

INDIA & SRI-LANKA

December 20, 2018

Manifest Pedagogy

The issue of Constitutional crisis in Sri Lanka has been prolonged and spread over for more than a month after the day it started. Aspirants who have been following the news need not necessarily go into minute details of and doing so for over a month on the same issue eats away their precious time. Keeping this in mind, Manifest 11 had waited for the issue to settle after which it decided to compile the information important for the exam. Since Sri Lanka as a country is in news, following topics are a possibility in the exam :

1. Indo – Sri Lanka relations
2. Comparison of the Constitutions
3. Internal political crisis in India's neighbourhood, for example , Nepal, Maldives, and recently Sri Lanka – its impact on India and India's response to it.

In news

Constitutional crisis in Sri Lanka

Placing it in syllabus

1. Indian Polity : Comparison of the Indian constitutional scheme with that of other countries
2. International Relation : India and its neighborhood-relations

Static Dimensions

Indo – Sri Lanka relation : areas of co-operation and conflict

Current dimensions

1. China as a factor in India Sri Lanka relations

2. India Sri Lanka relations under the new government of India
3. Constitutional crisis in Sri Lanka

Content

Historical links

India and Sri Lanka have shared interests since ancient India, following are some of them :

1. Buddhism as a cultural link
2. Mythological links mentioned in *Ramayana*
3. With the advent of British, indentured labour forms the basis for Tamil diaspora there

Areas of shared interests

1. Shared history
2. Strong cultural links like Buddhism
3. Sri Lanka was the first country with which India signed Free Trade Agreement in 1998
4. Security interests in Indian Ocean exemplified through India's participation in Galle dialogue
5. India's support to post war Sri Lanka through Lines of Credit for rehabilitation of Tamilians. India is actively involved in construction of houses and hospitals

Areas of concern

1. Ethnic issue : Issue of secondary treatment of Tamilians, lack of devolution of power to Tamil Provinces and the issue of 13th amendment under 1987 Accord.
2. Trade potential not being exploited fully
3. Increasing cooperation between China and Sri Lanka and the issue of Hambantota port
4. Maritime conflicts : Issue of fishermen and Katchatheevu Island

5. Staggered progress on projects involving India and Sri Lanka like Mattala Airport, Trincomalee Port

Constitutional crisis in Sri Lanka

The issue if Constitutional crisis in itself is not important what becomes important is a tangential dimension of comparing the political systems of India and Sri Lanka

Brief Constitutional history of Sri Lanka

The **Constitution of the Democratic Socialist Republic of Sri Lanka** has been the constitution of the island nation since its original promulgation by the National State Assembly in 1978. As of May 2015 it has been formally amended 19 times.

It is Sri Lanka's **second republican constitution**, replacing the Sri Lankan Constitution of 1972, its **third constitution since the country received autonomy within the British Commonwealth** as the Dominion of Ceylon in 1948, and its fourth constitution overall.

Comparison of India's Constitution with Sri Lankan Constitution

	India(Republic of India)	Sri Lanka(Democratic Socialist Republic of Sri Lanka)
Government type	Federal Parliamentary republic system	Presidential republic system
Administrative divisions	29 states and 7 union territories	9 provinces ; Central, Eastern, North Central, Northern, North Western, Sabaragamuwa, Southern, Uva, Western

<p>Constitution</p>	<p>History: previous constitution 1935 (Pre-Independence); adopted 26 November 1949, effective 26 January 1950</p> <p>Amendments:</p> <ol style="list-style-type: none"> 1. Proposed by either the Council of States or the House of the People; 2. Passage requires majority participation of the total membership in each house and at least two-thirds majority of voting members of each house, followed by assent of the President of India. 	<p>History: Several previous; latest adopted 16 August 1978, certified 31 August 1978</p> <p>Amendments:</p> <ol style="list-style-type: none"> 1. Proposed by Parliament; 2. Passage requires at least two-thirds majority vote of its total membership, certification by the president of the republic or the Parliament speaker, and approval in a referendum by an absolute majority of valid votes; 3. Amended many times, last in 2015.
<p>Legal system</p>	<p>Common law system based on the English model; separate personal law codes apply to Muslims, Christians, and Hindus; Judicial Review of legislative acts</p>	<p>Mixed legal system of Roman-Dutch civil law, English common law, and Jaffna Tamil customary law</p>
<p>Suffrage</p>	<p>18 years of age; universal</p>	<p>18 years of age; universal</p>

<p style="text-align: center;">Executive branch</p>	<p style="text-align: center;">Chief of state: President</p> <p style="text-align: center;">Head of government: Prime Minister</p> <p>Cabinet: Union Council of Ministers recommended by the Prime Minister, appointed by the President</p> <p>Elections/appointments: President indirectly elected by an electoral college consisting of elected members of both houses of Parliament and state legislatures for a 5-year term (no term limits); Vice President : indirectly elected by an electoral college consisting of elected members of both houses of Parliament and state legislatures for a 5-year term (no term limits); Election of Prime Minister : following legislative elections, the prime minister is elected by parliamentary members of the majority party</p>	<p style="text-align: center;">Chief of state: President Maithripala Sirisena (since 9 January 2015); note – the president is both Chief of State and Head of Government; Ranil Wickremesinghe holds the title of Prime Minister</p> <p>Head of Government: President</p> <p>Cabinet : appointed by the president in consultation with the Prime Minister</p> <p>Elections/Appointments: President directly elected by preferential majority popular vote for a 5-year term (eligible for a second term).</p>
--	---	---

<p>Legislative branch</p>	<p>Description:</p> <ol style="list-style-type: none"> Bicameral Parliament It consists of the Council of States or Rajya Sabha (members serve 6-year terms) and the House of the People or Lok Sabha (members are directly elected in single-seat constituencies by simple majority vote) Members serve 5-year terms 	<p>Description:</p> <ol style="list-style-type: none"> Unicameral Parliament (225 seats; 196 members directly elected in multi-seat constituencies by proportional representation vote using a preferential method in which voters select 3 candidates in order of preference; Remaining 29 seats allocated to other political parties and groups in proportion to share of national vote; Members serve 5 terms
<p>Judicial branch</p>	<p>Highest court: Supreme Court</p> <p>Selection of judges and term of office: Justices appointed by the President to serve until age 65</p> <p>Subordinate courts: High Courts; District Courts; Labour Court.</p>	<p>Highest court: Supreme Court of the Republic (consists of the chief justice and 9 judges); note – the court has exclusive jurisdiction to review legislation</p> <p>Selection of judges and term of office: Chief Justice nominated by the Constitutional Council (CC), a 9-member high-level advisory body, and appointed by the president; other justices nominated by the CC and appointed by the President on the advice of the Chief Justice; all judges can serve until the age of 65</p> <p>Subordinate courts: Court of Appeals; High Courts; Magistrates’ Courts; Municipal and Primary courts</p>

<p>Citizenship</p>	<p>Citizenship by birth: Yes Citizenship by descent only: At least one parent must be a citizen of India Dual citizenship recognized: No Residency requirement for Naturalization: 5 years</p>	<p>Citizenship by birth: No Citizenship by descent only: At least one parent must be a citizen of Sri Lanka Dual citizenship recognized: No, except in cases where the government rules it is to the benefit of Sri Lanka Residency requirement for Naturalization: 7 years</p>
---------------------------	---	--

Political crisis in the neighbourhood has become a norm in recent times with Nepal, Maldives and recently Sri Lanka are examples of it. Interfering in the internal matters of our neighbourhood countries has cost India dear in the past, for example, intervention in Sri Lanka led to the assassination of Rajiv Gandhi and intervention in Nepal recently created a hate towards Indian government in the minds of Nepalis. So India should follow the principles of Panchsheel, Gujral doctrine and Neighbourhood First Policy in the right spirit. Learning from these experiences, the Government of India's response was mature wrt recent Constitutional crisis in Sri Lanka by following the **principle of non-interference** in internal matters

Test yourself : Mould your thoughts

Internal political crisis has been a norm in the neighbourhood in recent times. Discussing the statement examine the impact of such crises on India. How should India respond?