

20th Amendment

No mandate to upend Constitutional checks and balances – PAFFREL

BY RUWAN LAKNATH JAYAKODY

The People's Action for Free and Fair Elections (PAFFREL) said that while the people had given the Government a mandate to repeal the 19th Amendment to the Constitution, they had not given a mandate to introduce an Amendment, which is principally anti-democratic and is one which upends the system of governance based Constitutional checks and balances in place between the Executive, the Legislature and the Judiciary, the pillars on which democracy rests.

Addressing all Parliamentarians and especially the Government MPs, Executive Director of the polls monitoring body, Rohana Hettiarachchi, pointed out that the Sri Lanka Podujana Peramuna during the pre-General Election period never informed the voting public of the content in the 20th Amendment.

He requested that the Government rethink the gazetted 20th Amendment and present a new draft of it or amend it during the committee stage in Parliament.

Speaking to *Ceylon Today*, Hettiarachchi raised concerns regarding many aspects in the 20th Amendment, specifically those concerning politicisation, elections, public finance and transparency, the dissolution of the Parliament, dual citizenship, accountability, and the number of Ministers.

“If the Election Commission (EC) is

appointed by the President, can we expect a free and fair Presidential Poll? Also, if the power to halt appointments, transfers, promotions and the misuse of public property, during the period of an election, which is presently vested in the EC is given to the Public Service Commission as is envisioned under the 20th Amendment, and that too only through the political authority of the Cabinet of Ministers, where is the independence in the process? Elsewhere, the removal of the National Procurement Commission and the exempting of State institutions from audit by the Auditor General, have a direct impact on the regulation of a major aspect of public finance. If no audits are conducted, how will the Parliament which is in charge of public finance, receive information? On the other hand, if the President can dissolve the Parliament after one year, what happens if the Executive is elected from a party different to the party ruling the Government? Then there is the issue of the State Leader or a Minister holding dual citizenship. This is of concern when such persons are involved in bilateral matters involving Sri Lanka and the country in which they hold the other citizenship in. Furthermore, who gave a mandate to increase the number of Ministers? Democracy and its principles will be gravely violated through these proposed amendments in the 20th Amendment.”