

# Sri Lanka: Parliamentary panel backs impeachment of chief justice

K. Ratnayake  
11 December 2012

A parliamentary select committee has rubberstamped an impeachment motion against Sri Lankan Chief Justice Shirani Bandaranayake, presenting a report last Saturday saying she was guilty of three charges. Parliamentary speaker Chamal Rajapakse, a brother of President Mahinda Rajapakse, announced that a debate on the report would be conducted on January 8, with the government preparing to remove Bandaranayake.

The president and his ruling coalition instigated the impeachment motion against Bandaranayake after she headed a Supreme Court bench that declared the government's Divineguma Development Bill was unconstitutional unless approved by nine provincial councils. The bill transferred some economic powers previously devolved to provincial councils to Economic Development Minister Basil Rajapakse, another of the president's brothers.

The anti-democratic and politically-motivated nature of the impeachment process was clear from the outset. The motion was signed by ruling coalition MPs without even knowing the 14 charges contained in it. Seven out of the eleven members on the committee selected by the speaker were from the ruling coalition. Its inquiry was held in camera, with reporting of its proceedings banned.

Bandaranayake asserted that all charges were false but initially participated in the inquiry, while declaring it was unconstitutional and had no legal basis. On the third day of the hearing, last Thursday, she and her lawyers walked out of the inquiry after the committee chairman, minister Anura Priyadarshana Yapa, refused to provide the procedure for the inquiry, the list of witnesses and documents related to charges. Bandaranayake informed the speaker she was "ready to face an independent tribunal."

After participating in the committee, thus giving it legitimacy, the four opposition MPs from the United

National Party (UNP), Tamil National Alliance (TNA) and the Janatha Vimukthi Peramuna (JVP) withdrew last Friday after Yapa refused similar requests and rejected a call to postpone the inquiry by one month. The opposition members withdrew not because they uphold democratic rights. They feared criticism over their continued participation in the committee.

Despite the walkouts, President Rajapakse asked the committee's government members to "go ahead" and prepare the report. On the same day, the government's members called 16 witnesses, including political appointees such as Central Bank governor Ajith Nivard Cabrral and the president's secretary, Lalith Weeratunga, and compiled a report within several hours.

This report declared the chief justice guilty on three of five charges investigated and recommended her impeachment. The committee did not inquire into nine other charges, claiming a lack of time, even though the committee had the right to ask for an extension past its original one-month deadline.

Bandaranayake and the opposition members have rejected the report.

Underscoring the fact that the impeachment is a political witch-hunt, a "senior government politician" presented a "compromise formula" to Bandaranayake's lawyer last Thursday, according to the *Sunday Times*. The newspaper reported the terms of the deal as follows: "She would have to tender her resignation. In return she would be appointed to 'an important' position and charges of corruption against her husband, Pradeep Kariyawasam, would be dropped." The *Colombo Telegraph* reported that the "senior politician" was none other than President Rajapakse.

Rajapakse made this overture to deflect growing criticism in the country and internationally. International Commission

of Jurists Asia Pacific Director Sam Zarifi, said in a statement: “Any process for removal must comply with all of the guarantees of due process and fair trial afforded under international law, notably the right to an independent and impartial hearing.”

Senior lawyers and the Sri Lanka Bar Association have filed petitions in higher courts requesting orders to prohibit the parliamentary select committee and declare it has no legal validity. One petition was filed by Chandra Jayaratne, a former president of the Ceylon Chamber of Commerce (CCC), an indication of big business concerns over the impeachment.

The rift between the government and the top judiciary reflects the hostility of sections of the capitalist elite over the concentration of economic and political power in the hands of a clique headed by Rajapakse and his cronies. There is also concern in these circles that the government’s constitutional violations, together with its anti-Western rhetoric, could harm their business interests.

The CCC issued a statement last Friday saying it “strongly believes that mutual respect and trust between the Executive, Legislature and the Judiciary, and the Rule of Law are essential prerequisites that are crucial for rapid economic development and for the achievement of development targets.”

A Supreme Court bench has issued notices to the speaker and select committee members, asking them to appear before a court. Speaker Rajapakse declared the notices were “a nullity and entail no legal consequences.” The court has ignored his ruling, reissuing summonses for a hearing on December 14.

Siding with the government, opposition UNP leader Ranil Wickremesinghe urged the speaker to ignore the court ruling, declaring that the legislature was supreme.

The 1978 constitution gave sweeping powers to the president, including over parliament and the judiciary. An increasingly politicised judiciary has been used to undermine democratic rights and further strengthen the president’s hands. Bandaranayake herself headed the Supreme Court bench that approved the Rajapakse government’s 18<sup>th</sup> amendment to the constitution in 2010 that removed the two-term limit on the presidency and allowed the president to appoint members to key, supposedly independent, government commissions.

The government’s moves against the judiciary are part of a push to concentrate even greater power in the hands of ruling cabal. Basil Rajapakse recently told Reuters that the family-centred cabal was “a people’s dynasty” by “the people’s choice.” He commented: “More rather than less concentration of decision making would help investments in a country.”

While portraying its blatant anti-democratic methods as “the people’s choice,” the government is preparing further attacks on basic democratic rights in order to enforce the demands of international capital, under the impact of shrinking export markets and the deepening global economic downturn.

The government has promised the International Monetary Fund to reduce the fiscal deficit to 5.8 percent by next year, which will require further cuts to government spending and subsidies, hitting the working class and poor. Despite boasting of economic “successes,” deputy finance minister Sarath Amunugama recently said the government could not finance the 500 billion-rupee budget deficit for next year without printing money and obtaining foreign loans at high interest rates.

In the name of “defending democratic rights and the independence of judiciary”, the pseudo-left groups, the Nava Sama Samaja Party (NSSP) and the United Socialist Party (USP), have lined up with sections of big business, the legal fraternity and opposition parties. In an *Irida Lakkima* column, NSSP leader Wickramabahu Karunaratne declared that protests against the impeachment had “brought about a unity without class differences” and insisted that dictatorial rule could be stopped only through “such a democratic fighting movement.”

These fake “lefts” are sowing the most dangerous illusions in elements within the corporate elite who will inevitably side with the government against any movement of the working class. Workers can fight against the Rajapakse emerging police-state rule only by organising independently of every capitalist group, and rallying the rural poor and youth, in the struggle for a workers’ and peasants’ government to implement socialist policies.



To contact the WWSWS and the  
Socialist Equality Party visit:

**[wsws.org/contact](http://wsws.org/contact)**