

"Jana Sabha"

The proposal regarding the programme of building 'Jana Sabha' in order to strengthen participatory democracy in the formulation of public policies



*This paper is presented as an improved document based on the expert discussions implemented in the past few weeks, based on the **Preliminary Concept Paper on 'Jana Sabha'** which has already been submitted to the Honorable President by the National Movement for Social Justice. A more practical concept regarding the establishment of a 'Jana Sabha' system in an immediate manner, has been presented through the same and it could ensure an active community citizen participation in the formulation of public policies by making this project successful.*

1. Preface

The Parliament of Sri Lanka, Provincial Councils and Local Government Institutions have been established to ensure representative democracy and exercise the sovereignty of the people through representative democracy. Recently, we have observed the conversation that there is a necessity of a participatory democratic model that asserts active public participation outside of these structures. Mainly in the decision-making process of the village, the reforms that confirm the participatory democracy of the people of the periphery have been discussed on various occasions over the years after independence. Various researches, experiments and even some attempts have been made regarding same. The media and public attention on 'Jana Sabha' or 'People's Councils' resurfaced in the year 2022, while said matter was discussed during the people's struggle. While discussing this Jana Sabha system, attention should be paid to past Village Council System of Sri Lanka (Gam Sabha) and the local government structure which was thereafter gradually developed.

It is shown by studying the historical sources that the history of the Village Council System in Sri Lanka (Gam Sabha) run back to the days of King Pandukabhaya. According to Dr. Malini Khadagama, who made formal studies on the Village Council System (Gam Sabha) with a history of more than 2000 years, it could be found in the history, a formal village council system with the characteristics of a more advanced civilization. The report of the Choksi Commission appointed on provincial governance in the year 1955 also emphasizes that, the epigraph found in various areas of the island confirmed that the Village Council System was widespread in the administrative structure of the country. It further states: "It appears that the epigraph related to various areas of the island such as Dombagahawela in Uva province, Ruhunu National Park, Polpithigama in Kurunegala district, Tamankaduwa in Polonnaruwa district and Horovpatana testify that the village council system existed throughout the country"¹

¹ Report of the Commission on Local Government -1955 (Choksi Commission Report) pp.1,2 Local Government and Decentralized Administration in Sri Lanka - Leighton, Tracy G.R. 1979

Although it appears that the Village Council System in Sri Lanka (Gam Sabha) was a system with active community participation, however arguments have been made that broad democracy was not practiced therein, even though there was social consensus. Certain features testify that, in particular there was certain hegemony over the elitism. Due to these reasons, there are issues as to whether the groups such as women, youth and the minority based on ethnicity and caste were treated with equality. During the British ruling period, Village Committees were introduced as a local government structure to replace the Village Council System in Sri Lanka, and later, local government structures such as Municipal Councils, Sanitation Boards and Minor Municipal Councils were gradually introduced.

Even after year 1947, issues such as further consolidation of participatory democracy in local government and financial stability in local government have been discussed. Further information in this regard could be obtained by referring the Choksi Committee Report - 1955, the Jayasuriya Committee Report - 1968, the Sitthampalam Committee Report - 1970, the Moragoda Committee Report - 1979 and the Victor Thennakoon Committee Report - 1980 and H.A.P. Abeywardena Committee Report - 1986. Also, the importance of developing participatory democracy has been highlighted in the "Presidential Commission Report on Local Government Reforms in Sri Lanka - 1999" by studying the past village council system and local government in the British era and in the post-independence period.

An important attempt among these to establish participatory democracy is the District Development Council Act, which was introduced on 01st July 1981. The Gramodaya Mandala was introduced by Section 17 of the said Act. 'Praseshiya Mandala and Gramodaya Mandala were established in addition to the Development Councils in order to enhance grassroots community participation'²

² An Overview of Local Government System towards Participatory Democracy in Sri Lankan Society - Shokman Yvonne, Marga - 2011

Also, the 'Grama Rajya/Grama Sabha' concept has been discussed in the Report of the Public Representations Committee on Constitutional Reform which was released in the year 2016. It is stated under section 10.1.2 of the Committee Report, as follows. "It is required to empower the village level as to overcome the weaknesses of administration at the village level and to ensure improvement of direct participation of citizens in the democratic political structure. The objective of the proposed system is to constitutionally establish an autonomous institutional mechanism for the management of village level affairs by taking active participation of citizens in decision making, in order to achieve the objective of improving the living conditions of the villagers. Such a new political structure is necessary due to the reasons of the corruption in party politics that leads to abuse of power by politicians and officials at all levels and the extreme politicization and bureaucratism in local politics."³

The report of this committee has discussed regarding the 'Gam Sabha' through several main principles. the principles of establishing a genuine citizen democracy which going beyond principle of Grama Rajya complementarity of village level community organization members, local government institutions and village councils as the second layer of devolution and from the principle of complementarity.

Focusing on the above points, this concept paper proposes Grameeya Jana Sabha as a new structure to strengthen participatory democracy, which should be established to overcome the lack of participatory democracy in the current local government system in Sri Lanka and to establish with more progressive features than the past village council system (Gam Sabha system). This will ensure a broad participatory democracy in the village and grant opportunity to the people of the periphery for entering into administration. Further, new structures have been proposed through the same, in order to act as a Board which providing observations and public feedback for the existing legislatures that confirm participatory democracy for the national level as well. Also, this proposal focuses on eliminating all kinds of discrimination and

³ Report of the Public Representations Committee on Constitutional Reform- 2016 (Lal Wijenayake Committee Report)

introducing methods that ensure adequate representation which does not exclude anyone based on factors such as ethnicity, religion, caste, etc. Also, this concept paper has paid higher attention to ensure adequate representation of youth and women.

2. Jana Sabha is for Whom?

Jana Sabha is for every Sri Lankan living in this country. We believe that there will be an active intervention to participate in the control of the voice of the people living especially in the remote villages that are far away from the periphery. Also, this will provide great support to ensure an active community citizen participation in the implementation of the governance of the Republic on government policies in every Grama Niladhari division. It will also implement as a mechanism which keep the public constantly updated on policy matters. It can be further pointed out that a mechanism will be created to implement village issues and public policies related to the village and to actively obtain people's opinions for policy formulation at the national level, through the direct participation of the community.

3. Rationale of the Programme

The question of what is the purpose of another participation model, in a situation where there are several power structures in which representative democracy is currently in place, has been arisen from some parties. However, one of the main demands that emerged in the recent public protests & uprisings was that a participatory democratic model which builds a platform for the real voice of the people, and which operates simultaneously with the representative democratic models, is essential. In that context, the concept of 'Jana Sabha' emerges with the aim of creating a necessary mechanism for the real voice of the people in order to contribute towards the creation of public policies and to make those policies successful through the active participation of community citizens in the implementation of those policies.

4. Vision

Creating a Sustainable State through an Advanced Participatory Democracy

5. Mission

Ensuring optimal citizen participation in the formulation of public policies as well as in the implementation of public policies in Sri Lanka, through making Jana Sabha the most active form of participatory democracy in South Asia, and thereby contributing towards the creation of a sustainable State with an advanced and conscious citizenry by the year 2030.

6. Targets

1. Active involvement of peripheral public opinion in the centralized decision-making process
2. Ensure an active community citizen participation in the implementation of public policies
3. Build an active and developed citizenry that contributes to the policy making process
4. Eliminate the destructives and corruption caused by the inefficiencies of bureaucracy and the intervention of political authority through active citizen involvement
5. People's participation in decision-making of national importance
6. Build Jana Sabha as the participatory structure with sharp and advanced citizen involvement to correct the inefficiencies of existing democratic models through active citizen participation

7. Elements Proposed by this Project

1. Jathika Jana Sabha Secretariat (National People's Council Secretariat)
2. Grameeya Jana Sabha (Rural People's Council)
3. Pradeshiya Jana Sabha Management Committee
4. Jathika Mahajana Sabha (National People's Council)

8. Jathika Jana Sabha Secretariat

- The Jathika Jana Sabha Secretariat is the apex body responsible for monitoring and improving the implementation of the Jana Sabha.
- It is proposed to be established as a fully independent entity.
- This institution should maintain better coordination between the Presidential Secretariat and the Parliament.
- This is the institution responsible for monitoring, supervision and training of all the Secretaries of Grameeya Jana Sabha.
- Further details about this institution are mentioned at the end of this concept paper.

9. Grameeya Jana Sabha

Objective

The primary objective of establishing the Grameeya Jana Sabha is to provide opportunities to the people living in a Grama Niladhari division, in order to make decisions together on the matters of their village.

Nature

We are proposed to establish one Grameeya Jana Sabha for each Grama Niladhari division. Accordingly, opportunity will obtain to establish one Jana Sabha for approximately 500 families.

Then, approximately 14022 nos. of Grameeya Jana Sabha have to be established. However, in the case of a large number of families living in a Grama Niladhari division in Colombo and its suburbs, several *Sabhas* should be established for that area, as required.

It is hereby proposed to grant authority to the Secretary to the Jathika Jana Sabha Secretariat to decide the quantity of the relevant *Sabhas*, after considering the recommendations of the Divisional Secretaries.

Every Grama Niladhari division should have a Secretary of Jana Sabha to implement the Jana Sabha. A Development Officer who is currently recruited to the Public Service should be appointed for the same. The officer shall be an officer who attached to the Divisional Secretariat, however an officer responsible for the Jathika Jana Sabha Secretariat. The accountability of the officer should be to the Secretary of the Jathika Jana Sabha.

Composition and Selection

All residents of the division over the age of 16 years can participate in Grameeya Jana Sabha. A chairperson and a committee should be appointed in the first general meeting of the year of the Grameeya Jana Sabha, which is held in this manner.

A female and a youth should be encouraged for the post of chairperson, whenever possible.

The same chairperson cannot hold the position of Chairperson twice. A person once appointed can contest for re-appointment after two years.

In cases where there is no unanimous appointment for the position of Chairperson, the Chairperson shall be selected by a lottery procedure in which a name is selected at random from among the nominations submitted.

A maximum of 25 individuals should be selected for the committee. Such selection should be carried out on the basis of discussion and consensus building by the Jathika Mahajana Sabha. Also, at least 30% of the members selected for the committee, should be women. At least 25% should be youth.

According to the distribution of races and religions in that area, the Secretary of the Grameeya Jana Sabha should consult with the Jathika Mahajana Sabha in order to get an appropriate percentage of representation to the Committee.

Committee members including the Chairperson that appointed to the committee should hold positions on a voluntary basis.

Term of Sabha is one year. In case of emergency during that period, a meeting of the Jathika Mahajana Sabha can be summoned at any time, in order to inquire people's opinion.

In addition to the 25 individuals selected for the committee, all public officials related to the division will be members of the committee. However, they can only perform advisory functions. They have no rights to vote on any proposal.

Also, Membership of the Committee can be granted to individuals do not belong to the 25 selected from the community, however who are active in volunteer activities in the village and hold the position of chairperson of a registered society in the Divisional Secretariat. However, a society engages in contracts with the government should not have said opportunity.

Complaints can be made to the Divisional Secretary and the Jathika Jana Sabha Secretariat, in the event that the Jana Sabha would not appointed according to these sub-parameters. Then the relevant Secretary of Grameeya Jana Sabha should be answerable for the same.

Functions

The preliminary functions assigned to the Jana Sabha would be, providing recommendations and suggestions regarding development proposals related to village to the Provincial and Central Governments, providing community participation in the activities of local government institutions, providing community contribution in the implementation of government development policies and participating in the decision-making process by presenting ideas to the regional development committee.

Powers

In the implementation of every government policy related to the Grama Niladhari division, the relevant officials should consult the committee and take their opinions and suggestions into consideration. In case of any emergency or in case of very important decision to be taken, an emergency general meeting should be summoned and its opinions should be consulted and relevant decisions should be implemented, accordingly. Also efforts should be made to get active community participation in order to implement those decisions. (Example - Decision should be taken after inquiring the priority of the projects of the Grama Niladhari division to be developed, from the Jana Sabha. Also, the Jana Sabha should monitor whether the projects are being implemented to the proper standard.)

This Sabha has no constitutionally vested monetary powers. This Sabha cannot undertake money-making activities such as obtaining contracts from the government or from a local authority.

However, a Fund of Sabha can be maintained on a non-profit basis for emergency needs, banquet expenses and welfare purposes. The Committee of Fund constituted by the Committee shall be responsible for the same.

Also, in cases where issues arise regarding development projects affecting the respective division, the opportunity should be given for members to participate in the Regional Development Committee by representing the committee of the respective division and provide their observations on those decisions.

Sub-committees for the Jana Sabha, can be established in relation to the following subjects, chaired by committee members. Interested people can participate in those committees.

Disaster management, rural sports and cultural activities, rural agriculture, animal husbandry and other rural industries, management and protection of local water resources, protection of rural forests and forest cover, matters related to primary arbitration process, rural administrative assistance affairs, civil security (Functions of Civil Security Committee), rural food security and such other functions as may be deemed appropriate in future

Other Matters

Political party system should not be implemented in any manner, and independent nominations and selections should take place within this system. The Secretary of the Grameeya Jana Sabha should act according to the relevant sub-parameters in order to ensure equitable representation for all parties independent from influence of political party and the influence of rural elites.

Also, on the basis of necessity, this Sabha should be applied as a Council/Sabha for public consultation on policy decisions at the national level. (There will be an opportunity for policy dialogues at the national level based on public opinion, such as the National Movement for Reforms headed by Mr. Victor Ivan.)

Efforts should be made to introduce "SMART" techniques based on digitization for these Sabhas and it is required to introduce the necessary methods to submit public petitions directly through E-technologies.

Also, a system should be introduced to obtain all the information referred to the Sabha activities through digital technology, in order to expedite the examination of the progress of the councils. The Jathika Jana Sabha Secretariat should have the opportunity to obtain information regarding the progress of the respective Jana Sabhas directly through digital technology.

10. Pradeshiya Jana Sabha Management Committee

- A meeting which is held by all the Chairpersons of Jana Sabha in the Divisional Secretariat divisions, with public officials including the Divisional Secretary, once a month. In case of an emergency, the Divisional Secretary could convene emergency meetings of the Chairpersons of Jana Sabha in addition to the monthly meeting. The meeting will be chaired by the Divisional Secretary.
- A Director of Planning to be nominated by the Divisional Secretary should be prepared and forwarded the minutes of the meeting.
- A report of this meeting should be submitted to the Jathika Jana Sabha Secretariat.
- Also, the Chairpersons of Jana Sabha could make a request to the Divisional Secretary to convene an emergency meeting for an urgent matter.
- The **Pradeshiya Jana Sabha Management Committee** would discuss the progress and issues of the Jana Sabhas.
- It should be decided here, the actions to be taken to refer the unresolved issues (developmental and policy) related to the respective Jana Sabhas to the Provincial Governor/Provincial Chief Secretary or Secretary to the Provincial Ministry/District Secretary/Heads of Departments or Head of Public Institutions.

11. Jathika Jana Sabha

Objective

Making the people of the periphery contribute towards national policy formulation

Composition

Total number of members is 100. It consists of a group of 75 called from the committee members of the Grameeya Jana Sabhas and a group of 25 called on the basis of merit assessment among the professional experts, civil society activists, women and youth activists.

Meeting

Meeting will be on the last week of every month. Occasional meetings may be held to discuss special topics under urgent circumstances.

Selection

Chairperson - The position of Chairperson of the Jathika Jana Sabha is established as an honorary position and will be appointed, based on the nominations submitted to the Parliamentary Council. After the 22nd Amendment to the Constitution, it will be implemented by the Constitutional Council. **The duration is 03 years.**

The other 100 members are not permanent members. Random convene are made once a month based on the matters discussed. Will be a form of a People's Jury.

Examples

1. Committee members of all Grameeya Jana Sabha will be registered in one digital data system and the topics to be discussed by the Jana Sabha in the last week of the month, will be forwarded to them through a smart application.
2. Then, he/she has the opportunity to state whether he/she has an opinion on that topic according to his/her expertise and interest. It is recorded in the main data system and 70 individuals among who request the opportunity, are randomly selected on a district basis as the people's representatives of the periphery to participate in the Jana Sabha in the said month.
3. A data system will be maintained by inviting applications from professional organizations and civil activists, and classifying them according to their expertise and 30 individuals randomly selected among them will have the opportunity to participate in the Jathika Jana Sabha, every month.

Functionality

The reports of the meetings of the Jathika Jana Sabha will be forwarded by the Chairperson of the Jathika Jana Sabha to the relevant Minister and the Chairperson of the Sectoral Oversight Committee. Accordingly, it should take into account in that regard, in the formulation of policies and should afford proper value to those views in the legislative process of the Parliament.

12. Chairperson of the Jathika Jana Sabha

The Chairperson of the Jathika Jana Sabha is an honorary position established according to the protocols. This Chairperson shall be appointed by the Parliamentary Council (Constitutional Council, after the 22nd Amendment to the Constitution).

Functions and Powers of the Chairperson

- a. Convening, presiding and adjourning the Jathika Jana Sabha as per the resolution of the Jathika Jana Sabha
- b. Considering the public petitions submitted to the Jathika Jana Sabha and accordingly, bringing them to the attention of the Hon. Speaker for referring them to the Parliament
- c. Coordination with the Jathika Jana Sabha as required in order to strengthen the Sectoral Oversight Committee System of the Parliament, and Coordinating activities related to the appropriate engagement of members of the Jathika Jana Sabha for the Sectoral Oversight Committees.
- d. Once passing the resolutions and declarations of the Jathika Jana Sabha, then placing the signature and certifying the same.
- e. Referring the resolutions and declarations of the Jathika Jana Sabha to the Hon. Speaker for the attention of the Hon. Parliament.
- f. Maintaining proper coordination between the Parliament and the Jathika Jana Sabha.

13. Functions and Powers of the Jathika Jana Sabha

- a. Act in the form of a board and a people's jury to strengthen the sovereignty of the people exercised by the Parliament.
- b. The Jathika Jana Sabha should be convened at least one day in every month.
- c. Providing opportunity to the public to propose innovations to overcome corruption, promote transparency and improve the effectiveness and efficiency of the public sector.
- d. In the event that Hon. President wants to seek the opinion of the Jathika Jana Sabha on a particular matter, and notifying the Chairperson of the Jathika Jana Sabha accordingly, then the Chairperson of the Jathika Jana Sabha can make an emergency convene of the Sabha. In addition, when an emergency bill is debated in the Parliament, the Speaker must notify the Chairperson of the Jathika Jana Sabha regarding the same and in such case, the Chairperson of Jathika Jana Sabha has authority to convene an emergency meeting.
- e. Providing observations for special bills presented to the Parliament.
- f. Providing proposals on new bills to the Parliament.
- g. Submission of questions which have to be tabled in the Parliament, through the Chairperson to the Hon. Speaker
- h. Providing observations on foreign treaties and other policy proposals of national importance.

14. Further Clarification on the Jathika Jana Sabha Secretariat

1. It is proposed to be established as a fully independent body.
2. Prior to establish the proposed Jana Sabha, the Jathika Jana Sabha Secretariat should be established by a Cabinet Memorandum.
3. Then it is proposed to establish the institution constitutionally through the Jana Sabha Act.
4. After dealing with establishment of Jana Sabha and after establishment of Jana Sabha, it should monitor and supervise whether their activities are implemented properly, suggest improvements through research and development, coordinate administrative activities and other operational activities.

Accordingly, the establishment of the Jana Sabha Secretariat should be implemented immediately prior to establish the proposed Jana Sabha.

15. Duties and Powers of the Jathika Jana Sabha Secretariat

- I. Preparing the Act by conducting further discussions with various parties based on the preliminary concept paper with the proposals presented for the preparation of the Act prior to the formation of the Jana Sabha
- II. Implementing and coordinating the administrative activities related to the establishment of the Jana Sabha according to the Act, after drafting the Act, submitting it to the Parliament through the Cabinet of Ministers, and passing the Jana Sabha Act, accordingly
- III. After the formation of Jana Sabha, directing the relevant sections to overcome the weaknesses by observing, supervising and reviewing the progress of activities of the Jana Sabha, in proper manner
- IV. Conducting necessary research and development activities to strengthen the Jana Sabha system
- V. Issuance of sub-parameters on providing the necessary facilities for maintaining the Jana Sabha system, monitoring and supervising the Jana Sabha system, maintaining Jana Sabha independently from the political party system), protecting independence and preventing it from being dominated by elitism (preventing Jana Sabha from being dominated by any form of elitism which implement in the respective areas).
- VI. Engaging with international agencies in order to develop this process
- VII. Proposing and introducing necessary facilities in order to make the tasks of the Sabhas more efficiently, through digitization

- VIII. Training, supervising and monitoring of the Secretaries of Grameeya Jana Sabha
- IX. Implementation of the special powers designated to the Secretary of the Jathika Jana Sabha by the upcoming Act
- X. Providing necessary administrative assistance for the affairs of the Jathika Jana Sabha

Pilot Projects organized by the Jathika Jana Sabha Secretariat

It is essential for the Jathika Jana Sabha Secretariat to organize pilot projects in order to experience the practical use of the concept paper, prior to prepare Jana Sabha Act for establishing Jana Sabha System properly.

Accordingly, it is appropriate to organize pilot projects for trials of 'Grameeya Jana Sabha System' in selected 25 Divisional Secretariat divisions in 25 Districts. There is an opportunity to further develop this preliminary concept paper, based on the experience of those pilot projects. Also, Jathika Jana Sabha Secretariat could be implemented trial programmes regarding the selection of members of the Grameeya Jana Sabha, through random sampling method.

16. Summary

This proposal is presented as a more practical proposal based on the opinions of every one engaged, by holding several rounds of discussions with the participation of various expert professional communities and groups interested in this matter, based on the preliminary concept paper on Jana Sabha prepared by the National Movement for Social Justice and by revising the preliminary concept paper, accordingly. It is proposed to establish a Jana Sabha for each Grama Niladhari division and to appoint a chairperson and a committee within the village. It is also proposed to convene a Jathika Jana Sabha, properly ensuring the representation of youth, women and the elderly from the members of the committees and without any neglect on the basis of nationality. In such cases, 75% of the members will be selected from the members of the rural committee by random sampling method and the remaining 25% will be selected from professionals, trade unions and national level civil and political activists by random sampling method. It would be possible to establish active public participation in national level policy formulation through this Jathika Jana Sabha. It is proposed to forward the views of the Jathika Jana Sabha to the Parliamentary Sectoral Oversight Committees by the Chairperson of the Jathika Jana Sabha. It is expected to establish a sustainable government policy making process through more active public participation and to create active community citizen participation for the successful implementation of the said government policies, through the same.

Karu Jayasuriya

Chairperson

National Movement for Social Justice

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