

THE ALL-POWERFUL SRI LANKAN PRESIDENCY



Seat of power: The President's Palace in Colombo, Sri Lanka. Getty Images
The island nation has debated the need to abolish executive presidency for decades now, with last year's crisis giving the issue renewed focus. However, Sri Lanka is yet to find a leader who is ready to renounce this power

WORLD INSIGHT

The main ask — and the most popular chant — of the 'Janatha Aragalaya' [people's struggle] witnessed in Sri Lanka last year was "Gota go home". Scores of angry citizens, who took to the streets to protest acute shortages of essentials and long power cuts, squarely blamed the country's most powerful leader for their misery. They deemed the former military man unfit to govern or occupy the country's top office, and ousted him dramatically.

At the same time, some who were part of the protest movement confronted another question. Will the mere ousting of a failed President do, if 'system change' is what the country needs? What if another leader in his place resorts to destructive policy choices, such as Mr. Gotabaya's overnight ban on agrochemicals in 2021, which continues to hurt farmers and the country's annual crop yield? An impulsive leader wasn't the only problem, they concluded. The office of the executive president, which bestows unchecked powers on one individual, was as much, if not more of a problem.

The Executive Presidency system came under focus, and the call to abolish it emerged loud and clear and dominated public discourse for a while.

Origins of unlimited power

The demand to abolish the executive presidency, however, did not seem outlandish to Sri Lankans. It wasn't as new, virtually every President who has held office since it was introduced in 1978 had promised to do away with it, even if they conveniently forgot the promise once in that addictive seat.

From the time of its Independence in 1948, Sri Lanka was a parliamentary democracy. It adopted a republican constitution in 1972, in which parliamentary democracy continued. In 1978, the second republican constitution changed it into a presidential form of government and vested the President's office with enormous powers.

The resistance to this system of governance, from within Sri Lanka's polity and civil society, began just as former President J.R. Jayewardene began

toying with the idea in the early 1970s, even before enshrining it in Sri Lanka's second republican constitution in 1978. Sri Lanka's Left, especially, played a major role, according to senior constitutional lawyer Jayampathy Wickramaratne, who cited key debates from the time, in a media article some years ago.

Colvin R. de Silva, a founder of the Trotskyist Lanka Sama Samaja Party (LSSP) and one of the finest legislators in the region, succinctly captured the dangers of executive presidency in the Constituent Assembly in 1971. Being Minister of Constitutional Affairs at the time, he contended, "There is undoubtedly one virtue in this system of Parliament ... and that is that the chief executive of the day is answerable directly to the representatives of the people continuously by reason of the fact that the Prime Minister can remain Prime Minister only so long as he can command the confidence of that assembly. We do not want either Presidents or Prime Ministers who can ride roughshod over the people and, therefore, first of all, over the people's representatives. There is no virtue in having a strong man against the people."

Subsequently, when the J.R. Jayewardene-led United National Party (UNP) won a five-sixths majority in the 1977 general elections, promising economic progress with open economic reforms, the Left was wiped out of Parliament. Even so, leftist politicians continued to spearhead the campaign against executive presidency from the outside. N.M. Perera, also a leader of the LSSP, wrote a scathing critique of the 1978 Constitution.

The reign of the Executive

However, executive presidency soon found a secure spot in its architect Jayewardene's office, and the new President, in turn, found in the system all the power he needed to nourish his ambitions. Two years into office, he brutally crushed a massive general strike of workers in 1980, sacking about 40,000 public sector workers using emergency regulations. With the same powers, President Jayewardene did little to curb Sinhalese mobs that killed and looted scores of Tamils in the anti-Tamil pogrom three years later. The bloodbath of July 1983, which he is accused of condoning and even backing, sparked a deadly civil war that gripped the island nation for about three decades, costing tens of thousands of Tamil civilian lives.

In the following decades, Sri Lanka saw half a dozen other presidents

elected to the office, with almost all of them promising to abolish executive presidency once elected. Former President Chandrika Bandaranaike Kumaratunge proposed the abolition of the executive presidency and won the 1994 presidential election. But eventually, she did not abolish it.

Further, apart from habitually breaking the poll pledge, leaders occupying the highest office were seen abusing their unfettered powers. In fact, they sought to make it even more powerful.

Months after Mahinda Rajapaksa was elected President for the second time in 2010, on the heels of the military defeat of the LTTE which his party aggressively sold as "war victory" to its southern Sinhalese constituency, his government passed the 18th Amendment. It made the President even more powerful, by removing the two-term limit, and important checks and balances on the exercise of executive power.

Empowering Parliament

However, in what was widely seen as a rare and welcome departure during his successor Maithripala Sirisena's term, the government, co-led by Ranil Wickremesinghe as Prime Minister, passed the 19th Amendment to the Sri Lankan Constitution.

It was the first instance of a constitutional amendment seeking to empower parliament by clipping executive powers. Except, even the residual powers of the office gave Mr. Sirisena the confidence to abruptly sack Mr. Wickremesinghe and dissolve Parliament, triggering a constitutional crisis for over 50 days in late 2018. The Supreme Court ruled that the President's move was illegal. Lawyers who had mounted a legal challenge based their argument primarily on the 19th Amendment.

In November 2019, Gotabaya Rajapaksa won big in the presidential polls and in less than a year, his government overturned the 19th Amendment, passing the 20th that effectively restored the previously reduced presidential powers.

This is the last part of a series of articles looking at Sri Lanka's economic recovery and political course

DEFENCE ACQUISITION PROPOSALS VALUED AT ₹70,500 CR. CLEARED

The Defence Acquisition Council (DAC), chaired by Defence Minister Rajnath Singh, on Thursday accorded Acceptance of Necessity (AoN) for capital acquisition proposals estimated at ₹70,500 crore. Some of the projects are long-gestation projects involving indigenous design and development including the development of marine diesel engine.

The AoN has been accorded for capital acquisitions under 'Buy Indian-IDDM' (Indigenously Designed, Developed and Manufactured), the Defence Ministry said. "Out of the total proposals, Indian Navy proposals constitute more than ₹56,000 crore, which largely includes indigenous BrahMos cruise missiles, Shakti Electronic Warfare (EW) systems, Utility Helicopters-Maritime

The Wickremesinghe administration, in September 2022, passed the 21st amendment, claiming to return to the arrangement envisaged in the 19th Amendment, but critics dismissed it as an "eyewash". The attempts to "tame" the presidency, in their experience, had proved futile. It is not a system that lends itself to reform, it is one that allows concentration of excessive power, and needs to be repealed in its entirety, they argued.

As of today, the president can still hold any number of ministerial portfolios, which the 19th Amendment sought to limit and disallow. The president still has the power to determine the number of ministers and ministries, as well as to assign subjects and functions to such ministries. The president can use his discretion in appointing secretaries to the ministries as well. The independence of the Constitutional Council which enables and monitors independent commissions has also come into question.

In vesting all powers with the Centre, that too in one office, the executive presidential system seriously restricts the scope of governance at the provincial level. Even within the limited ambit of provincial council administrations, the Governor as a representative of the Executive, wields considerable powers.

Colvin R. de Silva called the system of government under Sri Lanka's 1978 Constitution a "constitutional presidential dictatorship dressed in the raiment of a parliamentary democracy."

Sri Lanka is currently witnessing frequent protests by worker unions and university students, against persisting economic hardships and austerity measures. Police are responding with tear gas and water cannon. Critics of President Ranil Wickremesinghe are already likening him to his uncle J.R. Jayewardene.

Sri Lankans have debated the need to abolish executive presidency for decades now. Last year's crisis yet again put this model of governance in sharp focus. But the island nation is yet to find a leader who would get to the top, and then agree to renounce his or her own power.

among others," it said in a statement. An AoN is the beginning of the long winding procurement process.

Other proposals include a Long Range Stand-Off Weapon (LRSOW) for the Indian Air Force (IAF) to be designed and developed indigenously and integrated on SU-30 MKI fighters and the indigenous 155mm/52-Calibre Advanced Towed Artillery Gun System (ATAGS) along with High Mobility Vehicles (HMVs) and Gun Towing Vehicles (GTVs) for the Army.

Accordance of AoN for medium-speed marine diesel engine is a significant step as, for the first time, India is venturing into the development and manufacturing of such engines indigenously to achieve self-reliance, the Ministry said.

INDIA WELCOMES CONFIRMATION OF ERIC GARCETTI AS U.S. AMBASSADOR



First choice: U.S. President Joe Biden greeting Eric Garcetti at Los Angeles International Airport in California. File Photo

India has welcomed the confirmation of U.S. Ambassador-designate Eric Garcetti by the Senate saying that New Delhi looks forward to work with him to advance bilateral relations. The statement from the Ministry of External Affairs (MEA) came as past comments from Mr. Garcetti on the human rights record of India became viral over the past week which drew criticism from multiple stakeholders, including the Vishwa Hindu Parishad (VHP).

"Let me emphasise, we welcome the confirmation of Mr. Eric Garcetti as the Ambassador to India. We look forward to working with him to take forward our multifaceted bilateral relation," said MEA spokesperson Arindam Bagchi in response to a question from The Hindu. Mr. Garcetti's confirmation had been stuck at the legislative level in the U.S. where he faced multiple hurdles, including allegations of sexual harassment by his chief of staff, Rick Jacobs.

Mr. Garcetti's confirmation was expected since July 2021 when President Joe Biden nominated him to be the U.S. Ambassador to India. Further revelations on Mr. Garcetti came in a right-wing news portal Daily Caller that

alleged he had close links with Chinese officials. At the same time, a 2021 video showing him speak on India's Citizenship (Amendment) Act (CAA) also went viral.

'Poor understanding'

In the video, Mr. Garcetti is shown arguing before the Senate Foreign Relations Committee that he will take up human rights issues in India during his tenure and said, "I have fought for human rights on four different continents and will be a core part of what I will pursue with my Indian counterpart."

Responding to the video, VHP's national spokesperson Vinod Bansal told The Hindu that Mr. Garcetti's remarks on the CAA and the human rights scenario in India showed "his lack of understanding" of the Indian scenario.

"We welcome his confirmation but his comments on the largest democracy in the world shows that he is not fully informed about the Indian scenario. It will be better if he forms a better understanding of the issues relevant to India before taking up the post of the U.S. Ambassador here," said Mr. Bansal alleging that there had been a spike in "anti-India "propaganda" in

the U.S.

Mr. Bagchi, however, clarified that Mr. Garcetti's comments on CAA did not originate recently and said, "Our position on many of these issues are well known."

Nuclear submarines

In the weekly interaction with the media, Mr. Bagchi said that Australian Prime Minister Anthony Albanese during his recent visit had briefed the Indian side about Canberra acquiring nuclear attack submarines (SSNs) in the interim under AUKUS (Australia-U.K.-U.S.) security group.

Initially, Australia will receive three second-hand SSNs in the next decade and eventually, between early 2040s to late 2050s, Australia will get five new SSNs to be designed and developed by the U.K.

The emergence of SSNs within AUKUS has indicated growing nuclearisation of the Indo-Pacific. Mr. Bagchi's comments indicated that India was on board the developments within AUKUS.

SC RESERVES JUDGMENT ON MAHARASHTRA POLITICAL ROW



Justice P.S. Narasimha says there is no freedom in regional parties; Bench deliberates on whether Governor can call for trust vote on being approached by a group of MLAs who have left a party

The Supreme Court on Thursday addressed former Maharashtra Chief Minister Uddhav Thackeray on how there is an "absolute" lack of freedom within regional political parties, which are mostly run by single families. "There is absolutely no freedom in regional parties, except for one leader. Many a time, it is a family which runs it and there is no scope of anybody else coming into the frame. There is no alternative... it is impossible," Justice P.S. Narasimha, one of the five judges on the Constitution Bench headed by Chief Justice of India D.Y. Chandrachud, orally observed. The remark came during the final day of the hearing of the political dispute between Maharashtra Chief Minister Eknath Shinde and Mr. Thackeray on the control of the Shiv Sena and the circumstances that led to the fall of the Maha Vikas Aghadi government in the State in 2022.

The Bench reserved the case for judgment.

Justice Narasimha's observation came when senior advocate Kapil Sibal, for Mr. Thackeray's side, said constitutional law found it "suspect" when legislators, suddenly, as a group, at the same time, one day, decided to resign from a ruling coalition, as was seen in Madhya Pradesh. The Kamal Nath government had fallen when some Congress MLAs resigned and joined the rival BJP. However, in Maharashtra, Mr. Shinde and his supporters had not resigned. "Naturally, they did not resign because they felt they would want to be Ministers in the new government. Resigning would have meant contesting elections, which they may or may not have won," Mr. Sibal submitted. The Chief Justice asked whether the Governor, oblivious to the provisions of the Tenth Schedule, could call for a trust vote if a group of MLAs came to him saying they have left the ruling party. "Forget the Tenth Schedule, he (Governor) cannot call for a trust vote by recognising a faction in a political party which has no identity... which has no constitutional identity. They (these MLAs) cannot be seen as a group. They are individuals. There is no concept of a group within a legislature. Each is an individual. Government formation is only on alliances," Mr. Sibal responded. The Chief Justice paraphrased Mr. Sibal's reply by saying that, according to the senior lawyer, the Governor could only call for a trust vote if a member-party in a coalition shifts and not when individuals within a party leave.

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CREDIT SUISSE'S \$54 BN LIFELINE GIVES GLOBAL BANKS TENTATIVE RELIEF

Emergency lifeline

Switzerland's second-largest bank said it would borrow up to 50 billion francs from the Swiss National Bank



■ **Credit Suisse shares briefly rebounded smartly from Wednesday's 25% fall but gave up some gains and last traded 20% higher**

■ **Lender is first major bank to be thrown a lifeline since 2008 financial crisis**

■ **Analysts say measures will buy Swiss bank some time but it may need further restructuring**

Swiss central bank said it would provide liquidity to the embattled lender against sufficient collateral; move helps briefly lift Europe's banking index

Credit Suisse sought to shore up liquidity and restore investor confidence on Thursday by borrowing up to \$54 billion from Switzerland's central bank, after a stock slump fanned fears of a global banking crisis.

Credit Suisse briefly bounced from a 25% fall on Wednesday after its statement but then faded and last traded 20% higher.

Europe's banking index initially rose, but was down 0.3% by 1306 GMT, after days of heavy losses on investor fears over potential bank stresses across the world, which have also prompted calls for action by firms in other sectors.

Credit Suisse is the first major bank to be thrown an emergency lifeline since the 2008 financial crisis and its troubles have raised serious doubts over whether central banks will be able to sustain aggressive interest rate hikes.

However, the European Central Bank (ECB) raised interest rates by 50 basis points on Thursday, underscoring the resilience of the euro area banking sector while assuring it had plenty of tools to offer liquid-

ity support if needed.

Policymakers have stressed that the situation now is different to the global financial crisis as banks are better capitalised.

Allianz one of Europe's biggest financial firms, said that authorities were "well equipped" to deal with any liquidity crisis, "unlike what happened during" the global financial crisis of 2007 and 2008.

Switzerland's second-largest bank said it would exercise an option to borrow up to 50 billion Swiss francs (\$54 billion) from the Swiss National Bank, which confirmed it would provide liquidity to Credit Suisse against collateral. The move followed assurances from Swiss authorities on Wednesday that Credit Suisse met "the capital and liquidity requirements imposed on systemically important banks".

Chief Executive Ulrich Koerner told Credit Suisse staff in a memo they should focus on facts as he pledged to rapidly move forward with a plan to

streamline operations.

Analysts said that the measures will buy Credit Suisse time to carry out its planned restructuring, although there could well be further moves to pare back the Swiss lender.

'Further restructuring'

"We would not exclude the possibility of further restructuring statements from management designed to further simplify the bank," Thomas Hallett at KBW said in a note.

The 167-year-old bank's problems have shifted the focus for investors and regulators from the U.S. to Europe, where Credit Suisse led a bank share sell-off after its largest investor said it could not provide more funds due to regulatory constraints.

The concerns about Credit Suisse added to broader fears sparked by last week's collapse of Silicon Valley Bank and Signature Bank in the U.S.

TESTING TIMES

India's goods exports fell for the third time in five months during February. The \$33.8 billion of shipments marked an 8.8% drop from a year ago. In recent times of generally exuberant export growth, the only steeper decline was recorded in October 2022. A sharp 29% collapse in oil exports, a 12% fall in chemical shipments and a 10% contraction in engineering goods outflows — accounting for almost half of India's merchandise exports — propelled February's decline. But the effects of faltering global demand went beyond, dragging down 13 more of India's top 30 export items. February's exports are still 7.3% above October's number, but the immediate outlook is reverting to the gloom that prevailed in the last quarter of 2022 — about large parts of the world slipping into recession. Resilient economic data from major markets over the past couple of months had infused a belief that the world economy may just end up avoiding the worst that was feared in 2023. But the Ides of March dispelled those hopes — for now, at least.

Retail sales in the U.S., India's largest export destination, soared 3% in January as a positive surprise, but slumped in February. The failures at two U.S. banks and the disclosure of vulnerabilities by European banker Credit Suisse amid the U.S. Federal Reserve's scramble to rein in inflation, suggest

this momentum may not turn around anytime soon. On Wednesday, Brent crude prices dropped almost 5% — recession risks have clearly resurfaced after the unexpectedly benign start to the year. With manufacturing already shrinking for two quarters, a sustained spell of slipping shipments could mean factory job losses and dent consumption. As it is, the 8.2% drop in February's imports — the sharpest in a three-month contractionary streak and the lowest import bill in almost a year (\$51.3 billion) — does not reflect well on domestic demand that is hoped to insulate the economy from global shocks. Some of this may be due to prices rather than volume factors (oil and edible oil prices had zoomed after the Ukraine war). The government is looking to curb inessential imports to keep the deficit in check amid weaker exports. But this is tricky territory where factors such as quality, pricing and supply chain linkages matter too, and missteps could curb consumer (and investor) choice. With the deficit already constricted sharply over January and February from the record \$29.2 billion level hit last September, policy bandwidth may be better used to support exporters to tap new markets and react more nimbly to fast-shifting dynamics in key markets. The long-dithered rejig of the 2015-20 foreign trade policy must not be delayed any further, at any cost.

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DANGEROUS MOVES

The U.S. should find stability in ties with Russia to help end the Ukraine war

The high-altitude manoeuvring between two Russian fighter jets and an American drone over the Black Sea, which resulted in the splashing down of the U.S. MQ-9 Reaper drone on Tuesday morning, has underscored the dangerous risks of the Ukraine war. In conflicting narratives about the incident, the Pentagon says the Russian Su-27s intercepted the surveillance drone in international airspace, dumping fuel on the drone, colliding with it and forcing it down. But the Russian Defence Ministry said its jets were scrambled after a U.S. drone violated its "temporary airspace" off the Crimean peninsula (declared for its war in Ukraine) and that the American aerial vehicle "lost altitude" in "sharp manoeuvring". The MQ-9 recorded the incident. The video has been declassified and would help establish the truth. But whatever the reason, the fact that the U.S. lost a drone in the Black Sea, where it does not even have a naval presence, is a grave reminder of how close the nuclear powers have come to a conflict. While both sides have responded with maturity, the underlying situation that triggered this crisis remains unchanged.

The U.S. has provided over \$30 billion in military assistance, including advanced defensive and offensive weapons, to Ukraine since the Russian

invasion began, and imposed tough sanctions on Moscow. Washington says it is not directly involved in the war but is helping Ukraine defend its territories, while Russia alleges that the "collective West" is seeking to destroy it. As the war drags on, with Russia's failure to take a quick victory, the relationship between Washington and Moscow has broken down. Last month, Russia suspended its participation in the New START nuclear arms control treaty, the last of the Cold War-era weapons control mechanisms between the two countries. Steadily deepening mutual distrust amid an ongoing conflict is a perfect recipe for disaster in great power rivalries. Even if the Biden administration has clearly ruled out a direct conflict with Russia, irresponsible and high-risk manoeuvring or even accidents could lead to, as the Pentagon said, "miscalculation and unintended escalation". The U.S. and Russia already have a deconfliction hotline to avoid mid-air collisions in different theatres where they operate. They should use that mechanism around Ukraine as well to avoid a repeat of incidents such as the Black Sea one. But a bigger challenge is to arrest the deterioration of their bilateral ties, which is now reminiscent of the bilateral hostility of the first two decades of the Cold War. If the U.S. and Russia address this problem and find some stability between themselves, it would help them bring the war in Ukraine to an end.

TESTED BUT TIRED, THIS FORCE COULD BE IN DISTRESS

K.V. Madhusudhanan is a former Inspector General of the North Eastern Sector of the Central Reserve Police Force (CRPF)

A day of remembrance of the Pulwama attack passed yet again last month. The attack that happened on February 14, 2019, claimed the lives of 40 personnel who were a part of the Central Reserve Police Force (CRPF), India's largest paramilitary force. The Pulwama attack was different as it resulted in unprecedented public outcry. The emotional response it evoked in the country cut across all sections of society. As a force, the CRPF takes everything in its stride.

Before this dark day, on April 6, 2010, 76 CRPF personnel were felled by left-wing extremists numbering in their hundreds, in Dantewada district in Chhattisgarh. It is saddening that this terrible attack faded away from public attention even though it was another dark day —it remains the deadliest attack on security forces in any counter-insurgency or anti-terrorist operations in independent India.

A warning sign

The internal security scenario in the country has been showing marginal improvement especially in insurgency-affected northeast India. But one can say that there has been 'insignificant improvement' in left-wing extremism areas and also terrorist-affected Kashmir. It is here that the point about deployment levels is of relevance. The deinduction of the Indian Army has taken place, with the void filled mainly by the CRPF. Hence, personnel of these forces continue to be tasked with carrying out hard duties and are overstretched without any rest or respite. As a consequence, training becomes compromised. The need to hone tactical skills cannot be overlooked as it would adversely reflect in the operational capabilities of any force, making them vulnerable to surreptitious attacks by anti-national forces. The central government has been compelled to entrust a number of assignments that are becoming riskier by the day to these forces — especially to the CRPF because of the force's versatility and flexible operational procedures. The huge and continuous deployment of the regular army would invite adverse attention from the international press and, consequently, the

perspective of other world nations would also be coloured. It is natural that the CRPF pays for it the hard way. A cursory glance of records in the various operational theatres in India in the last few years would reveal the higher casualty rates suffered by the paramilitary. These tested but tired forces can attain and maintain the optimum level of performance needed only if the training and the morale of their personnel are taken care of. Without addressing these aspects, any induction or introduction of any potent weaponry or technology would hardly bring about desired change.

Need for parity

What makes the observance of Pulwama day different from previous years is that former personnel and their families turned up in large numbers in different parts of the country to demand the old pension scheme to serving members of the fraternity. The old pension scheme was stopped for personnel joining service after December 31, 2003.

They cited the Delhi High Court order of December 2022 that reiterated their status as a force under the category of 'Armed Forces of the union'. It is no surprise that a day of remembrance was used to give vent to pent-up feelings of discrimination vis-à-vis the regular armed forces (the Indian Army, the Indian Navy and the Indian Air Force) in matters that range from pension to service facilities such as Canteen Stores Department. The fraternity is grieved that despite facing a war-like situation on a daily basis — a point that is recognised by the public and the judiciary — the government is reluctant to grant the paramilitary these benefits. The most important goal in observing Pulwama day should be to avoid a repeat of that dark day in 2019. The lessons learnt will have to be analysed and corrective measures taken. For the government, it would be only appropriate and befitting to listen to the genuine grievances of the personnel of the forces concerned as public opinion seems to be mobilised in favour of the paramilitary forces. The morale of these personnel needs to be kept high. It would help the security environment of the nation if paramilitary personnel feel that they are being treated on a par with comparable defence forces personnel.

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