, 2014)

**Table 5.9 Annual Development Education Plan 2014**

Action	Target	Projects in order of priority	Broad activity	Budget Rs Million
No of furniture's repaired	Students chairs 500, table 500, desks 500, large chairs 900	Repairing the broken school furniture's ( desks & chairs) in province	Repairing the broken school furniture's	03
No of trained educational teachers and principals	750 teachers and 200 principals	Capacity development teachers & principals in southern province	Training programme	02
No of repaired teachers quarters	04 teachers quarters	Repairing the teacher quarters in Matara & Hambantota	Repairing teacher quarters	02
No of evaluated principals, teachers, & education officers and students	300 teachers, 5000 students, 50 principals, 25 educational officers	Evaluation programmes		05
No schools is provided furniture's, aesthetic and spot instruments	10 schools	Purchasing school furniture's, aesthetics sport and other instruments for 11 educational zones	Purchasing school furniture's, aesthetics sport and other instruments	02
				14

(Source: Ministry of Education; Sothern Province, 2014)

According to the table higher percentage of financial provisions allocated for the giving education services in 2014.

**Table 5.10 Amounts required for continuation work and bill in hands 2014**

project	Bill in hand Rs
School building repairing	400000. 00
Repairing the broken school furniture's	1500000. 00
total	1900000. 00

(Source: Ministry of Education; Sothern Province, 2014)

**Table 5.11 Summary of annual budget**

Amount required for new work	Rs Million 14.0
Amount required for continuation work and bills in hand	Rs Million 1.9
total	Rs Million 15.90

(Source: Ministry of Education; Sothern Province, 2014)

**Table 5.12 Annual Development Plan 2015- Criteria Based Grant (CBG)  
Improving the quality of primary and secondary education**

Goal	action	Projects in order priority	Broad activity	Budget Rs Million
Upgrade the knowledge and make well preparations the students for grade 05 scholarships exam and increase the numbers of passed students in southern province	No of evaluated principals, teachers, students.	JAYASAK UPAHARA ULELA' appreciation programme for the teachers, principals, and officers who leads to passed more students for grade 05 scholarship exam	Evaluation programme	5.5
Upgrade the quality of education in southern povince	Aesthetic programme for GCE O/L students	Zone conducting aesthetic programme for O/l students	Upgrade well balance of mentalcondition and well preparation of student for GCE O/L students	02
Strengthen the divisional and zonal educational office	No of divisional educational office supplied facilities	Supplying sound system for 39 divisional office	Supplying sound system	2.5
improve the efficiency & upgrade the knowledge &make strengthen the principals, officers	No of principals trained, capacity development programme for officers	Training 1118 for principals, capacity development programme for officers	Training programme	8.5
<b>Total</b>				<b>18.5</b>

(Source: Ministry of Education; Sothern Province, 2014)

According to the table higher percentage of financial provisions allocated for the giving education services in 2015

**Table 5.13**

Area	Rs Million
Improving the quality of primary and secondary education	7.5
Strengthening organizational capacity and human resources	11
<b>Total</b>	<b>18.5</b>

(Source: Ministry of Education; Sothern Province, 2014)

**Table 5.14 Annual Development Plan Education (Provincial Specific Development Grant (PSDG)-2013**

Goals	action	Projects in order of priority	Broad activity	Budget Rs Million
Improved basic learning spaces and assets	No of schools provided basic learning spaces	New constructions and repairs	Constructions and repairs	
Ensured free education policy	No of schools with drinking water and sanitary facilities	Provisions of water supply to schools, toilets and urinals for schools	Construction & rapairs	
Provided education opportunities for students with special education	No of special education units repaired	Renovation of special education units	Modernization special education unit and providing equipment's	
<b>Total</b>				<b>181.27</b>

(Source: Ministry of Education; Sothern Province, 2014)

**Table 5.15 Annual Development Plan Education- PSDG 2014**

Amount required for new work	Rs Million 142.60
Amount required for continuation work and bills in hand	Rs Million 124.10
<b>Total</b>	<b>Rs Million 266.70</b>

(Source: Ministry of Education; Sothern Province, 2014)

**Table 5.16 Annual Development Plan Education- PSDG 2015**  
**Goal-Promoting equitable access to basic and secondary education**

Goal	Action	Projects in order of priority	Broad activity	Budget Rs Million
Improve the basic space and assets	No of schools provided basic learning spaces	Construction of school building & repair of school building	Construction of school building & repair of school building	338.09

(Source: Ministry of Education; Sothern Province, 2014)

District name	Contruction Rs Million	Repair Rs Million	Total Rs Million
Galle	35.18	69.73	104.91
Matara	55.03	83.66	138.69
Hambantota	34.26	60.23	94.49
Total	124.47	213.62	338.09

(Source: Ministry of Education; Sothern Province, 2014)

**Table 5.17 Providing musical instruments (All 03 districts)**

Goal	action	Projects	Broad activity	Budget Rs Million
Ensure the free education policy	Number of schools provides music instruments	Providing musical instruments to the schools	Providing music instrument and other instrument ( senior western band for the schools)	03
Total				03

(Source: Ministry of Education; Sothern Province, 2014)

According to the tables higher percentage of estimated financial provisions by budget to distribution the servicers has been allocated for the education services to the children's last years.

### **5.3.3 Financial Resources**

Education takes the largest portion of the provincial budget .At the provincial level; education gets the highest per cent allocation, mainly due to the fact that education sector employees the highest number of persons.

In relation to Provincial councils, the constitutional and legal framework governing their financial resources, utilization of funds, audit and other controlling mechanisms, is provided under the 13<sup>th</sup> Amendment to the constitution and part 3 of the provincial councils act No 42 of 1987.

Under these provisions, funds available to provincial councils can be categorized broadly as follows;

1. Revenue sources of Provincial councils as devolved revenue
2. Financial allocation from center
3. Foreign funding

In provincial councils allocation of finance for education is most significant and the distribution and resources for education also depends on the allocation of finance, or on finance of the provincial councils. Therefore it's necessary to have sufficient finance for education in each and every province.

#### **➤ Grants from the Central Government**

The Central Government allocates fund to SPC from the Annual Budget on the recommendation and in consultation with the Finance Commission.

Financial transfer to SPC constitutes an annual cycle. It comprises:

- Assessment of the “Needs of the Province”
- Allocation of funds from the Annual Budget
- Apportionment of Funds between the Provinces

Furthermore, the funds released to the SPC on the recommendation of the FC are:

- 1 Matching Grant
- 2 Block Grant
- 3 Criteria Based Grant (CBG)
- 4 Provincial Specific Development Grant (PSDG)
- 5 Education Sector Development Project (ESDP)
- 6 UNICEF/UNFPA

- **Criteria Based Grant (CBG):** The CBG is to meet the capital expenditure for improving the socio-economic condition in the provinces in a manner that contributes towards reducing regional disparities. The Criteria Based Grant was recommended to the Provincial Council to meet capital needs based on criteria such as population, area, per capita income, Social/Economic disparities etc. on an annual basis.
- **Provincial Specific Development Grant (PSDG):** The Provincial Specific Development Grant is recommended by the Finance Commission in consultation with the Department of National Planning on the basis of national priority. This grant is mainly expected for financing capital nature development projects paying special attention to infrastructure development under different devolved subjects.

**Table 5.18 Provincial political members grant allocation**

The Provincial council allocates fund to members of SPC. 220 million had been allocated for each of the 55 provincial council members to develop his electorate or serve his people. Annually allocated 4 million for one person.



Districts	2013 Rs		2014 Rs		No of projects
	Approved	Released	Approved	Released	
Galle	13317864.00	13272864.00	6427550.00	6392550.00	199+114
Matara	4956231.00	4956231.00	5233000.00	5218000.00	106+73
Hambanthota	5201725.00	5201567.00	4482520.00	4022520.00	64+86

(Source: Chief Secretary Office- Planning Section, 2014)

**Table 5.19: World Bank Allocations.**

The Education Sector Development Framework and Program (ESDFP) 2006-2010, and 2012-2016 formulated by the Ministry of the Education with the support of the World Bank. The education sector development plan has been incorporated the 10 year development framework.

	Allocation Rs; 000	Impress received	Expenditure as at 31 <sup>st</sup> November 2014
Provincial Ministry of Education	284500	228500	41960
Provincial Department	15000	2000	2000
Zonal office		11000	9860

(Source: Chief Secretary Office- Planning Section, 2014)

**Table 5.20 Report of receiving grants and financial position- 2014 Southern provincial council**

	Total grant to be received	Received up to 31 Dec 2014	%
<b>Recurrent grant</b>	13945000000.00	15785604000.00	100
Block grant	1840604000.00		
supplementary	15785604000.00	15785604000.00	
<b>Capital grant</b>			
Criteria based grant – <b>CBG</b>	380000000.00	255000000.00	67
Provincial specific development grant <b>PSDG</b>	1230000000.00	820000000.00	67
World Bank/ Education	245000000.00	191938965.00	78
HSDP	180000000.00	169000000.00	94
1000 school project	35000000.00	35000000.00	100
Estate sector school	25000000.00	25000000.00	100
	2095000000.00	1495938965.00	71
<b>Total</b>	<b>17880604000.00</b>	<b>17281542965.00</b>	<b>97</b>

(Source: Chief Secretary Office-Director of Accounts and Payments, 2015)

**Table 5.21: Analysis of Treasury impresses Receipts 2015 up to 2015. 11. 12**

Description	Amount Rs Mn	Amount received Rs Mn	Balance due Rs Mn	% received
Block grant	20843.28	17308.68	3534.60	83
Capital expenditure( CBG/ PSDG)				
education	362.00	181.00	181.00	50
TSEP- WB	308.80	133.15	175.65	50
health	384.00	192.00	192.00	50
HSDP- WB	355.00	148.00	207.00	42
Social care	12.00	6.00	6.00	50
Economic infrastructure	433.00	216.50	216.50	50
Livelihood development &economy	331.00	165.50	165.50	50
Institutional capital	168	84	84.00	50
Provincial road development	300	350	50.00	117
UNICEF programme	50		50.00	-
<b>Total- capital</b>	<b>2703.80</b>	<b>1476.15</b>	<b>1227.65</b>	<b>55</b>

(Source: Chief Secretary Office-Director of Accounts and Payments,2015)

According to above data's we can identify what are the Strategies and innovations used by SPC to ensure the better education.

#### **5.4 Challenging areas in Resource distribution**

##### **5.4.1 Shortage of sufficient and competence Human resource**

A one of the major factor of efficiency and effectiveness of services provided by provincial institutions is the human resources or staff which it has. In this way sufficiency of that staff is very important factor.

According to the table number 23 there were 190 vacancies in Principal Service in Galle district. And also there were 182 vacancies in Matara district (Table number24), and 245 principal service vacancies in Hambanthota district (Table numbe25).

The principal who is the head of the school is responsible for the efficient and effective management of the school. The number of vacancies increased, but no measures were taken to fill such vacancies.

According to the table number 23 there were 1412vacancies in teaching service in Galle district. And also there were 181 vacancies in Matara district (Table number 24), but in case of Hambanthota district totally different this situation. Concerning the teachers in Hambanthota district expected (Approved) teachers are 6341. But in currently more than 304 teachers are working in Hambathota District.

Specially, posts of Management assistants, Lab assistants, and office support staff, security officers who are playing a major role in education service.

**Table 5.23: Galle district**

Profession	Approved no	Currently work no	Vacancies
Principal	525	335	190
teachers	9199	7787	1412
Lab assistant	20	20	00
Management assistant	20	12	08
Supporting staff	534	510	24
Security	159	154	05

**Table 5.24: Matara district**

Profession	Approved no	Currently work no	Vacancies	extra
Principal	447	265	182	
teachers	8049	7868	181	
Lab assistant	14	06	08	
Management assistant	17	09	08	
Supporting staff	462	464		02
security	125	123	02	

**Table 5.25: Hambantota**

Profession	Approved no	Currently work no	Vacancies	extra
Principal	377	132	245	
Teachers	6341	6645		304
Lab assistant	15	46	07	38
Management assistant	15	04	11	
Supporting staff	325	199	126	
Security	98	62	36	

(Sources: Table No 5:23/ 5:24/5:25 are constructed by the researcher referring Data of Ministry of Education. SPC)

❖ **Shortage of sufficient Primary teachers**

Another problem face by SPC in delivering education services is the shortage of primary teachers. There were 810 vacancies in Galle district. Shortage of primary teaching problem becomes a big issue in future education filed.

Because primary education is very important thing, its foundation of education.

In Sri Lanka education system most teachers are those with an educational training either at a National college of Education (NCOE) or a faculty of education in a university. The diploma in teaching conducted in an NCOE is of 03 years duration while a teacher training course in a teachers training college is 02 years.

The first 05 years of schooling at the primary stage of education. This is period is demarcated in to 03 key stages.

- Key stage 01- Grades01 and 02  
The main learning mode is the guided play with secondary emphasis on active learning and minimum emphasis deskwork.
- Key stage 02- Grades03 and 04  
Equal importance is given to all three modes of learning paly, activity based learning and deskwork.
- Key stage 03- Grade 05  
The emphasis on deskwork, as pupils are prepared for the early years of secondary education supplemented by active learning and play,

At the end of each stage all children are expected to achieve list of essential learning competencies. Besides there are also desirable learning competencies for those gifted children. (MOE, 2013)

According to above definitions we can identify importance of primary education. Specially giving service by insufficient training teachers in primary education sector students quality is rapidly come lower level.

Most of the schools have failed to introduce well-trained primary teachers in primary sections.

❖ **Poor Quality of Teachers**

In interview with the additional provincial director of education, it was revealed that every teacher must training regarding innovations, strategies, and new technology. Without new knowledge teachers quality is not enough to ensure quality of education. Ministry has several programme to develop teachers quality. But most of teachers have week teaching styles. Having no experience to use modern education materials in the classroom .even they don't have any communication skills and ability to impart knowledge.

❖ **Salary arrears issue**

Another problem regarding salary system of teachers. They are not getting salaries arrear; most of teachers are dissatisfied about this case. Furth more additional provincial director said, more than 165 million need to pay salaries in arrear from 2011.

#### **5.4.2 Insufficient Financial Resources**

In provincial councils allocation of finance for education is most significant and the distribution and resources for education also depends on the allocation of finance, or on finance of the provincial councils. Therefore it's necessary to have sufficient finance for education in each and every province.

SPC has insufficient funds for the performance of their functions. Therefore, a Finance Commission at the center is charged with making recommendations to the government regarding financial allocations to SPC under the annual budget. There is, accordingly, heavy dependence by SPC financially, on the Centre.

Some projects initiated with the aim of ensure the better resource distribution, become useless as the money due from southern provincial council is not allocated in time.

Allocation of funds from the annual budget to meet the needs of provinces. The constitution guarantees that the government shall allocate from the annual budget funds as are adequate for the purpose of meeting the needs of the provinces. (Gunawardana, , 2010,)

The National finance Commission established under the 13<sup>th</sup> amendment is responsible for the distribution of revenue and working out equalization formulae for distribution financial resources. (Amarasingha, 2010)

In interview with the Director of Accounts and Payments (Chief Secretary Office – southern province), he said, “we have allocation of funds, but we don’t receive money”. In 2015 allocate amount is Rs million 362 for education. Up to November received amount is Rs million 181. This has affected to decrease the distribution of resource of the education sector. Furth more he said “we are trying to get 80% money from allocation funds. We said this matter chief minister also. He can discuss with central government meeting. But central government delay and decreases their funds to provincial councils,

Also Provinces cannot introduce any new revenue measures. In this case we can identify significant gap between revenue and expenditure. In this situation Provinces heavily dependent on central government.

In interview with Director of planning, he also arising this matter. He said “we cannot prepare new plans due to lack of finance. Amount required for continuation work and bills in hand is big issue due to lack of funds... In 2008 we don’t have new plan, we have only continuation plans and projects. Also he identified the fiscal grants which were allocated to the Provincial Council through the FC not sufficient. The grants were not allocated on time.

### **5.4.3 Constitution and Legal framework**

A one of major challenges faced by SPC in distribution of resource in education services is that limitation of powers and functions.

In interview with the Director of Accounts and Payments (Chief Secretary Office – southern province), he said, “We cannot prepare new plans due to barriers of Act & legal framework”.

Allocation of funds from the annual budget to meet the needs of provinces. The constitution guarantees that the government shall allocate from the annual budget funds as are adequate for the purpose of meeting the needs of the provinces. (Gunawardana, 2010)

The provincial tax base is miniscule. It is noteworthy that the sources with any significant potential such as turnover taxes on wholesale and retail sales, motor vehicle license fees, and mineral rights are within such limits and exemptions as may be made by parliament. Further taxes on land and buildings including the property of the state and any other taxes within the province in order raise revenue for provincial purposes are only to the extent permitted by parliament. Thus provinces cannot act on the revenue powers assigned by the constitution without approval of parliament. At the same time provinces cannot introduce any new revenue measures. (Gunawardana, 2010)

The restricted financial capacities of the provincial council have affected the efficiency of provincial administrative organization in several ways. The tax base provided in the constitution is insufficient to organize provincial developments programmes and finance multilevel governance structures. Consequently, provincial councils are extremely dependent on the funds provided through the annual appropriation bill. (Bandara, 2010) The high dependency on central government grant has impeded the efforts of provincial public administration leaders to improve the administrative mechanism of provincial’s councils. Councils have to wait for a longer



period to fill the vacancies in their provincial cadres. The non-allocation of funds or retaining the funds required by the treasury is one reason for the delay in filling the large number of vacancies that exist in the provincial administration.

(Bandara, 2010)

#### **5.4.4 Political influence**

One of the major challenges faced by SPC in distribution of resources in education services is that of disputable politics.

The implications of politicization are very much visible at the provincial level. It is a determinant factor of recruitments, promotions, and transfers of the members of provincial public administration. The recruitment of manual workers, drivers, teachers, and management assistants is largely based on political patronage. One of the outcomes of the political patronage system in the provincial councils is the creation of a large number of casual appointments. (Bandara, 2010)

Concerning the teachers in Hambanthota district, the expected (Approved) teachers are 6341. But in currently more than 304 teachers are working in Hambanthota District. Also Lab assistants in the same district, the expected are 15, but in currently more than 38 lab assistants are working in Hambanthota district. The main reason behind that is political appointment in the previous government.

The conversion of provincial schools into national schools by taking them over by the government has deprived the provincial councils of most of the better schools under their control. At first there existed a formal procedure that laid down specific conditions necessary before a school is converted to a national school and required the approval of the relevant provincial council, but now these decisions are made unilaterally by powerful national or provincial political leaders.

(Amarasingha, 2010)

➤ **Issue regarding allocations of Provincial political members grants.**

The Provincial council allocates fund to members of SPC. 220 million had been allocated for each of the 55 provincial council members to develop his electorate or serve his people. Annually allocated 4 million for one person.

Interviews with member who represented in Galle district, he said, the sum of Rs. 4ml allocated to a member is inadequate.

Furthermore another member also stressed this issue; the allocation of funds is inadequate. The allocation of funds for education activities is small; it cannot cover to the wide area.

“We are unable to respond to the requests of our people. Actually, the Cabinet of the Provincial Council should have these powers.

“The people have elected us to the PC with high hopes that we will fulfill their aspirations and provide relief to the problems encountered by them. These include provision of infrastructure, agricultural development, schooling and educational matters, recruitment within the province and transfers. But all high officials are appointed by the Central Government while the Provincial Governor has powers with regard to recruitment, appointments and transfers. On many other matters too we have to approach either the Central Government or the Governor for approval. I strongly feel that this is unfair by the people who gave us their mandate.”

But, service seekers perception is totally different. They said,

“Only politicians will benefit from the system, enjoying luxury perks and privileges while the whole exercise will be a drain on public resources.”

#### **5.4.5 Physical resource**

Physical resources are very important thing for education. Some projects initiated with the aim of ensure the better resource distribution, become useless as the money due from southern provincial council is not allocated in time.

The National schools are rich in terms of physical resources. Also they have enough building facilities, library facilities, laboratory facilities, sports facilities and even computer facilities.

Furthermore, they have facilities for extracurricular activities such scouts, cadet, Astrology, Photographic, Electronic, and Drama, Music, Dancing, computer, ayurvedic, stamps and science. The members of the Associations meet once a month. Also those Associations organized various competitions (debate and speech, tournament) in intra and inter school level. Those activities took significance role in improving knowledge and enhance the personality of the students.

But this is completely different scenario among the provincial schools. Very poor attentions were given by the top of the administration regarding these issues. Most of the provincial schools do not have sufficient class rooms. There are deteriorated buildings, and water suppliance is also very irregular.

They do not have adequate computer facilities. For instance a provincial school has only one computer. That was donated for kinds. Also they have no sport facilities and ordinary level laboratory facilities as well as organized library facilities. Therefore their education is also not well developed, and they do not have opportunity to improve their knowledge and their personalities. Due to these difficulties considerable amount of students used to drop out the schools after their grade ten. The scenario could be found in plantation area schools too.

The administrative bodies pay much attention towards urban or national schools. Meanwhile provincial schools are getting step mother treatment by the administration.

So due to the lack of resource distribution among the provincial schools the development of education is getting paralyze. For instance they are getting weak results in ordinary and advance level examinations.

Further it was found that, the Teachers who were working in the provincial schools which situated in the rural area used to get transfer to other provincial schools which situated in urban areas. Considerable political support and influence also took key role in the process. The problem is, when they got transfer to other schools, no proper arrangement made to fill the gap or vacancy. Another good example of insufficiency in the human resource at provincial schools is; a principle of provincial school has retired in 2011. Though still new Principal not appoint by the administration.

**Table 5.26 Student Perception**

Statement	Yes % (Satisfaction)	No %(Dissatisfaction)
Class room facility	40	60
Library facility	30	70
Laboratory (Science)	55	45
Computer	25	75
Playgrounds	35	65
Sanitations facilities	65	35
Extracurricular activities	35	65

(Source: Survey, 2015)

According to the table, 40%respondents (40%) are satisfied on classroom facilities provided by the school. But they said they have not enough education materials.

From survey findings, we can see that only 30% respondent showed their strong satisfaction about the library facilities provided by the school. The large portion of respondents (70%) was Dissatisfaction in their opinion about library facility. They said inadequate number of books is in library.

Lab facilities are important for lab-based subjects. Specially science, Biology, Chemistry subjects. 55%percent respondents said that lab facilities are not standard for user and 45% said facilities are standard. In survey, most of the students who are studying in lab-based courses are unhappy about the instruments, instruments quality

and sufficient chemical stock in laboratory. Most of the labs have back dated instruments. Students get opportunity only for minimum time to use lab.

Computer facilities are important to education. 75% students were dissatisfaction about the computer facilities. They do not have adequate computer facilities. For example a provincial school has only one computer. That was donated for kinds.

Thirty five percent (35%) Respondents said, they are dissatisfied with the arrangement of sanitation facilities. Ten percent showed Strong dissatisfaction.

65 percent respondents said they have no any playground. 35% respondents (35%) are satisfied on extracurricular activities facilities provided by the school.

**Table 5.27 Staff Perception**

	Yes % Satisfaction	No% Dissatisfaction
Office	60	40
Staff support office	40	60
Store rooms	35	65
Electricity and water supply	45	55
Teachers quarters	35	65

(Source: Survey, 2015)

Some questions were asked to Principals and other staff of schools about the Resources.

According to the table, 60%of the respondents (60%) are satisfied on **office** provided by the school. They said that office rooms are well-decorated. But they don't have enough facilities regarding office staff rooms, teacher quarters.

They said that teacher quarters facilities are not standard for user and 35% said facilities are standard. In survey, most of the respondents who are serving office staff (Nonacademic) are unhappy. Electricity and water is another important thing related to resources. Most of the Schools have no any effective mechanism regarding this case.

#### **5.4.6 Administrative culture**

Another challenge faced by Southern Provincial council in administration, Center biased political bureaucratic culture.

Navaratna Bandara identified following factors for breeding negative attitudes that inhibit the effective working of the devolved administration.

- The negative approach towards the provincial councils system due to personal problems they faced within the system;
- The provincial councils system has been a captive of the centralized administrative culture;
- The continuation of politicization of bureaucracy at the provincial level;
- Provincial council administrators first loyalty to the central governance;
- The unwillingness or the inability of the provincial administrative leadership to challenge their masters at the center;
- The presence of provincial bureaucrats who were the victims of political witch – hunting;
- A section of bureaucrats being under the influence of anti- devolution rhetoric
- Bureaucratic hesitance to face new challenge and disturb the quietness they enjoy presently within the organization. (Bandara, 2010)

During the interviews further I identified these unfavorable cultural styles still continue in provincial administration sector.

#### **5.4.7 Institutional problems**

Another challenge face by Southern provincial council in distribution of resources is the institutional weakness. Specially, institutional mechanism system running very slow. This has resulted in decrease efficiency and effectiveness of distribution of resources. In interviews with Director of planning in Provincial Education Department, she mentioned, that every staff member has lot of works, due to that

heavy work pattern they always living working pressure. Also she mentioned, we have proper partnership and coordination between the other related institutions... like Zonal educational office, Divisional educational offices...’

But during research revealed that, the absence of clarify in the demarcation of responsibilities and the lack of coordination among responsible levels have resulted in unproductive distribution of service.

There are issues related with resource distribution among the provincial council school. Recently, improving school quality has become the central focus of government policy. Accordingly the issues related with resource distribution and empower the provincial school were addressed by the National Ministry of Education. Then the National Ministry of Education, in discussion with the Provincial Ministries and Departments of Education, has prepared an over-arching plan for the development of the education sector, the Education Sector Development Framework and Program (ESDFP) 2006-2010, and 2012-2016 to address the current challenges of the general education system. The consultation process for the preparation of the ESDFP covered government officials, academics and researchers, school communities including principals, teachers and parents, and development partners. The ESDFP is organized into four themes:

- Theme 1. Promoting Equitable Access to Basic and Secondary Education
- Theme 2. Improving the Quality of Education
- Theme 3. Enhancing the Economic Efficiency and Equity of Resource Allocation
- Theme 4. Strengthening Education Governance and Service Delivery

There is issue related with shortage of teachers in remote areas (Rural areas) from 2013 SPC were addressed by the this issue Introducing balance of teaching policy to reduce the shortage of teaching staff in rural areas.

#### **5.4.8. Conclusion**

The chapter focused on analyzes the challenges faced by Southern Provincial Council in Relation to Distribution of educational Resources. The Ministry of education provides several services to the children's ensuring better education. Though SPC implemented several strategies. But it unsuccessful to ensure the better distribution of resource to the education sector.

This situation led to emerge the various challenges in in distribution of educational resource, include shortage of sufficient and competence human resources, inadequate physical resources, inadequate financial resources, institutional problems, Political influence, Administrative culture, coordination issues.



## CHAPTER 06

### CONCLUSION AND SUGGESTIONS

#### 6.1 Conclusion

The study has examined what are the challenges faces by SPC in relation to resource distribution to the schools. To achieve the objective in a systematic way, an analytical framework was developed.

The research question of the study was organized to find out answer regarding the challenges faces by Southern Provincial Council in relation to resources distribution to the schools within the Province. The study adopts both qualitative and quantitative method to conduct the research. Though, the vital place is given to qualitative method meant to analyze and interpret data.

The second chapter presented the conceptual outline of the study. The chapter gave particular attention to the concept of decentralization and Good governance. It was found that there are logical links between these concepts.

The third chapter provided a background of the Devolution and education system in Sri Lanka. Main objective of the chapter was to identify the Education Administration structure and the Devolved educations functions.

The fourth chapter identified the resources and finance relate with Provincial council and education. This chapter presented Legal framework of Provincial council and Allocation system of finance.

The fifth chapter presented the challenges faced by Southern Provincial council in distribution of education resources using qualitative and quantitative methods. Firstly it discusses the nature of present resource distribution in Southern Provincial Council.

In the second part, attempts were made to identify challenging areas in distribution of educational resources.

It was found that the SPC is unable to act effectively towards meaningful development in the educational sector due to the lack of devolved power and resources.

In addition to the problems related with resource distribution inadequate cost recovery in tertiary education; lack of accountability, ineffective supervision, monitoring, and evaluation; and lack of linkages within and outside the educational system also contributed to the weak education system in the provincial level.

Further lack of resources and teacher shortages are worse for smaller schools mostly situated in rural areas. Inadequate management capabilities at various levels of administration have been linked to frequent changes in the organization and management systems, political influence over resource allocation and personnel appointments, and centralized decision-making the overall quality of education and delivery mechanisms of educational welfare programmers remains poor.

## **6.2 Recommendations,**

### **In relation to Central government and finance**

1. The provincial freedom need to be addressed in national level.
2. Adequate financial resources need to be allocated to SPC.
3. Before finalizing new law, a national debate can be arranged with the participation of various stakeholders.
4. The central government should be move away when influencing to the activities and functions of the provincial councils
5. Central government should not make influence for the tax charging of the provincial council; it will lead for the independent financial gaining
6. Central government should allocate enough finance for each and every provinces according to the needs of the province

### **In relation to Resources**

1. The resources such as human, physical, financial should be equally distributed among the provincial schools according to the needs of such schools
2. Proper service delivery mechanism needs to be established meant for equal distribution of resources.
3. Needs to be established proper mechanism for accountability and responsiveness at the provincial level.
4. Qualified personnel only shall be appointed for educational administration and the provincial schools.
5. A dedicated allocation should be confirmed from yearly expenditure for research activities, promoting research for teacher and students, collection of resources for lab and library.
6. Foundation training on teaching-learning can be introduced for the fresher to enrich the teaching quality.
7. Government may give custom duty support for importing laboratory instruments, resources for library.
8. Efforts should be made to level inequalities in the distribution of resources to schools, including distribution of teachers. The government should set aside the required resources to provide incentives for teachers to work in disadvantaged areas.

9. The government should review the divide between national and provincial schools and consider measures to decrease pressure on popular national schools. The possibility of limiting national schools for higher education should be reconsidered.
10. The Ministry's efforts to regularize appointments should be commended and strengthened. Appointments to positions in the (Sri Lanka Education Administrative Service-(SLEAS), the Principals' Service, the Teacher Service, and the Teacher Educator Service, should be made according to the Establishment Code, the Sri Lanka Principal Service Code 1999, and the Teacher Service Code 1995. Excess appointments should be reviewed and brought in line with the cadre formulated in the SLEAS minutes.(MOE 2013)
11. The possibility of introducing a professional educational service should be considered. This educational service would ensure that (a) the quality of performance of officers, principals and teachers, (b) discipline and professional standards are maintained and (c) educators and officers are adequately trained.
12. To improve morale of the teachers, good performance should be commended and Rewarded Teachers are the most important resource in education. Without a good teacher, even if school infrastructure is excellent and text books are outstanding, pupils will not learn. Therefore, teachers should be treated fairly and equally, they should be well-trained and be given career prospects. They should be paid adequately and on time. The dissemination of good practices and achievements is a motivation.(MOE,2013)

### **In Relation to Constitutional and legal framework**

1. It was that, the legal framework is not appropriate to ensure the autonomy and freedom of SPC. The SPC is unable to make policies independently due to the weak capacity in terms of human, financial and legal framework
2. SPC should have more authority to formulate and implement policy.
3. Provide more space for joint decision making including all stakeholders (national and provincial level, officers, educators and citizens), so that decisions on education are more consensus driven.

### **In Relation to Political factors**

1. The political leaders of the provincial councils should be responsible for the people of the province.
2. It is better, if the politicization of educational administration eliminate at provincial level.
3. It can be appreciate if the appointments, transfer disciplinary action of Teacher done impartially as well as without political undue influence
4. Teacher appointments, transformation and disciplinary control of them should be done impartially and political will should be taken away from that institution.

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## **Appendix: I**

### **PROVINCIAL COUNCILS ACT, No. 42 OF 1987**

(Certified on 14<sup>th</sup> November, 1987)

**AN ACT TO PROVIDE FOR THE PROCEDURE TO BE FOLLOWED IN PROVINCIAL COUNCILS; FOR MATTERS RELATING TO THE PROVINCIAL PUBLIC SERVICE; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.**

#### **SHORT TITLE AND DATE OF OPERATION**

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

1. This Act may be cited as the Provincial Councils Act, No. 42 of 1987, and shall come into operation in respect of all or any of its provisions, on such date or dates as the president may appoint, by Order published in the Gazette, not being a date or dates prior to the coming into operation of the Thirteenth Amendment to the Constitution.

#### **PART I**

##### **MEMBERSHIP OF PROVINCIAL COUNCIL**

2. Where a Provincial Council is established for a Province by virtue of Article 154A of the Constitution, the President shall, by Order published in the Gazette, assign a name to such Council and specify the number of members such Provincial Council shall consist of. In specifying such number, the President shall have regard to the area and population of the Province for which that Provincial Council is constituted.

3. No person shall be qualified to be elected as a member of a Provincial Council or to sit and vote as a member of such Council –

(a) if such person is subject to any of the disqualifications specified in paragraphs (a) , (b) , (c), (d) ,(e) , (f) and (g) of Article 91(1) of the Constitution ;

- (b) if such person is under any law, disqualified from voting at an election of members to a local authority;
- (c) if he is a Member of Parliament ;
- (d) if he is a member of any other Provincial Council or stands nominated as a candidate for election for more than one Provincial Council ;
- (e) if he stands nominated as a candidate for election to a Provincial Council, by more than one recognized political party or independent group.

**4.** No member of a Provincial Council shall sit or vote as such member until he has taken or subscribed the oath, or made or subscribed the affirmation, set out in the Fourth Schedule to the Constitution.

**5.** (1) If a member of any Provincial Council –

- (a) becomes subject to any disqualification mentioned in section 3; or
- (b) resigns his seat by writing under his hand addressed to the Chairman, his seat in the Provincial Council shall thereupon become vacant.

(2) If for a period of ninety days a member of the Provincial Council is without permission of the Council absent from all meetings thereof, the Council may declare his seat vacant : Provided that in computing the said period of ninety days, no account shall be taken of any period during which the Council is prorogued for more than four consecutive days.

**6.** If a person sits or votes as a member of a Provincial Council before he has complied with the requirements of section 4, or when he knows that he is not qualified , or that, he is disqualified, for membership thereof, he shall be liable in respect of each day on which he so sits or votes to a penalty of one hundred rupees to be recovered as a debt due to the State.

## **PART II**

### **MEETINGS AND CONDUCT OF BUSINESS OF PROVINCIAL COUNCILS**

7. (1) Every Provincial Council shall, as soon as may be, choose two members of the Council to be respectively Chairman and Deputy Chairman thereof and, so often as the office of Chairman or Deputy Chairman becomes vacant, the Council shall choose another member to be Chairman or Deputy Chairman, as the case may be.

(2) A member holding office as Chairman or Deputy Chairman of a Provincial Council –

(a) shall vacate his office if he ceases to be a member of the Council;

(b) may at any time by writing under his hand addressed, if such member is the Chairman, to the Deputy Chairman, and if such member is the Deputy Chairman to the Chairman, resign his office;

(c) may be removed from his office by a resolution of the Council passed by a majority

of the whole number of members of the Council (including those not present) :

Provided that whenever the Council is dissolved, the Chairman shall not vacate his office until immediately before the first meeting of the Council after the dissolution.

(3) While the office of Chairman is vacant, the duties of the office shall be performed by the Deputy Chairman or, if the office of Deputy Chairman is also vacant, by such member of the Council as may be determined by the rules of procedure of the Council.

(4) During the absence of the Chairman from any sitting of the Council, the Deputy Chairman, or, if he is also absent, such person as may be determined by the rules of procedure of the Council, or, if no such person is present, such other person as may be determined by the Council shall act as Chairman.

(5) There shall be paid to the Chairman and the Deputy Chairman of the Provincial Council such salaries and allowances as may be fixed by the Provincial Council, by statute and, until provision in that behalf is so made, such salaries and allowances as the Governor may, with the approval of the President, by order, determine.



**8.** (1) At any sitting of the Provincial Council, while any resolution for the removal of the Chairman from his office is under consideration, the Chairman, or while any resolution for the removal of the Deputy Chairman from his office is under consideration, the Deputy Chairman, shall not, though he is present, preside, and the provisions of subsection (4) of section 7 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Chairman or, as the case may be, the Deputy Chairman is absent.

(2) The Chairman shall have the right to speak in, and otherwise to take part in the proceedings of, the Provincial Council while any resolution for his removal from office is under consideration in the Council and shall, notwithstanding anything in section 10, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.

**9.** (1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of a Provincial Council, there shall be freedom of speech in every Provincial Council.

(2) No member of the Provincial Council shall be liable to any proceedings in Court in respect of anything said or any vote given by him in the Council or any Committee thereof, and no person shall be liable in respect of the publication by, or under, the authority of such Council, of any report, paper, votes or proceedings.

(3) The provisions of subsections (1) and (2) shall apply in relation to persons who by virtue of any written law have the right to speak in, and otherwise to take part in, the proceedings of, a Provincial Council or any committee thereof as they apply in relation to members of that Council.

**10.** (1) Save as otherwise provided in this Act, all questions at any sitting of the Provincial Council shall be determined by a majority of votes of the members present and voting other than the Chairman or person acting as such.

(2) The Chairman or person acting as such shall not vote in, the first instance but shall have and exercise a casting vote in the case of an equality of votes.

(3) A Provincial Council shall have the power to act notwithstanding any vacancy in the membership thereof, and any proceedings in any such Council shall be valid,

notwithstanding that it is discovered subsequently that some person who was not entitled to do so, sat or voted or otherwise took part in the proceedings.

(4) The quorum to constitute a meeting of a Provincial Council shall be one third of the total number of members of the Council. Where one-third of the number of members is an integer and fraction, the integer immediately higher to that integer and fraction shall be deemed to be the one third of the number of members for the purpose of this section.

(5) If at any time during a meeting of a Provincial Council there is no quorum, it shall be the duty of the Chairman, or person acting as such, either to adjourn the Council or to suspend the meeting until there is a quorum.

**11.** A Provincial Council may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business:

Provided that the Provincial Council shall, after consultation with the Chairman of such Council and with the approval of the President. make rules-

(a) for securing the timely completion of financial business;

(b) for regulating the procedure of, and conduct of business in, the Provincial Council in relation to any financial matter or to any statute for the appropriation of moneys out of the Provincial fund of the province;

(c) for prohibiting the discussion of, or the asking of questions on, any matter which affects the discharge of functions of the Governor in so far as he is required by the Constitution or this Act, to act in his discretion.

**12.** (1) The validity of any proceedings in a Provincial Council shall not be called in question on the ground of alleged irregularity of procedure.

(2) No officer or member of a Provincial Council in whom powers are vested, by or under this Act, for regulating the procedure, or the conduct of business, or for maintaining order, in such Council shall be subject to the jurisdiction of any Court in respect of the exercise by him of those powers.

**13.** The property of the State shall, save in so far as Parliament may by law otherwise provide, be exempt from all taxes imposed by or under any statute made by a Provincial Council.

**14.** (1) A statute pending in a Provincial Council shall not lapse by reason of the prorogation of such Council.

(2) A statute pending in a Provincial Council shall lapse on a dissolution of the Council

**15.** (1) The Governor shall make rules for the allocation of business among the Ministers in so far as it is not business with respect to which the Governor is by, or under, the Constitution required to act in his discretion.

(2) Save as otherwise provided in this Act, all executive action of the Governor, whether taken on the advice of his Ministers or otherwise, shall be expressed to be taken in the name of the President.

(3) Orders and other instruments made and executed in the name of the President, shall be authenticated in such manner as may be specified in rules to be made by the Governor, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument, made or executed by the President.

**16.** (1) All contracts entered into in the exercise of the executive power of the Governor of the Province, shall be entered into, and performed, in the name of the Provincial Council constituted for that Province, as if such Provincial Council were a body corporate.

(2) All actions in relation to the exercise of such executive power shall be brought by, or against such Provincial Council, as if such Provincial Council were a body corporate.

**17.** (1) A Provincial Council shall have its own secretarial staff.

(2) A Provincial Council may, by statute, regulate the recruitment, and conditions of service, of persons appointed to its secretarial staff.

**18 .** Subject to paragraph (4) of Article 154B of the Constitution, no discussion shall take place in a Provincial Council with respect to the conduct of the President or the Governor or a Judicial Officer or a Member of Parliament.

**PART III**  
**FINANCE**

- 19.** (1) There shall be a Provincial Fund for each Province into which shall be paid-
- (a) the proceeds of all taxes imposed by the Provincial Council of that Province;
  - (b) the proceeds of all grants made to such Provincial Council in respect of the Province, by the Government of Sri Lanka;
  - (c) the proceeds of all loans advanced to the Provincial Council from the Consolidated Fund of Sri Lanka; and
  - (d) all other receipts of the Provincial Council.
- (2) No moneys out of the Provincial Fund of a Province shall be appropriated except in accordance with, and for the purposes, and in the manner, provided in this Act.
- (3) No sum shall be withdrawn from the Provincial Fund of a Province except under a warrant under the hand of the Chief Minister of the Province.
- (4) No such warrant shall be issued unless the sum, has by statute of the Provincial Council, been granted for services for the financial year during which the withdrawal is to take place or is otherwise lawfully charged on the Provincial Fund of the Province.
- (5) The custody of the Provincial Fund of a Province, the payment of moneys into such Fund, and all other matters connected with, or ancillary to, those matters shall be regulated by rules made by the Governor.

**20.** (1) There shall be established a Emergency Fund in the nature of an imprest to be entitled "Emergency Fund of the Province" into which shall be paid from and out of the Provincial Fund of the Province such sums as may, from time to time, be determined by statute made by the Provincial Council, and such Fund shall be held by the Governor to enable advances to be made by him out of such Fund.

(2) No advances shall be made out of the Emergency Fund of the Province except for the purposes of meeting unforeseen expenditure pending authorization of such expenditure by the Provincial Council under appropriations made by statute under sections 26 and 27.

(3) The Governor may make rules regulating all matters connected with, or ancillary to, the custody of, the payment of moneys into, and the withdrawal of moneys from, the Emergency Fund of the Province.

**21.** (1) The Minister in charge of the subject of Finance may give guarantees in respect of loans raised by a Provincial Council.

(2) Immediately after a guarantee is given under sub section (1), the Minister in charge of the subject of Finance shall, lay a statement of such guarantee before Parliament.

(3) Any sum required for the fulfilment of a guarantee given under subsection (1) shall be paid out of the Consolidated Fund of Sri Lanka.

(4) Any sum paid out of the Consolidated Fund of Sri Lanka in fulfillment of a guarantee given under subsection (1) shall be repaid, together with interest thereon, at such rate as may be determined by the Minister in charge of the subject of Finance, by the Provincial Council, in such manner and over such period, as the Minister in charge of the subject of Finance may determine.

(5) A Provincial Council may not, without the consent of the Minister in charge of the subject of Finance, raise any loan if there is still outstanding any part of a loan which has been made in respect of a Provincial Council out of the Consolidated Fund of Sri Lanka or in respect of which a guarantee has been given under subsection (1).

**22.** Foreign aid negotiated by the Government for a project or scheme in a Province, shall be allocated by the Government to such project or scheme.

**23.** (1) Article 154 of the Constitution shall apply to the audit and accounts of the Provincial Fund of a Province.

(2) A copy of the Auditor-General's report relating to the accounts of the Provincial Fund of a Province shall be submitted to the Governor who shall cause it to be laid before the Provincial Council.

**24.** (1) A statute in relation to any subject with respect to which the Provincial Council has power to make statutes, shall not be introduced into, or moved in, a Provincial Council except on the recommendation of the Governor, if such statute makes provision for any of the following matters, namely:-

- (a) the imposition, abolition, remission, alteration or regulation of any tax;
- (b) the amendment of the law with respect to any financial obligations undertaken, or to be undertaken, in respect of the administration of the Province;
- (c) the appropriation of moneys out of the Provincial Fund of the Province;
- (d) the declaring of any expenditure to be expenditure charged on the Provincial Fund of the Province or the increasing of the amount of any such expenditure;
- (e) the receipt of money on account of the Provincial Fund of the Province or the custody or issue of such money.

(2) A statute shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body, to local purposes.

(3) A statute which, if enacted and brought into operation would involve expenditure from the Provincial Fund of a Province shall not be passed by the Provincial Council of the Province, unless the Governor has recommended to that Council the consideration of the statute.

**25.** (1) The Governor of a Province shall in respect of every financial year, at least five months before the expiration of such financial year, cause to be laid before the Provincial Council of that Province, a statement of the estimated receipts and expenditure of the Province for that year, in this Part referred to as the "annual financial statement".

(2) The estimates of expenditure embodied in the annual financial statement shall show separately-

(a) the sums required to meet expenditure described by this Act as expenditure charged upon the Provincial Fund of the Province; and

(b) the sums required to meet other expenditure proposed to be made from Provincial Fund of the Province, and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged on the Provincial Fund of the Province:-

(a) the emoluments and allowances of the Governor;

(b) the charges payable in respect of loans advanced in respect of the Province from the Consolidated Fund of Sri Lanka including interest, amortization payments, and other expenditure connected therewith;

(c) the salaries and allowances of the Chairman and the Deputy Chairman of the Provincial Council;

(d) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal, entered against the Provincial Council;

(e) any other expenditure declared by the Constitution or by law made by Parliament, or by statute made by the Provincial Council, to be so charged.

**26.** (1) So much of the estimates as relates to expenditure charged upon the Provincial Fund of the Province shall not be submitted to the vote of the Provincial Council, but nothing in this subsection shall be construed as preventing the discussion in the Provincial Council of any of these estimates.

(2) So much of the said estimates as relates to expenditure shall be submitted in the form of demands for grants to the Provincial Council, and the Provincial Council shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand, subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Governor.

**27.** (1) As soon as may be after the grants under section 26 have been assented to by the Provincial Council there shall be introduced a statute to provide for the

appropriation out of the Provincial Fund of the Province, of all moneys required to meet-

- (a) the grants so made by the Provincial Council; and
- (b) the expenditure charged on the Provincial Fund of the Province but not exceeding in any case the amount shown in the statement previously laid before the Council.

(2) No amendment shall be proposed to any such statute in the Provincial Council which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Provincial Fund of the Province and the decision of the person presiding as to whether an amendment is inadmissible under this subsection, shall be final.

(3) Subject to the other provisions of this Act, no money shall be withdrawn from the Provincial Fund of the Province except under appropriation made in accordance with the provisions of this section.

**28.** (1) The Governor shall-

(a) if the amount authorized by any statute made in accordance with the provisions of section 27 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year; or (b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year, cause to be laid before the Provincial Council, another statement showing the estimated amount of that expenditure or cause to be presented to the Provincial Council with such previous approval, a demand for such excess, as the case may be.

(2) The provisions of sections 25, 26 and 27 shall have effect in relation to any such statement and expenditure or demand and also to any statute to be made authorizing the appropriation of moneys out of the Provincial Fund of the Province to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand



for a grant and statute to be made for the authorization of appropriation of moneys out of the Provincial Fund of the Province to meet such expenditure or grant.

**29.** (1) Notwithstanding anything in the foregoing provisions of this Part, the Provincial Council shall have power to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion within a period of four months of the making of the grant of the procedure prescribed in section 26 for the voting of such grant and passing of the statute in accordance with the provisions of section 27 in relation to that expenditure and the Provincial Council shall have power to authorize by statute, the withdrawal of money from the Provincial Fund of the Province for the purposes for which the said grant is made.

(2) The provisions of sections 26 and 27 shall have effect in relation to the making of any grant under subsection (1) or to any statute to be made under that subsection as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the statute to be made for the authorization of appropriation of moneys out of the Provincial Fund of the Province to meet such expenditure.

**30.** Notwithstanding anything in the foregoing provisions of this Part, the Governor may authorize such expenditure from the Provincial Fund of the Province as he deems necessary for a period of not more than six months beginning with the date of the constitution of the Provincial Fund of the Province, pending the sanction of such expenditure by the Provincial Council.

**PART IV**  
**PROVINCIAL PUBLIC SERVICE COMMISSION**

**31.** The President shall appoint the Chief Secretary of each province, with the concurrence of the Chief Minister of that Province.

**32.** (1) Subject to the provisions of any other law the appointment, transfer, dismissal and disciplinary control of officers of the provincial public service of each Province is hereby vested in the Governor of that Province.

(2) The Governor of a Province may, from time to time, delegate his powers of appointment, transfer, dismissal and disciplinary control of officers of the provincial public service to the Provincial Public Service Commission of that Province.

(3) The Governor shall provide for and determine all matters relating to officers of the provincial public service, including the formulation of schemes of recruitment and codes of conduct for such officers, the principles to be followed in making promotions and transfers, and the procedure for the exercise and the delegation of the powers of appointment, transfer, dismissal and disciplinary control of such officers, In formulating such schemes of recruitment and codes of conduct the Governor shall, as far as practicable, follow the schemes of recruitment prescribed for corresponding officers in the public service and the codes of conduct prescribed for officers holding corresponding officers in the public service.

**33.** (1) There shall be a Provincial Public Service Commission for each Province which shall consist of not less than three persons appointed by the Governor of that Province. The Governor shall nominate one of the members of the Commission to be the Chairman.

(2) No person shall be appointed or continue as a member of a Provincial Public Service Commission if he is a Member of Parliament, a member of a Provincial Council, a public officer, a judicial officer or officer of a provincial public service.

(3) Every member of a Provincial Public Service Commission shall hold office for a period of five years from the date of his appointment, unless he earlier resigns his office by a writing under his hand addressed to the Governor of the Province or is

removed from office by such Governor for cause assigned, but shall be eligible for re-appointment.

(4) The Governor may grant leave from his duties to any member of a Provincial Public Service Commission and may appoint a person qualified to be a member of such Commission to be a temporary member for the period of such leave.

(5) A member of a Provincial Public Service Commission may be paid such salary as may be determined by the Provincial Council for that Province. The salary payable to any such member shall be charged on the Provincial Fund of the Province and shall not be diminished during his term of office.

(6) A Provincial Public Service Commission shall have power to act notwithstanding any vacancy in its membership and no act or proceeding of such Commission shall be, or deemed to be, invalid by reason only of any such vacancy or any defect in the appointment of a member.

(7) For the purposes of Chapter IX of the Penal Code, a member of a Provincial Public Service Commission shall be deemed to be a public servant.

(8) The Governor of a Province shall have the power to alter, vary or rescind any appointment, order of transfer or dismissal or any other order relating to a disciplinary matter made by the Provincial Public Service Commission of that Province

**34.** Every person who, otherwise than in the course of duty, directly or indirectly, by himself or by any other person, in any manner whatsoever, influences or attempts to influence, any decision of a Provincial Public Service Commission or any member thereof shall be guilty of an offence and shall on conviction by the High Court after trial without a jury be liable to a fine not exceeding one thousand rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.;

Provided that nothing in this section shall prohibit any person from giving a testimonial or certificate to any applicant or candidate for any office in the Provincial Public Service.

**35.** A person appointed to any office in the Provincial Public Service shall not enter upon the duties of his office until he takes and subscribes the oath, or makes and subscribes the affirmation, set out in the Fourth Schedule to the Constitution.

**36.** If any difficulty arises in giving effect to the provisions of this Act and, in particular, in relation to the constitution of a Provincial Council for a Province, the President may, by order, take such action, not inconsistent with the provisions of this Act, as appears to him to be necessary, or expedient for the purpose of removing such difficulty.

**37. (1) (a)** The President may by Proclamation declare that the provisions of this subsection shall apply to any two or three adjoining Provinces specified in such Proclamation (hereafter referred to as "the specified Provinces"), and thereupon such Provinces shall form one administrative unit, having one elected Provincial Council, one Governor, one Chief Minister and one Board of Ministers, for the period commencing from the date of the first election to such Provincial Council and ending on the date of the poll referred to in subsection (2) of this section, or if there is more than one date fixed for such poll, the last of such dates.

(b) The President shall not make a Proclamation declaring that the provisions of subsection (1) (a) shall apply to the Northern and Eastern Provinces unless he is satisfied that arms, ammunition, weapons, explosives and other military equipment, which on 29th July, 1987, were held or under the control of terrorist militant or other groups having as their objective the establishment of a separate State, have been surrendered to the Government of Sri Lanka or to authorities designated by it, and that there has been a cessation of hostilities and other acts of violence by such groups in the said Provinces.

**(2) (a)** Where a Proclamation is made under the provisions of subsection (1)

(a), the President shall by Order published in the Gazette, require a poll, to be held in each of the specified Provinces, and fix a date or dates, not later than 31st day of December, 1988, for such poll, to enable to the electors of each such specified Province to decide whether-

(i) such Province should remain linked with the other specified Province or Provinces as one administrative unit, and continue to be administered together with such Province or Provinces; or

(ii) such Province should constitute a separate administrative unit, having its own distinct Provincial Council, with a separate Governor, Chief Minister and Board of Ministers.

(b) The President may, from time to time, at his discretion, by subsequent Orders published in the Gazette, postpone the date or dates of such poll.

(3) Where at the poll held in each of such specified Provinces, the decision of the electors in each such Province is that such Province should remain linked with the other specified Province or Provinces, such specified Provinces shall continue to form one administrative unit, having one elected Provincial Council, one Governor, one Chief Minister and one Board of Ministers, and the Provision of any written law relating to Provincial Councils shall be construed as if the specified Provinces were one Province:

Provided that if at such a poll in the Eastern Province, the decision of the electors of such Province is that such Province should remain linked with the Northern Province, a poll shall not be required in the Northern Province, and accordingly such Provinces shall form one administrative unit, having one elected Provincial Council, one Governor, one Chief Minister and one Board of Ministers.

(4) (a) Where two or more Provinces are specified in such Proclamation, and the decision of the electors of one such Province is that such Province should constitute a separate administrative unit, having its own distinct Provincial Council, with a separate Governor, Chief Minister and Board of Ministers, the Provinces specified in the Proclamation shall forthwith cease to form one administrative unit, and separate Provincial Councils, with a separate Governor, Chief Minister and Board of Ministers shall be deemed to have been established and constituted for each such Province with effect from the date on which the result of such poll is declared ; and the President shall thereupon by Order published in the Gazette cancel the poll in the other specified Province or Provinces, if such poll has not already been held.

(b) The President may, by order published in the Gazette, make such provision as may be necessary for the distribution of the property of such specified Provincial Councils,

and with respect to the officers and servants of, contracts entered into by, and actions instituted by, and against, such Councils during the period when the such Provinces formed one administrative unit.

(5) Such poll shall be conducted by the Commissioner of Elections, and the President may make regulations under this subsection providing for all matters relating to the conduct of such poll.

(6) The elections of a Province shall be deemed to have decided in favour of a proposal submitted to such electors at such poll if such proposal has been approved by an absolute majority of the valid votes cast at such poll.

(7) Every such poll will be monitored by a Committee of three persons consisting of the Chief Justice, who shall be the Chairman thereof and two other persons appointed by the President, who shall report to the President.

## **Appendix II**

### **Interview Guide**

**Title of the thesis:** Challenges of Resource Distribution: A case study on Educational Resource in Southern Provincial Council (SPC).

### **Interviewees, Their, Organization and Positions**

Position	Organization
Provincial Director of Education	Department of Education, Southern province
Assistant Provincial Director of Education	Department of Education, Southern province
Assistant Director of Planning	Department of Education, Southern province
Secretary of Ministry of Education (PCs)	Ministry of Education, Southern province
Chief Secretary of Provincial Council	Ministry of Education, Southern province
Budget Director	Chief secretary office- SPC
Finance director	Chief secretary office- SPC
Divisional Educational Director	Divisional office
Zonal Educational Director	Zonal Office
Minister of Education in Provincial Council	Southern Provincial Council
Members of Provincial council	Southern Provincial Council

## **Semi-structured Interview Questionnaire on Officials/ Representatives**

1. What is your role/function at the Council?
2. Do you think council has enough and clearly defines powers and functions to undertake the responsibility? Yes / No (please give reasons for your answer)
3. Do you think council has sufficient human resources in the discharge of responsibility? Yes / No (please give reasons for your answer)
4. How do you describe competence of staffs (education, experience, ability and knowledge) at the council who are responsible for delivering health services?
5. Do you think council has sufficient physical resources in the discharge of responsibility? Yes / No
6. Does council get any budget from central government or provincial council? Yes/No
7. If yes, what is the actual amount granted by central government or provincial council? And what does the average time have to take to issue allocated money?
8. How does council raise revenue to support its expenditure requirements?
9. In your opinion, what are the different problems that are related with the challenges which affect the better health service delivery of council?
10. Do you have any suggestions to how council can overcome its challenges?
11. Does the SPC have sufficient human resources to work on Resource distribution?



12. What are the challenges faced by SPC in relation to Human Resources?
13. What are the measures taken to develop the skills of the staff?
14. Do you have any suggestions to overcome from the challenges occurred in relation to human resource?
15. How does SPC get money for regional development activities?
16. Is the fiscal arrangement sufficient to meet the needs of the people?
17. What are the challenges faces by the SPC in relation to fiscal resource? Any suggestions to overcome from the issues?
18. Do you think the existing legal framework on Provincial Council System is appropriate for self-sub-national government? Please give reasons for your answer.
19. Does central government intervene in the day to day affairs of the SPC using any legal ground?
20. Do you think the central government is very much supportive for meaningful decentralization and partnership approach?
21. Does the SPC have enough or adequate human resources to work on regional development?
22. What the measures that have been taken to develop the skills of the staff?
23. Is the fiscal arrangement made by the 13th amendment appropriate for proper function of the SPC?

24. What are the challenges faces by the SPC in relation with fiscal resource?
25. What are your suggestions to overcome from the issues?
26. What are the weaknesses that have you observed from SPC in relation to Human resource?
27. What are the weaknesses that have you observed from SPC in relation to fiscal resource?
28. Is the fiscal arrangement made by the 13th amendment appropriate for proper function of the SPC?