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THE NEW LOCAL AUTHORITIES ELECTION AMENDMENT ACT, 2017: ENRICHING THE CONSTITUENCY & WOMEN EMPOWERMENT IN SRI LANKA

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ABSTRACT

The proportional representation system was cunningly designed by the former President J R Jayewardene, in a hope to continue the UNP dominance in the parliament. Also, the present-day reformers are satisfied with this system without any further changes. As a system, the proportional representation is more democratic, as it gives a better voice for national as well as the political and ethnic minorities. The Local Authorities Elections (Amendment) Bill, which was made the new electoral system in the Parliament on the September of 2017 will be enforced during the forthcoming Local Authorities election to be held on 2018-02-10. The bills take effect during the Local Government election, which includes the first-past-the-post and the proportional representation together, functions as a

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hybrid. Sixty percent (60%) has been allocated to the first-past-the-post representation while forty percent (40%) has been allocated to proportional representation. The new electoral system is to be implemented at the Local Government elections and to be extended to Provincial Councils and General elections. It abolishes the preferential voting system. The legislature assures twenty-five (25%) percentage of quota to female representatives in Local Government. Though the representative democratic system is existing as a theory in Sri Lanka, the objectives of the democratization are not served to the public as there are malpractices in electoral campaigns. There should be legal provisions to prevent such malpractices. Election malpractices have become so prevalent during the last decade and it has become the norm replacing a law-abiding campaign. The existing law should be strengthened to deter potential law-breakers.

Key Words: Local Authorities, Electoral Reforms, Proportional Representation, Mixed Member System, The First-Past-The-Post, Women Representation

1. Introduction

The Mixed Member System (MMS) is an unquestionable change to the electoral system by the government of Sri Lanka, which is initiated through the Local Government (LG) Elections (Amendment) act. The view of the committee level amendment is to benefit democracy, which was initiated through some recommendations made by the select committee chaired by Dinesh Gunawardena. The new president of His Excellency Hon. Maithripala Sirisena who assured that he would launch the MMS to address the existing issues under the current electoral system. The history of post-independence period politics in Sri Lanka has examined the best and worst of the first-past-the-post (FPP) system and the Proportional Representation (PR) system. The previous territorial representative system was unfair and injustice to the minorities. Until 1977, Sri Lanka had the FPP system which was cost effective, less violent and elected a representative from each region. It means that if a representative who was elected did not fulfil the desires of his people, the people could vote for a different representative at the next election. It also allowed for single-party governments where party policies were flexible to increase the strength of the party. Though the FPP system had its own flaws, the opposition is equally energetic in such a system

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too. The minority parties didn't conform to the values of majority parties, as they were easily side-lined by that system. And it also created a way for a large number of wasted votes. For example, in 1970, the SLFP acquired 76.7% of the seats in Parliament though they only won 48% of the votes. And in 1977, the UNP acquired 83% of the seats in the parliament though they won only 50.6% of the votes. Though the PR system ensured minority representation and accommodation of smaller parties in 1978 constitution, the aim was to form joint strategies for victory by the major parties. As a result of the waste votes, the minority parties achieved stronger bargaining power in the parliament. The PR system also had its drawback as it required greater campaign budgets, and violence spiralled between political competitors. There is also a racial humiliation attached to it. As in the recent past, racial tendencies tend to increase under the PR system and the election expenditure is also significantly higher than the FPP system. Therefore, the Mixed electoral system was initiated combining the best of both the systems. Most people in the world have been in favour of this system. In this way, the Government of Sri Lanka (GOSL) believe this will be the best way to succeed interests of justice, good governance and sustainable democracy in the country. This research paper analyses two issues. First it analyses the drawbacks of the previous electoral system and the benefits of the local Authorities electoral amendments act. Secondly, it analyses how the local Authorities electoral amendment enhances good governance, representative democracy, grass root democracy and sustainable community development in a meaningful way. This research is basically on library study. The data was collected from secondary sources available and accessible in the library such as constitutions, journal articles, research and working papers, government publications, newspapers from electronic databases.

2. The Electoral System in Sri Lanka

The Ceylon Constitution Order in Council 1946 (*Soulbury* constitution) and the Constitutions of the Republic of Sri Lanka in 1972 were furnished for the election of Members of Parliament from single-member constituencies. Subsequently, small variations in the percentage of constituencies supporting a given party produced large variations in the number of seats that party won in the Parliament. The majority parties were over-represented in terms of their percentage of the popular vote. For instance, in the year 1965 general election, the UNP won

39.3 % of the vote and secured 66 out of 151 seats in Parliament (*General Election Result:1965*). The vote received in the 1970 election was 37.9 %, and it won only 17 seats (*General Election Result:1970*). The Constitution of the Democratic Socialist Republic of Sri Lanka in 1978, substituted the single-member constituencies with a system of PR. The number of candidates returned from a single electoral district is dominated based on registered constituencies. While this system makes a closer communication between vote percentages and parliamentary representation, the justifiable nature of PR is diluted by a constitutional provision that grants the party with the largest percentage of votes in each district and a bonus seat in addition to those gained through PR.

The Constitution of the Democratic Socialist Republic of Sri Lanka in 1978 introduced a radical change to the previous electoral system and electoral districts. The previous electoral system was based on constituencies with individual candidates nominated by political parties or independent candidates. The candidate winning the highest number of votes in respect to the constituency was declared as an elected member. Commonly this electoral system is called as the First-past-the-post (FPP) system. It was changed into a system of PR in respect to 22 electoral districts (Kilinochchi, Mullaitivu, Mannar, and Vavuniya, were merged as one electoral district in the name of Vanni district in the northern province). The share of the number of members to be returned from each electoral district is made by the Commissioner of Elections in terms of Article 98 (8) of the Constitution. The Members of Parliament were elected based on the voting in the respective electoral districts.

3.1 Modification of Election Method

The GOSL made the 15th amendment to the Constitution and added an article 99A, which stated that

“after the one hundred and ninety-six (196) members referred to in Article 98 have been declared elected at a General Election of Members of Parliament, the Commissioner of Elections shall forthwith apportion the balance twenty-nine seats (29) among the recognized political parties and independent groups contesting such General Election in the same proportion as the proportion which the number of votes

polled by each such party or group at such General Election bears to the total number of votes polled at such General Election and for the purposes of such apportionment” (*The Constitution of the Democratic Socialist Republic of Sri Lanka - As amended up to 15th May 2015- Revised Edition,2015*).

Further, in terms of section 99 (6) (a) of the constitution stated that “every recognized political party and independent group polling (less than one-twentieth of the total votes) polled at any election in any electoral district shall be disqualified from having any candidates of such party or group being elected for that electoral district” (*The Constitution of the Democratic Socialist Republic of Sri Lanka -As amended up to 15th May 2015- Revised Edition,2015*). The party or independent group securing the highest number of votes in each district is entitled to declare a bonus seat for their party or independent group.

The 14th amendment section 99 to the constitution created a system of preferential voting based on the individual contestants to be returned from within each political party or independent group. Each voter is entitled to indicate her\his preference vote within the list of candidates of the political party or group. Three such preferences could be indicated by the voter which is based on the number assigned to a candidate in the nomination paper which was accepted by the returning officer. The calculation starts with the party votes and at the second stage, counting process of preference votes take place to decide the candidates who would be declared as elected member within each party or independent group (*The Constitution of the Democratic Socialist Republic of Sri Lanka-As amended up to 15th May 2015- Revised Edition,2015*).

3.2 Formula of Local Authorities Election

In prior to 1981, there were four types of local authorities namely, municipal councils, urban councils, town councils and village councils. The respective areas of these councils were delimited into wards, based on the existing village or other components. Each ward had one polling station. At the end of the poll, the counting of votes was done by the presiding officer at the polling station and the result was declared there itself. The election of Mayor and Deputy Mayor or Chairman and Vice-Chairman of the councils took place at the first meeting of the elected representatives. After the introduction of the PC Elections act with the enactment of the

local authority election act, the grassroots level democratic electoral environment changed drastically in 1989. The LG members are elected in accordance with the provision of the local authority election ordinance (Ch.262). The election is not based on wards system. It is a PR system of voting where the entire local authority area is regarded as the electoral body. The new electoral system introduced the following main characteristics (*Local Authorities Election Ordinance (Chapter 262), Incorporating Amendments up to 31st March 1989:1989*).

1. The local authority is deemed to be a single electorate. Accordingly, the elected members represented the total area of the local authority.
2. The political parties and independent group are required to submit their lists of candidates equivalent to a number of the total councillors to be elected. Nominations are received at the office of the respective District Secretaries.
3. Each voter can cast their vote for the political party or the independent group of her/his choice and also indicate their preferred candidates.
4. The number of members elected from each party or group is determined by the proportion of votes received by that party or group in the entire electoral area.
5. The party or group that received the highest number of votes is entitled to two bonus seats.
6. Any party or group that received less than one - eighth (1/8) of the total number of votes cast at the election will not be entitled to have any representative.
7. Candidates are elected based on the number of seats allotted to the party or group and the total number of preference votes received.
8. When a member's vacancy occurs in a council, the candidate of the same political party or group who received the next highest number of preferences is nominated to fill that vacancy without a by-election.

Every election in Sri Lanka had their typical fighting for votes and political conflicts. There were only rare situations where consensual, fair and peaceful elections have taken place. Every election which was under the PR system was provoking the conflicts among different political parties, conflicts were created among the candidates, contributors in the same political party, pressures were created to violate the election laws, initiation to interrupt implementation of the law, smashing of the government and private resources, losing lives as well as interruptions

towards voters to vote independently. According to the experiences, it is very clear that especially the elections in LG where a huge number of candidates compete for the same local body, this situation had become worse.

The LG system required further reforms to make a remedy to such defects and shortcomings. The amendments were necessary to be made to the laws relating to LG to have an effective legislative structure to ensure good governance at the local authority level. Thus, the laws relating to local authority elections and the reforms were needed to ensure effective representations of the people of the respective areas of authority of local bodies. In Sri Lanka, significant energetic changes regarding the electoral system occurred in the past. Consequently, the LG elections (Amendment) Act, No. 22 of 2010 proposes a number of significant changes to the laws relating to the elections required to be held in the three types of LG. Prior to this, three Presidential Commissions appointed in special cases had also suggested amendments to this Act.

1. The Presidential Commission on Youth and the Commission of Inquiry on Local Government Reforms 1999,
2. The former commission, appointed in 1990, examined in depth the problems faced by the youth and made many recommendations about the political rights of youth. A prominent place was given to the requirement for a quota when making nominations for LG elections, the aim is to ensure the political participation of youth,
3. The Commission of Inquiry on Local Government Reforms 1999. It conducted an in-depth analysis of the current system and concluded with many findings and recommendations that the current electoral system should be changed.

The Commission of Inquiry on Local Government Reforms 1999 on the subject of amendment of electoral processes, the commission stated that

“If the above recommendations are to be implemented it will be necessary to make major changes to the local Authorities elections ordinance. It will be preferable to re-introduce with necessary amendment, the local government elections ordinance which was in operation when the village councils were in existence. We also propose that such amendments be introduced with a view to implementing the

recommendations made in this chapter” (*The Commission of Inquiry on Local Government Reforms, 1999:16.4.13*).

These findings become more significant and important because of their focus on the local government sector Parliamentary Select Committee on Electoral Reforms Considering the election laws. Committee of Parliament presented an interim report on 23rd January 2004 proposing a number of electoral reforms. On the basis of this interim report, the Parliamentary Select Committee on Electoral Reforms was posted by Parliament on April 4th, 2006. In June 2007 this Select Committee presented their recommendations. A number of important recommendations and observations has been made regarding LG elections. Parliamentary Select Committee on Electoral Reforms proposed some important issues; these are below (*Daily news, 2004.01.26*)

1. Reintroduce the ward system based on the **first-past-the-post** system: - The possibility of electing 30% of representatives under the proportional representation system based on the same principle involved in Parliamentary and Provincial Council elections.
2. The present boundaries of the local government authorities should be re-demarcated to form an electoral unit: - Territorially and demographically smaller than the present unit, to increase the participation of the community and community organizations and to facilitate management and diversification of development and economic needs of the area and ensure a democratic representation of minorities and communities.

The first amendment to the act was brought in October 2012, based on these recommendations by the Parliamentary Select Committee. The main objective of this introductory note is to list the highlights of the Local Authorities Elections (Amendment) Act, No. 22 of 2012. After the local authorities (Amendment) special provisions act No 21 of 2012 and Local Authorities Elections (Amendment) Act No 22 of 2012, a new election system was introduced to Sri Lanka by avoiding the said defects of the PR system and adding effective features of the electoral system that prevailed in Sri Lanka till the 80th decade. The similarly the legislation related to *Pradeshiya Sabhas*, namely the *Pradeshiya Sabha* Act, No.15 of 1987 has also undergone a number of amendments to-date. Specifically

1. Amendment No 34 in 1993 to section 133 of the original Act, (*citizenslanka.org*)

2. Amendment No 14 in 1999, which amended Sections 9A and 9B of the original Act and (*Sri Lanka Consolidated Acts*).
3. Amendment No 24 of 2012 which amended sections 4, 133 (Replacement) and 169 of the original Act.

Of these numerous *Pradeshiya Sabha* amendments Act, No. 21 of 2012 (Special Provisions) highlights topics related to fiscal and administrative issues. The Special Provisions which have been approved by the relevant Minister and gazetted, are currently being implemented.

4 Local Authorities Elections (Amendment) Act, No. 16 of 2017

The President Maithripala Sirisena's government (2017) reintroduced the wards system which, was more beneficial and advantageous to the people. Therefore, the local Authorities Elections (Amendment) bill was passed in the Parliament with the majority of 120 votes for holding the long overdue local government elections under, a new electoral system. The amendment bill gives an effect to the necessary legal amendments to hold the LG elections under a mixed system which is a hybrid of the first-past-the-post (FPP) and the proportional representation (PR). Conducting of early LG polls was extremely vital to expedite the development process and to end public concerns. The act which was passed in the Parliament on the October 2nd, 2017, brought amendments to the Municipal, Urban and *Pradeshiya Sabha* ordinance (election) act. The LG bodies are closely associated with the day to day activities of the people and therefore, it is the responsibility of all concerned to hold LG polls sooner than later. The most valuable and advancing feature in the newly introduced LG election law was to give chance to the voters to elect their LG member directly through the FPP system and to abolish the authoritative action of the highly criticized preferential voting system.

4.1 Highlights of the Act, No. 16 of 2017

An act to amend the Local Authorities Elections Ordinance (Chapter 262) subsequent sections of the act, 3C, 3D, 9, 12, 26, 28, 29, 30, 31, 38, 39, 39A, 40, 43, 44, 45, 47, 59A, 59B, 61, 64, 65, 65B, 66A, 66B, 72A, 81B, 89 and 65AA, 27F of the principal enactment were repealed in the Ninth Schedule of the principal enactment by the Parliament of the Democratic Socialist Republic of Sri Lanka. This Act was cited as the Local Authorities Elections (Amendment) Act, No. 16 of 2017. The summary of the amendments as follows:

1. Sixty percent (60%) has been allocated to the FPP representation while forty percent (40%) has been allocated to PR representation.
2. A public officer who is engaged in the field-based activities in a local authority cannot nominate himself/herself in the election, while he/she can nominate himself/herself from another local authority where he/she has not ceased to serve within that local authority area at least one year prior to the nomination of the election.
3. There should be minimum of 25% of women centum in each local authority.
4. If the number constituting the total number of members in a local authority were in an integer and fraction, that number shall be deemed to be a whole number for the purpose to constitute twenty-five per centum.
5. The specific number of women candidates to be nominated in each local authority should be published in the Gazette by the Commissioner of Elections.
6. If a vacancy occurs in the woman members of the local authorities, such vacancy shall be fulfilled only by the nomination of a woman candidate from the first nomination paper or the additional nomination paper.
7. The minimum number of women candidates in all wards of each local authority for the first nomination as well as for the additional nomination should be published by the Commissioner of Election in the Gazette.
8. The total number of nominated women candidates should not be less than 10% of the total number of members to be elected in the First Nomination Paper.
9. The total number of nominated women candidates should not be less than 50% of the number of candidates to be elected in the Additional Nomination Paper.
10. Overall 30% of the candidates nominated by a political party or an Independent group should be youth,
11. Any recognized party or independent group shall submit two nomination papers for all wards in each local authority (*Local Authorities Elections (Amendment) Act, No. 16 of 2017*).

5. More Councils and More Members

The Gazette notification dated on 2017.11.02 in the Nuwara Eliya and the Ambagamuwa *Pradeshiya Sabhas* regions demarcated and established new *Pradeshiya Sabhas*. According to the Gazette notification, the Minister of Provincial Councils and Local Government declared that in the region of Nuwara Eliya there were three new *Pradeshiya Sabhas established*, namely Agarapathana, Kotagala and Nuwara Eliya. And in the region of the Ambagamuwa *Pradeshiya Sabha*, Maskeliya, Norwood and Ambagamuwa *Pradeshiya Sabhas* were established. Thamankaduwa *Pradeshiya Sabha* in the Polonnaruwa District was dissolved and established Polonnaruwa Municipal Council and Polonnaruwa *Pradeshiya Sabha* are established by the *Gazette Extraordinary* No. 1998/2 of the 19th December 2016. The Gazette notification dated on 2017.11.02 declared that the number of members of the Polonnaruwa Municipal Council and Polonnaruwa *Pradeshiya Sabha* should consist of as follows.

Table:1 **Total Members of LGs**

No	Local Councils	Exist	Increase	Increase%
1	Municipal Councils	454	815	56
2	Urban Councils	426	729	58
3	Pradeshiya Sabhas	3688	6843	54
	Total	4568	8387	54

Source: Prepared by Author citing the Gazette

According to the Gazette notification, the government has established four new *Pradeshiya Sabhas* in the district of Nuwara-Eliya. A *Pradeshiya Sabha* in the name of Millaniya in the district of the Kalutara and a Municipal Council, in the name of Polonnaruwa Municipal Council, in the district of Polonnaruwa were established. The amendment LG act says that 60% of representatives of each body will be elected on an FPP system, while the other 40% will be elected under the PR system for the term of next 4 years. Consequently, the new mixed election system for the LG will increase the number of representatives by 54% or double. According to the Gazette notification, the number of members to be elected to municipal and urban councils are given below.

Table: 2**Members of the Municipal Councils**

No	Municipal Councils	Elected number of members at the Last Election		Number of Members to be elected on Upcoming Municipal Councils Election (2018)			
		Men	Women	Members Elected by FPP 60%	Members Elected by PR 40%	Total	Women (25% Mandatory)
1	Colombo	53	2	66	44	110	27.5
2	Dehiwala – Mt Lavinia	29	3	29	19	48	12.0
3	Sri Jayawardenapura	20	-	21	14	35	8.8
4	Kaduwela	28	-	28	8	36	9.0
5	Moratuwa	29	-	29	19	48	12.0
6	Negombo	26	1	29	19	48	12.0
7	Gampaha	18	-	17	11	28	7.0
8	Kurunegala	12	-	13	8	21	5.3
9	Kandy	24	-	25	16	41	10.3
10	Matale	13	-	13	8	21	5.3
11	Dambulla	15	-	13	8	21	5.3
12	Nuwara Eliya	10	-	13	8	21	5.3
13	Badulla	15	-	15	10	25	6.3
14	Bandarawela	9	-	10	6	16	4.0
15	Galle	19	-	21	14	35	8.8
16	Matara	15	-	17	11	28	7.0
17	Hambantota	12	-	21	14	35	8.8
18	Ratnapura	15	-	15	10	25	6.3
19	Anuradhapura	13	-	15	10	25	6.3
20	Jaffna	23	3	27	18	45	11.3
21	Batticaloa	19	-	20	13	33	8.3
22	Kalmunai	19	-	24	16	40	10.0
23	Akkaraipattu	9	-	12	8	20	5.0
24	Polonnaruwa	-	-	6	4	10	2.5
	Total	445	9	499	316	815	203.8

Source: Prepared by Author citing the Gazette

Table:3**Members of the Urban Councils**

No	Urban Councils	Elected number of members at the Last Election		Number of Members to be elected on Upcoming Municipal Councils Election (2018)			
		Men	Women	Members Elected by FPP 60%	Members Elected by PR 40%	Total	Women 25% (Mandatory)
1	Kolonnawa	11	-	11	7	18	4.5
2	Seethawakapura	11	-	14	9	23	5.8
3	Maharagama	22	2	25	16	41	10.3
4	Boralesgamuwa	9	1	10	6	16	4.0
5	Kesbewa	17	1	20	13	33	8.3
6	Wattala- Mabole	9	-	10	6	16	4.0
7	Peliyagoda	9	-	10	6	16	4.0
8	Katunayake- Seeduwa	9	-	11	7	18	4.5
9	Minuwangoda	11	-	9	6	15	3.8
10	Ja-Ela	9	-	10	6	16	4.0
11	Panadura	9	-	10	6	16	4.0
12	Horana	9	-	7	4	11	2.8
13	Kalutara	11	-	12	8	20	5.0
14	Beruwala	9	-	10	6	16	4.0
15	Kuliyapitiya	9	-	10	6	16	4.0
16	Puttalam	9	-	11	7	18	4.5
17	Chilaw	11	-	12	8	20	5.0
18	Wattegama	9	-	9	6	15	3.8
19	Kadugannawa	11	1	9	6	15	3.8
20	Gampola	15	-	17	11	28	7.0
21	Nawalapitiya	9	-	9	6	15	3.8
22	Hatton -Dickoya	9	-	9	6	15	3.8
23	Talawakele - Lindula	9	-	7	4	11	2.8
24	Haputale	9	-	7	4	11	2.8
25	Ambalangoda	12	1	12	8	20	5.0
26	Hikkaduwa	11	-	11	7	18	4.5
27	Weligama	10	1	11	7	18	4.5
28	Tangalle	9	-	11	7	18	4.5
29	Balangoda	9	-	10	6	16	4.0
30	Embilitpitiya	7	-	8	5	13	3.3
31	Kegalle	11	-	12	8	20	5.0
32	Point Pedro	9	1	9	6	15	3.8
33	Velvettithuria	9	1	9	6	15	3.8
34	Chavakachcheri	11	-	11	7	18	4.5
35	Mannar	7	-	9	6	15	3.8

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36	Vavuniya	11	-	12	8	20	5.0
37	Karthankudy	9	-	10	6	16	4.0
38	Eravur	9	-	10	6	16	4.0
39	Ampara	9	-	10	6	16	4.0
40	Trincomalee	12	-	14	9	23	5.8
41	Kinniya	7	-	8	5	13	3.3
	Tatol	417	9	446	283	729	182.3

Source: Prepared by Author citing the Gazette

Consequently, the Municipal Councils increases from 23 to 24 and the *Pradeshiya Sabhas* from 271 to 276. The number of LG bodies increases from 335 to 341 while the total number of LG councillors increases from 4,568 to 8,387. 5,109 members will be elected under the FPP system while the rest 3,287 members will be elected under the PR system. Of the 340 local councils, 276 are *Pradeshiya Sabhas*, 41 Urban Councils, and 24 Municipal Councils. The Mixed Member System for the Municipal Councils, Urban Councils, and *Pradeshiya Sabhas* will increase the number of representatives respectively by 56%,58%, and 54%.

6. Continuation of Discourse of the Act, No. 16 of 2017

The Local Authorities Elections (Amendment) act makes the necessary legal amendments to hold the long overdue LG elections under the new electoral system. In the 2015 presidential election, the people gave a strong mandate to change the electoral system and change the executive presidency. The system is a replacement for future elections as well, with the shortcomings identified in the LG implementation. Especially, a normal person, a farmer, a teacher and an honest social worker with no wealth will have the opportunity to serve the people on a regular basis. Both men and women who have people's respect and confidence have the possibility to enter the public service without having wealth to represent a division. The Speaker Karu Jayasuriya expressed that

"A bill enabling the appointment of people's representatives outside the preference vote for the division, area and the institution will come into effect from today. There was a loud voice in the society. The religious leaders, politicians and the civil society too strongly expressed their views. Because of the preferential system, the entire political culture was distorted."
(ColomboPage News Desk, Sri Lanka, Thu, Aug 31, 2017, 08:26 pm SL Time)

The switch from a PR to a mixed system does make it more difficult for minor parties, especially those which lack strongholds and rely on gathering dispersed votes from across a local authority to win representation. Minor parties include ethnic minority and other small parties including the CP and the JHU. The Ethnic minority parties such as the TNA, SLMC or CWC will continue to win seats in areas where they dominate but it will be difficult in other areas where the communities are represented as a minority. The JVP could lose representation because of the switch in the system. Given Sri Lanka's experience of violent conflict, it makes sense to have political groups within the system so that they have some voice, rather than outside the democratic and governance structures. The Sri Lankan political context is a difficult one for independent groups who find it difficult to break in even at the local government level. But, the amendment abolishes the preferential voting system. Both moves received the admiration of lawmakers as progressive proposals that would be a guide to a new political culture. The Minister of LG Mr Faiszer Musthapha express his view that;

“The new hybrid system sans preferential votes would help community leaders and individuals with clean hands to come to the fore. The people's mandate was not properly reflected in the preferential vote system. Only the affluent could afford to enter the election fray. A change in the electoral system is a timely need of the country” (*Daily News, Friday, August 4, 2017-01:00*).

6.1 Women Representation

Women's contribution is essential for the development of all sectors of the country. In the past, women participation has seen a very low turnout in LG, Provincial and General election in Sri Lanka's politics. For instance, only 5.8 % of the Parliamentary seats are allocated to women and as of 2013 statistics, only 3.9% of Provincial Councils were comprised of women. Even in the past, it has been no different. As of 2004, women comprised only 5% of the seats in Provincial Councils, and in 1999 women comprised only 3.2% of the seats. It is also valuable to note that 80% of those women who have been elected to power until now emerge from elite political families. Sri Lanka has the unenviable record of having one of the lowest proportions of women in elected bodies at the LG level (2%), even in comparison to our South Asian neighbours like

Pakistan at 33% (*Krishnamohan.T,2016*). While there are multiple reasons for this, a key step that has been taken in many countries including those in South Asia has been to establish a quota system where many seats are reserved for women. Despite policy statements calling for increased female representation, including Mahinda *Chinthanaya* in 2005 which calls for at least 25% candidates nominated for local authorities to be women.

The present government is taking measures to change the attitudes of the people and society to encourage women to participate in all fields and provide necessary legal provisions to that effect. Women should take part in solving the problems and challenges they face. The majority of the population now is women, therefore, there should be equal representation in every sector. On this background, the Parliament of Sri Lanka passed the Local Authorities Elections (Amendment) Act, to increase women's representation at the LG level by introducing a 25% mandatory quota for women. Increasing the quota for women is a progressive move by the present Government, adding that the studies have revealed that corruption is lower, and efficiency is high in administrative bodies where women are in. Women Representation Amendment to the LG election act is first and foremost important for the crucial changes to the act. There shall be guaranteed 25% of the seats allocated to women in LG election island wide. Concerning this act, Sri Lanka's Prime Minister Ranil Wickremesinghe made his opinion in a positive way

“We have started it from the political arena. Women understand their problems very well so, they should be involved in solving them. The governments are changed by the women's vote, women's representation in parliament is low. Therefore, as an experiment, the government enacted legislation to increase the percentage of women fielded at local, and provincial elections” (*Colombo Page News Desk, Sri Lanka, Wed, Oct 4, 2017, 11:16 am SL Time*).

Table:4**Total Members of the LGs**

No	Local Councils	Elected Members of Last Local Councils Election		Increased Members of Upcoming Local Councils Election (2018)			
		Men	Women	Members Elected by FPP 60%	Members Elected by PR 40%	Total	Women (25% Mandatory)
1	Municipal Councils	445	9	499	316	815	204
2	Urban Councils	417	9	446	283	729	182
3	Pradeshiya Sabhas	3624	64	4164	2679	6843	1711
	Total	4486	82	5109	3278	8387	2097
	Women %		1.8				25.0

Source: Prepared by Author citing the Gazette

Any other woman who seeks to enter the fold of politics is usually discouraged and demoralized, usually by the media and the patriarchal and politically anti-feminist male politicians. Generally, the women wish to avoid politics to sustain a better atmosphere for their enhancement of families, without having to involve in immoral politics. In 1995, the fourth world conference on women in Beijing introduced the suggestion of guaranteeing 30% women representation to allocate in national politics all over the world. Today, the government of Sri Lanka that implemented these measures have reached a higher foundation in politics. Commonly, women are natural guardians. Their thoughts and perceptions on politics may differ from the male perception. Therefore, women contribution is essential to achieve gender equality in politics, law, and employment, and together with a male, female may uplift Sri Lanka to peaks.

7. Conclusion

The hateful feature in the present PR system is the bonus seat given to the party with the highest number of votes in each district. This actually makes PR disproportionate thus making a shame of it. It was craftily designed by Former President J R Jayewardene hoping to preserve UNP dominance in the Parliament. Even present-day reformers seem to be pleased with it. However, it is not necessary to retain this provision. Abolition of the bonus seat is one easy way of reducing the number of members without changing the legitimate proportions among different parties. The worst feature of the present system is preferential voting which has given rise to the large-scale

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violation of election laws including the use of violence and intimidation. It has caused more intra-party clashes than inter-party strife. This is surely a system that disfavors the money-bags affluent and favours the money less affluent. Even the electoral system has been misused, as there is no regulatory and monitoring system. That is why the Elections Commission envisaged in the 19th Amendment should be established and made functional. The appointment of the Constitutional Council should, therefore, receive priority so that the other Commissions should be properly constituted. Bringing back the FPP system, though pragmatic and ensuring the voters a representative of their own in the constituency is not the perfect or ideal solution. As a system, PR is more democratic for it gives a better voice for the national as well as politically and ethnically minorities. The winner under the FPP system may not represent the majority of voters in a constituency. FPP was opposite in the case, especially in a three-cornered contest. They were advantageous to those three-cornered contests. However democratic representation system may be in theory; the objectives of democratization would not be served if there is room for malpractices in electoral campaigns. There should be legal provisions to prevent such malpractices. Election malpractices had become so prevalent during the last decade that it became the norm and a law-abiding campaign was the exception. The existing law should be strengthened so as to deter potential law-breakers. For this purpose, financial campaigns too should come under scrutiny. A ceiling on expenses would also be welcome. Declaration of assets by the candidates before and after the election should be made mandatory.

Sri Lanka demonstrates the lowest women representation in the South Asian region. Regarding LG, the percentage of women's representation in Sri Lanka is below 2% in comparison to 33% in Pakistan which is the highest. In this context, concerned activists and organizations have been demanding over 40% women representation in all tiers governance including LG. During the parliamentary debate on the new LG electoral amendment act, which took place in the Parliament, a few members make various opinions about the women quota. But, only 25% women representation granted through the new act. However, any party or independent groups are willing to give 100% youth/ women representation in their nomination papers, may suppose theoretically or legally, there would be no barriers. Previously, LG elections conducted under the PR system returned only 82 (1.8%) women members whom now mandate under the FPP and PR

by 2097 (25%) members by the Local Authorities Elections (Amendment) Act, No. 16 Of 2017. It is now up to the parties to field qualified and capable women to have an impact on the functions of LG and in the decision-making process at the grassroots level. In concluding, 2,097 women representatives would elect to LG bodies under the newly introduced mixed electoral system which, calls for at least 25 % women representation in the upcoming (2018) LG election.

All political parties and the independent groups were found to be struggling to find candidates, to fulfil this legal requirement to contest in the election. The women population is growing nearly 52% of the total population in Sri Lanka. But the women representation in any of the people's representation bodies has never exceeded 6.5 % of the total members of those bodies. The women members constituting 6.5% of the National State Assembly were elected at the 1977 General election. But the women participation in the Parliament was dropped down to 5.7% in the 1989 General Elections. Currently, the laws have been introduced to increase the women's representation in the LG bodies. According to the Local Authorities Elections (Amendment) Act, political parties and independent groups must submit two nomination papers. The first one which is containing names of the candidates contesting for each ward of the relevant LG body should include 10% of women contestants. The second list should contain 50% women names of candidates of whom some would be elected to the respective body to proportionate the number of members of the party under the PR system. The Muslim parties and the up-country Tamils parties are going to face the difficulties of the new law on women's representation, due to cultural reasons. Though, minority parties cannot neglect woman candidate to contest the election under the new hybrid system. The preparation the first nomination paper should be the challenging task for the political parties, especially for the minority parties as the nominees should include the women who have the winning capacity and qualities to be elected. And, finding women candidates would be a horrible task for the Muslim parties considering that the local Muslim culture and the current political culture in Sri Lanka. Considering the Sri Lankan political culture, women who enter the politics must be prepared to handle the insults and subject to character assassinations. Therefore, it would be very difficult for the women in Muslim minority community, who live their regulated lifecycle. The aspect of the laws for the increase of women participation in LG bodies is a challenge to almost all political parties irrespective of

their threshold and ethnicity to implement the relevant laws. This challenge is more so to the small and minorities parties, especially for the Tamil and Muslim parties.

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