Replacement of Prime Minister in Sri Lanka - II

Click here for Part I.

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What is the issue?

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- Sri Lankan President Maithripala Sirisena dissolved the Parliament after the recent replacement of the Prime Minister.
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- The decision seems to have negated the letter and spirit of recent constitutional reforms.
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What is the rationale?

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- Many parties questioned the legality of the recent dismissal of Mr. Wickremesinghe as the PM.
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- With around 100 MPs each in the 225-member House, both rival camps claimed they had the majority.
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- But a 15-member alliance of Tamil MPs and six Janatha Vimukthi Peramuna lawmakers refused to support the new regime.
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- The President's move thus came after it became evident that the newly appointed PM Rajapaksa did not enjoy a legislative majority.
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- It was intended to buy Mr. Rajapaksa time to garner support through defections.
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- It seems to be an act of desperation to prevent a likely loss of face for both leaders.
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What is the Constitutional dispute?

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- The Sirisena-Wickremesinghe administration introduced in 2015 a new provision in the Constitution through the 19th Amendment.
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- Accordingly, the House cannot be dissolved for four and a half years after a parliamentary election, unless two-thirds of its total membership seeks dissolution through a resolution.
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- It is only a little over three years since the last election, and there is also no request from MPs seeking the dissolution of Parliament.
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- So Mr. Sirisena's action comes as a violation of this restriction.
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- But Article 33(2)(c) was cited as the legal backup for the recent move.
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- It says the President has the power to summon, prorogue and dissolve Parliament.
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- However, a general provision enumerating some powers overriding a specific provision that expressly limits those powers remains contentious.
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How does the future look?

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- The promises held out by the 2015 reforms seem to have vanished with Mr. Sirisena's actions.
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- The undermining of the recent constitutional reforms may no longer instil confidence in the promises of writing a new, inclusive Constitution.
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- The Opposition parties are now set to challenge the President's action.
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- Sri Lanka is thus at a crossroads to make a crucial choice between democratic consolidation and a retreat to authoritarianism.
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- The judiciary too has a crucial task at hand.

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Source: The Hindu

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