

# 13th Amendment to Sri Lankan Constitution

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The 13th Amendment was a **consequence of the Indian intervention in Sri Lanka between 1987-1990**. It flowed from the **India-Sri Lanka Accord** of July 29, 1987. Sri Lanka is a unitary country, and the 1978 Constitution had concentrated all powers in the centre. The agreement was aimed at finding a **way forward on devolution of political powers to the then North-Eastern province, comprising the Tamil dominated areas** of the island country.

## Features of the 13th Amendment

- Under the terms of the Accord (also known as the Jayawardene-Rajiv Gandhi agreement), the Sri Lankan parliament brought in the 13th Amendment, which provided for a **system of elected provincial councils** across Sri Lanka
- Thus it was not just the Northern-Eastern province that would get a provincial council but **provinces in the rest of Sri Lanka too**.
- The irony was that while the North-Eastern provincial council could barely survive the violent and bloody circumstances of its birth and died after a short-lived futile struggle against both the LTTE and the Sri Lankan government, **each of the remaining provinces in the Sinhala dominated areas had elected provincial councils**.
- The irony was all the greater as there had been much opposition by Sinhala nationalists to the 13th amendment as an **Indian imposed provision**.
- The 13th Amendment is **seen as encouraging Tamil separatism and secessionism**. It is the only provision in the Constitution that is a slight nod in the direction

of Sri Lanka's Tamil national question.

### Context for 13th Amendment Gaining Significance

- After the Rajapaksas' win in the November 2019 presidential polls and the August 2020 general election, the spotlight fell on two key legislations in Sri Lanka's Constitution.
- One, the **19th Amendment**, that was passed in 2015 to **curb powers of the Executive President, while strengthening Parliament and independent commissions**. The Rajapaksa government has already drafted and gazetted the 20th Amendment.
- The other legislation under sharp focus is the 13th Amendment passed in 1987, which mandates a measure of **power devolution to the provincial councils** established to govern the island's nine provinces.
- Subjects such as education, health, agriculture, housing, land and police are devolved to the provincial administrations, but because of restrictions on financial powers and overriding powers given to the President, the provincial administrations have not made much headway.
- In particular, the **provisions relating to police and land have never been implemented**. Initially, the north and eastern provinces were merged and had a North-Eastern Provincial Council, but the two were de-merged in 2007 following a Supreme Court verdict.