

**EDITORIAL ARTICLE**

## **Powers of the Local Authorities at the Grassroots Level in the Process of Development Planning in Sri Lanka**

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A development plan implanted at the grassroots level such as a city is one of the physical plans consisting of three sub-plans, i.e. National Physical Plan, Region Plans, and Town Plans. This paper focuses on the laws of the local authorities and their powerfulness in comparison to different agencies and central government arms recently set up to implement similar tasks. Authorities such as the Municipality Council have convinced powers to implement development planning for the betterment of society and to set up public comfort and conveniences through their enforcement and implementation together with its planning agency, the Urban Development Authority (UDA). The remaining local authorities such as in rural areas, are still vesting their powers through the Housing and Town Improvement Ordinance of 1915. This paper discusses the core planning powers of Local Authorities (LAs) and their importance to the general public as a law.

**Keywords:** *Regional Planning, Development Planning, Local Authorities, Administrative Powers*

### **Introduction**

A town is a geographical unit in which the development or amenities are urban in nature. Development or amenities take an urban character where the man-made components dominate the natural amenities and the building-based activities dominate the land-based activities. Under this context, the question of “why man-made amenities become necessary?” is prominent. Owing to the higher population density, the limited land area is unable to fulfil all the requirements of the community. Further, higher population density makes it impossible for nature itself to provide comfort and convenience to the community without introducing man-made facilities. This phenomenon demands a public agency to regulate amenities, control development and administer the system at local governmental levels by introducing laws and regulations.

The local government or authorities’ enactments provided for the preparation and enforcement of zoning and planning standards through by-laws for the regulation, control, and administration of all matters related to public health, public utilities, and other several functions for the general protection and promotion of the comfort and convenience of the public. Hence, the local authorities have been given planning powers to promote the physical plan at their grassroots levels. However, after introducing the law of , the planning powers of Local Authorities (LAs) were regulated and monitored by the UDA when the areas were declared in the UDA,(1978) act. However, the 1915 Town and Housing Improvement Ordinance is still valid for the areas which are not defined in the UDA-1978 act.

### **The Local Authorities Law**

The Sri Lankan Urban Policy can be found in the laws governing the administration and planning of towns.

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Chronologically, these laws are in two forms, laws before 1978 and laws after 1978. These laws consist of the three town administration laws; the Municipal Councils Ordinance 1949 amended in 1965, the Urban Council Ordinance no 61 of (1939) and the Town and Country Planning Ordinance Number 13, (1946). In 1987, the Town Council ordinance was repealed by the Pradeshiya Saba act (Pradeshiya Sabha Act No 15 of 1987) which amalgamated all village councils and Town council areas into one. The provisions in this new act are similar to the powers given to a town council Section 78 of the act empowers a Pradeshiya Sabha to approve a building application in any part of the local authority which is essentially an Urban characteristic.

The Term Urban area has been used in a legal sense in section 2 of the Urban councils and Town councils' ordinances. The section, which is verbatim the same in both ordinances, states that the Minister may declare any area which because of its development or its amenities' is urban to be a town. In the case of the Municipality, the declaration can be over any area according to section 2 of the Municipal Council ordinance (Municipal Council's Ordinance no 29 of 1947).

In addition, there are two important laws related to planning, namely, the Housing and Town Improvement Ordinance of 1915, and the Town and Country Planning Ordinance of 1946 (Perera, 2005). The main objective of the Housing and Town Improvement Ordinance of 1915 was to provide better housing by applying a set of stereotype regulations known as Standards for building rooms, and streets. This ordinance provides guidelines for the finished building or house with basic infrastructure such as water, electricity, drainage effluent disposal, and garbage collection for which the access way or street was the fundamental requirement. Professionals like surveyors, engineers, and architects were involved in preparing the Town Planning standards around the 1915s (Home, 1990). However, the economic aspect in the sense of town planning is not considered in the above ordinance. The above ordinance was a significant milestone in the Sri Lankan town planning context and is valid up to date in a majority of local authorities of Sri Lanka.

Secondly, the Town and Country Planning Ordinance Number 13, (1946) aims to "protect natural amenities and preserve buildings and objects of interest and beauty. Although the enactment provided for zoning

and other planning elements, the primary objective of this ordinance was to regulate and prohibit development according to section 38, as seen in planning schemes prepared under this legislation. They targeted freeing the already encroached historical and cultural sites from the encroachers. This is needed for a large-scale relocation for which the land should be available, hence this law focused on the regional planning aspects in Sri Lanka until 2001 (NPPD, 2007). Certainly, this law could be applicable at LA levels with the presence of a larger administrative area like Kataragama and Anuradapura especially to make a plan for the scared cities.

### **UDA Powers in the Local Authorities**

The UDA law no 41 of 1978 was enacted, and the UDA was established to promote integrated planning and implement economic, social, and physical development of certain areas termed UDA-Areas (Fig. 1). This law provides powers for the coordination, approval, and control of development projects or scheme of any government agency. It was clearly defined in the UDA law of 1978. This was further strengthened in No 4 of the 1982 UDA amendment act by replacing it with para 8(p) to approve, coordinate, regulate, control, or prohibit any scheme or project of any government agency or any other persons. It is important to note that development activity has been defined to include any building engineering or other operations either above ground or below ground. This empowers the UDA to prevent even unauthorized construction such as an extension of water and electricity supplies, and anything that has negatively impacted environmentally sensitive issues.

### **Development Plan**

The preamble of the UDA law of 1978 states that the implementation of economic, social, and physical development is one of the objectives of the UDA law. Accordingly, UDA has powers to prepare, implement, and enforce development plans/Town Plans within the areas defined as "UDA Areas" (Fig 1). The landmark change came in the amendments made by the act no 4 of 1982 to the main enactment of the UDA law was the introduction of planning procedures. The above law empowered to formulate and implement an urban land use policy, and this urban land use policy can both be implementation or enforcement matters. Implementation of a land use policy is by way of response to market forces, planning, and execution

authority laying the material basis for private sector investment by way of providing infrastructure and amenities.

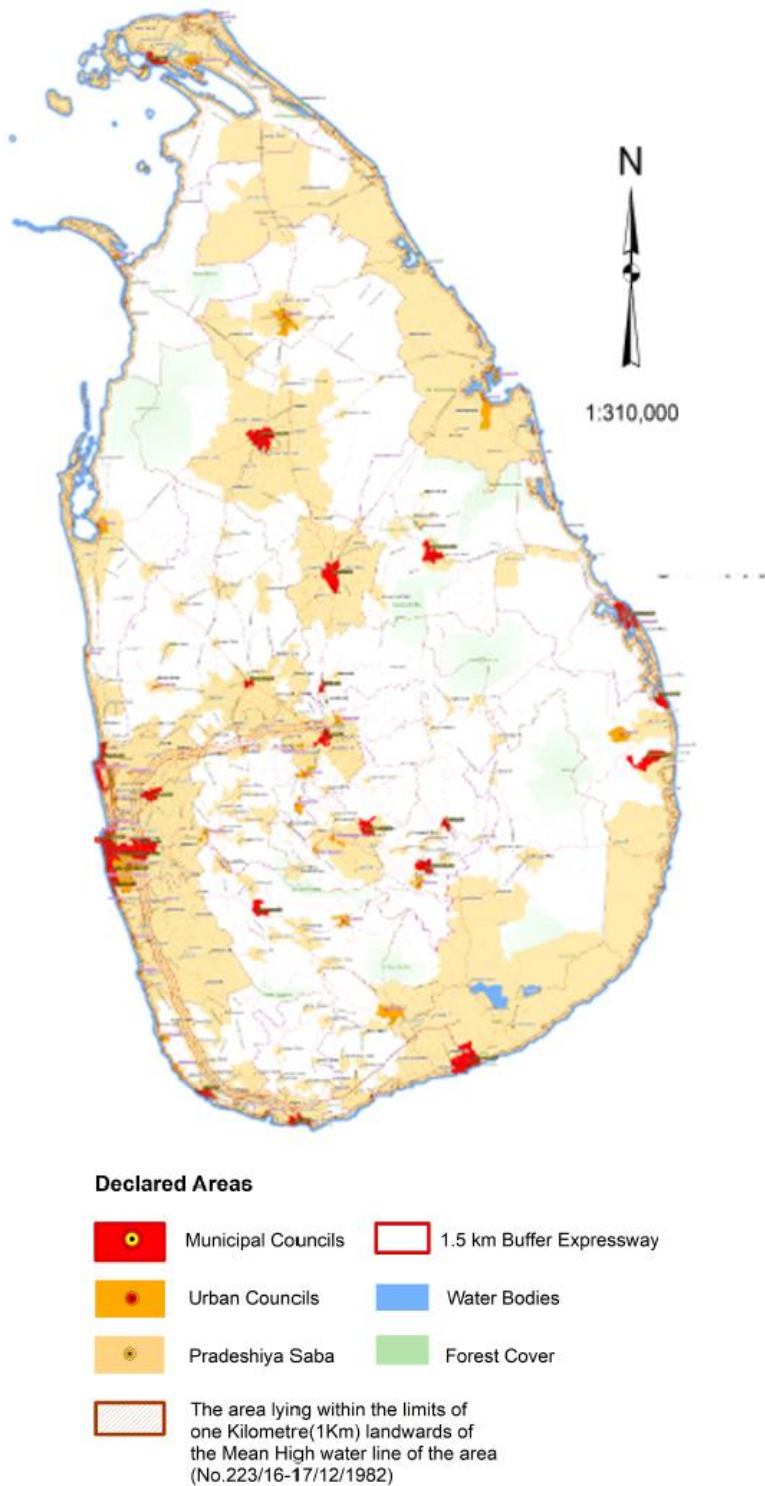


Figure 1 ; UDA declared area where UDA has powers to prepare a Development Plan with the consultations of relevant LAs. (Source: [www.uda.gov.lk](http://www.uda.gov.lk))

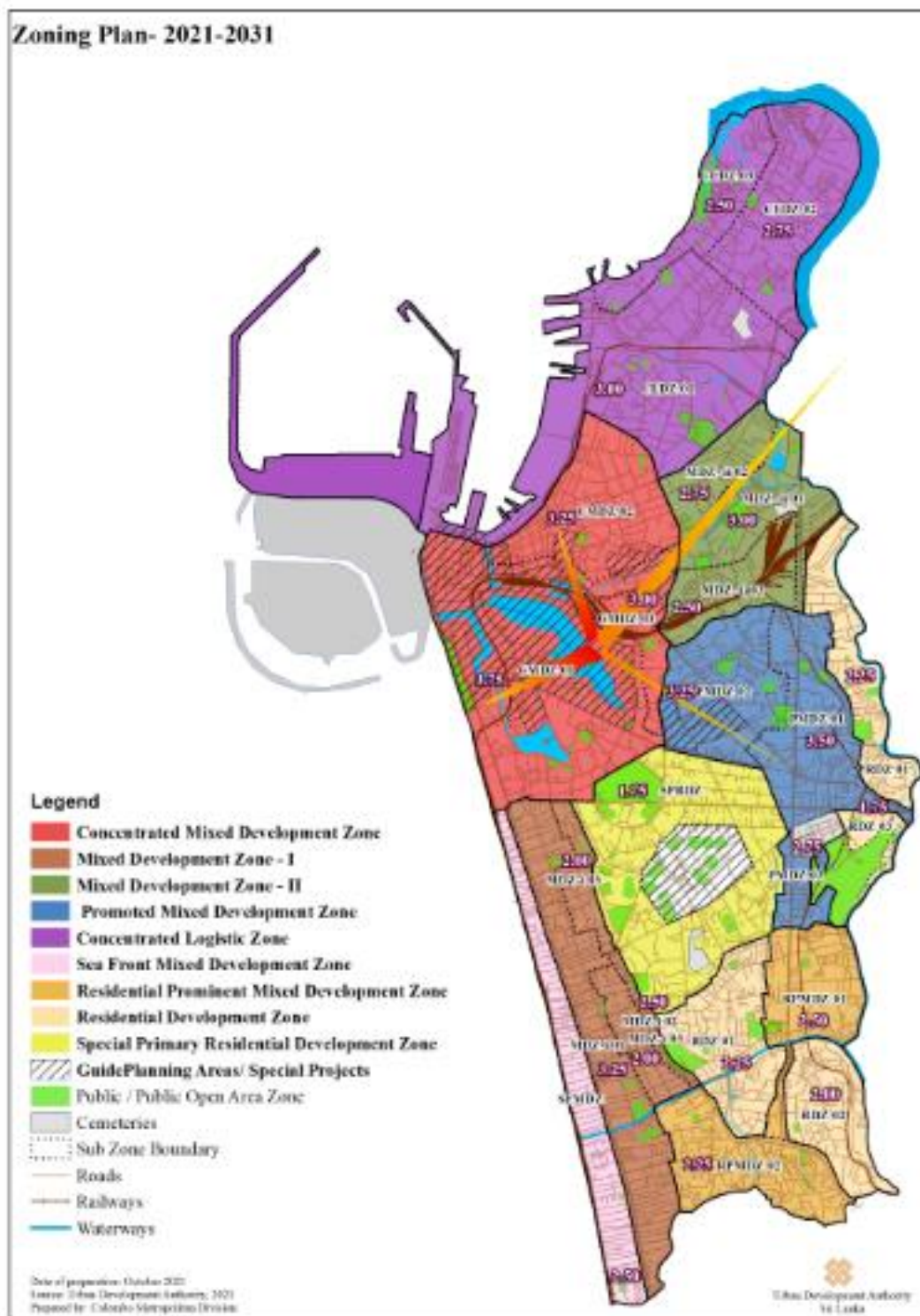


Figure  
2; Current

Development Plan for City of Colombo prepared by UDA (Source; [www.uda.gov.lk](http://www.uda.gov.lk))

The major benefit of declaring as a town was to obtain the right of entry to private premises for inspection under the regulations of enforcement and implementation matters (Wasantha et al., 2012). The City of Colombo Development Plan in 1985, and the City of Colombo Development Plan in 1999 (Urban Development Authority, 1999) were some of the past Sri Lankan development plans (Herath et al., 2007), while the current development plan of the City of Colombo 2022 (Fig. 2) is an example for the present. In addition to UDA law, No 19 of 1915, the Housing and Town Improvement Ordinance continues its powers in non-UDA areas to enforce planning standards and regulations in the majority of Local authorities (Pradeshiya Sabhas).

According to Section 8A (2) of the UDA Amendment Act of 1982, the following matters are needed to be considered in the implementation of the Development plans,

- i. Car parking facilities, loading and service bays
- ii. Traffic and transport, water supply, sewerage and drainage, and waste disposal
- iii. Power supply and telecommunication
- iv. Laying out of land vacant or already built upon
- v. Construction of roads or bridges
- vi. Redistribution of boundaries and reconstruction of plots
- vii. Demarcation of areas for special treatment or detailed development and redevelopment
- viii. Phasing out of development

Besides the above matters, the Enforceable Matters were also given in the same act, which are listed below

- i. Zoning and zoning regulations
- ii. FAR, density height, and number of stories.
- iii. Plot sizes open areas setbacks, building lines, and the use and maintenance of building structures and appurtenant land
- iv. Requirements for buildings in respect of stability of the building
- v. Area height and size of rooms
- vi. Lighting and ventilation
- vii. Fire protection
- viii. Drainage
- ix. Specification of materials

- x. Regulations for reservation of various facilities
- xi. Regulation in respect of unsafe building
- xii. Controlling architectural character
- xiii. Control of pollution, maintenance of environmental quality, and advertisement.

As per the provisions set out in Section 8D of the Urban Development Authority Amendment Act No. 04 of 1982, UDA shall allow local authorities and the public for 60 days to provide comments, observations, or submit proposals for a draft development plan prepared by UDA. In addition, relevant local authorities have also been given powers to implement and enforce certain powers vested into UDA law in the Development plan based on practical grounds.

The term development is used in the sense of carrying out physical development by construction of man-made structures. The promotion of physical development is to promote the process of construction by providing incentives to the investors or developers for such a process.

### Physical Planning and Financial Planning

Other confusing elements of the Sri Lanka Planning system are physical planning and financial planning. The physical system of Sri Lanka is handled by the National Physical Planning Department (NPPD), UDA, and LAs etc. However, the National Planning Department handles financial planning procedures under the supervision of the Ministry of Finance. The Sri Lanka Planning Service (SLPS) basically engages in guidelines formulation, and implementation development projects, while the SLPS also provides services for, planning, implementation, operation, and evaluation of policies/ strategies/ plans/ programs/ projects, required for socioeconomic and matters belonging to the service of the SLPS. These officers are not linked with the current Physical Planning process and work as two separate arms.

### Public Administration System

Although the central government arms of the administrative system such as the Divisional Secretariate Office (DSD) and the District Secretariate (DS) Office contribute their service to ensure a fair and reasonable public administration, they do not appear

in physical planning performances. Accordingly, the role of the District Secretariat can be listed as follows

- i. Fulfilling responsibilities and powers vested in Statutory Acts.
- ii. Implementing major development programs and projects (Samurdhi, Gamperaliya and Decentralized Budget Programs) as par with rules, regulations, and directions of the Government.
- iii. Coordination, implementation, and directing development programs and administrative activities required for the improvement of the well-being of people through Government Institutions and Non-Governmental Organizations of the District.
- iv. Acting as a District representative of the Government, and practically involved when natural and other disasters are caused in the district.

Hence, the public administration system also must be coupled with the local authority's physical planning procedure, but this has not happened yet in the Sri Lankan system. Hence, this is a gap that the integration of these two arms together is largely essential at the grassroots level of planning.

## Conclusion

The term development is used in the sense of carrying out physical development by construction of manmade structures. The promotion of physical development is to promote the process of construction by providing incentives to the investors or developers for such a process to groom economic aspects. However, the sense of town planning is considered an enhancement of the socio-economic and environmental improvement in spatial units of LAs where plans are built where the LAs focus on maintaining public comfort and convenience in their areas. Meanwhile, the role of Divisional Secretariate Office and District Secretariate is primarily on administrative matters of the different administrative arms under the direct control of central Governments. LAs are always controlled by the people as a demarchic representative system which is globally recognized as an administrative system for the micro-level spatial units. However, power enforced by the UDA law, housing, and town improvement ordinance to LAs is unique, and democratic to provide better services. Hence, it is essential to revisit and integrate existing spatial laws

into one umbrella to cater to a better physical planning mechanism. Systems such as DSD and DS which are controlled by the central government should adhere to the implementation the needs of LAs and people in relevant areas provide central government funds for the better comfort and convinces of the LAs. As a result, rather than continuing to operate as two streams, the financial and physical planning sectors should combine their development programs with integrated approaches by implementing a unified system.

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