

## PLAYING 'JEKYLL AND HYDE' GAME

President Chandrika Bandaranaike Kumaratunga, as reported in the *Daily News* of February 23, 1999, wrote to the Leader of the Opposition, Ranil Wickremesinghe on February 19, 1999, particularly concerning the unprecedented violence and malpractices witnessed, under the regime of her own government, at the Wayamba provincial council elections held on January 25, 1999. President Kumaratunga, inter-alia, had asserted – "My government and in particular myself are committed now, as always, to safeguard democracy and all the institutions that ensure the proper functioning of democracy, freedom and decency. .... We believe and still, do so, that they (*reference being to those who perpetrate violence and malpractice*) must be dealt with by the normal law of the country."

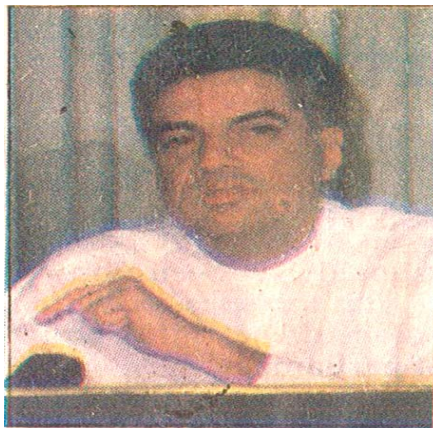
In so writing, President Kumaratunga invited the Leader of the Opposition, Ranil Wickremesinghe for a conference to discuss methods and procedures that need to be adopted to eliminate election malpractices and violence during the election campaign and on election day, particularly in reference to the forthcoming provincial council elections on April 1, 1999.

### FOOLING THE PEOPLE !

This public stance taken by President Kumaratunga is diametrically in contrast to the stance taken by certain senior ministers of her own cabinet, at the post cabinet press conference conducted by them immediately on the heels of the Wayamba provincial council elections. At that press conference, in complete contrast, certain senior cabinet ministers castigated and took the media and the independent election monitors to task, for exposing the widespread election violence and malpractices perpetrated at the Wayamba provincial council elections, which alleged violence and malpractices were publicly then pooh-poohed ! President Kumaratunga's subsequent stance is quite the contrary !

One simply cannot understand and comprehend such patent contradiction, unless one presumes that such high powered ministerial press conference was held without the knowledge and/or fiat of President Kumaratunga, with these senior cabinet ministers acting on their very own. Nevertheless, curiously, President Kumaratunga at that time did not publicly fault, reprimand or rebuke the ministers concerned for such defiant stance openly taken in the public eye, which is now given the lie to by President Kumaratunga's own recent pronouncement .

Leader of the Opposition, Ranil Wickremesinghe replied President Kumaratunga's letter promptly asserting, inter-alia, – " I have given notice of a resolution in Parliament calling for immediate amendments to the Constitution to strengthen the authority of the Commissioner of Elections, as an interim measure. This Resolution is in line with the People's Alliance Election manifesto of 1994. I annex a copy of the Resolution. In order to ensure that the Constitutional Amendments suggested in my Resolution are effected in advance of 1<sup>st</sup> April 1999, I will make myself available to meet you."



**Ranil Wickremesinghe —  
has given notice of a  
resolution**

In his letter to President Kumaratunga, Leader of the Opposition, Ranil Wickremesinghe went on to further assert thus – "The present mood sweeping all right thinking people in the country is one of anger and outrage at the frontal attack that took place upon the dignity and independence of the franchise. ... The Law Enforcement Authorities have unfortunately become politicised. ... Your ability to distort facts cannot fool the people all the time."

### **HONEST LAW ENFORCEMENT ?**

One thing that is quite loud and clear, is that, both President Kumaratunga and the Leader of the Opposition, Ranil Wickremesinghe are sensitively reacting to the all-round condemnation by the right thinking sectors of civil society of the despicable violence and malpractices witnessed at the Wayamba provincial council elections. No doubt, such sensitivity augurs well for the future of this country; provided the political arena could be cleansed of those tainted with the perpetration of violence and malpractices destroying decency and democracy.

Mere expressions alone, however eloquently and sincerely expressed, of commitment to democratic ideals have proven to be hopelessly futile, with the country sliding precipitously to social anarchy and the decent moral norms of a civilised democratic society fast eroding. What is all important is to ensure that there is law enforcement without any fear or favour, devoid of any political interference by whomsoever and political subservience, whatsoever ! The resolution placed by the Leader of the Opposition, Ranil Wickremesinghe, now affords the opportunity for President Kumaratunga to reciprocate on a bi-partisan basis to achieve the desired national objective.

The meeting between President Kumaratunga and Leader of the Opposition, Ranil Wickremesinghe took place as scheduled on January 25, 1999, together with the attendance of Leaders/ Representatives of other political parties. Consensus was reached to establish a monitoring committee to ensure free and fair elections on April 1, 1999. Ranil Wickremesinghe confirmed that he would ensure the majority to enact immediate legislation to enhance the powers of the Commissioner of Elections. President Kumaratunga announced she had given instructions to the Inspector General of Police to act without fear or favour.

None other than the Commissioner of Elections, himself, has gone on record lamenting that the ineffectiveness of the police, was the main responsible and accountable factor for the Wayamba debacles, whilst the Inspector General of Police made a broadside on the politicians therefor. Nevertheless, even after this disgraceful carnival of violence and malpractices, have the public of this country witnessed purposeful and committed law enforcement initiatives by the relevant law enforcement authorities, that one ordinarily and normally would have expected to witness in a civilised democracy ?

Simply by way of preliminary investigations by the law enforcement authorities, ought not statements have been recorded from the respective Presiding Officers, who manned the polling booths, which were affected by violence and malpractices; and from others, who had been present at the polling booths ? Likewise, ought not statements have been recorded from the respective police constables, who were responsible for ensuring the maintenance of law and order at such polling booths ? Accordingly, ought not the suspected miscreants for the alleged widespread violence and malpractices have been taken in for questioning, and those, against whom there was prima-facie evidence, prosecuted under the law for the breach thereof ?

Have the people of this country witnessed such purposeful and committed law enforcement efforts ? If not, why, and who ought to be held accountable and responsible for such situation ? At the same time, ought not any politicians, who were prima-facie deemed to be responsible have been required to resign

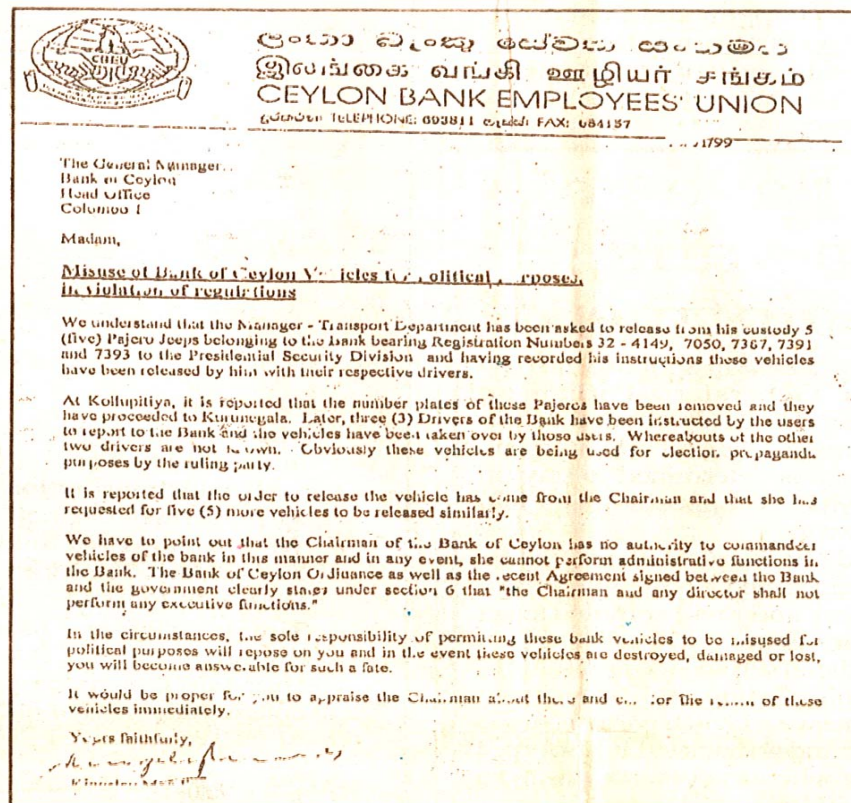
and/or been removed from political office, as is witnessed in civilised democracies, if the country is to be strengthened democratically ?

In the absence of such honest, purposeful and committed law enforcement thrust and action, are not the miscreant elements, who perpetrated such shameful violence and malpractices at Wayamba, thereby given supreme confidence to perpetuate the perpetration of such violence and malpractices once again at the forthcoming provincial council elections on April 1, 1999, without any fear, whatsoever, of being apprehended and prosecuted under the law ? Under such circumstances, how could one be certain, that these very same elements will not repeat such violence and malpractices in the forthcoming provincial council elections on April 1, 1999 ? In the absence of such efforts to hold those responsible accountable and prosecuted under the law, which alone would be the main effective deterrent to prevent a repeat of such disgraceful violence and malpractice, what is the purpose of having mere discussions to take preventive measures ?

President Kumaratunga, herself, has now asserted in writing, that all such people must be dealt with under the normal law of the country. If that be so, then there is absolutely no necessity, whatsoever for President Kumaratunga to have given directions to carry out investigations and to take warranted action under the law. In a true democratic society, ought not law enforcement be automatic and independent and not made ineffective, due to undue political interference, pressures and influence ? Having transferred senior police officers out of Wayamba on the eve of the election and consequently, having immediately after the elections promoted senior police officers, who carried out duties at Wayamba, what telling message and signal is sent out to those responsible for law enforcement ? Who is to be held responsible for such actions and consequences thereof ?

### ALLEGED MALPRACTICE

The Secretary of the Ceylon Bank Employees' Union, Kingsley Mendis, had addressed a letter dated January 18, 1999 (that is well before the Wayamba provincial council elections held on January 25, 1999) to the General Manager, Bank of Ceylon, with copies to the Chairman, Bank of Ceylon and its Chief Legal Officer. In its letter, the Bank of Ceylon's Employees' Union had made specific allegation of the misuse of Bank of Ceylon vehicles for political purposes in violation of regulations. This is what the Bank of Ceylon Union's letter had specifically alleged –



"Misuse of Bank of Ceylon vehicles for political purposes, in violation of regulations – We understand that the Manager–Transport Department has been asked to release from his custody 5 (five) Pajero Jeeps belonging to the Bank bearing Registration Numbers 32-4149, 7050, 7387, 7391 and 7393 to the Presidential Security Division and having recorded his instructions these vehicles have been released by him with their respective drivers"

"At Kollupitiya, it is reported that the number plates of these Pajeros have been removed and they have proceeded to Kurunegala. Later, three (3) Drivers of the Bank have been instructed by the users to report to the Bank and the vehicles have been taken over by those users. Whereabouts of the other two drivers are not known. Obviously these vehicles are being used for election propaganda purposes by the ruling party. It is reported that the order to release the vehicles has come from the Chairman and that she has requested for five (5) more vehicles to be released similarly."

"We have to point out that the Chairman of the Bank of Ceylon has no authority to commandeer vehicles of the bank in this manner and in any event, she cannot perform administrative functions in the Bank. The Bank of Ceylon Ordinance as well as the recent Agreement signed between the Bank and the government clearly states under section 6 that ' the Chairman and any director shall not perform any executive functions' "

"In the circumstances, the sole responsibility of permitting these bank vehicles to be misused for political purposes will repose on you and in the event these vehicles are destroyed, damaged or lost, you will become answerable for such a fate. It would be proper for you to appraise the Chairman about these and call for the return of these vehicles immediately"

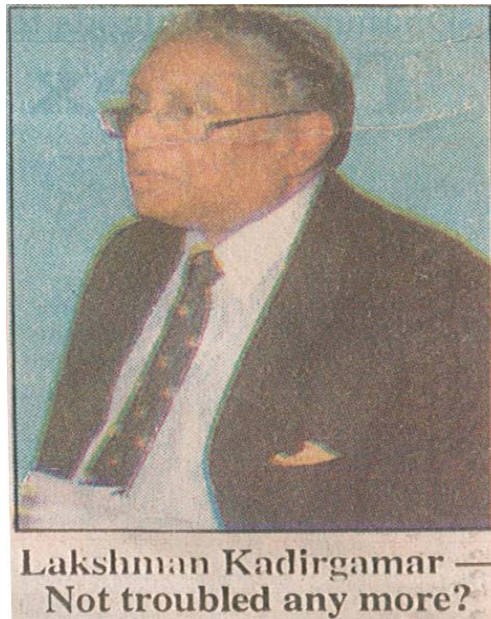
The Chairperson of the Bank of Ceylon is Dayani de Silva, wife of Chandrananda de Silva, the present Secretary, Ministry of Defence and the former Commissioner of Elections. In such scenario, one would expect the Bank of Ceylon Chairperson, Dayani de Silva to be very well conversant with election regulations and what constitutes election malpractice ! Prior to being appointed Chairperson of the Bank of Ceylon, Dayani de Silva had been attached to the Ministry of Finance, having been seconded from the Department of Inland Revenue.

It is reliably understood, that the above serious allegations made by Bank of Ceylon's Employees Union (consisting also of professional bankers) have not been contradicted, and nor has the Bank of Ceylon Union received a reply to the said letter, which had been addressed to the General Manager, Mrs. Savitri Jayasinghe and copied to the Chairperson, Dayani de Silva and Chief Legal Officer, Surangani Marapana. Whether an impartial inquiry was caused to be conducted into this serious allegation and the outcome thereof is not known. Interestingly, the bank's hierarchy appears to be formidable brigade of the fair sex, also coming under the purview of Chandrika Kumaratunga, as the Minister of Finance.

The government has repeatedly urged, that the state banks, including the Bank of Ceylon should function autonomously and independently, free of any political interference and influence. The World Bank too is known to have so stressed. The Bank of Ceylon functions under the purview of the Ministry of Finance and President Kumaratunga functions as the Minister of Finance, and Justice & Constitutional Minister, G.L. Peiris functions as the Deputy Minister of Finance; who is constantly urging the formulation of laws, whereas he appears to be unconcerned of breaches thereof !

## JEKYLL & HYDE

The government cannot play a *Dr. Jekyll and Mr. Hyde* role. On one hand, the government cannot be seen to exploit the Wayamba provincial council election results and strategically benefit therefrom, whilst at the very same time, on the other hand, the government is seen decrying and condemning the very elections, but not doing very much about it, to promptly hold those responsible accountable ! In such circumstances, the government only becomes a party wittingly or unwittingly sanctifying such violence and malpractices and in no way can divorce itself therefrom. Taking prompt and effective deterrent corrective action is what is crucially necessary – whether it be violence and/or corruption, which are both banes to civilised democratic societies, now entrenched in this country.



Foreign Minister, Lakshman Kadirgamar at one time very strongly exhorted his cabinet colleagues to strictly uphold the rule of law without any compromise, whatsoever, with his famous words in writing – "I repeat that I am deeply troubled. Those of us who wish to see that at least the basic tenets of honest government are observed by our government cannot rest content until this matter is fully investigated". Having profoundly so propounded he has seemingly not taken any action, whatsoever, nor has he now courageously spoken out, when the basic tenets of honest government patently appear to have been blatantly violated – How come Minister Kadirgamar is not deeply troubled any more ?

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