



**ஃமா திர்ணய கௌமீஷன் ஃபால
எல்லை நிர்ணய ஆணைக்குழு
DELIMITATION COMMISSION**

**கார்த்முமய த்ரததி லார்தால
2017-4 ல்தி கார்த்முல**

**காலாண்டு ஃசயலாற்றுகை அறிக்கைகள்
2017 - 4ம் காலாண்டு**

**Quarterly Performance Report
2017 – 4th Quarter**

Performance Report - 4th Quarter
Delimitation Commission – Sri Lanka
(1st October 2017 to 31st December 2017)

1.0 Background

The current Delimitation Commission was constituted under articles **41B and 95 (1)** of the Constitution of the Democratic Socialist Republic of Sri Lanka on 13 November 2015. The Delimitation Commission (DC) consists of three members appointed by His Excellency the President. Dr. K.Thavalingam is the chairman with Dr. Anila Dias Bandaranaike and Prof. S.H. Hasbullah as the other 2 members of the DC.

The present Constitution does not provide a mandate for the newly appointed Delimitation Commission. The current thinking conveyed by the Constitutional Council indicates that delimitation of electoral boundaries at all levels (local government, Provincial Councils and Central Government) will be rationalised under the new mandate of a single Delimitation Commission, once it is spelt out in an amendment to the constitution or under new legislature.

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

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

Goals/Objectives

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

3.0 Policy Matters:

Forming of Delimitation Committee for Demarcation of Provincial Council Electorates

The Provincial Councils Elections (Amendment) Act No. 17 of 2017 (Amendment Act 2017) was passed by Parliament on 20 .09. 2017. One of the aspect of the Bill states that “There shall be a Delimitation Committee appointed by the President, which consists of five persons.” As there is already a permanent Delimitation Commission, the DC had a view that appointing another Delimitation Committee was

not rational and this matter was discussed with the Speaker. Thereafter, the Speaker agreed to propose to the President to appoint the five member Delimitation Committee for Provincial Councils Elections (PCDC) to consist of the Chairman and members of the current Delimitation Commission and two other members to demarcate the Electorates for Provincial Council elections.

Accordingly, in terms of Section 3 A (1) of the Provincial Councils Elections Act No.2 of 1988, as amended by the Amendment Act 2017, the President appointed a Delimitation Committee on 04.10.2017, with a four month mandate to complete its work, comprising of the following members, to demarcate electorates in each administrative district in order to enable the election of 50% of members from the districts on simple majority system to the Provincial Councils. The PCDC is constituted to include the Chairman and the two members of the Delimitation Commission appointed in terms of the Nineteenth Amendment to the Constitution. The notice relevant to these appointments was published in Gazette No. 2039/29 of 04.10.2017.

Dr.K.Thavalingam (Chairman)
Prof.S.H.Hasbullah (Member)
Dr. Anila Dias Bandaranaike (Member)
Mr.P.M.Siriwardhane (Member)
Mr.S.Vijesandiran (Member)

The PCDC appointed Mr. Saman Sri Rathnayake, Additional Commissioner of Elections of the Election Commission, who is functioning as the Secretary to the Delimitation Commission, as the Secretary to this Committee as well. Mr. Nalin Semage, the Coordinating Secretary to the Delimitation Commission was appointed as Assistant. Secretary to the PCDC. (Annex1)

4.0 Administrative Matters:

1) **Delimitation Commission meetings** – Owing to work relating to the PCDC, only one meeting of the DC was held as follows:

- 25th meeting on 09-10-2017

2) **PCDC meetings** – Thirteen meetings were held as follows:

- 1st meeting on 09 - 10-2017
- 2nd meeting on 16 -10-2017
- 3rd meeting on 01 -11- 2017
- 4th meeting on 06 -11- 2017
- 5th meeting on 17- 11- 2017
- 6th meeting on 23 -11- 2017
- 7th meeting on 07- 12- 2017
- 8th meeting on 16-12 - 2017
- 9th meeting on 17 -12- 2017
- 10th meeting on 20-12-2017
- 11th meeting on 22-12-2017
- 12th meeting on 28-12-2017
- 13th meeting on 29-12-2017

3) **PCDC District meetings.**

The PCDC called for written submissions from interested political parties, public

organisations and the general public and also held public hearings in all 25 districts during the period 09.11.2017 to 08.12.2017 to obtain proposals from the political parties, public organisations and the general public on delimitation of electorates for Provincial Councils.

- 4) **Office of the Delimitation Commission:** Established in Surveyor General's Office Building. This was used by the PCDC for its work.
- 5) **Staff of the Delimitation Commission:**
 - Permanent staff:-

One Administrative Officer, Two Public Management Assistants, Two Drivers, Two Office Assistants are permanently attached to this office. These officers were co-opted to work for the PCDC during the period of its mandate.
 - Temporary staff for PCDC work:-

In addition to the permanent staff of the DC, the PCDC employed 7 part time officers from the Survey Department and one retired officer, for a period of 2 months and 3 casual employees to complete the work of the PCDC within the period of its mandate.
- 6) **Vehicle:** Two vehicles have been assigned to Delimitation Commission. These vehicles were used by the PCDC for its work.

5.0 Issues

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

6.0 Finance Matters:

Annual Budget for 2018:- An approved budget for 2018 of Rs. 10.733 million comprising Rs 10.008 million for Recurrent Expenditure and Rs. 0.725 for Capital Expenditure was received from the General Treasury.

Expenditure: January- December 2017

Total allocation of the Appropriation Act for the year 2017 was Rs. 11.63 million. The bulk of the outlay, amounting to Rs. 10.43 million was allocated for recurrent expenditure, while total capital expenditure stood at Rs. 1.2 million. Accordingly, net provision allotted to the Delimitation Commission during the year 2017 was Rs. 11.63 million.

Vote	Expenditure (Million)
025-1-1-0-1001	5.12
025-1-1-0-1002	0.02
025-1-1-0-1003	1.46
025-1-1-0-1101	0.01
025-1-1-0-1102	0.00
025-1-1-0-1201	0.19
025-1-1-0-1202	1.20
025-1-1-0-1203	0.01
025-1-1-0-1301	0.14
025-1-1-0-1302	0.01
025-1-1-0-1303	0.02
025-1-1-0-1401	0.60
025-1-1-0-1402	0.35
025-1-1-0-1403	0.18
025-1-1-0-1409	0.08
025-1-1-0-1506	0.00
025-1-1-0-2102	0.10
025-1-1-0-2103	0.54
025-1-1-0-2401	0.03
Total	<u>10.05</u>

Allocation given for the Delimitation Committee: Total of 21.21 Million

Vote	Allocation (Million)
025-1-1-0-1002	0.40
025-1-1-0-1003	9.48
025-1-1-0-1101	0.30
025-1-1-0-1201	0.80
025-1-1-0-1202	1.08
025-1-1-0-1401	0.38
025-1-1-0-1402	0.65
025-1-1-0-1409	8.12
Total	<u>21.21</u>

Delimitation Committee Expenditure: October – December 2017

Vote	Expenditure (In Millions)
025-1-1-0-1002	0.21
025-1-1-0-1003	4.19
025-1-1-0-1101	0.02
025-1-1-0-1201	0.24
025-1-1-0-1202	0.27
025-1-1-0-1401	0.30
025-1-1-0-1402	0.04
025-1-1-0-1409	4.33
Total	<u>9.58</u>

Annex 1:-

Delimitation Committee for Demarcation of Provincial Council Electorates

A. Scope of the Committee

1. Electorates had to be demarcated in the administrative districts according to the population numbers on the basis of the CPH 2012 in order to elect half of the number of members from each administrative district. Therefore, there would always be differences in the population numbers in an electorate of one administrative district vis-a-vis another administrative district. The Committee was unable to eliminate such a situation.
2. There are several categories of administrative units within the extents of land belonging to all administrative districts, viz Grama Niladhari Divisions (GNDs) and Divisional Secretariats (DSs). Delimitation had to be carried out taking their boundaries into careful consideration because the areas of authority in such units are legally established and mapped and the Census is conducted based on those boundaries. In the circumstances, the Committee did not have any authority to balance the population numbers in the electorates outside those boundaries.
3. The Committee took swift action to demarcate electorates suitably to elect 222 members out of a total number of 437 members for the 9 Provincial Councils from the 25 administrative districts.

B. Procedure

1. The inaugural meeting of the Delimitation Committee was chaired by the Chairman on 09.10.2017 with the participation of all members at the office of the Committee. All the work steps and time lines for the finalization of the procedures, determination of the number of members to be returned for each administrative district under the amended Section 3A (2) of the Principal Act, methodology for collecting proposals, educating the relevant stakeholders about the delimitation process, studying the proposals to be received, arriving at final decisions on demarcation and the preparation of the final report on delimitation were determined at the initial meetings.
2. It was decided to establish a Sub committee under the chairmanship of the Government Agent/District Secretary of each district with the Senior Superintendent of Surveys of each district and the Deputy/Assistant Commissioner of Elections of each district as the other members.
3. A paper notice on the delimitation procedure was published on 13.10.2017 for the information of political parties, civil organizations and the public inviting proposals for delimitation before 02.11.2017. In addition, the Members of Parliament, Secretaries of recognized political parties and members of Provincial Councils were also invited to forward their proposals.
4. One public hearing for each district was conducted at each District Secretariat during the period from 09.11.2017 to 08.12.2017 to obtain the views of and proposals from the public.

C. Criteria for Demarcation of Electorates

Criteria for Demarcation of Electorates Adopted by the Delimitation Committee

The procedure for delimitation that should be followed by the Committee is clearly elaborated in Section 3A (1) to 3A (11) of the Principal Act, as amended by the Amendment Act 2017. In this exercise, the Committee was required to reach consensus and ensure consistency in its deliberations and decisions with respect to the delimitation of all electorates. Accordingly, the Committee agreed upon the following consistent criteria with which to study the submissions and proposals received from the populace and make its decisions:

- i. *Section 3A(2): Determination of number equal to 50% of members to be elected under electorates*

The Commissioner of Elections determined the number of members to be elected from each district to the Provincial Council taking the last Census, CPH 2012, and the extents of lands in administrative districts in to consideration. The Committee had to decide upon the 50% number of members to be elected on the basis of electorates from each district. To calculate such number, the number of members to be elected from each administrative district was divided by two. The numbers of members so calculated, for 18 districts out of 25, were integers. In the balance 7 districts, when the number was an integer and a fraction, the number was rounded to the next highest integer, using the **round half up method**.

- ii. *Section 3A(3): Assigning names to electorates*

The Committee agreed, in the interests of consistency, to assign electorate names from the predominant DSs in each electorate, in terms of population and number of GNDs, unless there was a historically significant name in that area that could be used.

- iii. *Section 3A(4): Division of district into electorates*

The Committee agreed that each electorate would comprise a contiguous area of land such that all its inhabitants had convenient access, having given due recognition to water bodies and mountain regions in the area. Noting that all demographic information is only available by administrative units, namely, GNDs and DSs, the Committee agreed to use them as the basis for delimitation of electorates, while also recognizing the need to minimize division of other electoral boundaries for practical purposes. The Committee agreed not to split the smallest administrative units, GNDs. It also agreed to keep DSs intact to the extent possible. However, if DSs were required to be split to meet other specific criteria, they would be divided into groups of contiguous GNDs.

- iv. *Section 3A(4)(b)(i): Minimizing disproportion in populations among electorates within a District*

In order to determine the exact number that would eliminate any disproportion, the Committee first calculated the average population per single-member electorate in each district by dividing the total population of the district by the number of members to be elected under the simple majority system. Since, some degree of disproportion could not be avoided when considering the needs of communities of interest and geographical or

physical features (Section 3A (4) (b) (i) and (ii)), the Committee agreed to limit any disproportion in populations among electorates within a district to 10% above or below the average population per single-member electorate.