

## PREFACE

Successive Governments of the United National Party and the Sri Lanka Freedom Party which ruled Sri Lanka since Independence are responsible for the present plight of the Country. From what had happened to the minorities after the independence, we find it difficult to accept the view that the UNP and the SLFP are truly national parties. When one bears in mind the policies that have been pursued in this country by successive Governments, which were headed by one or the other of these parties, on Citizenship, Language, Education, Employment, Land Alienation, Colonization and Intercommunal Relationship, one find it difficult, in fact, impossible to accept their position as National Parties.

Sri Lanka Freedom Party of Mrs. Sirmavo Bandaranaike received a mandate at the election held on may 27, 1970, to repeal the Soulbury Constitution of 1947. On May 22, 1972; having abolished the Senate, declared the country to be a Sovereign and Independent Republic within the British Commonwealth. The Republican constitution did away with some of the very important safeguards provided for the minorities by the Soulbury Constitution at the time of Independence.

The provisions of Section 29 (2) and (3) of the Soulbury Constitution which were designed to give some protection to minorities against the legislations which the majority might be tempted to enact to the disadvantage of the minorities, did not find a place in Mrs. Srimavo Bandaranaike's Republican Constitution.

1972 Constitution did not re-enact the provisions of the Soulbury Constitution, which empowered the Governor General to appoint members to represent any important interest that is not represented or inadequately represented.

The Senate wherein the minorities found a forum to air their views and grievances disappeared with the Constitution that was brought in to being by the United Left Front Government.

The UNP-Jeyawardene Constitution of 1978 is same as the SLFP Constitution of 1972 with regard to the abolition of safeguards to the minorities. More damaging are its provisions with regard to the demarcation of Electoral Districts, the Proportional Representation Election System and the Executive Presidency. These laws seem to be directed against the Muslim community rather than any other community in Sri Lanka.

During the last two decades, emergency powers have been used by the Governments of the UNP and SLFP to remain in power. Elections to Parliament and Local Bodies have been deliberately postponed. Referendum which eroded the rights of the people for electing representatives of their choice have been introduced. Governments failed to conduct free and fair elections. Recognized Political parties have been proscribed. Laws to strengthen anti-democratic powers have been enacted. Ruling parties continued to patronize their supporters only and subjected other party activities and supporters to acts of victimization and political revenge.

The former Executive presidents used their powers in a dictatorial manner and plunged the country into an orgy of violence. Invited the Indian Troops, and introduced the Provincial Councils without a satisfactory solution to the Ethnic problems in the country. Suspended the provisions of the Provincial Council Laws which prohibited the President, the proclamation of the temporary merger of the Eastern Province with the Northern Province before the complete cessation of hostilities and surrendering of the arms and ammunitions by the militants. Conducted fraudulent and illegal election to the North-East Provincial Council in col-

laboration with Indian Troops. Failed to utilize for the purpose of Law enforcement and maintenance of security in the Northern and Eastern Provinces the same organization and mechanism of Sri Lanka Government, as are used in the rest of the country. These are some of the actions of the former Executive Presidents which were directly responsible for the present crisis.

Although the former Executive Presidents and their Governments are no more in office, the constitution created by them still remains and is seriously affecting the safety and security of the country and its people. The constitution must reflect the fundamental values, aspirations and beliefs of a nation. The present constitution has many weaknesses and it is not feasible to use it by modification. The Constitution of 1978 should be repealed and replaced by a New Constitution.

**M.I.M. Mohideen**

57, Norris Canal Road,  
Colombo 10.

10th April, 2001.