The Constitutional Record · Federal self-rule is lawful — MP Evidence Pack

Two Sri Lankan Supreme Court rulings on the state's own record: Chandrasoma v. Senathirajah (2017) held that advocating a federal constitution is not separatism under Article 157A and recorded that the 1957 and 1965 pacts were abandoned under majority opposition; Jayantha Wijesekera v. Attorney General (2006) dissolved the merged North-East on procedural grounds. The demand is lawful; the settlement has never been delivered.

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Audience

- UK MPs
- Lords
- FCDO South Asia
- APPG for Tamils
- Foreign Affairs Committee
- Journalists

Best used for

- Answering the claim that Tamil federal demands are separatist or extremist
- Letters to FCDO on a political settlement and the 13th Amendment
- Briefings on why the new counter-terror bill must not reach lawful political speech
- Background for UNHRC resolution debates on a durable political solution

Tier-A evidence anchors

- Chandrasoma v. Senathirajah, SC SPL 03/2014 — full judgment, 4 Aug 2017 — https://lankalaw.net/cases/sc-spl-03-2014/
- Constitution of Sri Lanka, Article 157A (Sixth Amendment, 1983) — https://www.commonlii.org/lk/legis/const/2000/22.html
- North-East de-merger ruling, 16 Oct 2006 — contemporary report (archived) — https://web.archive.org/web/20090524142033/http://www.lankanewspapers.com/news/2006/10/8947.html
- Reference re Secession of Quebec [1998] 2 SCR 217 — internal self-determination standard — https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1643/index.do
- The Fissure · twin rulings chapter (archive analysis) — https://docs.tlte.cloud/case/the-fissure/twin-rulings
- Ashokbharan, “The Right to Self Determination in Sri Lankan Constitutional Law: An appraisal of … Chandrasoma v Senathirajah”, SSRN (2019) — independent scholarly appraisal — https://doi.org/10.2139/ssrn.3486097
- Wickramaratne, “Assuring Equality, Autonomy and Territorial Integrity in Sri Lanka”, Brill Nijhoff (2021), pp. 158–194 — https://doi.org/10.1163/9789004394612_008

- “De-Merger, Division, and Distrust”, University of Wisconsin Press (2020), pp. 235–259 — scholarship on the 2006 de-merger — https://doi.org/10.2307/j.ctvxkn5pr.15

Policy asks

- UK Government (FCDO): Acknowledge in its public position on Sri Lanka that the Supreme Court of Sri Lanka has held advocacy of a federal constitution to be lawful, and that federal proposals are therefore part of ordinary democratic debate.
- UK Government (FCDO): Raise with the Government of Sri Lanka that any replacement for the Prevention of Terrorism Act must not reach peaceful advocacy that the Supreme Court has already held lawful.
- UK MPs (APPG for Tamils): Place the 2017 judgment's record of the abandoned 1957 and 1965 pacts before any session on a durable political settlement.

Draft parliamentary questions

- [FCDO] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, what assessment HM Government has made of the judgment of the Supreme Court of Sri Lanka in Chandrasoma v. Senathirajah (SC SPL 03/2014, 4 August 2017), which held that advocacy of a federal constitution does not amount to advocacy of a separate state, and how that judgment informs HM Government's position on a political settlement.
- [FCDO] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, what representations HM Government has made to the Government of Sri Lanka to ensure that the proposed Protection of the State from Terrorism Bill cannot be applied to peaceful political advocacy held lawful by the Supreme Court of Sri Lanka.
- [FCDO] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, what assessment HM Government has made of the absence of any lawfully constituted arrangement for joint administration of the Northern and Eastern Provinces since the Supreme Court ruling of 16 October 2006.

Civic remembrance

This pack quotes the state's own highest court. It does not claim the Court endorsed secession or ordered federalism — it did neither. It records what the Court held, what it put on the record, and that no government has since delivered a settlement. UK Lobbying Act 2014 transparency note applies on every printed brief.

Pack rules

- Never claim the Supreme Court endorsed secession, remedial secession, or ordered a federal constitution.
- Always distinguish what the Court held from ITAK's arguments the Court recorded.
- The 2006 ruling is cited as procedural (the 1988 proclamations were void), never as a ruling against a Tamil-speaking region as such.
- Never frame the pacts' abandonment as the fault of Sinhala civilians; cite the Court's words about political opposition exactly.

Transparency

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