

# THE MINORITIES AND MAKING OF CONSTITUTIONS IN SRI LANKA

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Since independence in Sri Lanka several attempts have been made by government in power to introduce new constitutions. For example the 1<sup>st</sup> Republican Constitutions of 1972, 2<sup>nd</sup> Republican Constitution of 1978, Proposals for constitutional reforms by the People's Alliance Government in 2000. On these occasions the leaders of the minority communities have complained that adequate safeguards were not incorporated regarding the rights of the minorities in Sri Lanka. In this paper an attempt is made to examine whether the rights the minorities were in fact included or not included in these constitutions.

A constitution is intended primarily to set up a framework of government. Its purpose is the outline the nature the method of selection, and the powers of various organs of government, and prescribe the general manner in which their powers shall be exercised. It indicates the various departments and divisions of government.

According to Arnold M. Rose "minority is defined as a group of people differentiated from others in same society by race, nationality, religion or language who both think themselves as a differentiated group with negative connotations"(Arnold M. Rose. *International Encyclopaedia of Social Science*. Vol.10. ed. David L. Sills. USA :The Macmillan Company and the Free Press.1968).

Generally there are two approaches in the constitutions making, (1) Instrumental (2) Consensual. In the first approach the constitutional framework is designed for the party in power. In other approach the constitution be come more permanent and commands a wider support.

From the examination of the rights of the minorities included in the constitution from 1947 to 2000 it is evident that only under the Soulbury constitution satisfactory arrangements were made to safeguard the rights of the minorities in Sri Lanka. The first Republican constitution introduced by the United Front government in 1972 abolished all the safeguards included in the Soulbury constitution. Although the second Republican constitution introduced by the United National Party in 1978 accorded concessions to the minorities they did not entirely satisfy the minorities. When compared to the 1978 constitutional proposals for the revision of the constitution presented by the People Alliance Government in August 2000 contains provision for the devaluation of powers to the minorities.