



CENTRE FOR POLICY ALTERNATIVES
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CPA Statement on the Presidential Proclamation Dissolving Parliament and Calling for Elections

November 12th 2018, Colombo, Sri Lanka: The Centre for Policy Alternatives (CPA) is alarmed by the continuous and gratuitous undermining of the Constitution of Sri Lanka by President Maithripala Sirisena which has resulted in an unprecedented constitutional crisis since October 26. The most recent development occurred on November 9 when President Sirisena issued a Proclamation (Gazette Extraordinary 2096/70) purportedly dissolving the Eighth Parliament and fixing for a General Election on January 5, 2019.

CPA categorically opposes this move as it is unconstitutional and ultra vires and accordingly filed papers today, November 12, 2018, on behalf of itself and its Executive Director, Dr. Paikiasothy Saravanamuttu, seeking the annulment of this Proclamation.

CPA's position is firm. Article 70(1) of the Constitution of Sri Lanka read with Articles 33(2)(c) make it crystal clear that the President only has the power to dissolve Parliament once four years and six months have elapsed since the first sitting of the current Parliament, or if two thirds of Members of Parliament pass a resolution requesting dissolution. Since neither of these two conditions have been met, the President's Proclamation is invalid.

The Nineteenth Amendment to the Constitution was enacted in 2015 on the basis of key promises made by President Sirisena and his coalition government to curb the powers of the Executive. Article 70 was one such provision and removed the President's power to unilaterally dissolve Parliament. The Nineteenth Amendment was enacted to restore and introduce checks, balances and safeguards to prevent one arm of government from being able to halt or stifle the functioning of another. This is a fundamental feature of our democracy and President Sirisena's actions represent a flagrant attempt by the Executive to suppress the functioning of Parliament. The legal position, together with the political impetus behind the Nineteenth Amendment, leaves no room for doubt that his present actions are legally, politically and morally invalid.

The unilateral dissolution of Parliament and calling for elections in an unconstitutional manner only exacerbates the uncertainty of recent weeks when a myriad of issues, including the legality of the new Government President Sirisena has appointed, remain unresolved. In the immediate context, this has unnecessarily caused great uncertainty to Sri Lankans and put them at risk of potential political violence amid escalating

turmoil. In broader context, it has been a reprehensible violation of the very principles of democratic accountability President Sirisena campaigned for and was elected on. On both these accounts, CPA calls on all Sri Lankans to stand firm against these blatant and dangerous abuses of power, and to demand and insist on their democratic rights and upholding of the Constitution of Sri Lanka.

See CPA's initial statement on the constitutional crisis [here](#).