

Amendments to Constitution of Sri Lanka

October 7, 2020

Sri Lankan's long-lasting Tamil problem has always been a cause of concern in the island nation. Recent changes in the constitution are affecting the power structure in the central hierarchy. It also has an implication on India-Sri Lanka relations. So it is important to know the recent changes from the main point of view.

In news: 20th amendment of the Sri Lankan constitution has been gazetted.

Placing it in syllabus: International relations

Static dimensions

1. Provisions of the 19th Amendment
2. 13th Amendment

Current dimensions

1. What is the 20th Amendment?

Content:

What is the 20th Amendment?

- The new government has drafted and gazetted the 20th Amendment on September 2, 2020.
- It only **retains from it the two-term bar on the presidency and the five-year term.**
- It has also **removed the opportunity for citizens to challenge the executive actions of the President** through fundamental rights applications.
- The checks on presidential power within the executive are abolished by the **removal of the requirement of the Prime Minister's advice for the appointment and**

dismissal of Cabinet and other Ministers.

- The **appointment and particularly the dismissal of the Prime Minister** are no longer dependent on the confidence of Parliament but at the **discretion of the President.**
- Parliament is disempowered against the executive by the restoration of the **President's power to dissolve Parliament at will at any time after the first year of its term.**

Provisions of the 19th Amendment:

- The 19th Amendment was **passed in 2015** to curb the powers of the Executive President while strengthening Parliament and independent commissions.
- It was brought by the Yahapalanya (Good Governance) government of the United National Front of President Maithripala Sirisena.
- It **rolled back the 18th amendment** that had been brought in by the preceding President Mahinda Rajapaksa.
- The **18th amendment had removed the two-term bar on running for office and centralised more powers in the hands of the President.**
- The **19th amendment restored the two-term bar on running for the presidency** that was contained in the 1978 constitution.
- It laid down the **minimum age of 35 years for a presidential candidate** and also **barred dual citizens from the office.**
- It **reduced the term of the presidency to five years from the six years** laid down in the 1978 constitution.
- The **President also lost his power to sack the Prime Minister.**
- It also **placed a ceiling on the number of ministers and deputy ministers.**
- It **decentralized the appointments** to the nine commissions.

The 1978 Constitution was crafted by J R Jayewardene. It introduced the office of the Executive President in Sri Lanka, making it one of the most powerful of similar systems in the world.

13th Amendment:

It is an **outcome of the Indo-Lanka Accord of July 1987**, signed by the then Prime Minister **Rajiv Gandhi** and President **J.R. Jayawardene**, in an attempt to resolve Sri Lanka's ethnic conflict that had aggravated into a full-fledged civil war, between the armed forces and the Liberation Tigers of Tamil Eelam (LTTE), which led the struggle for Tamils' self-determination and sought a separate state.

It **led to the creation of Provincial Councils**, assuring a power-sharing arrangement to enable all **nine provinces** in the country, including Sinhala majority areas, to self-govern. Subjects such as **education, health, agriculture, housing, land, and police** are devolved to the provincial administrations.

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.

Significance:

To date, the 13th Amendment represents the only constitutional provision on the settlement of the long-pending Tamil question in Srilanka.

Who wants it abolished and why?

The influential Cabinet ministers, state ministers, high profile officials have called for the abolition of provincial councils after the new government took charge. It has been argued that **in a small country the provinces could be effectively controlled by the Centre.**

The opposition camp also includes those who are fundamentally **opposed to sharing any political power with the Tamil minority**. But the councils have over time also helped national parties strengthen their grassroots presence and organizational structures.

The agreement over the years **gave Sinhalese politicians at the grassroots a taste of political power, governance and financial allocations** as devolution of powers to the councils was only in name as the Centre retained all financial powers.

Often the **13th Amendment is seen as encouraging Tamil separatism and secessionism**.

Mould your thought:

1. What does the 19th amendment of Srilankan constitution signify? How the newly gazetted 20th amendment brings changes in it?

Approach to the answer:

- Write why in news
- Write the provisions of 19th amendment
- Write about the 20th amendment
- Conclusion