

# Sri Lankan government unveils charges against chief justice

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On November 6, the Sri Lankan parliament detailed 14 impeachment charges against the country's chief justice, Shirani Bandaranayake, deepening the rift between the government of President Mahinda Rajapakse and the Supreme Court.

In an attempt to cover up the political reasons behind the government's move, the charges alleged financial improprieties and harassment of lower court judges by the chief justice. Bandaranayake rejected the allegations as "false" and insisted she would continue to perform judicial work "in accordance with the law."

The real trigger for the impeachment was that a Supreme Court bench headed by Bandaranayake declared the government's Divineguma Development Bill unconstitutional unless first approved by provincial councils. This bill would take back some economic powers granted to the provincial councils under the 13<sup>th</sup> constitutional amendment, which granted limited autonomy to the Tamil-majority northern and eastern provinces.

The government is seeking to concentrate these powers in the hands of the president's brother, Economic Development Minister Basil Rajapakse. Parliamentary speaker Chamal Rajapakse, another brother of the president, formally moved for the election of an 11-member select committee to probe the allegations—seven from the ruling coalition and four from the opposition. Underscoring the undemocratic nature of the proceedings, the speaker determined the composition of the select committee in order to ensure a majority for impeachment.

The opposition United National Party (UNP), Tamil National Alliance (TNA) and Janatha Vimukthi Peramuna (JVP) expressed "concern" and accused the government of "interfering with the judiciary." However, these parties all named MPs to the select committee, giving official credibility to the government's witch hunt.

The government has also pushed ahead with the Divineguma Bill. After the court's ruling, Rajapakse sent the bill to eight provincial councils. He secured their approval, using ruling party majorities, but the Supreme Court rejected the government's claim that the Northern Province's military governor, a presidential appointee, could act as a substitute for a provincial council. Successive governments have refused to hold provincial council elections for the north, where they conducted a protracted communal war against the separatist Liberation Tigers of Tamil Eelam (LTTE).

The Supreme Court also rejected the government's insistence that it had no authority to question the president's course of action, because he was shielded by an "immunity" clause in the constitution. But it did provide a "workable" solution for the government, effectively ruling that the bill could be passed by a two-thirds majority in parliament, with one clause needing to be put to a referendum.

In a face-saving manoeuvre, Basil Rajapakse said the government would "abide" by the court's ruling. Such announcements, however, have no value, because the government has become notorious for its arbitrary actions.

As the impeachment move highlights, the government is furious that the court put a spanner in the works of the president's attempt to concentrate economic powers in the hands of his brother and to legitimise the rule of an unelected military governor in the north.

Last week, another Supreme Court bench ruled that one clause of the 2013 budget allocation bill "contravenes the full control of public finance which belongs rightfully to Parliament" by placing powers in the hands of the finance minister, who is President Rajapakse.

The government's attempts to sidestep the country's constitution are not the first. It increasingly adopted police-state methods of rule during the civil war. A military-political cabal surrounding the president openly flouted the constitution and courts, and reduced parliament to little more than a rubber stamp.

The deepening conflict with the judiciary reflects the opposition of sections of the ruling class to Rajapakse's arbitrary rule. They are not concerned about democratic rights of ordinary working people, but that the presidential cabal is marginalising them and its policies are impacting on their economic interests.

A recent article in the London-based *Financial Times* commented: "[A]llegations of cronyism and graft increasingly worry investors [in Sri Lanka] already alarmed by the resignation of the country's top financial regulator in August, seemingly pressured by the [Rajapakse] administration to forestall investigations into stock price manipulation."

Reflecting big business uneasiness, a Western fund manager told the newspaper: "Sri Lanka has lots of potential, but only if the megalomania tendencies of the president and his brothers can be brought under control."

Several private media houses have criticised the government's move against the chief justice. The Sri Lanka Bar Association, including retired judges, opposed the impeachment and urged Rajapakse and the speaker to withdraw it. Another sign of anxiety within

the ruling elite is a call by four Buddhist prelates for Rajapakse to "reconsider" the impeachment motion.

The Lanka Sama Samaja Party (LSSP) and the Stalinist Communist Party (CP), both of which are members of the ruling coalition, have distanced themselves from the impeachment motion. The LSSP first agreed to the move but later declared the impeachment to be an interference with the judiciary and directed its MP to withdraw his signature. The CP declared that the conflict between the judiciary and the president was a product of the executive presidential system, which the party said it opposed.

Such statements are utterly hypocritical. Both parties fully backed the government's communal war, defended its war crimes and all of its attacks on democratic rights. Completely integrated into the political establishment, the LSSP and the CP are, however, sensitive to the needs of the corporate elite.

Likewise, an opposition front led by the UNP, and including the TNA, Nava Sama Samaja Party (NSSP), United Socialist Party (USP), Democratic People's Party and several other groups issued a statement defending "the independence of judiciary and protest against any witch-hunt of members of the judiciary for political reasons." Under the guise of defending democracy, all of these parties are lining up behind a dissident wing of the ruling class.

In reality, the government's autocratic measures are ultimately aimed at the working class. President Rajapakse will not hesitate to use the police state apparatus built up in the course of the war to suppress any resistance by working people to the IMF-dictated austerity agenda being imposed by his government.



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