

Brief Note of Mr. H.W. Jayewardene's remarks
on 13.07.85 after the tea break

We have placed before you our proposals for the devolution of power, which describe the extent to which autonomy would be enjoyed within the ambit of a united Sri Lanka and a unitary Constitution. I have already indicated to you that whatever scheme we adopt must be applicable to the whole Island without favouring one particular section of the people. We must recognize the rights of different communities to enjoy a certain degree of autonomy. I am asking you what further powers should be devolved to meet the aspirations of the Tamil people.

Powers devolved have to fit into a general scheme of government. Such a scheme has to take cognisance of a united Sri Lanka. In a typical Federal State several States or Sub States wishing to come together form one central unit. The rights of the constituent states to manage their own affairs are limited by the powers reposed in the Centre. Typical of this sort of constitutional framework are the constitutions of USA, USSR and many others. The example of India is also of interest. By the Government of India Act a federal system of government was created which was continued by the Indian Constitution though the Indian Constitution has been described by some as an unitary constitution.

What we are doing in Sri Lanka is to take a unitary state and create autonomous bodies within it. We are doing it in the reverse way. In doing so we have to look at the factual situation in the country. For 150 years we have had a system of Provinces. The Provinces have been divided into Districts and the Districts into AGA Divisions, and within the AGA's Divisions are villages. We seek to devolve power in the first instance to the grassroots level organizations. These are the powers referred to in Annexe II of the Committee "A" Report. It would be ideal to devolve power at the village level, but there are 4500 villages. Therefore it is not possible. Therefore the first unit of devolution would be the AGA Division - 250 of them. A vast amount of power cannot be devolved on an AGA Division. Therefore the next level or division is the District, i.e. 25 of them, which are referred to as the intermediate body. There will be a District Council for each District. These exist today except however that those in the North and East do not function.

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District Councils known as District Development Councils existed even when the events of July 23rd took place. When I met Mrs Gandhi in August 1983 she suggested that the Tamil people may want something more than District Councils. After my visit to New Delhi, Mr. Parathasarthy paid a number of visits to Sri Lanka. The idea of a Provincial Council has been set out in Annexes "A", "B" and "C". We found, however, that there were practical difficulties in setting up Provincial Councils. We cannot set them up in one part of the country only. We must find out from the people of each Province whether they want this third unit of administration. Our knowledge of the wishes of the people indicates that they do not want in many parts of the country to go beyond the District Council as an intermediate body. If the District Councils in a Province agree and the people in the District agree, we have given them the choice of forming a Provincial Council.

We have provided for a Provincial Chief Minister with a Committee like a Cabinet. He will not be subject to any Minister of the Central Government, but like every other Minister he would be answerable to the President and the Parliament.

The District executive and legislative power will be exercised by the Chief Minister and the Committee. If the people wish to join together, the choice is with them.

If you have alternative suggestions regarding the unit of devolution, please make them. Please suggest any amendments to my scheme. If you cannot do so because you need to consult people who are not here, I suggest that you go back and find their reactions and return at an early and convenient date. There are matters like land settlement, education, language, employment, and internal law and order which have to be clarified. Some are not really questions of devolution, but we must go into the question of how power given to the Centre and the Unit will be exercised. Please do not say that you are rejecting these proposals now and bring this Conference to an end. In the days we have spent together we have come to know each other. With this understanding we can find a lasting solution to the problems which beset our beloved land which belongs to all of us.