

# Sri Lankan Supreme Court rules cancellation of local elections violates democratic rights

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Sri Lanka's five-member Supreme Court, chaired by Chief Justice Jayantha Jayasuriya, ruled last month that President Wickremesinghe violated fundamental rights when he postponed the country's Local Government (LG) elections due in March 2023.

Issued on August 22, the judgement followed an investigation of separate fundamental rights petitions filed by the opposition Samagi Jana Balawegaya (SJB), the National People's Power (NPP) led by Janatha Vimukthi Peramuna (JVP), the Center for Policy Alternative think tank, and the People's Action for Free and Fair Elections.

The Supreme Court stated that the postponement of the elections by the president, who is also the minister of finance, constituted an "infringement of fundamental rights guaranteed [under the constitution]."

The court also ruled that the actions of the attorney general and chairman of the Election Commission had violated these rights and directed the state to pay 150,000 rupees (\$US500) legal costs to each of the petitioners. It stated that the local government elections should be held as soon as possible. Wickremesinghe, however, as Sri Lanka's executive president, enjoys legal immunity and cannot be prosecuted for the violation.

The president responded to the judgment that day in an address to the New People's Front national conference. Wickremesinghe is contesting the presidential elections as an "independent candidate" because his United National Party, the oldest capitalist party in Sri Lanka, with a brutal anti-working-class record, is utterly discredited.

According to a report by *Lankadeepa*, he told the conference that his decision to stop the LG elections, "was dedicated to ensuring the people's right to live and in maintaining their safety..."

"[A]chieving economic stability would not have been possible," he declared, if the elections had proceeded.

Speaking at an election rally in Batticaloa on August 24, he insisted: "Giving life blood and easing the suffering is

not a violation of human rights."

Wickremesinghe's claims are blatant lies. His overriding aim in office has been ensuring the life blood of the capitalist system, the profits of big business and loan repayments to creditors.

Over the past two years, he has ruthlessly implemented every International Monetary Fund (IMF) dictate, deepening poverty and eroding the real value of workers' wages by around 40 percent in 2022–2023. Currently, 42 percent of the Sri Lankan population is struggling to secure daily food requirements and the public health service is on the brink of collapse.

The postponement of the LG polls scheduled to be held in March 2023, just nine months after the April–July 2022 mass uprising that brought down the Rajapakse government, was a reactionary attempt to maintain Wickremesinghe's undemocratic elevation into the executive presidency, stabilise his regime and implement IMF austerity.

Using his position as finance minister, Wickremesinghe blocked all funding for the local elections even though the Election Commission had already announced that the polls would be held on March 9, 2023 for 340 LG bodies. Political parties and independent groups had already submitted nominations for several thousand candidates.

With the approval of Cabinet he then instructed the Treasury Secretary Mahinda Siriwardana to only provide government funds for essential services, specifically excluding the local elections, thus preventing the EC proceeding with the scheduled ballot.

On March 3, 2023, when the Supreme Court issued an interim order for the allocation of the necessary election funds, the treasury secretary, following Cabinet directives, refused.

As a result, Sri Lanka's existing local government bodies—29 municipalities, 36 urban councils and 275 local councils—were placed under the supervision of special

commissioners, directly controlled by the central government. These actions made clear that the Wickremesinghe regime was prepared to go any length to suppress basic democratic rights.

As a Socialist Equality Party (SEP) declared in a statement denouncing Wickremesinghe and refuting his claims:

“The message is clear: under the Wickremesinghe regime there will be no ‘functioning democracy.’ His claims that he will allow elections next year are a fraud as he is riding roughshod over democratic rights now, and will do so again in the future if he deems it necessary.”

The SEP statement called for workers to build action committees in every workplace to mobilise their industrial and political strength against the Wickremesinghe regime and in defence of its social and democratic rights.

Following its suppression of the local elections, the government stepped up its anti-democratic assault, pushing through parliament its Online Safety and Anti-Terrorism acts and other draconian measures.

Wickremesinghe’s response to last month’s Supreme Court ruling is not the first time he has tried to undermine the judiciary. On June 18, the country’s highest legal institution ruled that the government’s Gender Equality Bill was inconsistent with the constitution. Addressing parliament, he accused the court of “practicing judicial cannibalism” and advised parliament not to follow the ruling which “violated parliament’s power.”

On July 24, the Supreme Court issued an interim order preventing Inspector General of Police (IGP) Deshabandu Tennakoon from serving in that post because of pending legal action against his appointment. Tennakoon has been previously convicted for violating fundamental rights of a prisoner. The court directed Wickremesinghe to appoint someone else to act as IGP until the current case against Tennakoon is resolved. Wickremesinghe has ignored the request and not appointed any IGP.

The SEP warns workers that Wickremesinghe’s attacks on basic democratic rights are in line with his moves towards dictatorial forms of rule, a process that will escalate irrespective of who wins the forthcoming presidential elections.

The main bourgeois presidential candidates have responded to the Supreme Court ruling on Wickremesinghe’s postponement of the LG election with the usual demagoguery.

Sajith Premadasa from the SJB condemned those who “ignore the country’s law” while NPP/JVP candidate Anura Kumara Dissanayake pledged that if elected his

government would impose the “rule of law to the letter.” Both these candidates and their parties, however, fully support the IMF, have a history of supporting the president’s autocratic powers and would use the same dictatorial methods employed by Wickremesinghe.

The opposition parties, the trade union bureaucracies and various fake-left groups have seized on the Supreme Court ruling to promote the judiciary as a bulwark to defend democratic rights. The same court, however, has never hesitated to impose bans on strikes and protests by workers and students while advising the government on making cosmetic changes to previous bills that violate the constitution.

Wickremesinghe’s assault on basic rights in Sri Lanka, like the reactionary and repressive measures being implemented by governments internationally—in the US, Europe and in the Indian subcontinent—makes clear that only the working class can defend democratic rights as part of a unified struggle against the capitalist profit system

As SEP political committee member and presidential candidate Pani Wijesiriwardena has explained, workers need to take up the political struggle for the abolition of executive presidential system of rule and all its repressive laws. This is inseparably bound up with the fight for a workers’ and peasants’ government based on a socialist and internationalist perspective.

This is why SEP calls for convening a Democratic and Socialist Congress of Workers and Rural Masses comprised of delegates from action committees of workers and poor to discuss and lead the struggle for this perspective.



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