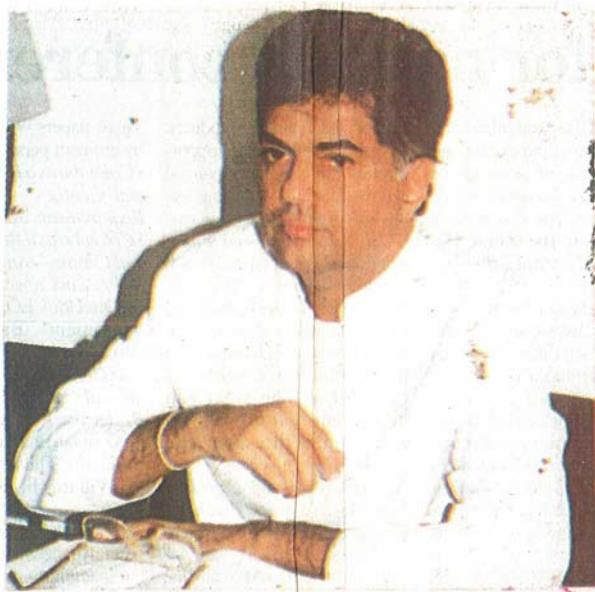


## **BRIBERY : RANIL SENDS CLEAR SIGNAL**

The cancerous social menace of corruption has been time and again dealt with, analytically exposing scandalous and questionable transactions that have caused colossal losses to the state and the public. The issue of corruption and its stifling and crippling effect on socio-economic development of the nation stands uncontradicted. One of the principle causes for the catastrophic and unexpected economic debacles recently witnessed in South East Asian countries, which many until very recently believed were sound and booming economies, is today undisputedly accepted as having been the tolerance of rampant and unchecked corruption, that had been allowed to prevail in such countries, proving very wrong, those, who had unashamedly advocated, that corruption was a necessary lubricant to propel economic growth in developing countries.

The Leader of the Opposition, Ranil Wickremesinghe, as far back as 1982, had identified the vital necessity for honest leadership and good governance of this country and that measures were necessary to purify public life, to ensure that those holding elected public office are free from and/or above suspicion of corruption. The issue was not of being found guilty of corruption, but that holders of public office ought to be free from and/or be above the very suspicion of corruption. In accordance with such moral and ethical correct values, that he had so identified, as far back as 16 years, as vitally necessary in public life for the development of this country, Ranil Wickremesinghe the youthful politician then, had very courageously proposed and had it resolved and adopted at the Working Committee of the United National Party in April 1982, as follows;

### **RANIL'S RESOLUTION ON CORRUPTION**



Leader of the Opposition Ranil Wickremesinghe — Acts to uphold policy on corruption

"Whereas any democratic system of Government requires honest leaders and whereas the rampant corruption under the Sirima Bandaranaike administration resulted in the Government forfeiting the moral strength vital for honest leadership and good Government, and whereas the UNP at the 1977 General Election pledged that those holding elected public office shall set an example of moral behaviour by adhering to high standards of conduct free from suspicion of corruption and that those who violate such standards will suffer the consequences, and whereas the present

Government has in furtherance of this pledge formulated a Code of Conduct and expanded the terms of reference of the Special Presidential Commission, and whereas further measures are necessary to purify public life to ensure that those holding elected public office are above suspicion of corruption.

Therefore, the Working Committee of the United National Party resolves that the Party takes the initiative to enforce the high standard of conduct among elected and selected public officials who are members of the party and thereby set an example to other political organizations.

The Working Committee further resolves,

- (i) That the Leader of the Party inquire into the conduct of party members who have been elected or selected to public office i.e. Members of Parliament including those holding ministerial office, Members of District Development Councils, Members of Local Authorities, Chairmen and Members of the Boards of Corporations and similar officers.
- (ii) Where after any inquiry under para (i), the leader of the Party is of the view that any such member has failed to adhere to the high standard of conduct expected of those holding elected and selected public office to be free from suspicion of corruption, the Leader of the Party shall request the member of the party to resign from such elected public office.
- (iii) The Leader of the Party shall report to the Working Committee in regard to inquiries held and action taken under paragraph (i) and (ii).
- (iv) Every member shall co-operate in any inquiry under paragraph (i) answering all questions put to him at the inquiry and by producing all documents including Income Tax Returns, Bank Statements, Declarations of Assets and Liabilities made under laws in force for the time being, Declarations under the Customs Ordinance and the Exchange Control Act etc., which in the opinion of the Leader of the Party is necessary for such inquiry.
- (v) The Leader of the Party may formulate such rules as are necessary for the conduct of inquiries under paragraph (i).
- (vi) Any member who,
  - (a) On being called upon to resign elected public office in accordance with paragraph (ii) fails to do so, or
  - (b) Fails to co-operate in any inquiry in accordance with paragraph (iv) and (v) shall be "expelled from membership of the party"

### **TO BE FREE OF SUSPICION / ABOVE CORRUPTION**

In fairness to Ranil Wickremesinghe, he is yet to assume the mantle of leadership of this country, to ensure the effectuation of such policies on corruption, that he, himself, alone had moved and had so recorded. His views and stand on the issues of corruption, honest leadership and good governance of the country, stand unambiguously loud and clear by such act and dicta. His recent act, in the face of counter moves thereto, even as a leader of a political party in the opposition, to

give effect to and act in conformity with such policy, so resolved and adopted by the Working Committee of the United National Party at his instance, in recently appointing a Committee to inquire into the questions pertaining to a very senior and a longstanding member of the party, Wijeyapala Mendis, no doubt demonstrates, Ranil Wickremesinghe's resolve and commitment to uphold and stand by the very policies that he had so advocated for the greater good of the country.

This also sends out a very loud and clear signal, to other senior members of the United National Party, that they too could be arraigned before such Committees to have inquiries conducted into complaints against them, if any, if they had acted in breach of such policies and code of conduct set out as aforesaid. The charge against Wijeyapala Mendis is basically the alleged misuse and/or abuse of power. Charges on grounds of alleged fraudulent acts and/or corruption against any other, no doubt would be deemed to be far worse, given the standards of the aforesaid policies set by Ranil Wickremesinghe.

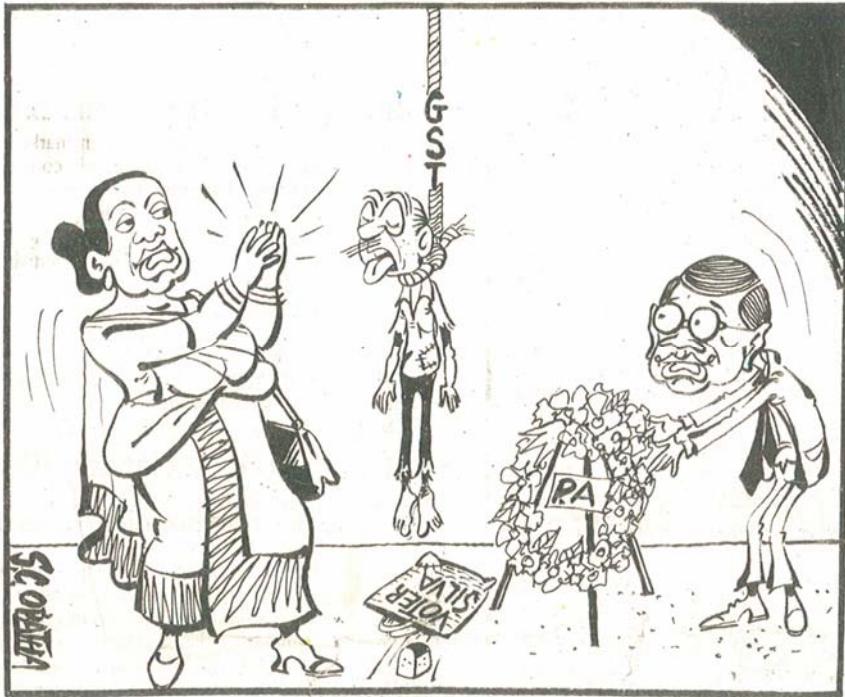
Such initiative now by the United National Party leadership, no doubt would encourage the young and promising members of the party to make complaints, particularly against senior members of the party, moreso particularly against those who had held ministerial portfolios and whose conduct and actions have not been in conformity with the policies as aforesaid or have been in violation and/or breach thereof. The maxim of the dicta had required the adherence to the highest standards of conduct of being free from and/or above suspicion of corruption by those holding elected public office.

### **WITHDRAWAL FROM PUBLIC OFFICE**

Clearly it does not stipulate, the requirement to have been found and/or proven guilty, which would carry the normal penalties and/or sentencing under the law of the land. The underlying principle by the aforesaid policy thereby being that, if one is not free from suspicion and/or above suspicion of corruption, one is not a fit person to hold political and/or public office, implication thereby being, that if one is not free from and/or above suspicion of corruption, then one must necessarily immediately give up holding political and/or public office, for the greater good of society and the country, as envisaged by such policy so clearly enunciated.

In developed democracies in civilised societies, no sooner such standards of being free from and/or above suspicion of corruption are breached, those holding elected public office are compelled to resign from such office, thereby enabling the process of the normal law to proceed with inquiries, free from political pressures, influences, inhibitions and intimidations. Continuity in political office under such circumstances, would only stifle and stultify, inquiries and/or investigations by the concerned law enforcement authorities, through undue socio-political influences and pressures.

It is such aforesaid circumstances, that had hitherto prevailed in this country, that has led to the appointment of public Commissions of Inquiry, special or otherwise. Ironically, it is those very persons, who through political influences and pressures have acted to thwart the normal process of the law from taking its course, who are the very persons today critical of such public Commissions of Inquiry, hypocritically advocating, that the normal process of the law ought to be allowed to take its course on such matters, without respecting and bowing down to the policy, so enunciated as aforesaid.



### G.L. ENACTING LEGISLATION ON CORRUPTION

On the other hand the People's Alliance Manifesto at the last elections had pronounced as follows:- "Corruption is the implacable enemy of Sri Lanka's progress, stability and well being. Its incidence and scale at the present time give rise to fundamental questions about the moral underpinnings of our society, and the quality of our perspectives on core social issues. The PA is convinced that immediate legislative action directed towards the establishment of a Permanent Commission on Bribery and Corruption is a measure that is urgently required to restore salutary criteria of morality, transparency and accountability in the public life of our country."

In conformity therewith no sooner upon assuming office, the People's Alliance Government in October 1994, with much professed enthusiasm and commitment, enacted new legislation to deal with corruption and proceeded to set up the Permanent Commission to Investigate Allegations of Bribery or Corruption. The Leader of the Opposition, Ranil Wickremesinghe upholding his aforesaid policies and acting in conformity therewith, ensured that United National Party voted for such legislation extending unreserved co-operation. This is what the Minister of Justice & Constitutional Affairs, G.L. Peiris stated then in Parliament in moving such new legislation - *vide Hansard Columns 280 - 286 & 406*

"Hon. Deputy Speaker, this is the first Bill that is being presented to this parliament by the People's Alliance government. The objective of this is to establish a systematic foundation to eradicate bribery and corruption from our country. At the elections held on August 16 of this year, our people gave a mandate to the present government with great anticipation and hope. Similarly, there was another objective. That was to pursue a fruitful process of action in relation to the situation of bribery and corruption that had taken root in the country. Similarly, the people of this country relied sincerely, that the People's Alliance government would honestly endeavour to fulfil this task."

"Hon. Deputy Speaker, though there is a longstanding history and intrinsic value of the concept of parliamentary privilege, the present government strongly believes, that such privilege should be used very carefully. If you consider British history, such parliamentary privilege has been used for the benefit of the public. If parliamentary privilege is used for the benefit of the members of parliament, we could only describe it as a course of action against public policy and legal tradition. Therefore, in such an instance, where there is an allegation against a member of parliament, if the approval of the Speaker, is required by law as a condition to investigate into such allegation, we believe that it is a totally wrong concept. Hence, the present government by this Act, has taken expeditious steps to remove such legal requirement from the Sri Lankan law."

"There is an offence defined under the law today as bribery and corruption. However its scope is limited and restricted. In certain instances those who have committed wrong, have been those, who had squandered the wealth of our country and those, who have acted dishonestly and do not get caught within the scope of such crime. Therefore, the government has decided to define a new offence referred to as corruption. In today's law there is no such widely defined offence. .... There is a foundation and a policy rationale for such widely defined offence of corruption. The policy rationale could be described as follows: Any person cannot use public office for the purpose of private gain. That is the basic principle. ....

"Hon. Deputy Speaker, you are aware that there is a great resentment and hatred in our country concerning bribery and corruption. Therefore, it is the duty of the government to formulate laws in conformity with public opinion."

"Apart from the financial implications, there is also the question of an overweening sense of cynicism discerning discriminating thinking people in our country have expressed profound dissatisfaction with the extent to which corruption and bribery have taken root in our country. If this spirit of cynicism is not addressed there is a definite danger to the stability and tranquility of political and social institution in our country. That is why the government was convinced that there should be a vigorous response to the issues of bribery and corruption".

In his response, the Leader of the Opposition, Ranil Wickremesinghe, prefaced his statement, thus - *vide Hansard columns 401:-* "In fact, the whole question of bribery and corruption raises many fundamental questions in a democratic society. We have all got to recognize that corruption is a cancer of democracy, as one of the biggest problems that we faced, when elected representatives and officials of the Government who are also public servants - when their decisions are effected not by matters of political consideration but by pecuniary gains and financial gains"

Since October 1994, what has the Permanent Commission on Bribery or Corruption performed and/or achieved ? On the other hand, has the workings of the Commission been stifled and/or stultified, with its staff crippled ? If so, why ? If not, what specific inquiries are now proceeding ? In the context of the foregoing, has not the public the right to know and hold the government accountable and responsible therefor ? Why has such high profile agenda now been relegated with such indifference ? Ought not the Minister of Justice, G.L. Peiris be accountable and responsible, for it is he who moved the enactment of the new legislation on corruption and the establishment of such Permanent Commission, propounding as aforesaid through Parliament to the nation ?