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NATIONAL JOINT COMMITTEE

82, වෙළඳපොල පාර, පානදුර දුර: 0770381944, 0382236229 ෆැක්ස්:0382236228
82, Market Road, Panadura, Sri Lanka. Tel: 0770381944, 0382236228 Fax: 0382236228
nationaljointcommitteesl@gmail.com

PRESS RELEASE

Statement of the National Joint Committee on the Report submitted by the Centre-Periphery sub-committee on Constitutional Reform

The Government on the 19th of November presented to Parliament several reports of subcommittees appointed by them on constitutional reform, which includes reports on centre-periphery relations and police powers.

The subcommittee on centre-periphery relations was chaired by Mr Dharmalingam Siddharthan Member of Parliament. The report in its introduction states that the unitary character of the constitution is an impediment to the effective functioning of provincial councils. Mr. Dharmalingam Siddharthan has reiterated this position in an interview he had given to the Daily Mirror on 22nd of November. Therefore it appears that the approach of this subcommittee is to propose a structure which is federal in character. We are in total disagreement with this damaging approach and hence reject such an approach.

The National Joint Committee wish to place on record that we are against any attempt to change the unitary character of Sri Lanka. It needs to be said that the unitary character should not be limited to a mere label to deceive the public, but the contents of the constitution should be unitary in character.

In this regard it is necessary to point out that the structure introduced by the 13th Amendment has considerably eroded the supremacy and sovereignty of Parliament and thereby the unitary character of the State. Article 154 G(3) requires a majority of 2/3 of the members of Parliament to repeal or amend any statute passed by a Provincial Council, whereas it only needs a simple majority to repeal or amend its own laws. The Parliament would need a 2/3 majority to only amend the constitution and not amend ordinary laws, thus in effect we have elevated the laws made by Provincial Councils to that of constitutional provisions. Therefore Article 154 G (2) and (3) should be repealed forthwith.

The 13th Amendment gives to the Provincial Councils legislative and executive powers with regard to 73 subjects included in the provincial and concurrent lists, including police and land powers. It is necessary that Parliament should be able to repeal any legislation passed by a Provincial Council with a simple majority in the same way Parliament can repeal its own laws if it so desires in the National Interest. We therefore wish to state categorically that the impediments placed on the sovereignty of the people by the 13th Amendment should be removed forthwith and restore the unitary character of the State as it existed prior to the 13th Amendment. It is clear from the recommendation of this subcommittee that they are in a process of further deteriorating the unitary character of the State.

The subcommittee on centre-periphery relations has identified several provisions in the existing constitution which they are not agreeable to, in addition to their objection to the

unitary character of the State, namely –

- 1) The concurrent list,
 - 2) National Policy included in the reserve list,
 - 3) Powers of the Governor
- and
- 4) Fiscal control by the Centre.

We wish to point out that many countries that have devolved political power including India

and South Africa, have included a concurrent list in their respective constitutions to enable the Centre to intervene against wrongful action of Provincial/regional Governments.

This is considered as a step in the right direction if we are to continue with a structure which devolves power. The concurrent list will provide an opportunity for the centre to intervene if the acts of Provincial Governments affect the rights of regional minorities.

We also wish to point out that we strongly object to any attempt to abolish the office of the Governor or to remove the executive powers vested in him, to enable the Provincial Board of Ministers to exercise executive power as they wish. Article 154 B (2) introduced by the 13th Amendment provides for Presidential intervention through the office of Governor against any improper or illegal exercise of executive power by a Provincial Government. It is our view and strongly pursue that a Cabinet Minister be empowered to override any unlawful or improper action taken by a Provincial Minister.

There appears to be a move to do away with the powers of the Centre to decide on matters of National Policy in respect of all subjects. We note with regret that the attempt to take away powers of the Government to decide on matters of National Policy is also done with view to destroy the unitary character of the State and the sovereignty of the people. If this subcommittee had even a semblance of concern to stand up as one Nation, they would never have made such a proposal.

We wish to reiterate that the powers regarding fiscal policy should continue to remain with the Government of Sri Lanka. Any proposal made by this subcommittee to incorporate in the constitution a compulsory allocation from the national income to a Provincial Council is yet another attempt to destroy the unitary character of the State.

We also strongly object to Police and Land powers being granted to Provincial Councils as it will render law and order management and land management chaotic in the whole country and incorporating provisions into the constitution to amalgamate the Northern and Eastern provinces. The National Joint Committee strongly objects to the establishment of a

constitutional court providing for ethnic representation. We do not consider that it is a prudent move to select judges and other holders of office based on their ethnicity.

Therefore we urge the Government of Sri Lanka to refrain from implementing these disastrous proposals made by this subcommittee in the preparation of a new constitution for Sri Lanka. We would after careful study, make a fuller statement on all the other proposals made by other subcommittees in the near future.

Yours sincerely,

National Joint Committee

Signed – Dr Anula Wijesundara	– Joint President
Col. (rtd) Anil Amarasekera	– Joint President
Dimuth Gunawardena	– Hony. Secretary
Mr Pani Wewala	- Administrative Secretary
Dr Ranjini Rathnapala	– Hony. Treasurer
Mr Manohara de Silva (PC)	- Exco Member
Dr. Lalithsiri Gunuruwan	– Exco Member
Mr Gamini Gunawardena	– Exco Member
Mr Gevindu Cumaratunga	– Exco Member
Mr Neville Laduwahetty	– Exco Member
Mr Kulathunga Rajapakse	– Exco Member
Rear Admiral Sarath Weerasekara	– Exco Member
Dr P. G Punchihewa	– Exco Member
Mr S. P. Weerasekara	- Exco Member
Mr Tilak Godamanne	– Exco Member