

Sri Lankan government prepares to impeach chief justice

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Sri Lankan President Mahinda Rajapakse has indicated that he will ignore widespread criticism and impeach Chief Justice Shirani Bandaranayake, as recommended by a government-dominated parliamentary select committee.

Parliamentary speaker Chamal Rajapakse, the president's elder brother, appointed the parliamentary committee. After a sham hearing, it found Bandaranayake guilty of three charges of financial misappropriation. The committee's report will be debated in parliament on January 9-10.

Bandaranayake and her lawyers withdrew from the one-sided inquiry—dominated by the government—accusing it of not permitting them to prepare a defence. The committee concluded its hearing within hours after opposition members also withdrew, fearing they would be directly identified with the government's undemocratic moves.

If a simple parliamentary majority approves the committee's report, the president will address parliament to announce Bandaranayake's removal as chief justice. The ruling coalition has nearly two thirds of the parliamentary seats.

The government engineered the move against Bandaranayake after a Supreme Court bench that she headed ruled that the Divineguma Development Bill was unconstitutional because it violated the economic powers of provincial councils. The legislation would have concentrated the powers under Economic Development Minister, Basil Rajapakse, another of the president's brothers, and strengthened the tiny ruling cabal around President Rajapakse.

Amid deepening tensions between the government and judiciary, Bandaranayake filed a petition in the court of appeal, asking it to issue a writ of certiorari to quash the parliamentary committee's report.

The appeal court has instructed the speaker and parliamentary committee not to act on its findings as any steps "would be void" if the court issued a writ. Pointing to a potential constitutional crisis, it declared: "Any decision disregarding these proceedings to alter the status quo may lead to chaotic situation."

President Rajapakse and the government have already indicated they will ignore the appeal court's ruling. The deputy speaker has declared that the speaker's ruling not to accept any decision by the judiciary on the select committee would prevail. The speaker and committee members have decided not to appear before the appeal court today.

To deflect mounting criticism at home and internationally, the president announced an "independent committee" to look into the parliamentary committee report further before taking any action. But in response to coalition partners, Rajapakse declared that he was "not willing to stray away from it [impeachment] under any circumstance."

The Lanka Sama Samaja Party, Communist Party and Democratic Left Front, which are part of the ruling coalition, had sought to camouflage the government's anti-democratic actions by calling on Rajapakse to prorogue parliament and announce new regulations regarding impeachment.

Lawyers and judicial officers have organised protests against the government's witch hunt of Bandaranayake and demanded the independence of the judiciary. A meeting of Sri Lanka Bar Association members resolved not to welcome a new chief justice if the incumbent were impeached.

In response, pro-government thugs have been deployed to intimidate the opponents. On December 17, an armed gang in a white van tried to attack Gunaratne Wanninayake, the president of the Colombo magistrate

courts lawyers association. When he shouted for his neighbours to help, the assailants fled.

Two days later, in the middle of the night, the house of Sri Lanka Bar Association President Wijedasa Rajapakse, who is also an opposition MP (not one of the president's relatives), was fired on by unidentified thugs, who fled the scene.

The Rajapakse government is concentrating power in its hands amid a deepening economic crisis and sharpening social tensions. Under the impact of the world capitalist slump, the island is facing dwindling exports, spiralling debts and a shrinking growth rate. The government is preparing to make further inroads into the living conditions of working people in the coming year.

Rajapakse has pledged to implement the International Monetary Fund's demand to cut the budget deficit to 5.8 percent of gross domestic product this year and to extend the privatisation of state enterprises, imposing further burdens on the working class and poor. The government is fearful of social explosions, despite the efforts of the trade unions to sabotage the struggles of workers.

The highly politicised Sri Lankan judiciary has previously helped concentrate power in the president's hands and issued rulings outlawing workers' struggles. The current tension between the judiciary and the government reflects the growing hostility of sections of the corporate elite, which have been sidelined by Rajapakse's nepotism and cronyism.

Chandra Jayaratne, former Ceylon Chamber of Commerce chairman, summed up this resentment in an appeal to big business not to "surrender," and to oppose the impeachment. Published on the Colombo-based *Dailyft.com* web site, it listed many government policy decisions that Jayaratne claimed had badly affected big business.

Jayaratne criticised Rajapakse's orientation toward China. "Continuing with a risky foreign policy of attacking our old and reliable trading and investment partner countries in the west, keeping India at arm's length and embracing China, whilst holding hands with Iran and Russia and making positive overtures to African countries," he declared, was not "in our long term interest" because the trade and investment links with the "latter new friends" were "marginal."

There are also concerns in ruling circles that

Rajapakse's trampling on legal and constitutional norms is further exposing the charade of parliamentary democracy, heightening the dangers posed by any confrontation with the working class.

The ex-left parties—the United Socialist Party (USP) and Nava Sama Samaja Party (NSSP)—have stepped in to bolster illusions in the opposition parties and the judiciary. In a statement "Hands off the independence of judiciary," the USP declared: "There must be a judiciary that doesn't bow to the executive. Because of that we must rise against the attacks and pressures of Rajapakse regime. It is part of our popular struggle."

The statement is not aimed at defending the democratic rights of working people but at tying them to the opposition United National Party (UNP). Both the NSSP and USP have lined up behind the right-wing UNP, presenting it as a "democratic" alternative to the government. The UNP is notorious for its authoritarian measures when in power, including the enactment of the present constitution, which concentrates extraordinary powers in the presidency. During the late 1980s, the UNP was responsible for the murderous crackdown by the security forces on rural Sinhala youth that claimed tens of thousands of lives.

Workers must reject the attempts by the pseudo-lefts to present the UNP, the corporate elite and judiciary as the saviours of democracy. In the past, the USP and NSSP lined up behind Rajapakse's Sri Lanka Freedom Party, painting it as the progressive alternative to the UNP.

Workers can only defend their democratic rights by organising independently of every faction of the bourgeoisie and fighting for a workers' and peasants' government that will implement socialist policies. The Socialist Equality Party fights for this perspective as an integral part of the struggle for socialism internationally.



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