



SUPREMACY OF THE PRIVILEGED OR SUPREMACY OF THE PEOPLE?



By Shyamon Jayasinghe



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Sri Lanka's Long Tradition of Democracy

The supremacy of the people stands as the corner stone of any democracy. The idea behind democracy as a concept in governance is that **people ultimately decide the way they are governed**. Democracy is a clear repudiation of the opposite concept where one man or a close elite of privileged persons take the decisions. True, a democracy can deteriorate into some sort of elite control after elections and this is not uncommon. On the other hand, the system allows for the people who, by revolt or otherwise, can bring such dysfunction under control. Bad governments are unseated at election time and the Opposition and media have the freedom to expose all erratic and corrupt rulers. Speaking in basic terms, Sri Lanka has enjoyed these freedoms for over 80 years since the Donoughmore constitution was introduced to the then island colony. Alas! on that dreadful Friday of the 26th October this great tradition (longest for any Asian country) was delivered a blow of huge proportion.

The challenge to peoples' supremacy came from none other than the highest in the land. None other than President Gamaralalage Maitripala Sirisena who, as common candidate of democratic forces, ushered in an era of promise that the rule of law and law and order will replace a lawless President and government. The promise of yahapalanaya was a just social order derived from law and order and accountability to the people.

On that tragic day, President Sirisena, abrogated the constitution and began acting like a dictator. It was obvious he knew he was violating the constitution; he had the facility under section 129 to consult the Supreme court if the action he was contemplating was acceptable in terms of the constitution. He did have recourse to that on a previous occasion when he wanted to be clear if he could have his term extended. This time, the President deliberately avoided that clarification because he had something sinister planned. He sacked the Prime Minis-

ter, Ranil Wickremasinghe, which he had no authority to do. He appointed his former rival, Mahinda Rajapakse who the people had rebuffed in 2015. That was bad in law, again, and it also carried the evident risk of him being publicly shamed. Here was a total reversal of the mandate given by the people in 2015. From then on, the President went on a serial breach of the constitution-one by one- thus leaving us all puzzled as to the end of this algorithm. He suspended the constitution. He dissolved Parliament. These acts were illegal. **He appointed a fake cabinet and fake cabinet meetings were held presided by Sirisena, taking fake decisions that has the everpresent danger of being challenged by a citizen. For instance, the tax reductions and the agreement with China can be challenged.** For six times in a row Parliament made it abundantly clear that the fake government does not command any parliamentary support. The speaker announced that he cannot recognize as legal the new PM or his cabinet. Yet, it was not the President who listened.

Mahinda is Equally Guilty

It is clear that President Sirisena cannot do all this alone by himself. He acts in conjunction and support from former President, Mahinda Rajapakse. Mahinda and his crooked men are equally accused of crime against the constitution. **Not a single so-called Minister can be absolved from this responsibility. They are all guilty of a dastardly illegal and indecent act against the people. If Sri Lanka survives this crisis, retribution will come their way.**

Mahinda Rajapakse did have quite an electorally-wide attraction. This acquired charisma was a result of the common perception that he had real character, which he employed to drown the LTTE in Nandikadal. That social capital he has destroyed by now. He who wore the face of a courageous lion is now looking rodent-given to winning by cheating.

Privileged and Super-privileged

Members of Parliament-all of them-are privileged persons with attendance being paid for; with free luxury car permits and with free food and so on. This is not to reckon the commissions they derive from giving benefits to special people. The remuneration of

MPs are very high. They go about in plush vehicles with huge security retinues -all shamelessly before the glare and sighing of ordinary people. Ordinary people have to clinch onto buses absorbing the stench of sweat of other poor passengers and running the risk of being relieved of their wallets. Trains run with passengers hanging on perilously to the door entrances-and sometimes to the top. Ordinary people strive hard for a wage to keep the home fires burning. They cannot find schools for their kids.

Now, here we observe the shameful conduct of the privileged of the privileged (the President and MPs of the Sirisena-Mahinda junta) who decide for themselves that they can do away with the constitution and rule as they are wont to do. The people had approved a constitution, which alone must be the guide book for governance. On the other hand, these privileged of the privileged, by their own whim and fancy decide to ignore the peoples' document and madate.

These 'super privileged' have decided to boycott Parliamentary sittings since everytime they lose the confidence vote. They should really get out once they lose Parliamentary confidence-both the fake PM and fake Ministers. Yet, they continue to rule by unwanted force. On the other hand, this super elite do not boycott the free meals and the luxury rooms obtained at Diyawanna.

Judicial Interference and Our Glorious Magistrate

The cat is out of the bag as one observes this by-force government trying to interfere with the cases against their men that relate to serious charges of murder, theft, financial embezzlement etc. The key investigator to quite a few of these crimes, Inspector Nishantha Silva, was transferred.

Fortunately, the yahapalanaya people had introduced an independent Police Commission that was able to reverse this bad decision. They are hell-bent on interfering with the judiciary but that institution, made independent by the yahapalanaya people, is able thus far to withstand the pressure. Were it not, how could that magistrate become so fearless as to order the island's highest military defence person (backed by the highest in the

land) to get off the witness box, which he mounted in Navy uniform, to give evidence in the serious case of the murder of 11 kids for non-payment of ransom. That magistrate has, reportedly, asked Ravindra Wijegunawardene, if he was attempting to intimidate court with his official uniform and regalia. The Magistrate ordered him to go home and return in civil clothes. Ravindra, is in remand without bail until the 15th December. The magistrate refused a bail application.

This is the stuff of Public servants that Sri Lanka needs so direly. In the country that I live (Australia) and Europe this is how Public Servants behave. They stand up for their institutions.

Horrible

The horrible development we now witness is the placement into power and office of the political leaders who are all facing serious charges of crime and corruption and who were rejected by the people. They may have been rejected by the people. What harm? They are accepted by the highest in our land. They have lost the popular mandate. What harm? They have the choice of the President. People support is starkly irrelevant in a forced government that is irrelevant.

Where, oh where is your sword?

President Sirisena went around the country during the local government elections exclaiming: "I want a government without corruption... I will swing my lethal sword against anyone caught of corruption. Can somebody close to his ears and brain ask him; "your Excellency, are you delivering that on promise"? Having installed illegally those of the defeated regime accused of corruption President Sirisena is now mulling pursuing 'corruption of the yahapalanaya crowd.' Rajakarunayake in his column carried in Sunday Island (1/12) reminds us that the President has already in his hands the report of PRECIFAC Commission that recommended legal action on 34 cases where the parties named include former President Mahinda Rajapaksa and his brothers Basil and Gotabaya? President Sirisena, before he nets in the yahapalanaya government, can surely start off with that. But how can he do it when those blokes accused have been empowered by him to rule?