

# Lalith vs Austin on the 13<sup>th</sup> Amendment in the CT July 3, 2013; A comment.

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Apropos Austin Fernando's critique on Lalith Weeratunga's twitter comment on Provincial Councils established under the 13<sup>th</sup> A (that 'they are white elephants') appeared in the 'Colombo Telegraph' of July 3, 2013 under the title 'Provincial White Elephants and "Saddantha" White Elephants in Colombo' I thought it pertinent to make few comments for the benefit of those who are seriously concerned about the subject of Provincial Councils.

Though I fully agree with Austin's comments on "Saddantha" White Elephants in Colombo' and also on his reference to the jumbo Cabinet, hundreds of advisors around, non-functional Senior Ministers etc at the centre as Saddantha (Mammoth) white elephants, I regret very much to note that such vituperative aspersions are utterly irrelevant to the subject under discussion, that is the subject of the credentials on Provincial Councils. I find Austin appears to have missed the wood for the tree. It is also true that the center is thoroughly disorganized, wasteful and even lacks systematic and intelligent allocation of functions to Ministries and even in naming them. However, I do not think the wastefulness of Pcs, and their ills have anything to do with the size or inefficiencies at the centre. On the other hand they are only inherent characteristics of these alien institutions that have intruded our administrative and political system which have failed to perform any useful administrative or governing function over a period of three decades. PCs have only proliferated political institutions and parasitic politicians and benefitted political parties and politicians. As such they have not served any purpose that benefits the people. Therefore I fully agree with Lalith when he says that Pcs have not served the purpose (devolution of power for better governance as they put it).

Lalith has made two very valid observations on PCs. He being the Secretary to the President of this country, experienced and knowledgeable on the subject and who is deeply caught up in this boiling pot and furthermore his comment had not been rejected or refuted by the President or any other person who matter, his comments under reference are very important from a national point of view. His first conclusion is administratively the 13<sup>th</sup> Amendment is a white elephant and the second is that at

sub-national level Provincial Councils (PCs) have not served the purpose. Instead of the '13<sup>th</sup> Amendment' I would have preferred 'the Provincial Councils' are white elephants. The 13<sup>th</sup> A that made provisions for Pcs is a nuclear bomb dropped by India on this country followed by the Rajiv-JR Accord of 29<sup>th</sup> July 1987 to destroy this Island nation. More than Pcs being administrative white elephants by wasting a major portion of the national income they have completely messed up the whole political and administrative machinery in this country. Furthermore this system has even made the Sri Lankan constitution a toothless document and made the governing and judicial process an Augean mess. Moreover PCs were designed by Indian Brahmins to divide, destabilize and destroy this country by both politically and economically, by carving out an independent mono-Tamil EElam in the North and East. India also did this to take revenge from the government and the people of this country. Therefore I do not think that even a man with a wee bit of brain can reject these two comments as baseless. No one can dismiss it as a squint of the eye or as a statement made to fall in line with the political wind.

It is a pity that Austin has not understood the simple and plain truth Lalith has stated on PCs though it is the gospel truth as understood practically by everybody in this country. According to Austin it is the government which has made them white elephants. He hails them as useful instruments of reconciliation. Those who defend and passionately talk about the merits of PCs like Austin, I think, are groping in the dark and do so without knowing the actual background, the far-reaching disastrous dimensions and the serious and long term political and other implications of the PCs on the country's future. The sinister and diabolical intentions and ghosts behind this move by India in inventing these PCs, their future implications on the sovereignty, territorial integrity, independence, political stability of this Island Nation and the threat they impose on the very survival of the Lankan Nation is apparently beyond the comprehension of these vocals. One wonders as to what would have happened to this country if a man of Austin's caliber continued to be Defense Secretary of this country in place of Gotabhaya Rajapaksa at the time of the 2009 war.

Austin's whole argument seems to be centred round a passionate case for PCs. It looks more a hilarious pro- Eelam call in defense of divisive communal politics than an attempt to safeguard the general interests of the country. I doubt he will be offered the post of Defense Secretary in the State of Eelam even if it is formed one day. His frequent use of hacked terms like Majoritarianism and reconciliation clearly shows that he is arguing on behalf of the Tamils and Muslims ignoring the political realities in this country and betraying the Sinhala Buddhists for which he should be ashamed. Thereby he also falls to the category of men and women who hold the views that majority rule is not democracy and regional autonomy is the only answer for reconciliation in this country.

It is true that Devolution and decentralization are two systems. In constitutional jargon the word devolution is used to mean transfer of legislative power (Principle of Subsidiary) and delegation and decentralization refer transfer of administrative power to the periphery. This way devolution and decentralization mean two different things

Both devolution and decentralization are also often defined as transfer of power from the center to the periphery; may be a local authority or a government department to facilitate better local or regional administration.

Austin's reference to statute making at the Provincial level is very dangerous. This negates the sovereignty of Parliament. This should be read along with Article 3 and 4(a) of the Constitution. Though people at village level and the periphery should be given the opportunity to manage their affairs from an administrative point of view within the concept of one country and one nation I don't think any administrative unit should be given the right of independent governance including self determination and making laws independent of the central government.

The rest of his entire article extensively couched in legal and administrative stuff is wholly devoted to accuse the government for not giving power to PCs and therefore utterly irrelevant to the core issue under discussion. I pity the writer for burning the midnight oil for an unworthy cause.

As for me I have been strongly and totally against this draconian piece of legislation right from its inception in 1987 and I call all Dicks, Toms and Harries, whether he/she is a Sinhalese, Tamil, Muslim or any other, belonging to SLFP, UNP, TNA, MC or any other political party in this country who defends the 13<sup>th</sup> Amendment and its ugly legacies including the disastrous and calamitous Provincial Council system, traitors of this Island Nation and the Motherland, who shall never be pardoned as long as the sun and moon shall rise over this blessed Island.