

Indo-Lanka Accord & 13th Amendment

Signed 29 July 1987 between Prime Minister Rajiv Gandhi (India) and President J.R. Jayewardene (Sri Lanka). Produced the Thirteenth Amendment to the Sri Lankan Constitution, creating Provincial Councils — the only post-independence devolution architecture for the Tamil-speaking north-east, and one which has never been fully implemented.

The Indo-Lanka Accord is the closest the post-independence Sri Lankan state has come to a negotiated constitutional accommodation of Tamil political demands. Nearly forty years later, the police and land powers promised under the Thirteenth Amendment remain undelivered. The Accord's failure to be implemented in full is the most-cited piece of evidence in the post-2009 case that constitutional remedy within a unitary state architecture is structurally unavailable.

§1 What it is

The Accord committed the Sri Lankan government to: (i) recognise the Northern and Eastern Provinces as 'areas of historical habitation of Sri Lankan Tamil-speaking peoples', (ii) merge them temporarily into a single North-East Provincial Council subject to a later referendum in the East, (iii) devolve powers to all Provincial Councils through a constitutional amendment, (iv) declare Tamil and English as official languages alongside Sinhala. India committed to militarily disarm Tamil militant groups and deployed the Indian Peace Keeping Force (IPKF).

The Thirteenth Amendment, enacted 14 November 1987, established the Provincial Council system with three lists: a Provincial List, a Reserved List, and a Concurrent List. The Provincial List nominally devolved powers over land, police, education, health, agriculture, and local government.

§2 Why it did not deliver

Police powers under List I, Item 11 have never been operationalised: no Provincial Police Commission ever established with independent recruitment, training, or operational control. Land powers under Item 18 are similarly non-functional: the Land Commissioner's Department, Mahaweli Authority, Forest Department, Archaeology Department, and Wildlife Department continue to allocate land in the north-east under central authority, frequently overriding provincial decisions (Oakland Institute, 2024).

The North-East merger was de-merged by a 2006 Supreme Court ruling, despite the Accord's text providing for an Eastern referendum that was never held in legitimate conditions. Successive central governments have introduced bills (most recently the 21st Amendment in 2022) that further weaken the Thirteenth Amendment without formally repealing it.

Rampton and Welikala (ICES, 2011) and Goodhand et al. (LSE, 2011) document the pattern: the Thirteenth Amendment is preserved on paper as evidence of devolution to international audiences, while its substantive provisions are blocked through ministerial gazette, court ruling, and administrative non-implementation.

§3 Why it sits at narrowing-step 11

The Accord was the international community's principal test of whether devolution-within-unitary could resolve the conflict politically. The post-2009 record — three more abrogated peace processes (CFA 2002, APRC 2009, UNHRC 30/1 2015), nine UNHRC resolutions, three TRC proposals, and the OMP and Reparations Office both operating without prosecutorial mandate — established that the Thirteenth Amendment is the constitutional ceiling, not the floor. The narrowing of resolution pathways accelerates from this point.

Sources

- Indo-Sri Lanka Agreement to Establish Peace and Normalcy in Sri Lanka (29 July 1987) — Ministry of External Affairs (India), full text.
- Thirteenth Amendment to the Constitution of Sri Lanka (Act No. 14 of 1987), lawnet.gov.lk.
- Rampton & Welikala, The Politics of Defusing Devolution (2011), ICES.
- Oakland Institute, Endless War: The Destroyed Land, Life, and Identity of the Tamil People in Sri Lanka (2024).
- Goodhand et al., Sri Lanka: Strategic Policy Assessment (2011), LSE.

What this is not

- This article is not an argument for the IPKF intervention. The IPKF's conduct in the north-east is itself a documented record of civilian harm; TLTE cites that record only through Tier-A sources (PUCL, UTHR(J), Amnesty) and never glorifies any armed actor.
- This article is not a brief for full implementation of the Thirteenth Amendment as a sufficient remedy. It records the implementation gap as evidence of the narrowing, not as advocacy for a constitutional formula.
- This article does not name any serving Sri Lankan, Indian, or international official.