

PARLIAMENT WATCH – SRI LANKA*

MAY 2011



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The constitution of a country is the supreme law which defines the principles upon which the State is based. It also acts as a limiter of state power by establishing lines which governments cannot cross; these lines include our fundamental rights. This denotes that all public authorities, their orders or law must be in accordance with the provisions of the constitution.

However, with a two thirds majority in Parliament, the government of the United Peoples Freedom Alliance (UPFA) has been pushing for legislations, sometimes in total secrecy and without any transparency. The 18th amendment to the constitution and the elections amendment bill, which violate constitutional guarantees stand as proof to such conduct.

Month of May brought in two such legislations/directives which have been controversial and widely criticized by the majority of society. These are the proposed pension scheme for the private sector and the leadership training programme for university entrants. Both these directives came out of the blue, illustrating a lack of respect for procedure and with minimum dialogue with the stakeholders.

Faced with the reality that none of these can be challenged in Parliament, several stakeholders went before the Supreme Court which acts as the protector of the Constitution.

However, on May 5th the speaker announced in parliament that he referred the pension scheme to the Supreme Court and a three member bench comprising of Shirani Bandaranayake, N.G. Amaratunga, R.K.S. Suresh Chandra, found it in accordance with the constitution.¹ Meanwhile, despite the obvious violations of fundamental rights, including article 10 of the 1978 constitution, the Supreme Court only directed the authorities to explore the possibility of suspending the leadership training programme for the university entrants.²

Janatha Vimukthi Peramuna (JVP), whose affiliate student groups dominate the universities, strongly criticized this move by the government and the lethargy of the judiciary and claimed that the judiciary is being unduly influenced by the Rajapaksa administration. JVP Member of Parliament (MP) Anura Dissanayake stated that the sudden decision by the authorities to organize a leadership programme, without consulting the universities or the University Grants Commission (UGC), was politically motivated and students were asked to 'clean toilets,' the latter claim which the Minister of Higher Education, S.B. Dissanayake accepted.³

In recent times, government ministers have frequently referred to universities as 'un-cleared areas,' the term which was previously used to describe LTTE controlled areas. In an atmosphere where all forms of dissent is being labeled as pro-terrorist, the university students have consistently resisted efforts to make them a part of the UPFA hegemony and have been the only formidable body which consistently opposed government policies. Therefore, to train them using the army, an institution which places great emphasis on blind faith, has been viewed by

¹ Hansard Volume 199 - No. 3, May, 5, 2011. Announcements: Employees' Pension Benefits Fund Bill: Determination of the Supreme Court.

<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB3208>

² Undergrads' leadership training begins today, Daily News, May 23, 2011.

<http://www.dailynews.lk/2011/05/23/news03.asp>

³ Hansard Volume 199 - No. 6, May, 26, 2011, Anura Kumara – SB Dissanayake.

<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB3260>

many as an attempt to weaken the student unions which has successfully prevented many attempts to privatize education.

Vague legislations

Clarity and precision remain indispensable requisites of legislations being drafted by a government. Lack of these characteristics make them unacceptable in a good governing system as the pertaining vagueness leaves space for authorities to interpret the law at their will. Although over 10 000 students were enrolled as the first batch for training, the government has still not stated whether non participation of the training would disqualify those individuals from university entrance.

On being questioned by the United National Party (UNP) MP Lakshman Kirielle whether it is mandatory to attend leadership training, the response of the Minister of Higher Education S.B. Dissanayake was a refusal to provide an answer of clarity. Such behavior of those who are deemed to be of authority concerning the matter in contention provides cause for a continuing state of uncertainty existent among students and parents regarding the status quo of the training imposed upon the university students.⁴

State of emergency

In the recent months there has been great pressure on the government to repeal the emergency regulations and the Prevention of Terrorism Act (PTA). The continuation of these laws, two years after the end of the war, has restricted the freedom of the citizens while contributing to the rapid militarization of the country. However, despite continuous criticism and pressure, the government extended the state of emergency for another month.

Making the Public security proclamation, Prime Minister, D.M. Jayaratne said that a large number of rehabilitated LTTE cadres have been released but that they are still in the process of discovering hidden caches of weapons through the information provided by such cadres.

“Although the LTTE is not active locally, its international operations are still very strong. These foreign operatives are trying to contact LTTE cadres who have evaded capture and regroup in Sri Lanka. However, we are happy that the UNP has spoken against the Ban Ki-Moon report in a united manner. When there is a war people die, they get wounded. The important thing is to heal these wounds and move on.”⁵

However, the opposition was quick to point out that rather than moving on towards reconciliation and normalcy the government was introducing more stringent laws which restrict individual and collective freedoms and hinder the path towards ethnic reconciliation.

⁴ Hansard Volume 199 - No. 6, May, 26, 2011, 812, Lakshman Kirielle – SB Dissanayake.
<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB3260>

⁵ Hansard Volume 199 - No. 3, May, 5, 2011, D.M. Jayaratne - Prime Minister 323-25.
<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB3208>

Immediately, speaking after Jayarathne, UNP MP Joseph Michael Perera pointed out that in order to mobilize the people to support the government, during the post Ban Ki-Moon panel report era, it is necessary that the government treats everyone equally without discrimination.

“The prime minister said they will impose Emergency Regulations Part II, among these is the power to "authorize and provide for the detention of persons, the taking of possession or control, on behalf of the State, of any property or undertaking; the acquisition, on behalf of the State, of any property other than land; authorize the entering and search of any premises" which further highlights the magnitude of power that the executive wields on its citizens.”⁶

Two years after the end of the war the government is on a mission to get political mileage through the labeling of any voice of dissent as pro terrorist. The tendency has extended to the level of even restricting the academic freedom of university academics said UNP MP Dayasiri Jayasekara.

“Dr Terrance Purasinghe of Sri Jayawardanapura wrote an article for Lankadeepa of May 1, 2011 about the May day. In which he criticized both the radical youth groups of the North (LTTE) and the South (JVP) for not concentrating on the working class. Following its publication he was labeled as a traitor by the government and what was stated by him in the article was subject of misinterpretation. However, the overwhelming support of the students has prevented any persecution being addressed upon him. Yet this can be noted a proof of attempt to disrupt the impending union action of lecturers.”⁷

Purasinghe would have been humiliated and cowed if not for the student unions dominated by the Marxist JVP who have been resisting the hegemonization and the militarization of universities. This maybe a reason why the Ministry of Defense has taken an active role in formulating the curriculum and training university entrants so that a militarized pro government student body will emerge challenging the JVP domination and the promotion of freethinking within the university system.

Meanwhile, UNP MP Ajith C Perera pointed out that despite the insistence that this programme is not military training, the course content has been formulated by the Ministry of Defense.

“Government ministers spoke about the importance of such training. They claim its not military training. So let me show you the course content, who is giving the welcome message in the first page? Is it the minister of higher education? Is it a ministry official? Is it an educationist? No it’s a picture of the defense secretary Gotabaya Rajapaksa. University students are the most sensitive element in a society. They take to the streets when there is injustice. The government wants to blunt that and make them servile.”⁸

⁶ Hansard Volume 199 - No. 3, May, 5, 2011, Joseph Michael Perera, 331.

<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB3208>

⁷ Hansard Volume 199 - No. 3, May, 5, 2011, Dayasiri Jayasekara, 349.

<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB3208>

⁸ Hansard Volume 199 - No. 5, May, 25, 2011, Ajith C Perera, 655.

<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB3244>

May ended with the death of Katunayake Free Trade Zone worker Roshen Chanaka who was killed when Police shot at a peaceful demonstration against the proposed pension scheme.⁹ The month also ended with the commencement of the leadership training programme to university entrants,¹⁰ implemented despite the opposition of other stakeholders save the government and its affiliates.

The two thirds majority commended by the UPFA and the power of the Executive Presidency as the most popular leader in post independent Sri Lanka has given the government the belief that it is an unstoppable juggernaut that is not bound by any limitation. In the face of this, the political opposition feels that it is helpless to counter any moves which are even against the constitution of the country, whether this divide is a good sign in an era where external forces are increasingly trying to intervene in our external affairs is a question which will only be answered with the passing of time.

⁹ Sri Lankan worker dies of police-inflicted wounds, WSWS, June, 3, 2011.

<http://www.wsws.org/articles/2011/jun2011/slft-j03.shtml>

¹⁰ Undergrads' leadership training begins today. Daily News, May 23, 2011.

<http://www.dailynews.lk/2011/05/23/news03.asp>