

# Colonial-era laws invoked to gag government officials in Sri Lanka

**Wije Dias****24 February 2000**

A set of regulations contained in Sri Lanka's Establishment Code, long believed to be defunct, were resurrected by the Peoples Alliance (PA) government on February 1 to prevent government officers from criticising the administration. The regulations were formulated by the former British colonial rulers.

According to an Information Department press release, the Minister of Post, Telecommunications and Media, Mangala Samaraweera, brought the Establishment Code regulations to the attention of Cabinet and urged stern action. Accordingly the Cabinet decided to take rigorous disciplinary measures against government officers violating the provisions.

The regulations effectively gagging public servants include the following provisions:

\* Section 3:2 of the chapter XXXI: "A public officer should not use the medium of the newspapers by writing an article or granting an interview to a reporter, in order to criticise the government, or government departments or to publicise his grievances whether or not of an official nature (e.g. criticism or complaint regarding lack of staff to carry out his functions, criticism of the Treasury for failure to provide extra funds etc.)"

\* Chapter XLVII of the Code instructs senior public servants to channel any information to the press through the Director of Information adding that it should be confined to facts "and on no account should any expression of opinion be preferred". The section then adds: "No information even when confined to statements of facts should be given where its publication may embarrass the government as a whole or any government department or officer. In cases of doubt the Minister concerned should be consulted."

The invocation of these regulations is an attack on the basic democratic rights of public sector workers who

fought and overturned such provisions in the 1950s. The government decision is aimed not only at stamping out criticisms by government officers but also at stifling public debate on its policies.

The PA government is setting up a monitoring unit in the Department of Information to bring violations of the Establishment Code to the attention of ministry secretaries and department heads. Senior officials are compelled under the code to investigate any press reports that refer to information supplied by a government officer.

The trade unions have already indicated their willingness to accept and even participate in a witchhunt against public servants critical of the government. Union officials have called for disciplinary action to be taken any who opposed the re-election of President Chandrika Kumaratunga on December 21, 1999.

A committee of all pro-government union bureaucrats headed by the Sri Lanka Freedom Party (SLFP) union leader and Minister for Provincial Councils, Alavi Maulana, has been established to prepare lists of individuals against whom action is to be taken. The invocation of the Establishment Code now provides the means for carrying out a purge of public servants.

The decision has even provoked concerns in ruling circles over the transformation of the state apparatus into a political tool of the government. An editorial in the *Sunday Times* newspaper on February 6 commented: "At the fag end of colonial rule, the public servants were referred to as just that-public servants. They all signed off any official communication to any ordinary citizen with, 'I am your obedient servant.' All this changed gradually and public servants metamorphosed into government servants. The constitution refers to this same breed of officers now

with a slightly different label—as state officers. This gives the unadulterated version of what is expected of these officers. 'State officer' is today an euphemism for 'servants of the ruling party' or slaves of the ruling politicians and that is the long and short of what has become of Sri Lanka's public service 52 years after independence."

The fact that these measures are implemented by the "left" PA government, which includes the Stalinist Communist Party of Sri Lanka and the Lanka Sama Samaja Party (LSSP), and are backed by sections of the trade union bureaucracy is a further indication of the country's deep political crisis. The government is unable to tolerate any form of opposition to its prosecution of the war against the Liberation Tigers of Tamil Eelam and its continual erosion of the living standards of the working class and oppressed masses.

Already the government is deeply embarrassed by scandal and criticism. Information leaked to the media implicates the president's closest associates in large-scale financial corruption involving tens of millions of rupees in the granting of licenses to transnational corporations and also the sale of government ventures to private enterprises.

Just prior to the announcement on the code, a Deputy Inspector General (DIG) of Police, Kotakadeniya, publicly criticised the ability of police to deal with the growing crime rate and accused PA politicians of hobnobbing with criminals and interfering with police investigations. Kotakadeniya was earlier demoted and only won his reinstatement after a judicial decision in a case that he filed against the police.

Other statements indicate a wider discontent among government officers. Commenting on the new code of silence the former Chairman of the State Printing Corporation A.B.C. de Silva said: "I was bold enough to criticise the PA government constructively while being the Chairman of State Printing Corporation. The government misunderstood it as sabotage and I lost my job."

The case of Chief Justice Sarath N. de Silva, who was appointed last year, bypassing those judges who were his senior, also points to broad dissatisfaction including in the judiciary. De Silva is already facing charges of malpractice while he was Attorney General. But another case has now been brought in the Supreme Court to rule his appointment null and void. The

information could only have come from someone working in the Judicial Service and the Attorney General's Department.

The invocation of the Establishment Code is part of a broader attack on democratic rights. The PA government already maintains strict censorship over all reporting on the war in the North and East of the country where the military has had a series of setbacks since last October. The only official source of information about the war is the limited communiqués issued by the Defence Ministry. All of this points to an increasingly beleaguered government unable to countenance any criticism or opposition to its policies.



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