Duty Before Self

BUSINESS
TODAY

Premnath Dolawatte is straight-forward in his approach and is determined to do his duty by his country. He is a risk taker, who does not hesitate to represent those who he feels need his assistance. Premnath Dolawatte came into the limelight in the recent years due to his legal representation and vocal support to those who lost power in the previous Government. He was not benefited from them during their time in power and his association with the Rajapaksa family began only after 2015. He works according to his conscience and in his own words, is controversial. He strongly believes that respect cannot be bought but in fact, has to be earned.

By Udeshi Amarasinghe. Assisted by Gayathri Kothalawala
Photography Mahesh Bandara and Menaka Aravinda

Who is Premnath Dolawatte?
I am hardworking and will give my fullest to any task that I undertake. At the same time, I believe in the good of people and team work. I never hesitate to take advice from others. It is fulfilling to help people. While I am very flexible and simple in my approach, I always stand for what I believe in.

You came into the public eye in the recent years, when you decided to represent the Rajapaksa family and Joint Opposition who were considered defeated and many were staying away from them. What can you tell us about this?
I am not scared or worried about whom I take as my clients. Most people hesitate on this aspect. But I do not understand why?

President Mahinda Rajapaksa, had the will to end the war. As a grateful citizen, I had a duty to represent him. I was saddened by his defeat and many people who had benefited from him, stayed away.

My rationale is that the Rajapaksa family had served the nation for a long time. They ended the 30-year conflict that devastated our country.

During my schooling days at D S Senanayake College, my parents were always worried until I came home. They prayed to all the gods in the world. For those who served in the Armed Forces, their families prayed for their sons and daughters. There was always a question of whether a person who goes to work in the morning would come back in the evening. It was the same situation for every family in the country at that time. Now the period of pain and tears is over.

It is the people who do not have power who need our help. I decided to represent the former President, which I felt was an exciting challenge and I enjoyed the work that we did. There was a team of lawyers to represent President Mahinda Rajapaksa and the Joint Opposition, that included namely Mr Gamini Marapane PC, Mr Jayantha Weerasinghe PC, Mr Ali Sabri PC, Mr Kalinga Indratissa PC, Mr Sampath Mendis and many others.

Many Sri Lankans were reluctant or hesitant to rise against a newly appointed Government. There were great expectations from the present Government as they had made many promises. They were also protected by the international community.

President Mahinda Rajapaksa, Had The Will To End The War. As A Grateful Citizen, I Had A Duty To Represent Him.

It is understandable as to why many people do not want to come forward to give statements against the Government. Other than the legal representation there was a need to dispute incorrect statements made by third parties against them. I fulfilled that vacuum, too. When the former President, his family and also the members of the Joint Opposition were being accused, I had to give the correct information to the public. Thereafter, the media automatically started speaking to me to know the progress or situation. That is how it really started.

I will represent anyone who is in difficulty. It is a constitutional as well as my moral duty to my country, as a Sri Lankan.

It is only after 2015 that you started representing the Rajapaksa family. What can you tell us about this?
There were many who advised me against representing the Rajapaksa family, and questioned me as to why I was supporting them. At the same time there were Sri Lankans who appreciated my efforts and said that I was doing a good job. That is the strength I have.

The very question posed at me is “You did not benefit from them, so why are you getting involved?” My seniors too told me that there were so many people who had benefited from the previous Government and none of them were coming forward to help. But I was taking the risk to defend the former President, his family and members of the Joint Opposition. I have courage and I have great respect for President Mahinda Rajapaksa for what he has done for this country.

My thinking is that a lawyer is a person who should protect the rights of his client irrespective of whom he or she is. President Mahinda Rajapaksa was defeated. Therefore, I made the decision to represent him and I had the courage to do so.

Some professionals told me that my approach was risky and to take care but the public was with me. They always say that I am doing something that they cannot do because I am a lawyer. This is the strength that keeps me going; knowing that my work is appreciated.

> **I Always Work According To My Conscience… It Has Been Three Years Since This Struggle Started And I Have Not Lost Anything But Gained In Terms Of Experience And Opportunity As A Lawyer. Any Resistance Is Only Natural, A Given, I Have To Deal With.**

The Janasatana Pada Yathra was a movement for people to express their opinions against the Government while walking from Kandy to Colombo. I could not actively

take part in the walk. There were court orders restricting our movement in every single town. Therefore, I had to go to the relevant court and make submissions against restriction orders to have them set aside, so that the procession could proceed unhindered. This was a good experience for me. I take this opportunity to thank all the lawyers who supported me in regional bars.

I always work according to my conscience, therefore I may be seen as a controversial character. Some may consider this as foolishness, but I do not see any danger in that. It has been three years since this struggle started and I have not lost anything but gained in terms of experience and opportunity as a lawyer. Any resistance that I have had to face is only natural, and something that I have to deal with.

You would have lost many other opportunities especially commercial. You have sacrificed greatly. What can you tell us about this?

I was not born with nothing. I am happy with what I have. If people have stayed away from me because of my association with the Rajapaksa family, it does not matter. If they meet me anywhere, I am myself. I know my capabilities and what I can achieve for my clients in court.

I strongly believe that respect cannot be bought, it has to be earned. Therefore, I am content, moved and motivated with the public response I get for all my efforts. It is not only the members of the Rajapaksa family and Joint Opposition, but also some strong holders of the present Government who respect me because I have provided my support to a group of people during difficult times. Politicians, officials and professionals support me. It may be on camera but still, they have thanked me and commended my work.

I am willing to do whatever is required to serve society. I believe that I am doing my duty to my country and I am happy with my achievements. I do not like to think about the opportunities that I may have missed, because financial gain cannot be replaced with the respect or the perception that the people of this country have about me.

In terms of the legal and justice system, what are your thoughts?
In the recent past members of certain NGOs have criticized our judiciary, executive and the legislature. There may be a few individuals who are corrupt but it does not mean that the entire system is corrupted.

The legal justice system of the country is the only place where an innocent person can seek justice. But when certain NGOs and powerful people criticize the system, the public loses confidence and if the judiciary collapses, there will be no place to seek redress. Therefore, the judiciary has to stay independent. There are those who try to politicize the judiciary as well. We cannot allow the system to collapse.

Today there are open complaints made against members of the legal profession and the judiciary; action will be taken shortly and the wrongdoers will be punished. This is a separate issue. But a situation has evolved where there is a direct attack on the system and in the recent past, it was done to the point that the system would have collapsed.

We are taking steps to address this problem through Truth Seekers and Viyathmaga . Truth Seekers was formed with the intention of revealing the corruption, disputes and inability of the Government to protect the judiciary from fabricated allegations. There are certain individuals attached to NGOs working on an international agenda, who are criticizing the system and judges in an unacceptable manner. The legal justice system of this country is more than 150 years old. There are some issues, which we have to overcome. All professions have issues. But these issues have to be solved within the profession and in the legal system; our country’s law provides the steps to take, to address such issues. Members of the profession should not let down the profession, as they are part of the membership. We have communicated this to the public through public forums.

There are two parties to a court case. At the end of the day, only one party will win. Therefore, there can be many aggrieved litigants finding faults with the system. To top it up, if an NGO comes along and says that the entire judiciary and the system is corrupt, the aggrieved representing the public, will mistakenly be easily convinced that there is indeed a fault in the system.

As an organisation, we give the correct message about the judicial system to the people. We tell them that if they come across corrupt judicial officer or lawyers, that they should go to the Judicial Service Commission or the Supreme Court respectively and lodge their complaints and if it is an official or Government officer, they can complain to the relevant higher office of the public sector.

You are very vocal about the law being equal to everyone. Can you elaborate on this?

In terms of legal fees, the law can be expensive and therefore an individual's power to seek justice can be limited. We always strive to make the judiciary equal to all. There is a difficulty in finding good lawyers. That is why we have introduced a concept called law camps.

In the past few years we saw the establishment of various law enforcement agencies, such as the FCID. The setting up of this division alone is illegal. There are still many cases that are being heard in the courts on the legality of such divisions. In most instances these have been formed to exact political revenge.

> **All Professions Have Issues. But These Issues Have To Be Solved Within The Profession And In The Legal System; Our Country's Law Provides The Steps To Take, To Address Such Issues.**

For the past three years, we saw the investigators such as CID, FCID and Bribery Commission being heavily biased. Action was not taken against politicians who were affiliated with the Government, but those who opposed the Government faced severe punishment.

The various sectors in the economy of the country have come to a standstill. The main reason for this is the setting up of institutions such as the FCID. We experienced many natural disasters during the past few years, but Government officers could not act immediately to assist the affected and to provide permanent solutions through development projects. They hesitated to take decisions. Therefore the country suffers and development halts.

We saw in the past, that in many of the cases against the previous Government, it

was found that the accused had not used any funds for their personal benefit. Even Government appointed lawyers had to admit that these individuals had not accepted any bribes. Yet, they still stand accused. This is politics. However, it is the country that will suffer.

The fact that Government officials are unable to take any decisions, results in major delays and by the time the decision is made, the damage is done. At times, it has been impossible to disburse foreign funds to appropriate development projects.

Equality of the law is not realised in the country as yet. In the Sri Lankan judicial system, the judge acts on the information provided to him by the Police in the form of documents or testimonies. While in other countries, the judges can investigate whether the incident has taken place or not by personal verification. Therefore, in Sri Lanka, judgments are made on the information provided by the Police.

I have to mention that during the past three years, the law was used to take revenge on politicians in the Opposition. Such a problematic situation evolved because the investigators act unfairly on instructions received. We have come to a point where it is uncertain whether people would continue to believe in the law.

How can the legal sector be more accessible to the people?

There has been a certain perception associated with lawyers and the legal profession for a very long time. I believe that as a person we have to start by looking at ourselves. We have to do things differently and treat our clients fairly and with respect.

I Am Controversial Because I Take Risks, Which Others Will Not Take. I Did What I Felt Was Right. I Always Respond To My Conscience.

Many of us have become lawyers because of the free education system in the country and as a result of the hardwork of the tax paying people of Sri Lanka. It is an honour to become a lawyer.

I believe that as a lawyer, there is also a duty to give back to society apart from pursuing a professional career. Today the demand for lawyers is far less than

before, creating huge competition within the profession.

We have to be more friendly and listen to people when they speak to us. I do not think that I can change this perception on my own entirely. But I believe that I have come here because I am very flexible and kind to those who speak to me and seek my assistance.
We have to educate people and teach them what the law is, especially through the media. When we take such initiatives, the fear and misunderstandings that people have towards lawyers will end.

What are your other interests?
I would like to update my knowledge and qualifications. I am currently reading for my Masters at the University of Colombo. At the same time, I like to learn different languages.

I am currently studying Japanese and I am well versed in the language. I read books and watch documentaries and movies. I believe that I have one of the largest book and movie collections in the country. By reading books and watching documentaries and movies, I find relaxation. It is also a way of gaining insights to the world.

I have also started acting. I recently played a role in Iraj and Priyanga's music video Nimnawiye and have taken a role in Charith Abeysinghe's tele series Ranmini Dela, which is now telecasting.

Would you consider yourself controversial?
Yes, I am a controversial person. I am completing my tenth year in the legal field. I started in 2008. When I first started my practice, I had no place to sit nor an office. But I started from the very beginning, appearing for small cases; such as when mobile phones rang inside the courtroom, the owners would be immediately remanded. I represented them. I can still remember how I came up, because this is a very competitive field. I started from the very bottom.

Most people wait for big cases without taking on smaller cases but I took on those cases and I won my cases. I always took on various types of cases. Today my hard work has paid off.

If I waited for big cases in the early stages, I would not have gained the experience I possess. I share my experiences with young professionals, and I can proudly say that this is how I did it. If we do not start with what we get, we will not get anything.

There onwards, gradually my cases increased and I was able to have my own office and I always have a few juniors working for me.

I am controversial because I take risks, which others will not take. I did what I felt was right. I always respond to my conscience.