

Sama Politics Sin

# GOVT. HAS MISUSED AND ABUSED POWER



**Statement**  
of the  
**Lanka Sama Samaja Party**  
on the  
**Removal of Civic Rights**  
of  
**Mrs. Sirimavo Bandaranaike**

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# GOVT. HAS MISUSED AND ABUSED POWER !

## Statement of the Lanka Sama Samaja Party on the Removal of Mrs. Bandaranaike's Civic Rights

It is necessary to expose the cunning effort of the Government to undermine the effect on public opinion of the position taken up by our party concerning the taking away of Mrs. Bandaranaike's civic rights. This effort goes forward through repeated reference to the speech made by Comrade Colvin R. de Silva when he introduced in Parliament on 2nd December 1975, the well known resolution of No-Confidence in Mrs. Bandaranaike, as Prime Minister of the re-constituted Government that she formed after having got rid of the L S S P Ministers in August 1975. The Government has actually re-published the speech in **extenso**; and President Jayawardena himself has extolled that speech of Comrade Colvin's at a Nugegoda meeting in unmeasured terms. The more's the pity that the President has done this only after he thought that the speech could serve his utterly anti-democratic current political interests. It would surely have been more fitting, and indeed more sincere, if he had showered those praises on it during that No-Confidence debate. Readers of Hansard will find nothing like it there if they read or re-read Mr. Jayawardena's speech in that debate. He was on a somewhat different political line there in regard to Mrs. Bandaranaike. The victimization line was yet to come.



**L.S.S.P. STAND REMAINS**

Let us recall that the No-Confidence motion turned on certain land transactions in which Mrs. Bandaranaike had participated in the days which elapsed between the passage in Parliament of the famous Land Reform Bill and the affixing on it of the Speaker's certificate which was necessary to make it an actual operative Law. What the L.S.S.P said through Comrade Colvin on that occasion, and indeed through the resolution that the party sponsored, was that her behaviour in participating in those land transactions was unworthy of a person in the position of Prime Minister of Sri Lanka. Though defeated at the voting on the No-Confidence motion, the Party and public opinion after the disclosure of the facts in that debate has never changed its views as expressed by Comrade Colvin on that occasion. Nothing has happened, that is to say no facts have emerged since that debate to call for a revision of the views then expressed by the party through Comrade Colvin. It is also clear that those views could not have been better or more cogently expressed. The speech is a model in its genre.

What is there contradictory of the position taken up by the Party then in regard to Mrs. Bandaranaike's behaviour while she was Prime Minister in relation to a law sponsored by the Government she headed and the position taken now by the Party also expressed publicly through Comrade Colvin in regard to the present actions, or rather course of action, of the present Government against Mrs. Bandaranaike?

**COURSE OF ACTION**

This Government's course of action against Mrs Bandaranaike began with legislation in February 1978 empowering the appointment by the President of the Special Presidential Commission of Inquiry which could in certain circumstances recommend whether persons found guilty of certain acts "should be made subject to civic disability". The acts referred to were "any act of political victimization, misuse or abuse of power, corruption or any fraudulent act, in relation to any court or tribunal or any public body, or in relation to the administration of any law or the administration of justice." "Civic disability" was defined to mean:

"The disqualification of a person-

(i) from being an elector and from voting at any election of the President of the Republic or at any election of a member of the National State Assembly or of any local authority;

(ii) from being nominated as a candidate at any such election;

(iii) from being elected or appointed as the Presidents of the Republic or from being elected a member of the National State Assembly or of any local authority, and from sitting and voting as such member; and

(iv) from holding office, and from being employed as a public officer."

Thereafter, in March 1978, the Government appointed the present Commission and brought before it, among others, Mrs. Bandaranaike.

#### OFFENCES NOT DEFINED

Mrs. Bandaranaike challenged the Commission's power to go against her in respect of her acts while Prime Minister. The Court of Appeal actually upheld her contention. The Government retorted in November 1978 with a special law that set aside the Appeal Court's decision and made Mrs. Bandaranaike subject to the Commission.

In the meantime, in August 1978, the new constitution was enacted. This gave Parliament the power, if such a resolution was brought before Parliament by the Prime Minister with the approval of the Cabinet of Ministers and passed by a two-third's majority, to impose civic disability on a person, as recommended by the Commission, for seven years and to expel such person from Parliament if that person was an M. P. This provision covered Mrs. Bandaranaike and has now been resorted to Government, of course, had a built-in two-thirds (in fact five-sixths) majority. Mrs. Bandaranaike, it should be added, ultimately refused to co-operate with the Commission, having declared earlier that she was "not guilty" of the charges brought against her. She attacked



the Commission in respect of its appointment; its composition, its procedure and its purpose.

Incidentally, Mrs. Bandaranaike has not been found guilty of any act of "political victimization," "corruption" or of any "fraudulent act". She has been found guilty of acts of "**misuse and abuse of power.**" These offences are not defined in the Act or in the warrant appointing the Commission.

#### L.S.S.P'S POSITION

Strictly speaking, the Party's position in respect of the Government's course of action is:-

(1) that the Government itself is guilty of a misuse and abuse of power; and

(2) that the Government is guilty of an act of political victimization of Mrs. Bandaranaike in respect of the imposition of civic disability on her.

This is shown by two things.

The first is that Government has heaped further disabilities on Mrs. Bandaranaike after imposing "civic disability" as provided by the Constitution. It has done so by amending its new Parliamentary Elections Bill when passing it into law, bringing in fresh disabilities in addition to those in the Constitution. The fresh disabilities are as follows -

Prohibition of canvassing for, acting as agent of, speaking on behalf of any candidate or in any way participating in an election. The election of the candidate engaging such person for such purposes is void

The second matter we point to is that this act of political victimization comes on top of a whole course of political victimization of its opponents which has characterized this Government since its inception. Everyone knows of the two weeks onslaught made on the opponents of this Government, with the state authorities looking on, at the

time this Government came to power. The Report of D. B. I. P. S. Siriwardene on these events has not been published though handed over to the President several months ago.

How the same forces next turned their onslaught against the Tamils, literally invading the line rooms in the plantations, requires no re-capitulation.

How whole masses of employees were driven out of their jobs in order to replace them with the Government's supporters is well known. How, further, recruitment to Government and Corporation jobs has been confined to Government supporters through a so-called Job Bank System is also well known.

Without going through the three year long list in detail, we shall only refer to the mass dismissals in retaliation for the July 8th Strike.

The number of people victimized by this Government is incalculable.

#### ROAD TO DICTATORSHIP

There is another dangerous side to this Government's history into which the treatment given to Mrs. Bandaranaike fits. That is the systematic erosion of democratic rights and freedoms on the way to a presidential dictatorship. Two aspects may be stressed here.

The first is the ever-growing body of legislation which undermines democracy. Much of it has been done under various pretexts, like anti-terrorism. In the name of anti-terrorism, the apparatus of terrorism of the state has been strengthened and expanded. To what extent this has been



done was shown by the manner in which Colombo was sealed off from the rest of the country to prevent the influx of possible demonstrators against the Government on October 16th, the day the Resolution depriving Mrs. Bandaranaike of civic rights was due to be debated. The same methods could readily be used to facilitate and protect a power take-over. In to this category falls also the prohibition of strikes in so-called essential services.

The other aspect is the building up of a private army of the U.N.P. under the benevolent eye of the Government. This phenomenon was first seen when loads of thugs in official vehicles armed in various ways were employed over and over again against demonstrators and strikers. These groups were also used inside the factories to terrorize trade unions and trade unionists who were not obedient to the Government. The last display was on October 16th, when organized supporters of the Government, many in a type of uniform; actually armed for violence in the guise of carrying working implements, were displayed in Colombo, ready for use against the "foe" This was no doubt the response to the President's a own call to his cohorts to get ready.

It is in this context that the action against Mrs. Bandaranaike, who, in respect of any misdoings of her Government, had already been punished by the people at the elections, must be viewed. The democratic issue prevails over all and the party has correctly orientated its decision on the threat to democracy, of which the Government's actions against Mrs. Bandaranaike in this matter are but another example.