

**Political Culture and Politico-Bureaucracy:
Politico-Administrative Dichotomy and Politicization of
Public Administration in Sri Lanka**

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Abstract

Developing for more than a Century, the politics-administration dichotomy has earned a most controversial reputation in the history of Public Administration. As a result, from the 1880s onwards, a large number of discussions have been held over the share of politics and administration in the process of governance. Politicization of bureaucracy has been a significant drawback in the administration as a deep-rooted socio-cultural phenomenon in most of changing societies, including Sri Lanka. This paper discusses the factors affected to determine the correlation between plutocracy and bureaucracy in the culturelogy of politics in the context of Sri Lanka with the main objective to examine the socio-economic emergence of plutocracy and its impact on bureaucracy to shape the process of administration. Based on secondary data, methodology of this study is mainly based on a qualitative design, although quantitative techniques are widely used to analyze countable phenomena in order to maximize the

rationale of qualitative ends. In conclusion, even though the politico-administrative dichotomy has been a continues discussion both in developed and changing societies, politicization of administration is purely a socio-cultural phenomenon with strong historical and ideological background in the process of governance in Sri Lanka.

Key Words: Administration, Bureaucracy, Dichotomy, Political Culture, Politicization

Introduction

Public Administration is the latest form or the practical part of the study of politics which emerged at the request made by the man of the 20th Century. In contrast, Administration came into sight and evolved parallel to the origin and growth of the state in which politics and administration co-existed together. However, separation of administration from politics initially occurred as a result of the failing of the traditional political authority to deal successfully with the increasing issues of governance in the 19th century. Consequently, this made a particular body of professionals or a team of technical specialists whose job is to analyze the existing issues, the decisions to be taken and the policies to be implemented on the basis of impartiality under legal-rational authority. However, it doesn't mean that administration apart from politics has clear demarcation in which bureaucrats make decisions purely based on principles of administration, and, politicians, on the other hand, operates on the ground of public opinion. In this context, the relationship between politics and administration becomes increasingly important and essential component which determines the degree of politicization in the process of public administration.

Politico-Administrative Dichotomy

The early and modern writings on the dichotomy of politics and administration draw a compulsory separation between politics and administration owing to their distinctive characteristics in practice. However, there is a clear gap between classical and modern interpretations as contemporary explanations deal very closer to the ecological realities.

Classical Interpretations

According to Woodrow Wilson, administrative questions are not political questions because the field of administration is a field of business; although politics sets the tasks for administration, it should not be allowed to manipulate its office and; therefore, it should be removed from the hurry and strife of politics (Wilson, 1887). In this sense, Wilson intends to shield administration from political interference. Meanwhile, he differentiates politics and administration suggesting that the broad plans of governmental actions are not administrative; the detailed execution of such plans is administrative (Ibid, 1966). However, though Wilson considered politics and administration as independent, at the end of his essay, he has somewhat assumed the interdependency of politics and administration in the decision making process.

After a while, in the early twentieth century, Max Weber arrives in the dichotomy of politics and administration and insists on that administration essentially stay out of politics: i.e., in the political controversies, public administration should operate above all impartially and remain politically neutral (Weber, 1919). Meanwhile, in 1930s the development of the dichotomy between politics and administration draws a narrow conception of administration with the theory of scientific management. In this context, the politics-administration dichotomy sought to minimize politics and administration by prescribing expertise, neutrality and hierarchy (Demir and

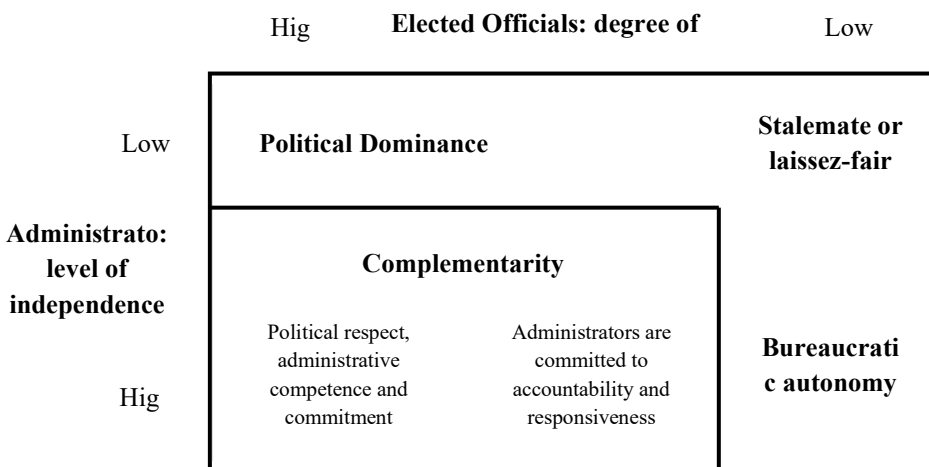
Nyhan, 2008). Therefore, administrators can play a significant role in policy making. However, in 1950s, redefining the politics-administration dichotomy, Paul Appleby claims that drawing a meaningful institutional distinction between politics and administration is impossible owing to its undeniable combination (Appleby, 1949). Therefore, Appleby insists on that politics and administration are completely relative and they should be treated together.

In the 1980s with the emphasis of the concepts of deregulation, privatization and decentralization, the dichotomy returned to the early interpretation of the separation of politics and administration. Particularly, the New Public Management movement brought the economic consideration of administration, which stressed that separation of political and administrative functions, is more efficient than integrating them as traditionally had been in most of the countries (Tahmasebi and Musavi, 2011). Meanwhile, some authors have attempted to re-conceptualize the classical interpretation of the politics-administration dichotomy. Montjoy and Watson suggest two dichotomies as conceptual and operational – the first is dividing the functions of government into the expression of a will and the execution of that will; and the second is a doctrine that the filling of administrative offices should not be used by candidates to attract support in the contest for electoral offices (Montjoy and Watson, 1995).

The Complementarity Model

The dichotomy of politics and administration has been moderately discussed by J.H Savara with the Complementarity Model, which illustrates the interaction between politicians and administrators.

Figure 1: The Interaction between Politicians and Administrators



Source: Savara, J.H. (2001). The Myth of the Dichotomy: Complementarity of Politics and Administration in the Past and Future of Public Administration. *Public Administration Review*, 61, p. 180.

As shown in Figure 1, the Complimentarily Model entails ongoing interaction, reciprocal influence and mutual difference between elected officials and administrators. In this process, administrators help to shape policy and they give it specific content and meaning in the process of implementation. Meanwhile, elected officials supervise the implementation process, pay attention over complaints about poor performance, and attempt to correct problems for a maximum output (Savara, 2001). However, despite the slight difference of the explanation, the Complimentarily Model remains largely similar to the early conceptualization of politico-administrative relationship in which bureaucrats were considered as experts while politicians represent the demands of people. Therefore, these early and contemporary interpretations on politico-

administrative correlation of a political system provide limited understanding over difference contexts in the empirical world.

Sri Lanka: Politico-Bureaucratic System

As discussed above, the classical and modern conceptualizations on the dichotomy of politics and administration provides a conservative outlook to the political system. More importantly, they do not offer substantial inspection to understand diverse correlations of the politico-administrative affairs in different contexts. Therefore, this study intends to prove that the relationship between politics and administration of Sri Lanka cannot be analyzed with the classical or modern interpretation of the dichotomy of politics and administration. At this point, owing to the intensity of the process of politicization which emerged from 1972 onwards, the politico-administrative relationship in Sri Lanka can be identified as a politico-bureaucratic system.¹ The studies of Robert Kearney (1973), Wishwa Warnapala (1974), Traecy Leitan (1979), B.S Wijeweera (1988) and M. Somasundaram (1997) provide comprehensive analysis on the relationship between politics and administration in Sri Lanka.

The provisions of the 1931 and 1947 Constitutions made a neutral relationship between politics and administration in Sri Lanka. As a result, during these constitutional tenures impartiality of administration can be seen as the guiding

¹ This term has used by Somasundram, M. (1997). Public Administration Change, in: Somasundram, M. (ed.) *The Third Wave: Governance and Public Administration in Sri Lanka*. Delhi: Konark Publishers pp. 20-53.

principle of the bureaucracy. However, the 1972 Constitution provided constitutional space for politicization of the bureaucracy which turned the neutrality of politics in administration into a politically-mobilized bureaucracy. In this context, Kearney identified two types of developments as the emerging phenomenon of politicization of the bureaucracy:

The first is growing tendency for political influences to be exerted over administrative actions...a second and separate development in the politicization of bureaucracy is a tendency for tests of political loyalty to be applied for certain assignments within the career public service (Kearney, 1973)

According to Kearney, political influence of ministers and members of the legislature over administrative decisions, and political loyalty of the bureaucrats for politicians for promotions and other privileges in the public service can be identified as main contributory factors of the politicization of bureaucracy in Sri Lanka.

Meanwhile, provisions of the 1978 Constitution brought a presidential-cabinet system into operation and intensified the on-going process of politicization with excessive power of the executive presidency. Thus, the bureaucrats became subservient or adherents of the governing elite, and in order to maximize privileges enjoyed by their position they always kept seeking opportunities to serve the interests of politicians in power. As a result, the classical and modern conceptualizations of the dichotomy of politics and administration became extremely less important in defining the relationship of politics and administration in Sri Lanka.

In this context, M. Somasundaram has categorically expressed his views highlighting the politico-administrative correlation in Sri Lanka as a politico-bureaucratic system:

A politicking context breeds politicking public servants very much like carrion breeding maggots. Such bureau paths undermine the head's authority hoping to replace him, particularly if the latter were a success. Scheming public servants could always find scabs in the victim's agency, in the expressive vernacular called Runoongaratne's, those who run to their star-bosses homes carrying tails. Politicking has triumphed in Sri Lanka, not merely because of the assertiveness of politicians, but more insidiously, because of the connivance and acquiescence of bureau path colleagues particularly trading on vulnerabilities of weak ministers. (Somasundaram, 1997).

A politico-bureaucratic system does not emerge itself as a mere politico-administrative phenomenon without the significant contribution from some important socio-economic factors. However, this problem, politicization of the bureaucracy, has been significantly addressed as a sociological phenomenon by B.S Wijeweera. According to Wijeweera, politicization of administration in Sri Lanka was necessary because, though the social transmission from feudalism to colonialism brought significant physical changes, some fundamental values remained as they were in the past; for example, the power structure of the society which had been in practice from its very ancient times remained unchanged except in its content during the British occupation in Sri Lanka (Wijeweera, 1988:). In this context, this study seeks to examine a rationale for the politicization of administration in Sri Lanka.

A Socio-Cultural Phenomenon

According to the Elite Theory, the rule of the elite is an inevitable and unchangeable fact of social existence; the struggle for power has been confined to a few but organized groups; one set of them is replaced by another in order to rule over the unorganized many; therefore, politics is a struggle

among the rule-interested elite; to sum up to a famous dictum: history is the graveyard of aristocracies (Ibid: 33). Based on above assumption of the elite theory, Wijeweera draws a hypothesis on politicization of bureaucracy as a reemergence of the authority of the ruling elite which had been in practice in the traditional Sri Lanka (Wijeweera, 1988).

Wijeweera insists that power of the traditional society in Sri Lanka always functioned within the confines of the ruling elite (Ibid: 24). However, with the British occupation this traditional power hierarchy was disturbed; as a result, a series of conflicts erupted between the traditional local-elite and the British, sometimes in the forms of rebellion in 1817-18 (Ibid: 25). Although the British responded it with violently, they identified the importance of the local-elite in socio-political stability, and granted them with subordinate functions of the administration in order to assimilate them to the main elite (Ibid: 25-6). The local-elite enjoyed power as bureaucrats alongwith the ruling English-elite under colonial regime in Sri Lanka. Meanwhile, the Donoughmore reforms acted as a process of displacement of the bureaucratic elite, replacing them with a sub-institution of Anglicized political elite as the new ruling elite; and this process continued with the Soulbury reforms in which this new ruling elite strongly refused the existence of rival elite from the local government and barricaded a real devolution of power to the local bodies (Ibid: 28).

In 1956 there was a transfer of political power from one segment of society to another according to Wijeweera – hence it was nonetheless but Sinhala-Buddhist nationalism in which some of guiding ethics can be traced back to the traditional Sinhalese society in Sri Lanka (Ibid: 24). However, though some disagreements aroused between the ruling elite and the bureaucrats in the decision making process, they were soon resolved with the abolition of the Ceylon Civil Service, and

establishing of Ceylon Administrative Service in 1963. Moreover, the process of politicization of bureaucracy was almost completed in the 1970s where two constitutions were brought into operation respectively in 1972 and 1978. As a result, political appointees were effortlessly recruited to the lower, middle and upper levels of the bureaucracy in favor of the ruling elite in Sri Lanka (Ibid: 30). Therefore, Wijeweera argues that the characteristics of the existing ruling elite repeat itself with very little in ancient tradition or the colonial experience to alleviate it (Ibid: 32).

However, though the process of politicization is identified as a product of the struggle for power among the elites, this study assumes that politicization of the bureaucracy is not a mere sociological occurrence but a socio-cultural phenomenon generated by the authoritative characteristics of the cultural set-up in Sri Lanka. To do so, in the first place, it is important to draw attention on the state of political culture in Sri Lanka. Conceptually, the term political culture is defined as a set of attitudes, beliefs and sentiments that give order and meaning to a political process which provides the underlying assumptions and rules that govern the behavior in the political system (IESS, 1968). Hence, it determines political behavior of the people. However, according to Almond et al. political culture does not explain everything about politics..., nor is political culture unchangeable..., but cultural norms typically change slowly and reflect enduring patterns of political action (Almond et al., 2000). Therefore, political culture is a critical element in understanding the political set-up of a country. As Almond et al. explain, when studying the concept of political culture, it can be categorized into three levels of citizen-orientations in a political system: the political system, the political and policy-making process and policy outputs and outcomes.

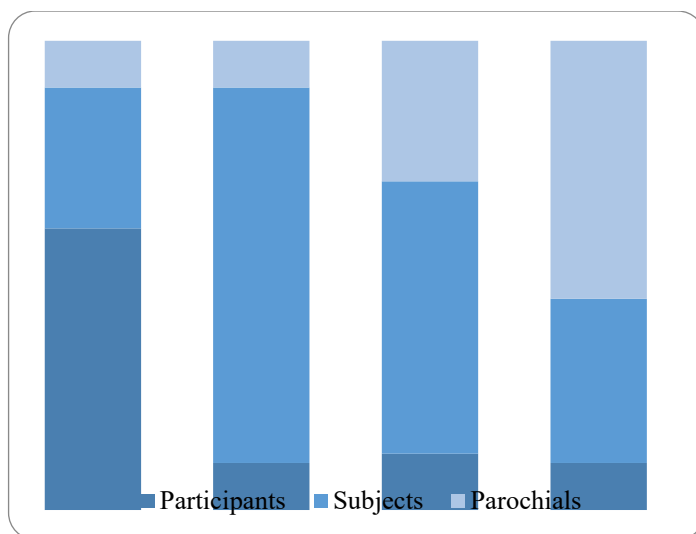
Table 1: The Aspects of Political Culture

System	Process	Policy
Pride in nation	Principles of government	Role of government
National identity	Role of citizens	Government policy priorities
Legitimacy of government	Perceptions of political rights	

Source: Almond, G.A, Powell, G.B, Strom, K and Dalton, R.J (2000). *Comparative Politics Today: A World View*. 7th ed., New York: Longman. p. 50.

According to the aspects of political culture, the state of a political system can be measured against and compared with two or more political systems. For example, in the political and policy-making process, peoples' orientation towards involvement in the political process has been measured as participatory, subjective and parochial cultures by Almond et al. as shown in Figure 2.

Figure 2: Political Culture by Orientation in the Political Process



Source: Almond, G.A, Powell, G.B, Strom, K and Dalton, R.J (2000). *Comparative Politics Today: A World View*. 7th ed., New York: Longman. p. 52.

According to Figure 2, developed democracies and post-communist nations in the first and second columns illustrate significant differences in the political participation. The level of participation of the third category, which represents post-communist developing countries, shows a slight increase in comparison to the second category. However, the post-colonial democratic nations in the fourth category show a dramatic increase of parochial in comparison to the other three categories of countries. As Almond et al. define that parochial are poor and illiterate slum dwellers, peasants or farm laborers who have little conscious contact with the political system (Almond et al., 2000). For example, the countries in the African and South Asian regions have predominantly rural, religious and politically unconscious populations. In these countries, political participation has largely confined to business elite and

educated professionals. Consequently, majority of citizens have fewer consensuses on the importance of democratic objectives, instead they are highly influenced with religious and ethno-nationalist belief (Ibid: 52-3).

Therefore, though the political participation of the mass can be largely seen in the election process, their involvement in the decision making process during the tenure of government is extremely limited. As a result, the decision making process of these countries has been completely subjugated by the interests of the ruling elite and their subordinate contingents. However, Almond et al. do not explain how politicians and the mass maintain their relationship in this gap of decisions and interests to accomplish competing interests in a democratic system. It is evident that the ruling elite is fully aware of the popular content of interests and the most marketable politico-economic ideology among the uneducated or undereducated and democratically unconscious rural folk. Therefore, it is a common phenomenon that many of these countries have on the one hand a religious and ethno-nationalist project and on the other hand a semi or quasi-welfareism along with their national movement. As a result, the decision making process of these countries is highly dependent on religious and ethno-nationalist interests and partly on welfare oriented policies. In a context of ethno-religious diversity, policy interests of the majority have severely disturbed the nation building process of these countries.

In the Sri Lankan context, the experiences are invariably similar according to the above analysis of political culture and its function in the decision making process. In other word, the importance of democratic values is limited or has been confined in the political participation of Sri Lanka. Consequently, religious and ethno-nationalist sentiments have become crucial rather than long-term socio-economic

objectives in the decision making process. Therefore, authoritative actions are common occurrence instead of politico-administrative compromises in the decision making process. For example, the Country has been experiencing a deep-rooted ethnic problem since its pre-independence period. To settle the issue by politico-administrative means a number of devolution packages were proposed from 1950s to 2003, though none of them has been successful as a constitutional reform.² Instead of the devolution efforts to be broaden the share of the decision making process, a more centralized politico-administrative structure, which gives priority to the ethno-nationalist interests of majority, was developed irrespective of the demands of diversity in Sri Lanka.

Politicization of bureaucracy is not a mere independent variable as illustrated in the Elite Theory but an outcome of the political culture in which authoritarianism functions as the guiding principle of the decision making process in Sri Lanka. It is a complete subjugation of politics over bureaucratic rights-to-share in the decision making process. In this context, intensity of the process of politicization has confined the decision making process into the ideology of the ruling elite. Therefore, instances of compromises between politico-administrative decisions cannot be seen as opportunities to stand on behalf of the diverse interests in the decision making process are not available in the context of Sri Lanka.

Post-Independent Bureaucracy

²Although the 13th Amendment had been adapted to the Constitution which brought the Provincial Council System into operation under the provisions deprived by the Provincial Council Act No. 42 of 1987, it remains as most unsuccessful resolution to address the ethnic problem.

The post-independent epoch has been the most significant transition period of the Ceylon Civil Service due to the pressure of three most dominant factors: first it was the Soulbury reform which made Ceylon a dominion state; as a result, the Civil Service became free from the direct control of the British Empire; secondly, the dominant role of the majority Sinhalese in the government services which suppressed the minority grievances and finally, the rise of the Ceylonization movement, which demanded its strict application into the Civil and Public Services.

The Soulbury Civil Service

The Soulbury Commission made its recommendations for a parliament system after a cautious investigation of the Executive Committee System of the Donoughmore reform. As a result, a Governor General who represented the Crown of England, a bicameral Legislature and a system of Cabinet of Ministers were introduced in 1947. Thus, Ceylon became a dominion state within the Commonwealth of Nations with the provisions derived from the Ceylon Independence Act of 1947 and the Ceylon Orders in Council of 1946 and 1947 (Leitan, 1979). Although some constitutional provisions were introduced to safeguard the politico-administrative rights of the minority, the Soulbury System did not intend to establish a representative bureaucracy. However, both politically and administratively, some significant representative characteristics can be seen in the minority safeguards which had been architected to draw a more rational decision making process.

Table 2 shows that the Soulbury System has categorically focused to address the minority grievances with special provisions incorporated to the Constitution which could be

broadly classified as legislative, executive and judicial safeguards.

Table 2: Minority Safeguards in the Soulbury Constitution

Type	Institution	Rationale
Legislative	Section 29 (II)	Discriminations against race and religion
	The House of Representatives	Represent the minority (06)
	The Senate	Represent the minority (15)
Executive	Delimitation Commission	The Weightage System
	Public Service Commission	Independent public service
Judicial	Judicial Service Commission	Safeguard the minority rights

Source: Data extracted from Warnapala, W.A.W. (1995). *Civil Service Administration in Ceylon: A Study in Bureaucratic Adaptation*. Colombo: University of Sri Jayewardenepura. pp. 168-71.

The political representation of the minority was facilitated by appointing six nominees for the House of Representatives and one-half for the Senate by the Governor General in his discretionary capacity. Moreover, a system of weightage was adopted for the demarcation of electorates in order to guarantee an adequate representation for the minority. Meanwhile, a public service commission was introduced as an independent body against discriminations on the basis of race and religion, and to discharge the function of recruitments, promotions and disciplinary control of the Public Services.

It is evident that a maximum effort had been made in legislative, executive and judicial means to safeguard the minority rights. However, among these minority safeguards the Public Service Commission played a key role in recruitment, promotion and disciplinary control of the public servants. It was to consist of three persons and one of whom should be the chairman as provisioned by the Soulboury Constitution. The first two chairmen were an Englishman and a Ceylonese Burgher, and they were succeeded by two Tamil chairmen appointed to the office in 1948 and 1949 (Warnapala, 1995). Throughout this period some Sinhalese chairmen were chosen; however, the Commission was able to maintain a reasonable ethnic balance in the Commission and the Public Service and prevented the criticism of ethnic partiality to the Sinhalese community (Ibid). Therefore, at the beginning, the Public Service Commission played an impartial role in every purpose of the administrative process; however, it changed dramatically with the political transformation of 1950s.

Crisis in the Bureaucracy

The Civil Service was the last stronghold of the English-educated elite whose engagement came into conflict with the new political leadership that was elected in the 1956 election. The suppressed Sinhalese-Buddhist interests of the colonial Ceylon phenomenally emerged under the leadership of S.W.R.D Bandaranayke who led the Peoples United Front after the victory in 1956. As a result, of the unparalleled popularity and enchanting promises, the ethno-nationalist movement at any cost was impossible prevent form its way forward. Due to the enthusiastic and influential engaging in politics of the rural Sinhala-Buddhist folk, the political parties made their way to reshape the party manifestation in favor of the public choice. For example, in the official-language issue, the United National Party from the very beginning stood for ‘equality in all matters’

but later changed its policy to 'Sinhala only' (Warnapala, 1995). At the same time, the party accepted the 'priority to Buddhism' under pressure came from the Buddhist extremists and the Peoples United Front.

The 'Sinhala only' bill was passed in June 1956 and, as a result, the Tamils-led political parties began to protest and demanded equal status for Tamils. In order to find a solution for the Sinhalese-Tamil unrest, Premier Bandaranayake with the collaboration of S.J.V Chelvanayakam, proposed a devolution package which was later known as Bandaranayake-Chelvanayakam Pact in 1958. However, due to pressure came from the Sinhala-Buddhist activists, particularly, the language enthusiasts and Buddhist clergy, the Prime Minister himself abolished the agreement (Ibid). As a result, in May 1958 a severe communal unrest spread all over the country. In order to restore law and order, the state of emergency was imposed on May 27, 1958 and those who were responsible for the dispute, including the Federal Party, were proscribed (Ibid). As result, of the strong protest led by the opposition parties, the Government elevated the state of emergency. However, with the change of the political climate, the ruling party erupted over the dispute aroused between the right and the left wings. Premier Bandaranayke was unable to mitigate the growing ethno-cultural and political disorder and in the midst of this upheaval, he was assassinated.

The assassination of the Prime Minister and its immediate aftermath left the country in turmoil where a three-pronged conflict surfaced in the socio-political context of the country: the Sinhalese-Buddhist chauvinism, the Tamil protest and the Right-Left contradiction (Ibid). Consequently, the Civil Service confronted a number of difficulties and disturbances owing to the political instability and the growth of the function of the Government departments which caused a shortage of the

Civil Service personnel (Ibid). Meanwhile, with the changes of the recruitment policy for the first time, candidates were allowed to sit for the Civil Service Entrance Examination in the official language. However, the problem of course-curriculum and shortage of facilities called for a constructive output from the appointed personnel. As a result, the Wilmot Perera Commission, which was appointed to review the existing Civil Service frame work, stated that it could hardly be expected to make any impact on the problem of training in the immediate future (Ibid). The core of these problematic surroundings was mainly the lack of direction and corporation of the political authority for the Civil Service which later became an employability-hub of the political patronage.

The Official Language Act or the ‘Sinhala Only’ policy made a severe impact on the Civil Service and completely deteriorated the existing representative nature of the bureaucracy. Particularly, the pressure applied to displace the medium of public affairs from English to Sinhala utterly discouraged the English-educated bureaucrats, resulting in their formation of several associations which, in turn, led to the emergence of rival factions in the Civil Service and these dissatisfied parties later engaged in the trade union movement. However, even after five years of the language regulations more than 50 per cent of the bureaucracy was not proficient in Sinhalese (Warnapala, 1995). In this context, three significant developments can be perceived: first, the ethnic composition of the public services was transformed in favor of the Sinhalese community; secondly the bureaucracy extensively engaged in the trade union movement; and finally a gradual decrease of the gap between the bureaucracy and the society appeared in the process of adaptation.

The aftermath was inevitable, politicization of the public services which enforced rigorous control over the bureaucracy.

Meanwhile, the Public Service Commission was also manipulated by appointing its members with a greater weightage to the political will of the governing party. For example, both parties the United National Party and the Sri Lanka Freedom Party made their appointments to the Commission on the basis of political patronage (Ibid). However, the minority representation in the Commission was not completely ignored; yet impartiality and trustworthiness of the Commission were largely disturbed with the growth of political interference.

Politicization of the Public Service

The incompatible socio-cultural orientations and intentions between the politicians whose stand for ethno-religious interests of the majority, and the bureaucracy which flourished on colonial-English tradition, turned into a conflict in the 1950s. As a result, the Government held a strong hostility against the bureaucracy accusing it as an elite which is not bothered by aspirations of the people, and condemned it as the major obstacle to realize their socio-economic programs prepared for the people. Although the Civil Service progressively involved in implementing the development programs, the government took measures to modernize the bureaucracy. According to Wijeweera who studied the transition of the Ceylon Civil Service, the modernization process as it was demanded by the changes of 1956 was a painful but an unavoidable process; more clearly, it was transformation of roles from that of a law-and-order bureaucracy to an engine of social and economic change (Wijeweera, 1988).

The advancement of 1956 did not entrench much further with the assassination of Bandaranayke in 1959. However, its ideological awakening continually influenced the socio-

political setup of the country. Even with a growing reluctance towards the bureaucracy, the Government did not approach to politicize the Civil Service at the beginning; instead they continued the Ceylonization process. For example, in 1963 two structural changes were introduced to the administrative system: the abolition of the Ceylon Civil Service by establishing the Ceylon Administrative Service and the replacement of the Village Headman system into the Gramaniladari system.

First Republic Constitution (1972)

Politicization of the Public Service categorically appeared with the introduction of the first Republic Constitution in 1972. It was undoubtedly a turning point of the political and constitutional history of Sri Lanka. Because, it was completely a locally-drafted Constitution, and on the other hand, it terminated the compromises imposed under the Soulbury Constitution. More importantly, it made the Country a free, sovereign and independent republic. Although the 1972 constitution had been primarily designed following the Westminster Model, it differs from the basic characteristics of a Cabinet system in several aspects. However, this study does not intend to discuss features of the constitution extensively but its impact in terms of exercising the Civil Service administration of the Country.

The Cabinet of Ministers was provisioned to exercise the appointment, dismissal and disciplinary control over the public officers as declared by Article 117 of the Constitution. This was a decisive provision which had never been witnessed before and it deeply eroded the impartiality at every aspect of the Civil Service process. The Board of Ministers should discharge this power under the recommendations of the Public Service Advisory Board (PSAB) and the Public Service Disciplinary

Board (PSDB) established under Articles 111 and 112 of the Constitution. Meanwhile, the members of the PSAB and the PSDB were appointed by the President following the recommendations of the Prime Minister. In this context, the PSAB and the PSDB indirectly facilitated the political-preferences of the Government in which the patronage-appointments were systematically introduced to the Civil Service.

The process of politicization in the next phase inexorably reached its culmination as the political elite completely subjugated the bureaucracy with the reforms which provided greater peoples' participation in the administration. The United Front Government with a strong majority in Parliament turned to establish Workers' Councils and Advisory Committees in the Government Departments and the Public Enterprises on the basis of an elective principle which nominated loyalists in order to preserve their individual party identities (Wijeweera, 1988). Moreover, a system of People's Committee was established for each ward of a local authority in order to obtain people's contribution at the level of formulation, implementation and evaluation of development programs on the ground of more responsive administration to the needs of the Country and wishes of the people. Meanwhile, the Chairman and the Members of these Committees were appointed by the Minister in consultation with the Member of Parliament of the area and the function of the Committees were confined to offer 'criticisms and advise' on the administrative process (Ibid). The Chairmen and the Members of these Committees were active supporters of then the United Front Government. However, these institutions did not intend to absorb the authority of the administrative machinery, instead it was argued as a necessary step to transform the administration machinery to a more democratic process.

Furthermore, the politicization process appeared in the decentralized administration aiming to make a more democratic and development-consensus administration. Consequently, the Divisional Development Councils (DDCs) were established in 1971 as a primordial step to address the development objectives in a broad context, particularly, to lay the foundation for small-scale industries and to increase employment opportunities in the rural sector. The DDCs were operated under the chairmanship of the Divisional Revenue Officers with a wide membership of officials and non-officials including the Member of Parliament of the area; consequently, hundreds of projects were introduced but none of them was free from the problems of expertise, management and marketing (Wijeweera, 1988). Among those, the worst experience was politicization of the development activities of the DDCs.

The politicization process again reached until peripheral part of the Country in 1973 with the introduction of the District Political Authority system (DPA) and the Decentralized Budget system (DCB). In this sense, it was compulsory that the regional-level administration should be under the control of the political authority, similarly with the national-level administration. On the other hand, the Food Production Drive in response to the food crisis and the state of emergency intensified the need of corporation between the politics and the administration. Consequently, the DPA system was introduced to mobilize and direct the people and institutions in the district and, it was categorically stated that the administration should serve the political authority by coordinating the activities of the Public Service (Wijeweera, 1988). Therefore, the district administration was thoroughly subjugated to the control of the DPA system in which an appointed political-head of the district became officer-in-charge on behalf of the Government. Moreover, despite the provisions of the national-budget in

terms of regional development, the DCB system was introduced at the same time to facilitate the DPA system.

In this context the United Front Government introduced a comprehensive line-up of politicization to the Civil Service which inescapably chained the Civil Service practices into political consent of the Government. In a sense, it was purely a way forward for a more democratic process and, on the other hand, it was strongly criticized as an unavoidable result of internal suspicion of the coalition government which thwarted the Civil Service from its professional-origin to handymen of the political authority. However, as the politicization process goes ahead at every step, it obliterated the substance of a system of representative bureaucracy and in the next step, the 1978 Constitution brought the same result but in a different structure.

Second Republic Constitution (1978)

The 1978 Constitution provides basis for a Semi-Presidential Government as it shares many features of Cabinet and Presidential systems. More clearly, it is an Executive Presidential-Cabinet system in which the President is vested with executive powers with a Cabinet of Ministers headed by a Prime Minister. The system, particularly in practice, is much similar to a presidential system; however, it was different from the ideals of Semi-Presidential and Presidential systems in France and the United States; here, the President largely exercises legislative, executive and judicial powers. In this context, the President is the Commander-in-Chief in every aspect of politico-administrative decision making. Particularly as the direct selection of the people and the head of ruling party, the President gives more priority to political offers than to the due process of the administration. Therefore, the importance of representative bureaucracy in a context of Executive

Presidential-Cabinet system has been largely restricted by political aspirations of the President.

The Article 30 (1) of the Constitution proclaims that the President is the Head of the State, the Executive and the Government, and the Commander-in-Chief of the Armed Forces. Furthermore, Article 30 (2) states that the President is directly elected by the people and holds office for a term of six years. Though his tenure is confined for two consecutive terms by article 31 (2), the Eighteenth Amendment to the Constitution removed the expressed limit for re-election. Moreover, powers of the President are not subjected to check and balances by the Legislature or the Judiciary. The only method to confine his authority is preceding an impeachment on the provisions of Article 38 (2) (a) and (b). However, due to practical difficulties the impeachment process, it is not powerful enough to control the power of the President.

The President is the head of the Executive and the Cabinet of Ministers and according to the Article 42, though not a Member of Parliament, he is accountable to it in terms of exercising executive powers. In this context, the Cabinet of Ministers should be responsible to Parliament on behalf of discharging the executive powers of the President. Thus, though the President holds the executive powers, he is not accountable to the Legislature but the Cabinet of Ministers on behalf of him. As a result, Parliament has become a sub-institution which stands for executive decision of the President. Moreover, though the system of proportional representation encouraged the bargaining power in a context of multi-party system, the present cross-over system has dramatically improved power of the governing, party particularly, of the President.³

³ This has been adopted as per judicial decision in 2002 which justified cross-over of members of Parliament as a form of the

The excessive power of the President as the head of the state and the government has made the Public Service an instrument of the President which carries out his political-will. Particularly, according to Article 54 of the Constitution, the President appoints all public offices required by the Constitution or other written laws. Moreover, with the provisions of Article 55 (1), though the power for appointments, transfers, dismissals and disciplinary controls of public officers are vested with the Cabinet of Ministers, Article 55 (3) states that they are obliged to follow the recommendation of the Public Service Commission. Meanwhile, Article 56 (1) proclaims that the Public Service Commission is appointed by the President. However, it is obvious that despite the choices of the Cabinet of Ministers, the President can directly consume the power of the Public Service because Article 44 (1) grants him the power to appoint the Cabinet of Ministers which determines the political-future of candidates.

The Constitutions and Amendments

Therefore, it is needless to say that the President deeply influences every phase of administration which intensifies the extent of politicization of the Public Service. However, in order to make a constrictive limit on the power of the President over the Public Service, the Seventeenth Amendment to the Constitution was introduced in 2001. According to the Amendment, a Constitutional Council should be appointed to recommend suitable candidates for the selected commissions

democratic process irrespective to the basic principles of proportional representation.

and offices, including the Public Service Commission.⁴ Nevertheless, due to political discrepancies a problem encountered on the appointments for the Constitutional Council, and as a result, the amendment became unsuccessful following the introduction of the Eighteenth Amendment to the Constitution in 2010. It replaced every autonomous attempts of the Seventeenth Amendment by appointing a Parliamentary Commission similar to the prior amendment, but with direct nominees from the ruling party who directly represent the political aspirations of the President.⁵

It is evident that the Constitution has granted excessive power for the President to exercise functions at the office without checks and balances of any government institution. As a result, the President can influence every step of the politico-administrative decision making in favor of his political thought as the head of the ruling party and the government. Therefore, it is obvious that the 1978 Constitution has dramatically

⁴ The Constitutional Council comprises with the Prime Minister, the Speaker, the Leader of the Opposition in Parliament, one person appointed by the President, five person appointed by the President on the nomination of both the Prime Minister and the Leader of the Opposition; and one person nominated upon agreement by the majority of the Members of Parliament belonging to political parties or independent groups other than the respective political parties or independent groups to which the Prime Minister and the Leader of the Opposition belongs and appointed by the President.

⁵ The Parliamentary Council comprises with the Prime Minister, the Speaker, the Leader of the Opposition, a nominee of the Prime Minister, who shall be a Member of Parliament; and a nominee of the Leader of the Opposition, who shall be a Member of Parliament.

intensified the process of politicization in comparison to the attempts made in the 1950s, 1960s and 1972.

Even though attempts towards democracy through a movement of depoliticization was continuously unsuccessful over decades since the introduction of the constitution, its remarkable development appeared in a form of civil-political parade by criticizing President Rajapaksha's means of government with his second tenure for the office in 2010. With the defeat of the Liberation Tigers of Tamil Eelam (LTTE) in 2009 who fought nearly thirty years for a separate Tamil homeland in North-east Sri Lanka, President Rajapaksha successfully gained wide range of support from Sinhalese-Buddhists chauvinists for his second victory and prepared for third round in 2015 following the provisions of 18th amendment to the Constitution. However, rapidly increasing criticism against curtail of democracy and nepotistic and corniest move in the administration turned to a civil-political protest which defeated the Government in the forthcoming election in 2015.

The new Government, as promised in the election, introduced 19th Amendment to the Constitution with the aim to depoliticize the decision making process and ensure democratic standards in the government. The amendment brought three major revision to the Constitution by insertion rights to information, curtailing powers of president while strengthening the state of legislature and establishing a constitutional council as follows:

1. The rights to information amends Article 14 (1) (a) of the Constitution which provisions freedom of speech and expression including publication by adding access to information on governmental and semi-governmental data.⁶

⁶ 19th Amendment to the Constitution, p. 2.

2. Powers of the President has been repealed under Article 30 (1) as the President of Republic and (2) his tenure in the office reducing from six to term of five years; and Article 31 (2) disqualified person who has been twice elected to the office of President to be reelected.⁷
3. Article 41 A (1) provisions for a Constitutional Council⁸ to appoint the members of nine independent commissions⁹ and eight higher offices¹⁰ in order to ensure the principles of impartiality and inclusiveness.

⁷ 19th Amendment to the Constitution, p. 3.

⁸The Constitutional Council comprises with the Prime Minister, the Speaker, the Leader of the Opposition in Parliament, one person appointed by the President, five person appointed by the President on the nomination of both the Prime Minister and the Leader of the Opposition (only two of them should be the members of parliament); and one person nominated upon agreement by the majority of the Members of Parliament belonging to political parties or independent groups other than the respective political parties or independent groups to which the Prime Minister and the Leader of the Opposition belongs and appointed by the President.

⁹ (a) The Election Commission (b) The Public Service Commission (c) The National Police Commission (d) The Audit Service Commission (e) The Human Rights Commission of Sri Lanka (f) The Commission to Investigate Allegations of Bribery or Corruption (g) The Finance Commission (h) The Delimitation Commission (i) The National Procurement Commission.

¹⁰ Schedule I: (a) The Chief Justice and the Judges of the Supreme Court (b) The President and the Judges of the Court of Appeal (c) The Members of the Judicial Service Commission, other than the

Even though these provisions show a great capacity in addressing the issues such as problem of information, excessive powers of the President and politicization, nearly three years from its inception in May 2015 do not show a considerable development in the affairs of politics and administrative discretion. For example, practicability of rights to information as a new endowment to the list of fundamental rights in the Constitution has been highly questioned due to the problem of availability of information for the public in governmental and semi-governmental institutions. On the other hand, President as the head of the state and the government and leader of the party with the majority seats in Parliament can influence to carry out his will in the legislature while consuming the powers of office as the chief of executive branch. However, appointments of the President to the independent commissions through the Constitutional Councils have been commendably systematic due to pressure of statutory requirements and other internal and external sources.

Conclusion

This article discusses the politico-administrative dichotomy following the interpretation of classical and modern literature, and analyzes its advancement in the political culture and impact in the process of politicization of public administration in the Country. The early theorist such as Wilson, Weber, Savara etc., provide mere understanding on the conceptual difference between elected officials and administrators. However, these discussions have been significantly helpful to draw a

Chairman; Schedule II: (a) The Attorney-General (b) The Auditor-General (c) The Inspector-General of Police (d) The Parliamentary Commissioner for Administration (Ombudsman) (e) The Secretary-General of Parliament.

conceptual outline when it comes to analyze a particular context such as Sri Lanka. In this sense, according to the analysts of politico-administrative dichotomy and political culture, it can be interpreted as a socio-cultural phenomenon in which politicization of bureaucracy operates as a reemergence of the authority of the ruling elite which had been in practice in the traditional Sri Lanka. This is proven in the post-colonial politico-administrative relations in the Country in which constitutional provisions have been significantly contributed to politicize the process of public administration.

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