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13th Amendment to Srilankan Constitution

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Why in News:

Sri Lanka President Ranil Wickremesinghe held an all-party meeting recently to discuss the issue of Tamil reconciliation and welfare. This comes days after his visit to India, during which Prime Minister Narendra Modi conveyed to him the need to “ensure a life of dignity” for the Tamil community in the island nation.

About The Indo-Sri Lanka Accord of 1987

The 13th Amendment to Sri Lanka’s constitution was made after the signing of the Indo-Sri Lanka Accord between Prime Minister Rajiv Gandhi and President J R Jayewardene, on July 29, 1987, in Colombo.

Under the 1978 constitution, Sri Lanka had a unitary government, with all powers in the hands of the Centre.

The Tamil minority in Sri Lanka was concentrated in the Northern and Eastern provinces, and the struggle for rights and greater autonomy here had flared up into the long and bloody civil war between the Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lankan government, with some other groups also involved.

The 1987 Accord aimed at amending the constitution to transfer some powers to the governments of the country’s nine provinces, thereby finding a constitutional solution to the civil war.

After the Accord, the constitution underwent the 13th Amendment to allow devolution of power to provinces.

Apart from the devolution of power, the Accord had other clauses, such as Tamil and English being adopted as official languages along with Sinhala, lifting of emergency on the “Eastern and Northern Provinces by August 15, 1987”, surrender of arms by militant groups, and “general amnesty to political and other prisoners now held in custody under The Prevention of Terrorism Act and other emergency laws”.

The Accord also says that “The Government of India will underwrite and guarantee the resolutions, and co-operate in the implementation of these proposals”.

Thus, Tamil groups in Sri Lanka have appealed to India multiple times to make sure the Accord is implemented fully, including earlier this month, before Wickremesinghe’s visit.

Status of Implementation of 13th Amendment

While the armed struggle had been in the Northern and Eastern regions, provinces across Sri Lanka were given greater autonomy after the amendment.

The Central government retains land and police powers, while the elected provincial councils (similar to state Assemblies in India) can legislate on subjects like agriculture, housing, road transport, education, and health, among others.

The separation of powers was never done fully, and while some are unhappy over too little devolution, the hardline nationalists raise alarms over the “weakening” of the Central government’s authority.

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The Sinhala nationalists also oppose the 13th Amendment as they see it as imposed by India. Moreover, the regions that the devolution was primarily meant for never benefitted much from it.

Under the Accord, the North and Eastern provinces were to be merged into one, temporarily, and later, a referendum was to be held to decide if they should stay together or have two separate provincial councils.

Thus, elections to the merged North Eastern Province were held on November 19, 1988. However, little over three months later, Chief Minister Annamalai Varadaraja Perumal moved a motion in the Council to declare an independent 'Eelam'. This prompted the President, Ranasinghe Premadasa, to dissolve the council, and impose President's rule, which lasted till December 2006.

The referendum on the two provinces was never held, and in 2006, Sri Lanka's Supreme Court ruled that the merger had been illegal. Thus, the Northern and Eastern provinces were separated again, on January 1, 2007.

Elections to the Eastern Provincial Council were held on May 10, 2008. The Northern province remained under Colombo's rule till September 21, 2013, when elections for the council were finally held.

Thus, while the Sinhala provinces saw regular elections and the political parties here benefited from the experience of grassroots politics, the North and Eastern regions stayed under the central government's control for long.

Since 2014, provincial elections are pending across Sri Lanka. This is because Parliament is yet to amend a 2017 Act in Parliament, for reforming the election process by introducing a hybrid system of first past the post and proportional representation from the current system of proportional representation.

Conclusion

The president of Srilanka recently outlined plans for devolution, stating that the 13th Amendment with full powers except for police powers as outlined under List 1 (the subjects reserved for provincial councils) will be implemented, including specified functions in List 3 in the provincial councils list subject to agreement among political parties in Parliament