



**AUSTRALIAN TAMIL  
MANAGEMENT SERVICE**

[http:// www.austms.org](http://www.austms.org)

## **Did God Apply the Brakes?**

I write in response to the **Sri Lanka Guardian** article '**A CJ is impeached, media outraged**' by **Nurpur Basu**.

Nurpur Basu's opening statement is '*The first ever impeachment of a Chief Justice of the Sri Lankan Supreme Court by a ruling party on January 13 has thrown the island nation, already wracked by years of civil war, into a mega Constitutional crisis.*'

To my mind, true Sri Lankans would have expected this to happen sooner or later. Those who believe that they are Sri Lankans would have known intuitively. Yet they express outrage due to expectations that their benefits would come from wider international powers. I believed I was Australian and yet did not register in my mind / brain that it would be 'un-Australian for me to have been placed in my earned position in country that is yet to eliminate racial discrimination. Now that I have submitted the matter to Highest Power of all – I find it easier to act like a true Australian. Likewise as a true Sri Lankan in Sri Lankan environments. To be helped as Sri Lankans, we must have the experience as Sri Lankans. Those are the laws of Sovereignty.

Once, my work colleague Bob Gallagher who was then Manger, NSW Government Information and Advertising said to me when giving me a lift home – that he says to his passengers who seem nervous with his driving 'If you apply the brakes, I won't'. To my mind, Bob is a good driver and I have always felt comfortable in his driving. But I might have shown some natural anxiety and hence the words from Bob.

If the media and the Judiciary had been applying the brakes in Sri Lanka in areas that are required to be driven by belief and where God is the Driver – Divine powers would not have worked to apply the brakes. Instead of looking at the issue only as loss of status for Dr. Shirani Bandaranayake, we need to go deeper and feel the root causes and effects at grassroots level. Sovereign / independent powers are the powers of the People and hence an issue that does not touch the People at grassroots level does not require deep

consideration. The matter surfaced through the Divineguma Bill the application of which would now be more closely monitored by others than would otherwise have been. The 'form' through which the attention of the world was drawn to Sri Lanka was through the top positions in Sri Lanka. The effect at grassroots level would be through the forms of need which the Divineguma Bill is purported to address. If it had been just the Divineguma Bill, it is highly likely that those at grassroots level would have attributed to the negative outcomes due to this law – to 'Act of God'. We need to thank the impeachment that helped bring this law and its implications to the attention of the world.

Unless we are directly affected, we need to look at it on behalf of all those who contribute natural positive energies to Governance through their own immediate environments – right down to grassroots level. To the extent the higher ups – including Dr. Shirani Bandaranayake – feel for those others they would be included in her contribution to this protection accruing through Public Debate. If we therefore leave the tops aside and look at the issue as the net political force against net judicial force – we would better identify with the opportunities at grassroots level. We would thus naturally influence our parallels at grassroots level. Some of them would be driven by rational thinking and others by belief and many others by emotions. Our own mental interactions with those at grassroots levels – would help us give form to our guidance. The rest of our genuine contribution would go up to the Higher Natural Authority and return to us in common form.

Nupur Basu quotes [*“..... What few give a sense of is how this is a bit of a turning point for the worse for people in Colombo who had hoped things would improve after the end of the war in 2009. But to me it's fascinating that the deaths of up to possibly 70,000 people in 5 months and the commission of crimes against humanity didn't cause waves in the same way as the mistreatment of one woman. In a sense it shows a profound divide in mindsets that lives on long after the war.” Frances Harrison, author of Still Counting the Dead told the Hoot.*]

In terms of the laws of majorities – yes, 70,000 lives are far more valuable than one. Likewise votes and therefore those driven by majority vote are far more important than the person with just one vote. In this instance – the Chief Justice had only the numbers who openly spoke for her and ofcourse her own vote. Relative to that the President has thousands more. Hence if a Government elected by majority has higher powers than an intellectual citizen – then it would be surprising that this issue has attracted stronger discussions than the deaths of 70,000 civilians.

But, our system of education and our civilization tells us that the one who gets 100% grades on merit basis is equal to the whole – meaning to all the citizens voting for her/him. Hence if as per the existing laws Dr. Shirani Banadaranayake was 100% right – then she has effectively earned the votes of all investors / citizens. Likewise in the ethnic issue. One

2

could say that Majority vote is the path of measuring through disintegration whereas Judicial decision is the path of measuring through integration. When they are indiscriminately mixed one would get confused.

Those to whom I was a nobody – including many parts of the Australian Government – due to slow progress in allocating status on merit basis where at least one member of the team is a migrant or other form of minority as per the law, I was just one person punished lightly for trespass. Likewise the Chief Justice was just one person being dismissed from her position by the authority that appointed her. But to those who valued me through merit basis – and/or believed in me – I was worth the whole known to them . On that basis to me I was / am the whole of Australia through legal correctness and through my Truth to which I gave Australian form.

Nupur Basu quotes Ms Kishali Pinto Jayawardena as follows: [*“the LTTE leader the late Velupillai Prabhakaran achieved in death through the monumental follies of ‘Dharmishta Sinhala’ leaders, what he could not accomplish in life.” “With the Commonwealth and the world staring in helpless bewilderment at the ruins of a once proud judicial system, we have proved our unfitness for democracy in no uncertain measure. Reports of commissions on lessons learnt and reconciliation may now firmly be relegated to the dustbin.”*]

The Tamil community learnt this lesson faster through its own experience – many times– when it had to experience its own losses largely in private. I believe that it is their surrender to the Higher Authority that brought them some relief from wider world. Some are now fast becoming global citizens.

As stated before – to me it is not realistic that Sri Lankans would enjoy democracy more than Australians. In Australia we are yet to develop systems through which we could produce objectively measurable outcomes of unlawful actions by those with whom we do not share common faith. Hence we often get carried away by the shown and the seen. Those of us who insist on merit basis – are victimized beyond a certain point – which area is still reserved for ‘the boys’ / ‘whites only’. Where there is no path to produce objectively measurable outcomes, one is limited to the subjective measures of the judge in position. It is highly likely that if Mr. Rajapakse and I had gone before the Sri Lankan Chief Justice – as Mr. Howard and I did – Mr. Howard through his barrister and I as a lay litigant – Dr. Shirani Bandaranayake would have ruled in favor of Mr. Rajapakse because they have more in common that Dr. Shirani Bandaranayake and I – even when we are disintegrated to individual level. It is for this reason that Separation of Powers between groups that express belief in different forms is needed so that once we disintegrate as individuals the only visible differences would be those that could be consciously and transparently measured through common principles and laws – on merit basis. There would be no hidden agendas at the lowest common level of measurement. The lower a nation has to go down to find this common level – the greater the real divisions.

3

The question we need to ask is – ‘Was the Sri Lankan Judiciary independent of Parliament and the Executive?’ If the response from within us is ‘yes’ then we know that God applied the brakes on the Politicians and to the Judiciary this is an investment in a more democratic future. If the response from within is ‘No’ – then we are trying to gain credit by using someone else’s real pain. The problem with that is – if we assume democratic status that we have not earned – we get with it the stomach ache – equivalent to the cost we ought to have paid into the global pool to enjoy the benefits of democracy. Sri Lanka is still a receiver of the benefits of democracy and is not a donor. Taken as a whole at global level – the value paid must equal the value drawn. We have thus in real terms confirmed that the donors have the real authority to take position above us where we fail to provide objectively measurable outcomes confirming our contribution to the democratic path. Those who lose most are not Dr. Shirani Bandaranayake – but those in and close to the UN – such as Dr. Palitha Kohona and Dr. Dayan Jayatilleke and the Minister for External Affairs. That’s what happens when God applies the brakes and God applies when even one genuine victim makes a complaint on behalf of all victims.

Gajalakshmi Paramasivam 18 January 2013