

APRC Final Report

His Excellency The President Mahinda Rajapaksa on 11th July, 2006 at the All Party Conference (APC) decided to appoint a committee of representatives of the parties at APC called the All Party Representative Committee (APRC) and mandated it to formulate a draft proposal for Constitutional reform. The President mandated the APRC to evolve a 'home-grown new constitution' which will provide 'a comprehensive approach to the resolution of the national question'.

The initial members of this Committee are given in Annexure 1

The All Party Representative committee in its first meeting unanimously selected Hon. Professor Tissa Vitharana as its Chairman. All proceedings of this committee have been recorded verbatim. This was done with the assistance of the Hansard reporters of Parliament whose services were made available to the APRC.

The All Party Representative committee since July, 2006 met weekly, almost every week, deliberating more than three to four hours each time.

A panel of experts were also constituted by His Excellency the President to facilitate the APRC process. This panel of experts after deliberating among themselves produced two reports which were made available to the APRC in December 2006.

Based on these two reports the Chairman of the APRC Prof. Tissa Vitharana on 13th August, 2007 presented a draft containing the main features to form the basis of a new constitution.

This draft contained 21 Chapters of various aspects of a new constitution and since August 2007 for almost two years APRC discussed each of the chapters separately seeking inputs from political parties through their representatives at the APRC.

These discussions finally came to conclusion in June, 2010 (completing 128 meetings) by which time the committee reached consensus in respect of

almost all the chapters. And it was agreed based on this consensus that a final report be compiled by the chairman. Accordingly a final report was compiled and presented to His Excellency the President.

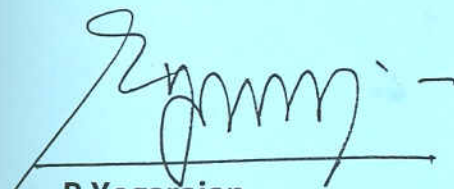
We in the APRC expected that the President will commence a dialogue with the main opposition United National Party and the Tamil National Alliance, which parties were not part of the said APRC process, based on the final report of the APRC and then will present a proposal for a new constitution.

Though it was reported in the Media a final report was submitted to the President by the Chairman, we found there had not been a release of this final report either to the members of the APRC, main opposition political party, the United National Party or the Tamil National Alliance or to the public.

It is in these circumstances we, R. Yogarajan (presently a Member of Parliament representing United National Party) who represented the Ceylon Workers' Congress at the APRC till its conclusion and M Nizam Kariapper who represented the Sri Lanka Muslim Congress in the APRC decided to compile the final report based on the final draft discussion papers on each subject presented by the Chairman and amendments made by the APRC at the final APRC meetings with the help of the proceedings that were made available.

The final report is attached in Annexure 2.

We are confident that this final report compiled by us reflects correctly the decisions taken by the APRC and should be in conformity with the final report submitted by Prof Tissa Vitharana Chairman of APRC.



R Yogarajan
Member of Parliament



M Nizam Kariapper
Deputy Secretary General
Sri Lanka Muslim Congress

Dated 19th July 2010

Salient features of the said Final Report are set out here for easy access

Nature of the State:

The Republic of Sri Lanka is a Unitary State in the sense in which it shall be deemed to be an undivided and integrated state structure where the state power shall be shared between the Centre and the Provinces

Form of Government:

Sri Lanka should adopt a Parliamentary form of government at the centre.

Status of Buddhism:

The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana, while according to all religions the rights guaranteed by Articles 10 and 14 (1)(e) of the 1978 Constitution.

Official Languages and National Languages:

Sinhala and Tamil the National Languages, shall be the Official Languages of Sri Lanka.

Use of the English Language:

English may be used for official purposes.

Supremacy of the Constitution:

The supremacy of the Constitution shall be recognized, and protected by a Constitutional Court, which would be part of the existing Court structure but separate from the Supreme Court. All acts of commission or omission of the Centre and of the Provinces inconsistent with the Constitution shall be void.

Safeguards against secession:

There should be in-built mechanisms to discourage secessionist tendencies and to preserve the unity, sovereignty and territorial integrity of the State. The Provinces and local authorities shall be constitutionally mandated to preserve national unity and the indivisibility of the Republic.

Electoral system:

The APRC accepts that there shall be a mixed electoral system which combines the first past the post system (FPP) on an electorate basis and proportional representation system (PR) on a party basis with two ballot papers, in which the system of proportional representation prevails.

Power sharing:

The powers of the people will be shared at three tiers of the government namely at the Central Government, Provincial government and Local government. Each tier will have separate lists of powers provided through the Constitution.

Senate:

A Senate will be created by which the Provinces will be able to play a role in the national legislature. It would also act as an in-built mechanism against hasty legislation that may have an adverse effect on the Provinces.

It is proposed that each of the Provinces is represented by seven Senators, making up a total of 63, elected on the basis of a single transferable vote system by the Members of the Respective provincial legislatures. In addition, there shall be 10 Senators selected by the community Councils (one for the Muslims living outside the North and East, and the other for the Indian Tamils). The President of the Republic nominates two persons to represent unrepresented community groups.

Community Council:

There shall be two Community Councils, one for Indian Tamils and one for Muslims, outside the North and East without territorial focus to serve the development needs of the members of the communities wherever they may be living in Sri Lanka outside the North and the East.

Distribution of powers between Central and Provincial:

The distribution of powers should be explicit and devoid of ambiguity. The concurrent list is abolished and the said powers distributed between the

central list and provincial list appropriately. A third list has been compiled expressly stating the powers of Local Authorities.

National and Provincial Higher Appointments Council:

There should be a National Higher Appointments Council to ensure the independence of the state services and that of the judiciary of the Republic.

The Higher Appointments Council shall consist of The Prime Minister, The Speaker, The Leader of the Opposition in Parliament, and six persons appointed by the President on the nomination of a Committee of Parliament proportionally composed of all parties represented in Parliament which should include three persons to represent minority interests appointed in consultation with Members of Parliament who belong to the respective minority communities. The speaker shall be the Chairman.

A Provincial Higher appointment Board will also be constituted comprising Chief Minister, Chairman of the Council, Leader of the Opposition and six other distinguished persons appointed by the governor nominated by a Committee of Members of the Council representing all political parties.

The composition of the Provincial Board shall as far as possible reflect the ethnic composition of the province.

Amendment Procedure:

The substance of Articles 82 (5) and 83 of the 1978 Constitution shall be retained.

A Bill to amend the Constitution or replace it with a new Constitution should be approved by 2/3 of the members of each House of Parliament sitting and voting separately.