PREFACE

Of the four constitutions which the island of Sri Lanka has had in the twentieth century, two have been promulgated in the seventies. Despite a two-party dominant system alternating in the classical parliamentary-democratic manner, an increasing centralisation of powers has also been observed therein and periods of emergency rule have been more the norm than the declared exception during this decade.

Surveying the wider scene, these trends have been observed to be essentially the case not only with other South Asian states, but also with most other Third World countries. In the case of the South Asian states, one finds that this increasing frequency of constitutional change and a resort to executive rule has been so striking in the seventies as to call for an explanation.

Though conventional political literature recognizes that a constitution is the product of a compromise between underlying socio-economic forces, both past and present; little attempt has been made to explore the specific content of these forces and their dynamics so as to explain the "politics" underlying constitutional development in a broader perspective. In contrast, Marxist works on the "state" emphasise the political class dominance implicit in the organisation of a state and highlight the conflictual dimension of society providing the raison d'etre of a constitution and its dynamics. There remains, however, a lack of comprehensive studies, integrating the two approaches, and seeking to explore the logical interconnection between socio-economic interests and politico-constitutional frameworks that emerge in peripheral
societies such as those of South Asia. The present work is a modest contribution towards rectifying this lacuna.

Accordingly, an attempt has been made here towards providing an explanation not merely in legal-institutional terms or the largely political categories of the western liberal tradition. An aspect which has been sought to be highlighted relates as to how the contending socio-economic forces in society are responsible for such changes. Such an investigation has necessarily entailed a study of the impact that the changing socio-economic environment of a society has on the dynamics of its state structures, modified by the society's historical specificities.

In the present work it has been argued that emerging as a manifestation of the processes of conflict and accommodation between social classes, groups and communities at the level of the state; the politics underlying constitutional change have, as their major objective, the organisation as well as the perpetuation of a consensual management of the social order so as to, in effective terms, further and safeguard the interests of the dominant social classes. Such a re-ordering in post-colonial Third World states has proved of limited success due to the heterogeneity and weaknesses in the domestic socio-economic linkages made all the more acute by the pressures and vagaries of the external environment. To this end, Sri Lanka has been chosen as a case-study since it has repeatedly, more than any other Third World state perhaps, been upheld as the "success" story of a peaceful evolution to self-government and a viable, functioning liberal parliamentary-democratic system in the Third World.

Chapter One of the present work reviews various theoretical perspectives regarding constitutions and state formations and attempts to outline the logic underlying the divergent constitutional experiences of various countries historically. Particular attention is focussed on the direction of change in
post-colonial Third World societies and certain hypotheses are framed for examination in the study. The validity of the theoretical discussion and hypotheses is further explored in the South Asian context in the second chapter. The vastly differing constitutional experiences of the major South Asian states (India, Pakistan, Bangladesh, Nepal and Sri Lanka) are related to the differing socio-economic structure of each and the accompanying ideological-political milieus.

An appraisal in greater detail of the specificities of the Sri Lankan socio-economic context before the seventies is made in Chapter Three. The basis this formed for the evolving political alignments and cleavages is also discussed. The somewhat unique pre- and post-independence politico-constitutional experience of Sri Lanka is reconsidered against this context in the following chapter.

The political pressures and pulls that were manifested at the time of the framing of the autochthonous First Republican (1972) Constitution are discussed in Chapter Five. The new Constitution proclaimed the goal of ushering in a "socialist democracy"; implying a more centralised, nationalist, and egalitarian organisation of society and state policy along with greater popular participation in decision-making. How far these goals were implemented in practice is studied in the following chapter. The impact of the international economic crisis in the early seventies, the rising domestic opposition to the ruling United Front's policies framed in the context of the new politico-legal framework, and not least of all, the differences within the ruling coalition itself are analysed. In a dynamic context, the impact these had on the various classes, strata and segments of the society, the realignment of political forces and in the organisation and exercise of state power are also analysed. The effect these changes had on the validity and
support for the new Constitution form a particularly interesting part of this study.

The resurgence of the opposing rightist party, its swift moves to replace the old constitution by a new one proclaiming "democratic socialist" ideals, protecting foreign and private economic activity but introducing a more bureaucratic mode of politics; and the reasons for the same; are elucidated in Chapter Seven. The impact of the new policies on the society at large, and the accompanying direction of change in the politico-constitutional sphere are investigated in the subsequent chapter. The final chapter highlights the major findings relating to the politics of constitutional development in our case study of Sri Lanka and suggests both the general and the specific aspects of the case, against which similar analyses of other peripheral capitalist states could be made in the future.

In the course of the study, interviews and both primary and secondary sources of data have been utilised. Despite the contemporary nature of the subject an attempt has been made to offer a broad analysis of recent developments and trends. Accordingly, to highlight and facilitate the analysis of the changing socio-economic structure of the society, extensive use has been made of economic data covering the seventies; and has been included selectively as tables in the Appendix.

In the completion of this work at the Jawaharlal Nehru University, New Delhi, I am indebted to Dr. (Mrs.) Urmila Phadnis for the understanding and patience with which she has guided me through the struggle to develop and express my ideas. Professor Bimal Prasad freely provided his personal interest whenever needed. I am also indebted to Dr. Sudipto Kaviraj for his encouragement and constructive comments particularly in relation to the theoretical aspects of this study in its earlier stages.
It is difficult indeed to thank all those I am indebted to in Sri Lanka. Without exception, they gave generously of their time and friendliness making my first encounter with their country the delightful experience it was. In Peradeniya University, I am grateful to Dr. S.U. Kodikara for taking formal responsibility as my supervisor during my stay in Sri Lanka. Special mention needs be made of H.A.I. Goonetilleke, Hector Abhayawardhana and Neelan Thiruchelvam to whom I constantly turned for discussion of issues seeming particularly obscure. Discussions with distinguished former or present faculty members in the Departments of Political Science, History and Economics of the Peradeniya University were also extremely beneficial.

Special thanks are also due to friends and members of the Marga Institute, Center for Society and Religion, Center for Social Sciences, MIRJE and the Civil Rights Movement. Among these particular mention would be appropriate of Newton Gunasinghe, J. Uyangoda, Sunil Bastian, Radhika Coomaraswamy, Shakuntala Khadirgamar and Nelum Gunasekera who offered diffuse but critical help at various junctures.

I am also indebted to the many politicians, officials and journalists who patiently answered my numerous questions and queries.

Thanks on a more personal level are due to Niloo bhai, Leela de Mel, Rita Sebastian, Vinodini Amerasingham, Shantha Perisunderam and "Pati", who in their generosity provided "home(s) away from home" for me to turn to.

In the final processes of the production of the finished manuscript, I gratefully acknowledge my debt to Professor Eli Sercarz, at the University of California, Los Angeles, without which the finished work might never have seen the light of day. Heartfelt thanks are also due to the fraternal help rendered by colleagues at the Nehru University in the submission of the thesis.

No acknowledgement would be complete without mention of close members of the family, both my husband's and mine, whose encouragement and support during
this period made the completion of this work possible; my little daughter who continued to enrich life with her wholehearted love and demands; and my husband who has been a constant source of strength and inspiration in the "thick and thin" of this academic foray.

Amita Shastri.
The dotted districts are Mullaitivu in the North and Gampaha in the South-West, which were formed in 1978.
"...there is an identity of object in constitutional law and political science, but not a substantive one; for the criteria with which the two sciences treat the same material are totally different... And, in reality, while the first observes the public organism from static perspective, as the natural product of a particular historical evolution, the second observes the same organism from a dynamic perspective, as a product whose virtues and whose defects can be evaluated and which consequences must be modified in the light of new requirements and later developments."