

Report 4 - 24.01.2010

1. INTRODUCTION

The 4th report of the Program for Protection of Public Resources (PPPR) focuses mainly on the cost of propaganda of the two principal candidates in addition to the continuation of the misuse of public property such the use of state vehicles, state media institutions, building and state employees.

2. COST OF PROPAGANDA

The non disclosure of sources of financing political party propaganda was raised in Reports 1 and 2 of the PPPR. Yet no response was received by TISL and the huge sums of money spent on the political party campaigning raises concern about their sources both in terms of possible use of public money and as a matter of transparency in the interest of the public.

As of 10th January 2010 the campaign of the two main candidates crossed the Rs.350 Million mark. This cost only covers the cost of publishing, broadcasting or telecasting advertisements in print and electronic media excluding the cost of production. Thus the actual cost could be much higher given the high quality of the advertisement produced for the campaign.

From 31st December 2009 to 15th January 2010 the cost of General Fonseka's Campaign has increased from Rs. 7, 054,000 to nearly Rs. 80 million marking a staggering increase. From 31st December 2009 to 15th January 2010 the cost UPFA and Tharunyata Hetak together, increased from Rs. 200 Million to nearly Rs. 378 Million. These staggering amounts spent by the political parties raise two principal questions.

- Whether the parties themselves are financing these massive advertisement campaigns and if so what are the sources of their income?
- If not who is financing these advertisement campaigns.

The following is the breakdown of the expenditure of advertising of the two main candidates as of 13th January 2010.

UPFA

Media	Spots	Cost (Rs)
TV	5339	151,041,300
Radio	3732	17,738,800
Newspapers	512	48,615,000
Total	9583	217,395,100

Tarunyata Hetak (exclusively for President)

Media	Spots	Cost (Rs)
TV	6485	146,617,800
Radio	3664	13,958,400
Newspapers		
Total	10,149	160,576,200

UNF/UNP/JVP combined for Sarath Fonseka

Media	No. of Spots	Cost (Rs)
TV	984	66,921,100
Radio	1183	8,964,800
Newspapers	24	4,561,000
Total	2191	80,446,900

3. ABUSES**3.1 SRI LANKA BROADCASTING CORPORATION (SLBC)**

The SLBC is involved in blatantly violating the Election Commissioner's guidelines by making irregular appointments, abusing the airtime and production of bias programs.

ABUSE OF AIR TIME

BROADCASTING TRAILERS CIRCUMVENTING THE ESTABLISHED PROCEDURES

In general all SLBC programs follow a specified schedule together with a commercial schedule for all advertisements. However at present politically bias messages are included as trailers to the program schedule which are played as part of the programmes and are not accounted for as advertisements. Further they are not recorded in the program or commercial log of the station. These trailers have been produced with the authorization of Additional Director General and an editor in Studio Number 3 of SLBC. The trailers vary from 15 seconds -3 minutes and are broadcast by all five stations namely, the main station of SLBC in Colombo, Irretaperiyakulam station in Vavuniya, Fri FM Akkaraipattu, Palali Service (Yal FM) and the Kandurata Sevaya. These stations are provided with Compact Discs (CDs) of the said trailers.

Although the political propaganda is required to be ceased by midnight of January 23rd the scheduled plans indicate broadcast of these trailer till January 25th. Considering the context in which these trailers are broadcast and given the content of these trailers they should be clearly falls within the category of advertisements. Thus this is a serious loss of revenue to the state.

ARBITRARY AUTHORIZATION OF AIR TIME

Minister of National Integration and Reconciliation, Vignyamurthi Muralitharan (Karuna Amman) had arrived at the Irattperiyakulam broadcasting station in Vavuniya and requested the OIC of the station to use the airtime from 5am to 12midnight from 19th December 2009. The request was forwarded on 21st December 2009 to Mr. Hudson Samarasinghe, the Chairman of SLBC and the permission was granted on that day itself through a letter permitting the air time to be used between 8am-3pm every day. The radio station focuses on the listeners in the Northern Province of Sri Lanka.

Nine persons belonging to the propaganda team of the Sri Lanka Freedom Party (SLFP) (6 males and 3 females) are posted at this station at present by the said minister to carry out the broadcasting work. A letter requesting to provide accommodation for these nine persons had been issued by W. Rajendraprasad, a member of the Municipal Council Batticloa and member of the SLFP media team. However this request for accommodation was refused by the Chairman of SLBC and only had agreed to pay each of the nine members a daily rate payable to relief announcers based on the hours they work.

This is in clear violation of the guidelines to be observed by Electronic media issued by the Commissioner of Elections issued on 17thDecember 2009 and is in contempt of the Supreme Court order directing the state media to follow the guidelines of the Commissioner.

APPOINTMENTS

The Chairman of the SLBC has made the following appointments defying the directives of the Commissioner of Election issued on 8th December 2009 against the appointment, promotion and transfer of state employees during the time between 23rd November 2009 to 26th January 2010.

1. Mr. S. Jeevaratnakumar, was appointed as Relief Announcer and Officer in Charge of Tamil Programs of the Iraddaipariyakulam Station on 28th December 2009.
2. Appointment of Mr. A Mahendran as the Guest Producer in the Music Division of the SLBC from 15th December 2009 by letter dated 7th December 2009.

PRODUCTION OF DEROGATORY VIRIDU

The Religious section of the SLBC has produced a *Viridu* program using the production personnel of the SLBC religious programs. The Ananda Samarakoon studio of the SLBC was used to record this derogatory viridu tape targeting the common opposition candidate. The production of this tape by the said section of the SLBC which is responsible for producing religious programs is clearly a misuse of state property which is prohibited by the directives issued by the Commissioner of Elections against the misuse of state property on December 8 2009.

3.2 PAPER PROVIDED BY LAKE HOUSE FOR PRINTING UPFA PROPAGANDA

The 2nd report of the PPPR highlighted the incidents of use of Lake House facilities to print propaganda material. Another 48 page supplement titled "*Rata Perata Yana Gamana*" was printed at two private newspaper printing press. The paper rolls for these printings were supplied by Lake House on credit basis. (note the debt number in the table below) The following table presents the details in this regard:

Date	Debt Note Number	Number of Paper Rolls Supplied	Weight (Metric Tons)	Value (Rs.)
28.12.2009	0447	66	25	2,440,304
02.01.2010	0448	161	70	5,833,882
06.01.2010	0449	66	25	2,440,304
13.01.2010	0450	66	25	2,440,304

The total cost of the above supply of paper rolls is Rs. 13,154,794/- and recorded as given on credit. Therefore Lake House should disclose whether UPFA campaign has made the necessary payments this regard.

3.3 SALARY INCREMENTS AND BONUSES

INCREASE OF POLICE BATTA

Subsequent to the meeting of 5000 police officers at temple trees, the police Batta was increased and has been added to their December (2009) salary as follows.

- a) Batta of those who joined the Police after 2006 were increased up to Rs.5400/-
- b) Those who were paid a Batta of Rs. 4000/- were given an increment of Rs. 2400/- making the total Rs.6400/-
- c) Those who were paid a Batta of Rs. 5000 were given an increment of Rs. 3000/- making the total Rs.8000/-

In essence this is an ethical practices which affects the integrity of the election process.

3.4 MISUSE OF STATE VEHICLES

PPPR holds confirmed information about the use of more than 1000 SLTB buses for the meetings of the President held in, Anuradhapura, Pollonaruwa, Kegalle, Dambulla, Ruwanwella, and Minuwangoda. This is an abuse of nearly 1/9 of the SLTB buses out of the total number of 9149 buses. The use of the SLTB buses to transport party supporters is a violation of directive no. 4 of the Elections Commissioners Directives against the misuse of public property. Secondly, it also inconveniences the public who is required to access these facilities on a daily basis. The PPPR has received many complaints from different areas about the inconveniences faced by the people due to diversion of buses.

3.4 USE OF GOVERNMENT EMPLOYEES AND RESOURCES

(A) SRI LANKA PORTS AUTHORITY

It has been reported that the Sri Lanka Ports Authority (SLPA) staff and resources have been utilized to construct the stage used for several political meetings. For example 21 minor staff and one supervisor of the SLPA were used full time for assembling the two stages for the rally held in Ruwanwella.

(B) ORGANIZING POLITICAL MEETINGS

The Senior Superintendants of Police (SSP) of the Anuradhapura and Pollonaruwa Divisions have instructed the OICs within their respective divisions to organize the Civil Defence Committee personnel and transport them in buses to the assemble at the office of the Chief Minister of North Central Province, Berty Premlal Dissananyake on 28th December 2009. The SSPs had not instructed the OICs as to how exactly to meet the cost of transporting the personnel.

Similarly the SSPs of Anuradhapura and Pollonnaruwa had instructed the OICs of the two districts to bring Montessori teachers in the respective districts to the Office of the Chief Minister on 30th December 2009. The OICs had to organize the transport and refreshments for these persons. However since the OICs were not able to muster the number required, the OICs had deployed Women Police Constables in civilian clothes as substitutes.

(C) STAFF OF THE ANURADHAPURA DISTRICT EDUCATION DIRECTOR

It's reported that the 50 staff members including the District Education Director H.M.K Jinapala are engaged in political propaganda work. They have carried out this activity during the official working hours neglecting official duties and have been operating from a residence called 'Sanasuma' on Air Port Road in Anuradhapura. This act is in clear violation of Chapter XXXII of the Establishments Code which bans the engagement of public officers in political activities.

A vehicle belonging to the Education Department bearing number 53-1883 is used by the said group for the propaganda work. The windscreen of the vehicle got badly damaged when used by Director B.M.N Abeyratne while engaging in political propaganda activities and was repaired at Siri Motors in Anuradhapura. This is in clear violation of the directive no 4 of the directives against the misuse of public resources issued by the Commissioner of Elections on December 17 2009.

(D) POLITICAL MEETING FOR TEACHERS IN ANURADHAPURA DISTRICT

Anuradhapura District Education Director H.M.K Jinapala had summoned 1400 teachers of the said district to participate at a meeting held on 02nd January 2010 at a residence of a relative of the Chief Minister named "Sanasuma."

3.5. CLOSURE OF SCHOOLS AND USE OF SCHOOL RESOURCES

Two schools in the Anuradhapura District, Primary Section of St. Joseph's College, and Mahabodhi Vidyalaya were closed by Director Education H.M.K. Jinapala, in order to utilize the chairs of these schools for a bodhi pooja at Sri Maha Bodhiya, in Anuradhapura to bless the President. By participating and actively engaged in organizing this event the said

Director has violated Directive number 8 of the Election Commissioner issued against the misuse of public resources.

3.6 ABUSE OF ELECTRICITY

It's reported that a large cut out of President Rajapakse at Chilaw Roundabout opposite the Land Registry office is illuminated by night with two flash lights using the electricity supplied through the General Power Line.

Similarly the large cutout in Nittambuwa Sri Lanka Transport Board (SLTB) depot is lit from the electricity supply route provided through the Security Guard room of the said depot. The tapping of electricity in this manner is a gross abuse of an essential public resource which is being generated at a high cost. It's very unlikely that these are paid for by the political party since there is no separate meter to ascertain the cost of the electricity consumed for illuminating the above mentioned cut outs.

According to Section 49(1) of the Sri Lanka Electricity Act No 20 of 2009, *"Every persons who takes, uses and extracts any electricity*

- a. which is in the course of being transmitted or distributed by a transmission or distribution licensee; and*
- b. otherwise than in pursuance of a contract made with a distributing licensee or other electricity undertaking,*

shall be guilty of an offence under this Act and shall be liable on conviction after summary trial before a Magistrate, in addition to a penalty of not less than ten thousand rupees and not exceeding fifty thousand rupees, to a fine in a sum of money being the value of the loss or damage caused to the licensee as a result of the act or default constituting such offence, and any sum recovered as such additional fine shall be paid to the licensee on application made to Court by such licensee."

3.7 MISUSE OF STATE INSTITUTIONS

NATIONAL YOUTH SERVICES COUNCIL

The PPPR had in its previous reports pointed the abuse of resources that should have been used for the benefit the youth of Sri Lanka by the National Youth Services Council (NYSC). Further, it's confirmed that NYSC funds, buildings, vehicles and staff were misused in printing, storing, transporting and distributing derogatory posters of the Common Candidate of the Opposition. It has been confirmed that the expenses for the above are met by the NYSC through a budget line called 'special projects.'

3.8 OPENING CEREMONIES AND ELECTION PROPAGANDA

According to Directive No. 8 in the Directions against the misuse of state property issued by the Commissioner of Elections on December 8 2009, the public officers and state employees are precluded from participating in any opening ceremony. On January 21 2010, the President opened a sports stadium in Diyagama, Homagama. Public Officers, Principals, Teachers and 5000 students of all the schools in Homagama electorate were required to participate in the opening ceremony. The event was telecast live on State Television giving undue publicity to the UPFA candidate.

CONCLUSION

The 2010 Presidential is significantly marred with abuse of state resources. This is an unfortunate trend where disregard to the law and order is rather celebrated creating immense frustration with law abiding officials and citizens of the country. PPPR sincerely hopes that whoever the winning candidate of the upcoming Presidential Election will take counter measure in future to reverse this trend.