

Statement to the press on the proposed 18th Amendment to the Constitution

We the law students of Sri Lanka would like to call upon the government to reconsider the proposed 18th Amendment for the reasons set out below.

- The constitution is the supreme law of the country; it is the basis on which the people delegate their sovereignty to the government. In this context the decision to pass the 18th Amendment as an urgent bill is highly regrettable as it stifles public debate and marginalizes citizens from the process of constitutional reform.
- We reject the contention that an all powerful executive is needed in order to bolster economic development. Countries such as India continue to achieve high growth rates despite having a parliamentary executive and an activist judiciary. As was pointed out by the intervening parties before the Supreme Court, countries which have not imposed term limits on the executive president have effectively degenerated into one party States. In this context it is questionable if political freedom is a worthwhile trade off for economic development.
- The proposed 18th Amendment has effectively repealed the 17th Amendment to the constitution which was the only non partisan constitutional amendment to be passed in our country's history. The 17th Amendment was passed to reduce the power the president had over key public officials who need to be insulated from political pressure for the best interest of the country. The proposed Parliamentary Council has no real power in that it is only expected to rubberstamp appointments made by the president.
- It is questionable as to whether placing the Election Commissioner under the control of one of the candidates in the election, would lead to the strengthening of the people's franchise. Rather it would only undermine public confidence in the electoral process and there by lead to less public participation in future national elections.
- The abolition of the Independent police commission would only lead to further politicisation of the police service and is a serious blow to the already dwindling public confidence in the police.

We would like to call upon the government to reconsider passing the proposed 18th Amendment as an urgent bill and open the proposed constitutional changes to a wider public debate. In the event the bill is put to a vote in parliament on the 8th September we call upon all government and opposition Members who respect democratic values to vote against the said amendment.

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