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Sirima files polls petition

SLFP leader Mrs. Sirima Bandaranaike yesterday filed an election petition in the Supreme Court under the Presidential Election Act of 1981, challenging the election of Mr. R. Premadasa as executive President of the Democratic Socialist Republic of Sri Lanka on December 19, 1988.

Mr. R. Premadasa and Elections Commissioner R. K. Chandrananda de Silva have been cited as respondents.

Mrs. Bandaranaike's papers were filed before Mr. Ranjan Perera, Registrar of the Supreme Court by Mr. Nimal Siripala de Silva, Attorney at Law.

The three grounds on which the petitioner has come to court are (1) general intimidation, (2) non-compliance with the provisions of the Presidential Elections Act No. 15 of 1981, and (3) other circumstances to wit: the failure of the Commissioner of Elections and the other members of his staff to conduct a fair and free election in accordance with the provisions of the Presidential Elections Act.

Soon after the petition was filed, the Registrar noticed Mr. S. Sunderalingam, Attorney at-law, whom Mr. Premadasa had appointed as his agent that such a petition has been filed. This notification was a requirement under Rule 14 of the Act.

The law requires that the election petition be determined by a bench comprising five judges of the Supreme Court including the Chief Justice and that hearing and determination should be completed within six months.

The petitioner alleges that for the above reasons the majority of the electors were or may have been prevented from electing the candidate of their choice.

(Contd on page 10)

Sirima files polls ...

(Contd from page 1)

Under the ground of general intimidation, Mrs. Bandaranaike has stated that instances of acts of violence and intimidation which occurred in various parts of the country either shortly before or on the day of the poll and which were of a widespread nature affected the freedom of election and prevented the free exercise of the franchise rendering Mr. Premadasa's election null and void.

In a 38-page petition, Mrs. Bandaranaike goes on to list the various incidents of general intimidation in 20 electoral districts. These allegations include acts of thuggery, explosion of bombs, arson, assault, and under which she alleges prevented the majority of the voters from electing the candidate of their choice.

She alleges that these acts not only prevented the electors from exercising their vote but also resulted in preventing the junior polling officers from reporting for duty.

The incidents she refers to include the shooting of a senior presiding officer at Gammana polling station in Agalawatta polling division. She says that this officer was shot and injured in the early hours of election day.

She also refers to bombs being thrown at the SLMP meeting in support of Mr. Ossi Abeygoonesekera which resulted in four persons being killed and 60 injured.

Among the other allegations of general intimidation is one where she alleges that a large number of voters of Tibbotugoda and Rupaha polling stations, in the Walapane polling division in the Nuwara-Eliya district were prevented from voting for the candidate of their choice by gangs of unknown persons who had blocked the access roads to the polling stations.

Among the complaints in Mrs. Bandaranaike's petition are allegations that SLFP organisers have been killed and polling agents threatened by unknown persons. Posters threatening voters with death had appeared as well as posters announcing curfew from midnight of December 17 to midnight of Dec. 19.

She has listed some alleged instances of non-compliance against the Elections Commissioner and his staff and said that despite widespread violence before the election day and on election day itself in various areas, no alternative date for taking the poll had been set in these areas.

The Commissioner had failed to take account of the votes polled in the Seruwila polling division of the Trincomalee district and had declared null and void the polling in 49 polling stations in the Moneragala district without naming them. The petitioner has said that she believes the total number of registered votes in these 49 stations would have exceeded 45,000.

Mrs. Bandaranaike has also complained about the postal voting saying that names of entitled voters were omitted from the list and that the votes of a number of postal voters had not been counted. There has also been a failure in sending out polling cards.

She has complained of the shifting of some polling stations clustering of some and the opening of some stations without the knowledge of the voters. She has

also alleged that ballot boxes had been moved to some police stations resulting in some bogus votes.

The cumulative effect of all or a substantive number of the instances she had mentioned was to prevent a fair and free election being held and that by reason of their occurrence the majority of electors were or may have been prevented from electing the candidate of their choice and accordingly states that the election of Mr. Premadasa was null and void.

She prays that Mr. Premadasa's election be declared null and void and for costs.