OPPRESSION OF TAMILS IN SRI LANKA

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PUBLISHER'S NOTE

This paper records the series of events in Sri Lanka since 1948 that have culminated in the present catastrophe.

The 38 appendices contain supporting documents and briefly outline the matters set out in the paper .

The paper is based on the questions asked and details requested from us during the last two years and by no means encompasses the entirety of events in Sri Lanka.

24 tables, 12 maps and a bibliography are also included.

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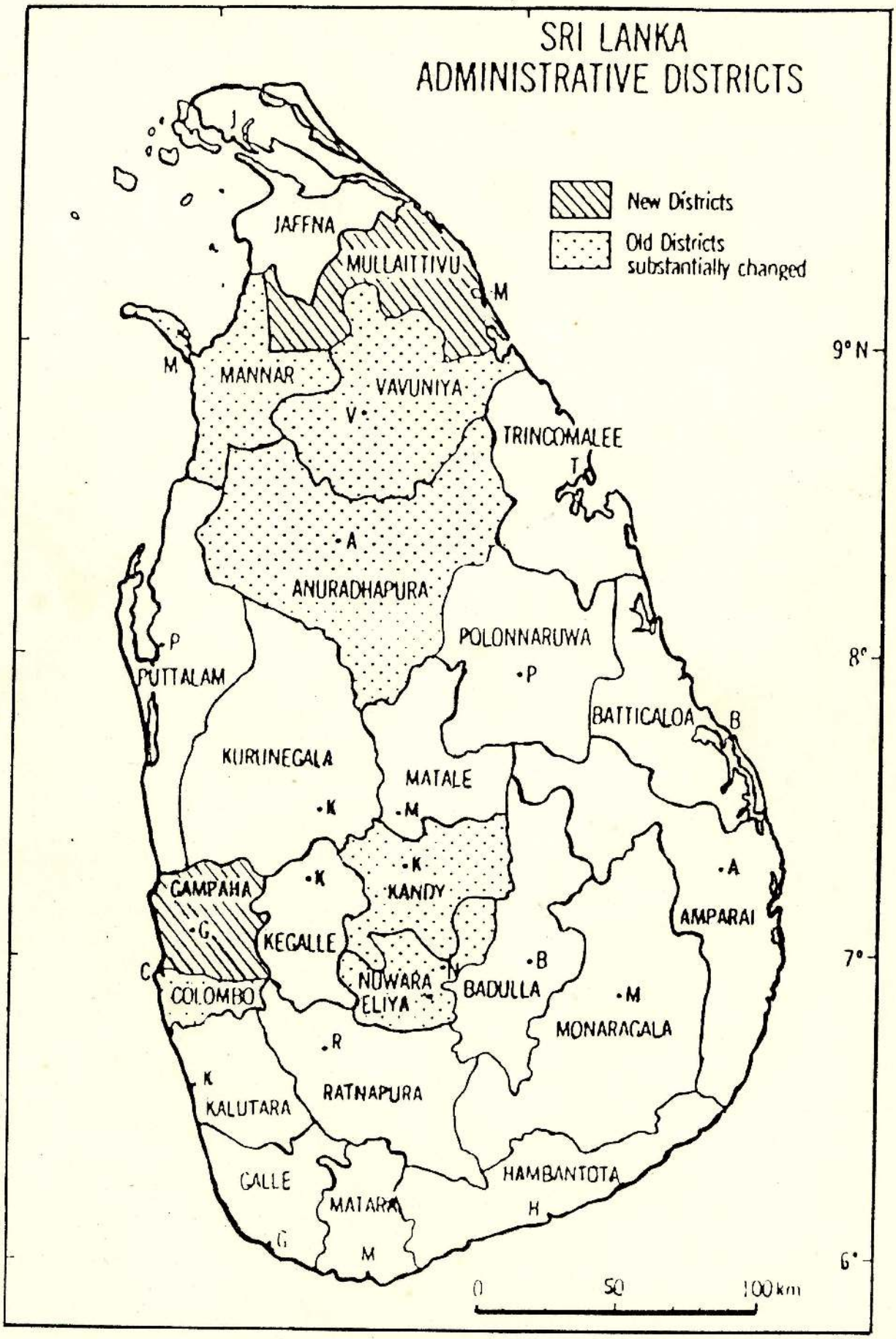

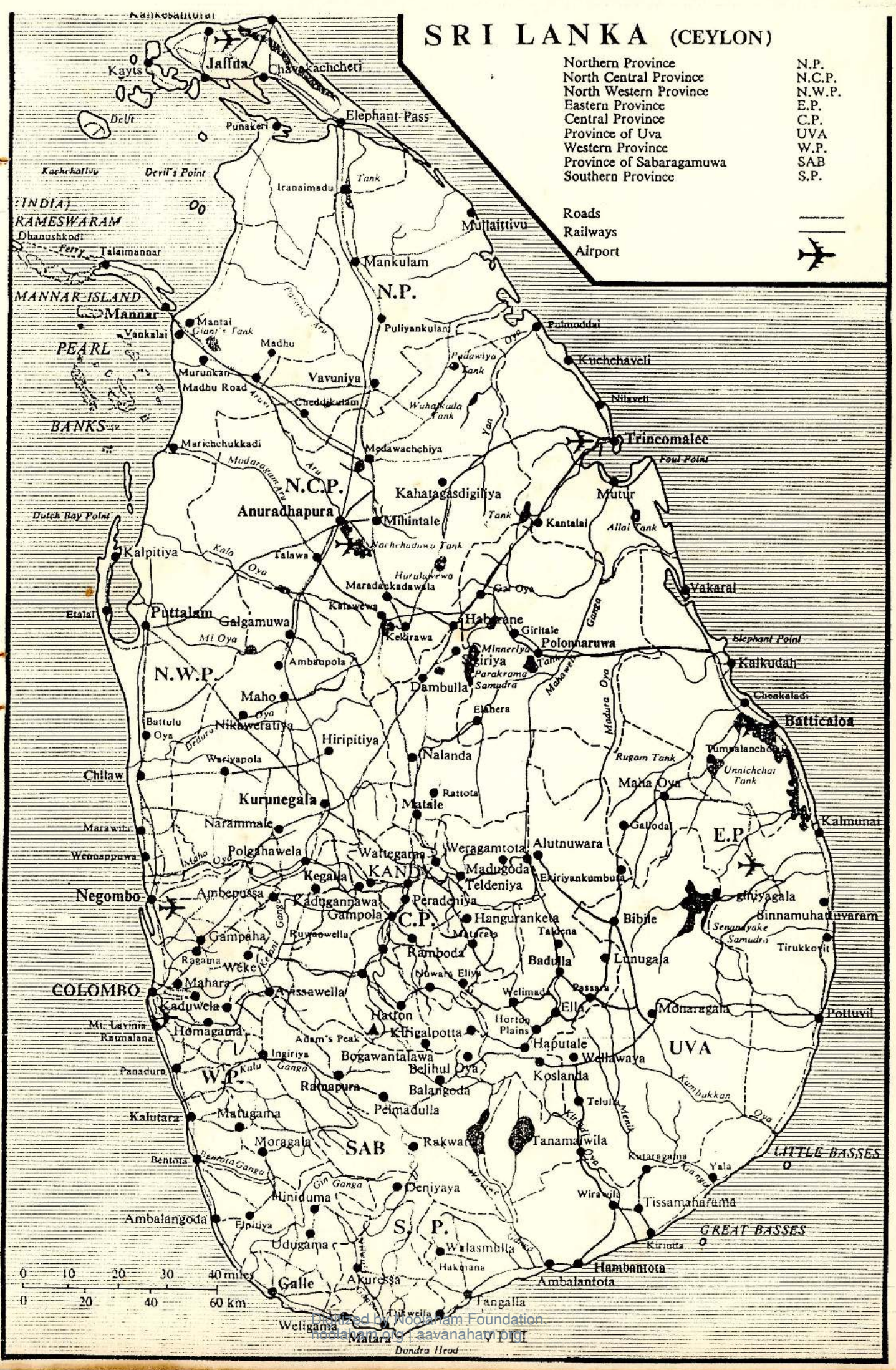

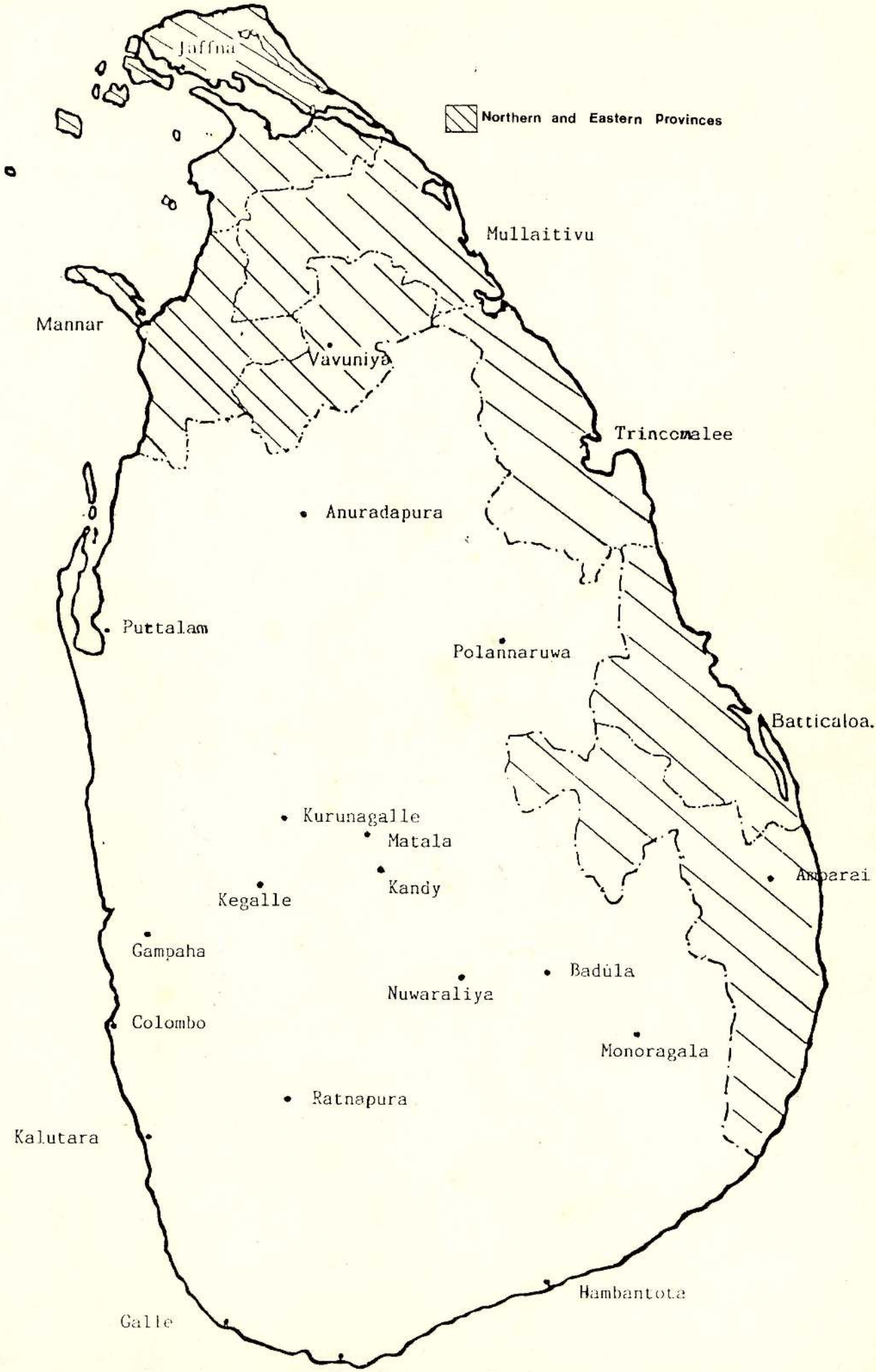

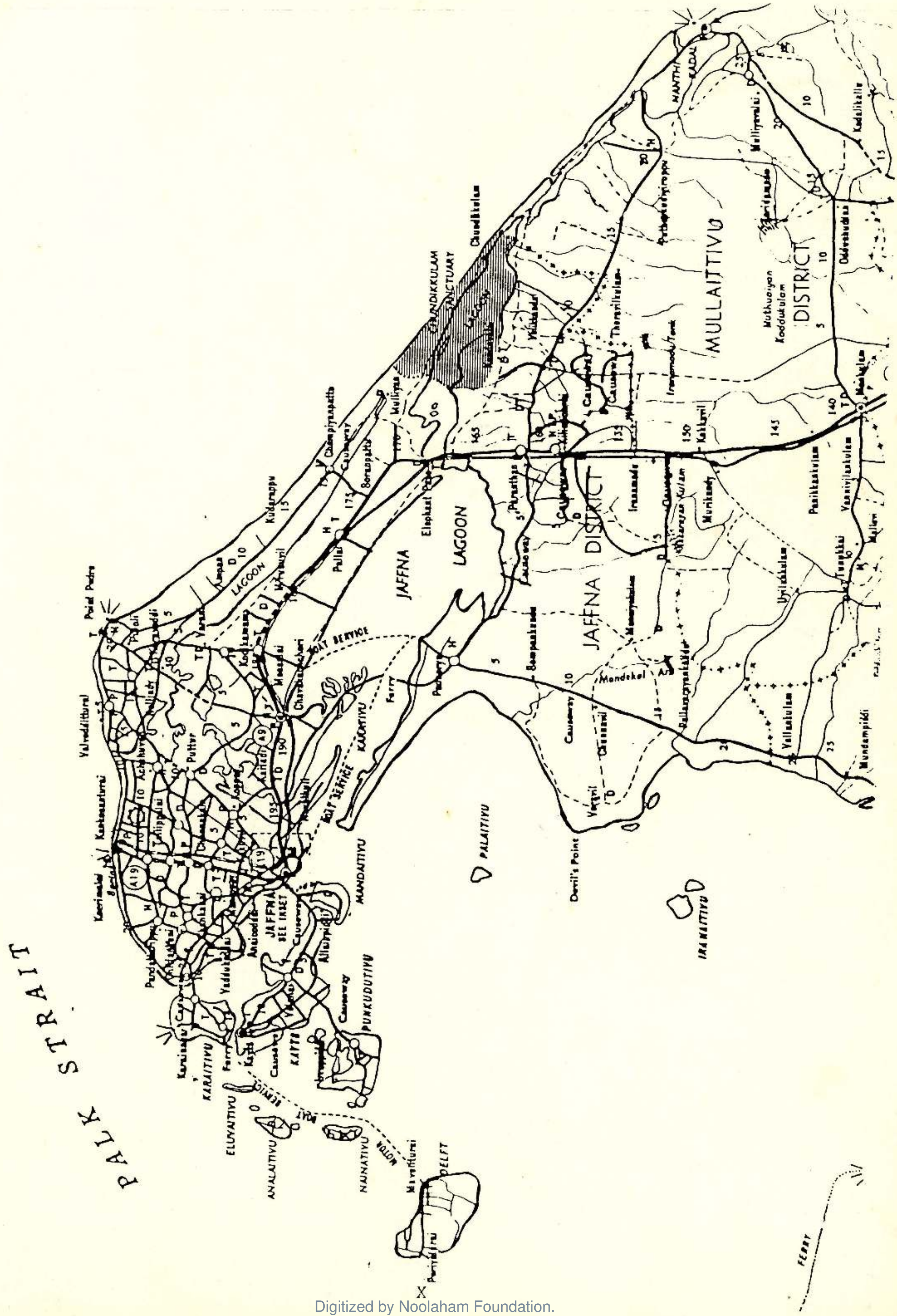
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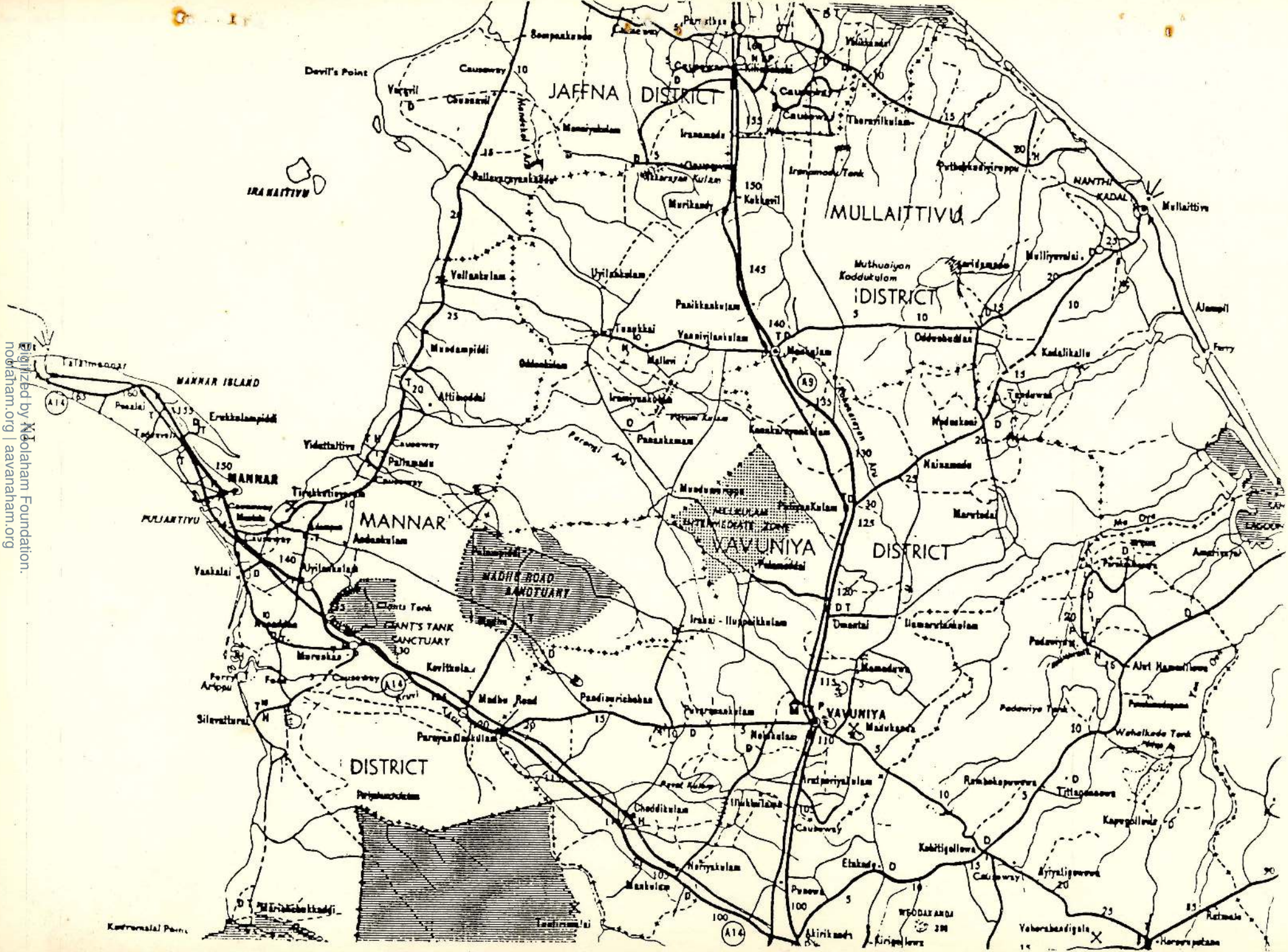

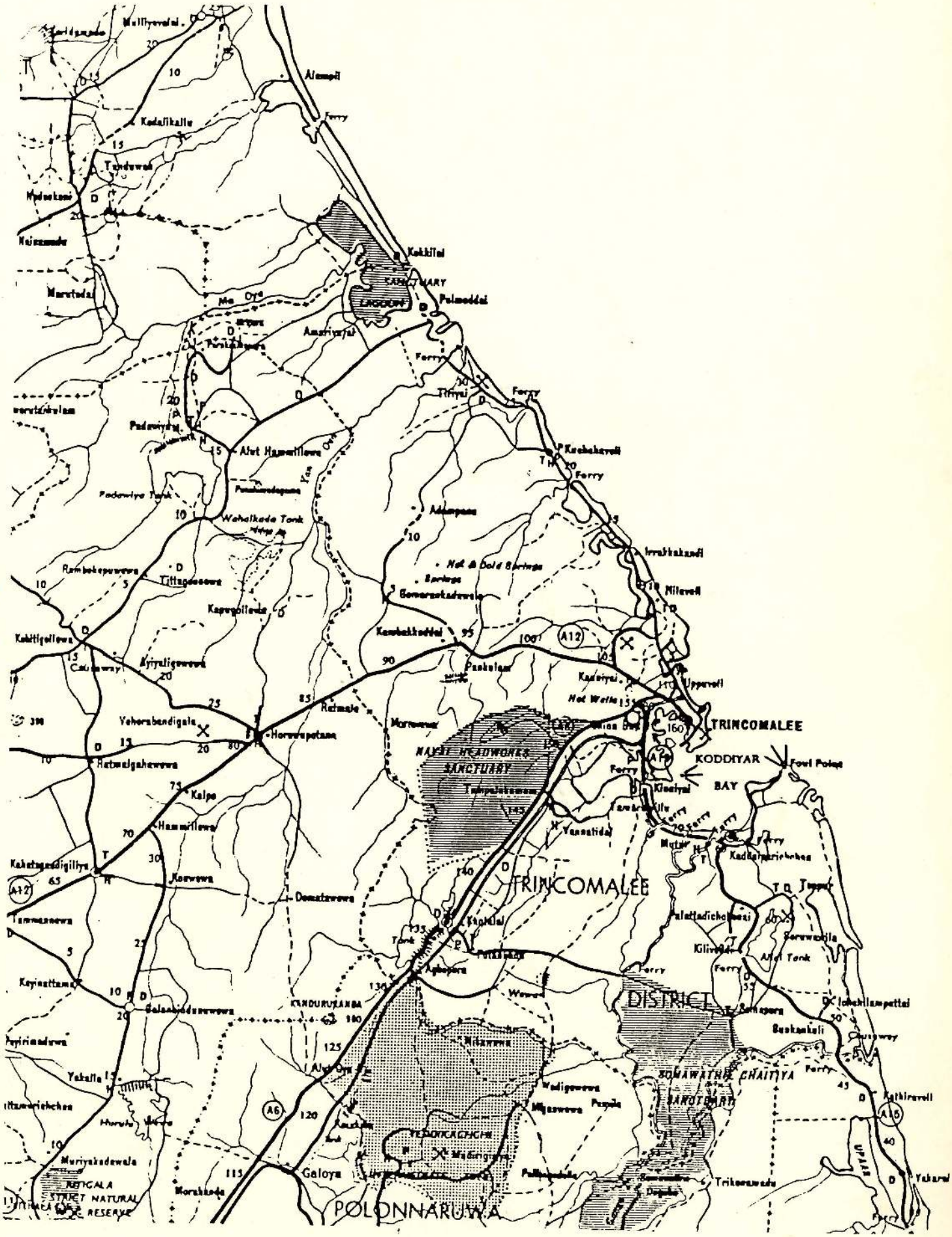
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Ratmale
Morawewa
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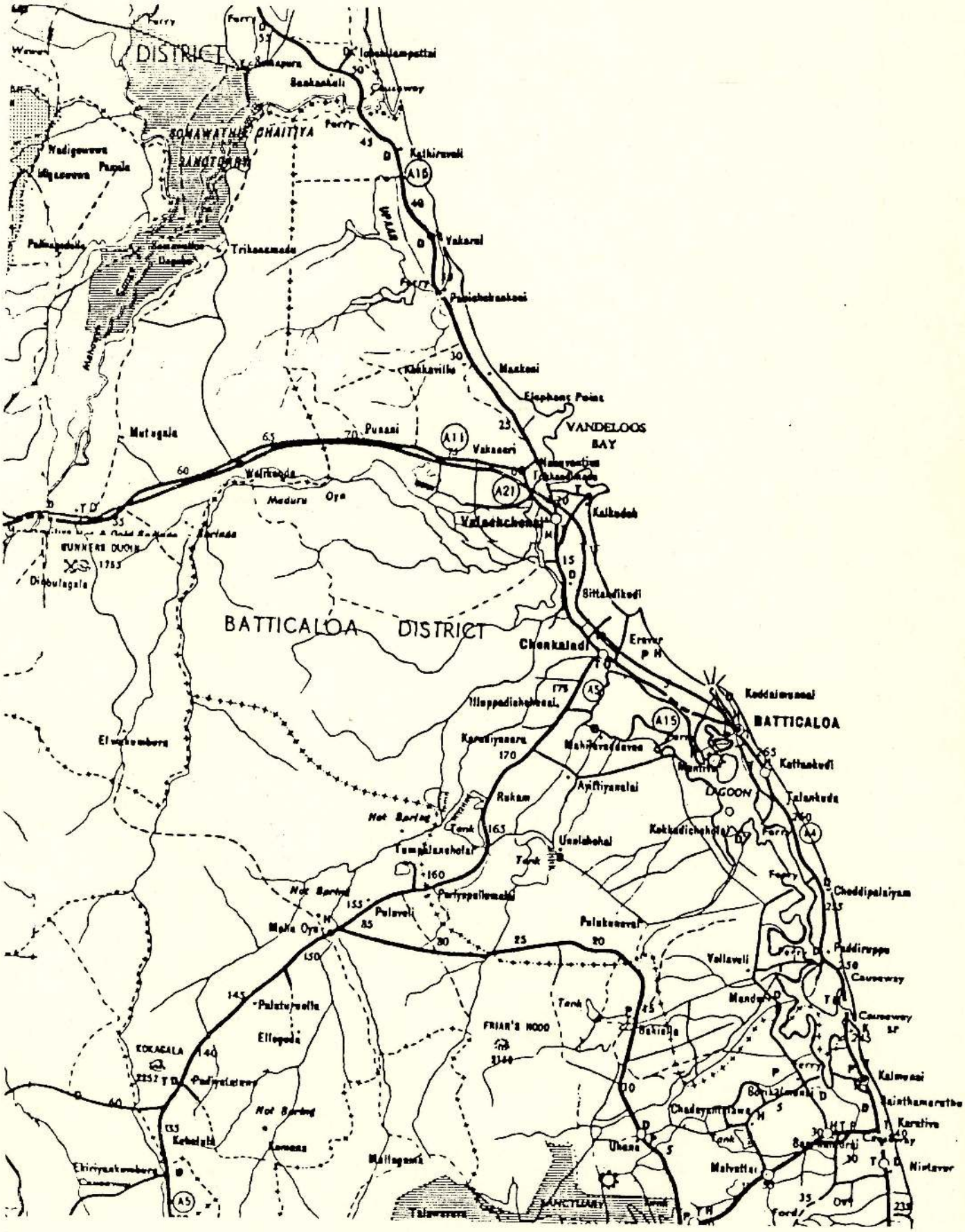

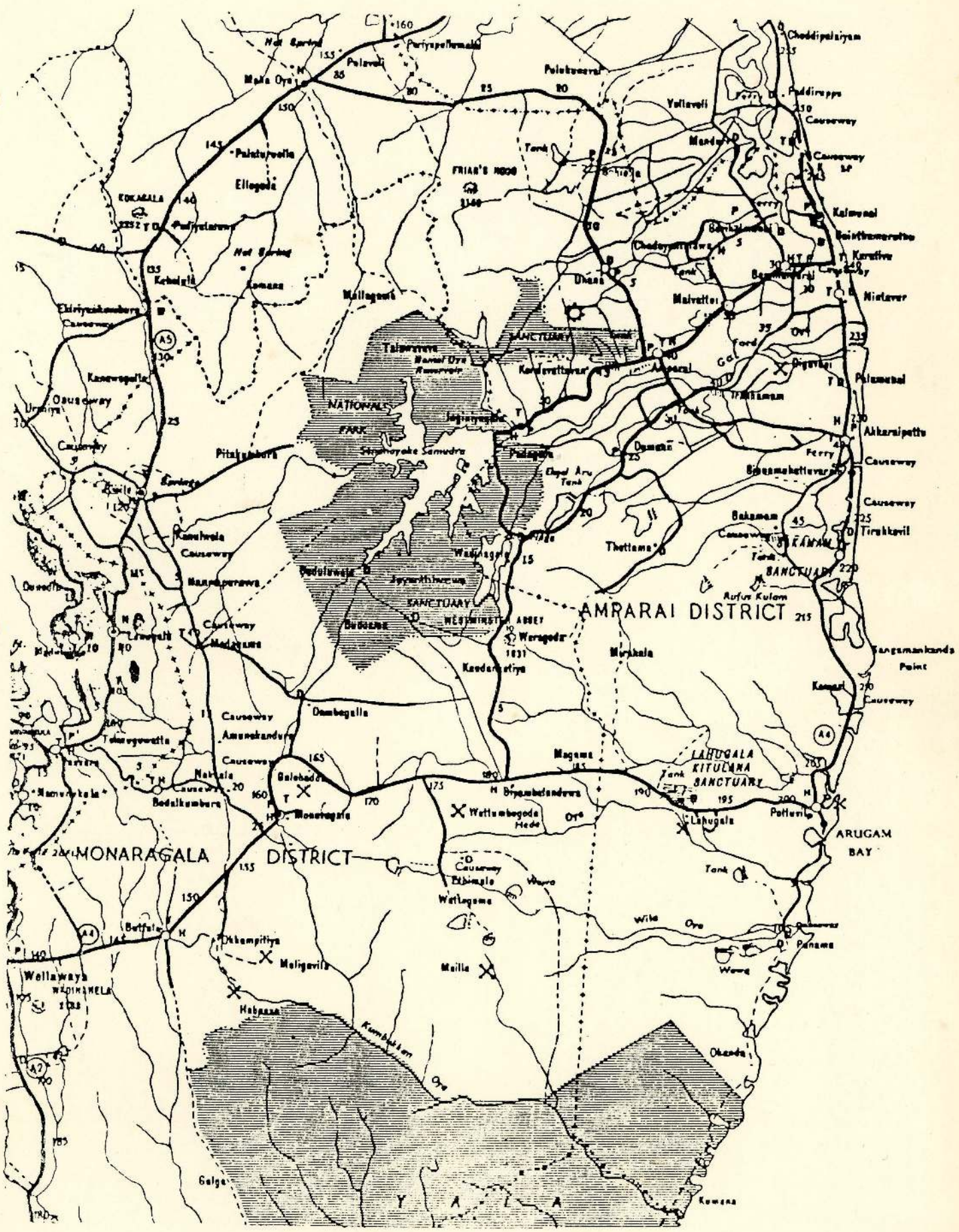
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Kumbukkan Oya
Okanda
Galge
Y A L A
Kumana

1.0 INTRODUCTION

1.1 CONSTITUTIONAL VIOLATIONS

Since independence in 1948 the governments of Sri Lanka dominated by the majority community have violated the constitutional provisions which safeguarded the fundamental rights of the minority Tamils. A new constitution was enacted conveniently in 1972 without considering the representations made by the Tamils.

1.2 UNITARY STATE AND MAJORITY RULE

The majoritarian framework which is in operation and the idea of a unitary State which is envisaged should-from a democratic perspective - mean that the interest and wishes of the majority community also synthesise the similar aspirations of the minority Tamils of the country. But contrary to this the series of oppression by the government and the attitude adopted by the politicians and religious groups alienated the Tamils and relegated them to a second class status in their own country.

1.3 POLITICAL WILL OF THE MAJORITY

Even when the mounting problems of the minorities were obvious and accepted by the politicians and parties of the majority community, the political history of Sri Lanka in the post independent era is full of false and unkept promises. The various pacts made in an effort to find peaceful solution to minority Tamil problems, were either shelved or abandoned by the governments and politicians. In essence the majority community lacked the political will to treat the Tamils as equal citizens.

2.0 OPPRESSION

2.1 CITIZENSHIP

The first government of independent Sri Lanka ensured the passage of the Citizenship Act of 1948 through Parliament which stripped a million Tamil plantation workers of their citizenship. The Soulbury constitution in force at that time prohibited any legislation that would make any community liable to disabilities. In view of the restriction imposed by the constitution, an express provision to deprive nationality could not be enacted. Therefore the devious method of defining citizenship was used to circumvent the provisions of the constitution. The injustice caused to the plantation Tamils was further aggravated by the enactment of the Ceylon Parliamentary Elections (Amendment) Act of 1949 which removed their franchise rights. Over the years there have been agreements regarding these Tamils between the governments of Sri Lanka and India, despite which, even today 400,000 Tamils suffer the stigma of statelessness. (Appendices 1,2 & 3)

2.2 LANGUAGE

2.2.1 OFFICIAL LANGUAGE

The Official Language Act of 1956 made the Sinhala language as the only official language, reducing the Tamil language to an inferior status. The subsequent agreemets for the reasonable use of Tamil between the government and Tamil leaders were not implemented due to violent protests by the Sinhalese masses and the Buddhist clergy. The constitutions of 1972 and 1978 recognised only the Sinhala language as the official

language. (Appendices 4,5,6,7 & 8)

2.2.2 EMPLOYMENT

Due to the language policy of successive governments and discrimination in recruitment, the employment opportunities of the Tamils in the State sector have been greatly reduced. Unemployment among the Tamil youth has been on the increase as a result of the measures of the governments . (Appendices 9,10 & 11)

2.3 COLONISATION

State-aided colonisation after independence has resulted in manifest changes in the ethnic proportions in the Tamil areas. Since 1977 the present government has given impetus to colonisation by bringing all State machinery into active support. Present development plans in the North and East are implemented for the purpose of colonisation and settlers are also selected from ex-convicts. The Tamils are terrorised by these ex-convicts and forcibly evicted from the lands by armed forces. (Appendices 12,13,14 & 15)

2.4 EDUCATION AND CULTURE

2.4.1 STANDARDISATION

The government implements a scheme of education under which a Tamil student is required to achieve a higher standard than a Sinhalese student making it difficult for the Tamil students to enter Universities. The scheme contravenes Article 26 of the Universal Declaration of Human Rights.
(Appendices 16, 17 & 18)

2.4.2 VIOLENCE AGAINST TAMIL STUDENTS AND DESTRUCTION OF EDUCATIONAL INSTITUTIONS

Tamil students in Sinhalese areas are continuously attacked, particularly from 1977. For example in May, June and July 1983, Tamil students in the Peradeniya, Colombo and Moratuwa Universities in the Sinhalese areas were subject to harassment and violence. School buildings, laboratories and libraries in the Tamil areas have been distroyed by the armed forces. The Police on 1st June 1981 burnt the Jaffna library along with its 90,000 volumes and rare manuscripts.

2.4.3 CULTURE

Cultural activities of the Tamils have been curtailed as a result of continued violence. On the 10th of April, 1974, the police attacked the civilians during the 4th International Tamil Research Conference in Jaffna which resulted in the death of seven Tamils and injury to hundreds of others . An unofficial three -man commission of inquiry headed by O.L de Kretzer, Former Supreme Court Judge, appointed by the citizens of Jaffna in its report (dated 18th February 1974) condemned the police violence (The Tragedy of January 10th, 1974 - Report of the Commission of Inquiry).

2.4.4 FREEDOM OF WORSHIP

In the pogroms of 1958, 1977, 1981 and 1983 places of worship of the Tamils such as churches and temples have been wilfully distroyed by mobs and the security forces. In Tamil areas some of the Hindu places of worship have been forcibly converted to Buddhist shrines. Tamil pilgrims to Sinhalese areas have been attacked and Hindu and Christian priests have been killed by security forces . (Appendices 19,20,21,22 & 23)

2.4.5 ECONOMIC DEVELOPMENT

Much of the economic activity in the country is confined to Sinhala areas. Very few industries have been established in the Tamil areas (P R Ganeshan). The capital expenditure, per capita expenditure and. the foreign aid utilisation have been extremely low and in the implementation of irrigation schemes Tamil areas have been negleced (Committee for Rational Development). The Mahaweli project which is funded by foreign countries and international agencies was altered by the present government so that the Tamil areas would not benefit by the scheme (Dr Kumar David). (Appendix 24)

2.4.6 INSECURITY

There is continuous planned violence against the Tamils by mobs and the security forces. No action is taken against such persons and members of the Security forces (See paragraphs 3.5,3.9 & 4.1.2).

3.0 POLITICAL REACTION

3.1 MINORITY FEARS AND MAJORITY REACTION

The anxiety caused by the decitizenisation and disenfranchisement of one million Tamils led to the formation of the Federal Party by the minority Tamils in December 1949 which demanded some form of federalism with devolution of power from the centre within the framework of a Unitary State (Politics in Sri lanka 1947 - 1979 - A J Wilson, page 151).

3.2 COLONISATION

The reaction of the government for the demand of a federal system was to carry out State sponsored colonisation to alter the ethnic proportion in the areas where Tamils were dominant, specially in the North and East of Sri Lanka (Refer paragraph 2.3).

3.3 NON - VIOLENCE

Non-violent political means such as satyagraha (sit-down protest popularized by Mahatma Gandhi) mass rallies, negotiations, peaceful demonstrations and hartal (general strike) were adopted by the Tamil minority to canvass their case and to seek justice from the people and parliament (The Agony of Sri Lanka - T D S A Dissanayake; The Island - 11th December 1983). The Tamil leaders entered into agreements with successive governments in power regarding the rights of Tamils (The Bandaranaike -Chelvanayakam Pact on 26th July 1957 and Senanayake-Chelvanayakam Pact on 24th March 1965) (Refer appendices under paragraph 2.2.1).

3.4 JUDICIAL PROCESS

Apart from political means, the minority Tamils sought judicial redress through courts of justice. In the case of Kodakan Pillai V Mudanayake (1953) the Citizenship Act of 1948 was challenged (Appendix 25). Although the action succeeded at the court of the first instance, it failed in appeals on legal issues (Refer appendices to paragraph 2.1). Regarding language rights, a Tamil public employee instituted action alleging that the Official Language Act of 1956 was in contravention of section 29 of the constitution. The government reacted by abolishing the right of appeal to the Privy Council (Refer appendices under paragraph 2.4.1).

3.5 VIOLENCE BY MOBS

Passive and legal efforts of the Tamils to solve their problems were shunned by the governments. The Bandaranaike - Chelvanayakam Pact and the Senanayake-Chelvanayakam Pact were never implemented. Provisions of the regulations under the Tamil Language (Special Provisions) Act No. 28 of 1958 were never put into operation (Refer appendices under paragraph 2.4.1) Organised mobs were unleashed against Tamils and their properties. In 1956, Tamil satyagrahis were assaulted and arrested. In 1956 and 1958, Tamils were assaulted, murdered or maimed and Tamil property was looted or reduced to ashes (Refer paragraph 4.1.1).

3.6 MILITARY OCCUPATION

As an answer to non-violent satyagraha and civil disobedience by the Tamils, the government declared emergency in March 1961 and dispatched troops to occupy the Northern and Eastern provinces. The military brutally assaulted the Tamils performing satyagraha and the Tamil leaders were arrested and held in custody for six months. The insecure position of the Tamils further deteriorated by the occupation of Tamil areas by the military (Appendix 26; also refer appendices to paragraph 4.1.1.).

3.7 THE 1972 CONSTITUTION

The proposals submitted to the Constituent Assembly which drafted the 1972 constitution by the Tamil Leaders were not even acknowledged and as a result the Tamil Leaders withdrew from the deliberations of the Constituent Assembly. This constitution which was promulgated on 22nd May, 1972, had done away with section 29 of the Soulbury constitution which provided safeguard to the minorities (Appendix 2). It also made the Sinhala language as the only official language (Article 7) and gave the foremost place to Buddhism (Article 6). Since Tamils were demanding for atleast a federal form of State, an Article was introduced in the Constitution (Article 2) which provided that the Republic of Sri Lanka shall be a Unitary State, thus ending further discussion on federalism.

3.8 MANDATE FOR A SEPARATE STATE

Deprivation of fundamental rights and discrimination in every aspect of public Life left no alternative for the Tamils. Therefore the Tamil United Liberation Front resolved on 14th May 1976 at Vaddukoddai to reconstitute the State of Tamil Eelam by the exercise of the right to self-determination, as provided for in the International Covenant on Civil and Political Rights (Article 1) and the International Covenant on Economic, Social and Cultural Rights (Article 1). (Appendix 27)

The Tamil people gave their political leaders a mandate for the formation of a separate State of Tamil Eelam at the general elections held on the 21st of July 1977.

3.9 VIOLENCE UNLEASHED

For expressing their democratic right of self determination through parliamentary process, violence was unleashed through the security forces and mobs on Tamils and their property in 1977. Beginning from 13th August 1977, hundreds of Tamils were killed, women were raped and property was looted and destroyed. Educational and religious institutions were

reduced to ashes. Nearly 100,000 Tamil people were displaced. (Appendix 28)

The Presidential Commission of Inquiry (Sansoni Commission) appointed on 09/11/1977 (Gazette No. 290/14) recommended that compensation should be paid to the victims of the violence (Appendices 29 & 30). These recommendations were never implemented.

3.10 MILITANT YOUTH

Discrimination in the fields of education and employment, deprivation of language, cultural and other fundamental rights coupled with the anxiety caused by State-aided colonisation of the homelands of the Tamil people, violence perpetrated with the passive and on many instances active support of the government and the unwillingness of the government to arrive at a political solution resulted in the rise of militancy among the youth who sought liberation as an alternative to the Tamil problems. As the repression of the Tamils by the government continues, the Tamil youths see no alternative but to join the ranks of the militants.

3.11 MASS ARREST, DETENTION AND TORTURE

The government reaction to militancy of the youth was to adopt draconian legal and military measures which include mass arrests, detention, torture and summary execution (Refer paragraphs 4.1.4 and 4.1.6) Consequent to the inhuman measures of the government which have no parallel anywhere in the world, the Tamil youths are joining the militant groups in large numbers.

4.0 HUMAN RIGHTS VIOLATIONS AND EROSION OF DEMOCRATIC RIGHTS

4.1 HUMAN RIGHTS VIOLATIONS

4.1.1 PERIODIC VIOLENCE

Violence has been perpetrated against the Tamils of Sri Lanka continously. In the violences of 1956, 1958, 1961, 1974, 1977, 1979 and 1981, many thousand Tamils were killed and enormous amount of property destroyed. (Appendices 28,29 & 30)

4.1.2 1983 VIOLENCE

In June, July and August 1983 the world witnessed the worst of the violences in Sri Lankan history, which had been planned and executed by elements within the government. Thousands of Tamils were killed in the most inhuman manner and the destruction to property is beyond estimation. 200,000 Tamils were displaced as a result of the violence, about 100,000 of them finding accomodation in refugee camps. Many persons were transported by ship to the North. The security Forces encouraged violence against Tamils and on many occasions, took active part (The Communal Violence in Sri Lanka, July 1983 - Patricia Hyndman - Lawasia; Sri Lanka - A Mounting Tragedy of Errors - Paul Sieghart ICJ ; Sri Lanka : Current Human Rights Concernes and Evidence of Extrajudicial Killings by the Security Forces July 1983 - April 1984 Amnesty International). (Appendix 28)

4.1.3 MASSACRE IN CUSTODY

On 25th July 1983, 35 Tamil political prisoners were massacred in the Welikade maximum security prison in Colombo. Two days later, on 27th July 1983 another 18 Tamil political prisoners were killed in the same prison. No proper inquiries have

been held into these killings in spite of requests by the Amnesty International (Sri Lanka - A Mounting Tragedy of Errors - Paul Sieghart ICJ ; Amnesty International Report 1st June 1984 - ASA 37/05/84) (Appendix 28). On 30th November 1984, more than 70 Tamil prisoners in the Vavuniya Army Camp were shot dead by the soldiers who alleged that the prisoners attempted to escape (Guardian 29 May, 1985). Many of the Tamils arrested are feared killed in custody.

4.1.4 ATROCITIES BY SECURITY FORCES

Since August 1983, in the North and East over 1,900 Tamil civilians have been killed by the Security forces. The damage caused by these forces to property and crops is enormous. Causing injury , rape, arson, robbery and torture are committed by the armed forces with manifest disregard for discipline, law and human rights. Civilians have been shot dead by Security forces in market places, at schools, in shops, in government offices, while travelling in State buses and boats and while sleeping at home. On many occasions people have been herded into buildings and gunned down or killed with hand grenades. Hundreds of women have been raped and thousands of houses, school buildings, shops and public buildings have been destroyed by the Security Forces (Appendix 31) . No inquiries have been held even into those atrocities by the security forces admitted by the government. (Amnesty International Reports 31st January to 9th February 1982, 30th June 1983, July 1983 to April 1984, June 1984, 9th January 1985 and April 1985; Sri Lanka -A Mounting Tragedy of Errors - Paul Sieghart ICJ; Diary of Incidents 1984 - Tamil Information Centre).

4.1.5 REFUGEES

After the violence of July, August 1983, more than 40,000 refugees left for India. Since the beginning of 1984, due to atrocities of the armed forces, 60,000 Tamils have reached India. 50,000 Tamils have left for other countries such as Britain, Canada, Australia, France, West Germany and USA. As a result of the various security measures such as the Surveillance Zone and the Prohibited Zone, 200,000 Fishermen have lost their livelihood. Consequent to burning of houses and forcible evacuation by the Security Forces, another 100,000 persons have been made refugees. Along with the 50,000 who had left the country as a result of earlier pogroms, more than 500,000 Sri Lanka Tamils have been reduced to the status of refugees. The Sri Lankan government has not provided any relief measures for the Tamil refugees and also has prevented international organisations to afford relief. (Appendix 31)

4.1.6 ARREST, DETENTION AND TORTURE

Many thousands of Tamil youths were arrested arbitrarily and over 4,000 are held in every Army Camp and police station in the North and the East and in prisons and camps in the South (including Welikada in Colombo and Boosa in Galle), without trial or access. Arrests of Tamils by the armed forces continues every day. Even parents and relatives of the detainees are not aware of their whereabouts. Torture in custody has become commonplace. Following are some of the torture methods used by the security forces :

1) beating, mainly on the

buttocks with plastic pipes filled with concrete.
2) hanging by the feet over a chillie fire
3) having pins pushed down finger nails
4) burning with lighted cigarettes
5) sliting the skin and packing with chillie powder
6) thrusting a live python into the mouth
7) forcing to carry dead bodies
8) inserting spikes into the body
9) applying chillie powder to sensitive parts of the body
10 beating with gun butts, iron rods and batons
11) keeping detainees in the nude, splashing water on their bodies and exposing them to the cold.

(Parliamentary Human Rights Group - Sri Lanka : A Nation Dividing - Robert Kilroy Silk M P, Roger Sims MP - February 1985; Amnesty International Report - 9th January 1985 - ASA/37/01/85; The Observer 14th April 1985)

4.2 EROSION OF DEMOCRATIC RIGHTS

4.2.1 CITIZENSHIP

Million Tamil plantation workers lost their rights to citizenship and franchise in 1948 and 1949 respectively (Refer paragraph 2.1)

4.2.2 DENIAL OF CIVIC RIGHTS

Under the Local Authorities (Imposition of Civic Disabilities) (Special Provisions) Law of 1978, introduced by the present government, certain local government employees were deprived of their civic rights without being charged or tried. They have no remedy and cannot enter government employment for life (Civil Rights Movement - Document No.E 03/12/79).

On 17th October 1980 former Prime Minister Sirimavo Bandaranaike's civic rights were removed for seven years by Parliament on the recommendations of a Commission (Sun - 25th September 1980) under the Special Presidential Commission of Inquiry Law No. 7 of 1978, introduced by the present government, for misuse of power. The law does not lay down rules of procedure, and there is no appeal against any decision. The law was made retroactive (The warrant issued by the President to the Commission to inquire into the matters relating to the period 28th May 1970 to 23 July 1977 was challenged in action NO. 1/78 before the Court of Appeal. The court held that the warrant was ultra vires the Presidential Commission of Inquiry Law No. 7 of 1978 as the period in respect of which inquiry was to be conducted was prior to the enactment of the law. To overcome this difficulty, another law was enacted - Special Presidental Commission of Inquiry (Special Provisions) Act No. 4 of 1978 - which provided that a warrant issued may relate to any period before the commencement of the Law (Section 2)) . This law also does not define terms such as "misuse of power" and "abuse of power". It provides for admission of any kind of evidence. The day after the removal of civic rights, two bills were suddenly introduced by the government in Parliament (without providing opportunity for their constitutionality to be challenged) to amend the election laws (Parliamentary Elections Act and the Presidential Elections Act). These amendents prohibited any person whose civic rights had been removed from participating in any election (including speaking, canvassing or acting as agent) and were not submitted to

the select commitee appointed to consider election laws (Civil Rights Movement - 8.10.1980 - Documents No. 01/10/1980, E 02/11/80).

4.2.3. FAILURE TO HOLD ELECTIONS

General elections which should have been held in 1983 was not held. Instead a referendum was held on 22nd December 1982 while emergency was in force and the life of the Parliament was extended by another six years . This was done not only to remain in power but also to maintain the 2/3 majority. During the referendum, voters were intimidated by thugs at polling booths (Appendix 32). On 18th May 1983, Parliamentary by-elections were held (while emergency was in force) for 18 electoral seats in the South which had fallen vacant. But no elections were conducted for the vacant constituencies in the Tamil areas of North and East.

(The Conduct of the Referendum - Priya Samarkone; Civil Rights Movement -Document NO E 05/10/82)

4.2.4 SECOND AMENDMENT TO THE CONSTITUTION

The 1978 constitution provided that (Articles 99 & 161) a Member of Parliament who resigns or is expelled from his party automatically loses his seat at the expiry of one month which is then filled by nomination by the political party. This is an interference with the freedom of conscience. The second amendment to the constitution which came into force on 26th February, 1979 made this situation worse by providing that the seat in parliament falls vacant only if 85 members so vote (whereupon the vacancy is filled by nomination by the party). This means that the member may cross over from the opposition to the government without losing his seat, but that the reverse is unlikely (Civil Rights Movement - Document No E03/12/79). Subsequent to this amendment C Rajadurai crossed over from the opposition to the government on 23rd March 1979 and was appointed as the Minister of Regional Development (Daily News - 24th March 1979).

4.2.5 JAFFNA DDC ELECTIONS

On 4th June 1981, District Development Council elections were held in the Tamil area of Jaffna. After the casting of the votes some ballot boxes were missing and some were received late. The election was interfered with by high government officials who also intimidated the election officers (Civil Rights Movement - Document No. E 02/6/81). The Minister of Mahaweli Development, Gamini Dissanayake and Minister of Industries and Scientific Affairs, Cyril Mathew were present in Jaffna and actively participated in these interferences.

4.2.6 BY-ELECTIONS

The 1978 constitution abolished by-elections except in the case of an election being declared invalid by court (Articles 66, 99 and 161). In the case of death, resignation or removal of a Member of Parliament, the party could nominate a member. This deprives the electorate of the exercise of franchise, specially where the present government was elected not on a "proportional representation" (party list) system but by a "first past the post" system (Recent politics in Sri Lanka - W A Wiswa Warnapala and L Dias Hewagama page 115; and

Civil Rights Movement - Human Rights Day Review 1981).

4.2.7 EXCLUSION OF SMALL PARTIES

Under the new proportional representation system introduced by the present government, small parties are excluded. Those parties receiving less than 12 1/2% of the votes would not receive any representation in the body for which elections are conducted (Article 99(5)(a) of the Constitution). This provision affects the franchise rights of the people (Civil Rights Movement - Human Rights Day Review 1981).

4.2.8 KALAWANA ELECTION

The government in 1979, introduced a Bill in Parliament, the effect of which would have been to provide two members for the Kalawana electorate, one nominated and the other elected. The Civil Rights Movement of Sri Lanka petitioned the Supreme Court and the court held that such a Bill should be passed by a two-third majority and approved by referendum, because it affected franchise rights. Parliament passed the Bill by a two-third majority. In the elections the opposition candidate won and immediately the government nominated member resigned. The President therefore did not proceed to hold the referendum. For the President to remain unilaterally without holding a referendum is not authorized by the constitution and is bad precedent. A referendum should have been held or in the alternative the constitution should have been amended (Civil Rights Movement - Document No. E 01/1/81 and Human Rights Day Review 1981).

4.2.9 THE PARLIAMENTARY ELECTIONS (AMENDMENT) ACT NO. 36 OF 1984

This Act gave recognition to disturbances at polling stations. This amendment was rushed through parliament and copies of the Bill were circulated to opposition members of Parliament only at the commencement of the debate. The Act provides that the result of an election could be declared without a total count of votes. Counting could commence without the ballot boxes arriving from a "disturbed" polling station. Section 47A(2) provides that the Commissioner may declare the voting at a particular polling station void, a power which was hitherto vested in the courts. This section also provides for elections to be held in instalments. The Commissioner could hold a re-election in a disturbed polling station. It will be possible for a candidate to create disturbances at polling stations where the opposition is strong and have the votes at the other polling stations counted. After he wins, the rest of the electorate (in the re-election of the disturbed polling stations) will almost certainly swing in his favour (Civil Rights Movement - Document No. E2/9/84).

4.2.10 UNDATED SIGNED LETTERS OF RESIGNATION

President Jayewardene obtained undated signed letters of resignation from 141 members of Parliament, including Ministers, of his United National Party on 28th October 1982, thus preventing these members from voicing their opinions within and without Parliament (Recent Politics in Sri Lanka - W A Wiswa Warnapala and L Dias Hewagama; Saturday Review - 13 Novemeber 1982).

4.3 FREEDOM OF SPEECH AND

EXPRESSION

4.3.1 The Sri Lankan Government continuously interferes with freedoms of speech, expression and publication. Censorship, banning of meeting and brutal dispersal of meetings have become common place (Civil Rights Movement - Documents No. E 02/6/80, E 01/5/80; Human Rights Day Review 1980, 1981).

4.3.2 PARLIAMENTARY (POWERS & PRIVILEGES) ACT

On the 30th of January 1978, the Ceylon Observer published a news item about the Foreign Minister, A C S Hameed and inadvertently also published a wrong photograph. This error was detected and the newspaper published an apology immediately. Following this the editor and the assistant editor of the newspaper were summoned to the Parliament under an amendment passed in February 1978 to the Parliament (Powers and Privileges) Act, at two hours notice and fined, without observation of the rules of natural justice. The amendment empowers the Parliament to punish persons who in view of the Parliament have breached the privileges of Members of Parliament. S Nadesan, an eminent lawyer, critisized the law and the action of the Parliament in an article in the "Sun" in October 1979. The parliament referred this to the Supreme Court alleging that this itself was a breach of privilege. The Supreme Court ruled (on 25.6.80) that Mr Nadesan was within his rights (Civil Rights Movement-Human Rights Day Review 1980 and Documents No.E 01/4/80 and E 03/6/80).

4.3.3 PRESS COUNCIL LAW OF 1973

The Press Council law which imposes restrictions on the press and which was challenged in the constitutional court in 1973 by the party now in power, then in opposition, continues to be in force (Sri Lanka : A Mounting Tragedy of Errors - Paul Sieghart-ICJ). After coming to power the present government not only appointed its own members to the Press Council but also decided to invoke some of the harsh provisions of the Law. In addition, the government appointed a Special Select Committee in 1981 to recommend methods of dealing with the publication in the press of a matter which is 'untrue, distorted, improper or misleading in relation to members of Parliament'; (Civil Rights Movement - Documents No. E04/12/79, E 03/11/80, E5/6/84).

4.3.4 BANNING OF NEWSPAPERS

The Tamil newspaper of the North 'Suthanthiran' was banned by the present government on 20th October 1982 under emergency declared on the same day (Saturday Review 6 November 1982). The opposition newspaper 'ATHTHA' was banned in November 1982 (Saturday Review 6th November 1982). The Northern English newspaper Saturday Review was banned on 1st July 1983 (Island 3 July 1983) (Sri Lanka - A Mounting Tragedy of Errors - Paul Sieghart - ICJ). Although Saturday Review has been allowed publication from 18th January 1984, it is subject to special censorship. No other paper in Sri Lanka is subject to such special censorship.

4.3.5 GOVERNMENT CONTROL AND CENSORSHIP

The Associated Newspapers of Ceylon Ltd (Lake House) and the Ceylon Times Ltd, are owned or

controlled by the government and the other publishing houses are influenced by government pressure (Sri Lanka : A Mounting Tragedy or Errors - Paul Sieghart).

Broadcasting and television are fully controlled by the government. There is a continued censorship in force in Sri Lanka (Civil Rights Movement-Documents No.Eo4/12/79, E03/11/80, Eo2/6/80, E03/12/82, E 5/6/84 and Human Rights Day Review 1981) (Also refer paragraph 4.2.3 regarding referendum)

4.4 INTERFERENCE WITH THE JUDICIARY

There has been many instances of interference with the judiciary. Under the constitution of 1978 all judges of the Superior Courts are appointed by the President (Articles 107(1) and 111(1). When such appointments were made by President Jayewardene in 1978 after the promulgation of the new constitution, many judges lost their offices (Appendix 34)

Police officers found guilty of breaching fundamental rights of citizens by the Supreme Court on 8.2.1983 and 8.6.1983 have been promoted at the instance of President Jayewardene (Sri Lanka - A Mounting Tragedy of Errors - Paul Sieghart -ICJ). The fines imposed in such instances have been paid out of public funds. (Appendix 34)

The judges who pronounced the judgements against the above referred police officers were intimidated at their residences on 10th June 1983 by organised gangs of thugs. (Appendix 34)

A Parliamentary Select Committee was appointed in April 1984 to conduct an inquiry into certin statements made by Chief Justice on 14th March 1984 and a resolution was submitted in parliament by government members for the removal of the Chief Justice. The Chief Justice retired before the resolution could be debated.

Judges of the Supreme Court and the Court of Appeal were prevented from entering courts by police for one week from 8th September 1983 for failing allegedly to take oaths under the 6th amendment to the constitution, although these judges had taken oaths before one another as was the tradition. They were compelled to take oaths before the Sri Lankan President(Tamil Times-September/ October 1983).

4.5 FREEDOM OF ASSOCIATION AND WORKER'S RIGHTS.

4.5.1 ESSENTIAL PUBLIC SERVICES ACT NO. 61 OF 1979.

The Essential Public Services Act of 1979 introduced by the present UNP government (effective from 8th October 1979) restricts the democratic rights of trade unions.

Under the Act the government may resort under the normal law to what was earlier usual only at times of national emergency. In times of national emergency the most drastic curtailment of trade union action can be made. Under the Industrial Disputes Act, 21 days notice for strike in an industry which was declared 'essential' was necessary (section 32) and the Minister may refer an industrial dispute for compulsory arbitration whereupon the workers must end the strike (Section 40(m)).

The Essential Services Act lists certain trades which may be declared essential by the President under even normal

circumstances. In the event of such declaration there could be no strikes in these trades.

A person convicted under the Act may be fined and imprisoned and may also forfeit his property to the State however trivial the offence may be. Further if he is a professional he will be struck off from the enrolement registers (eg. A Lawyer will be removed from the roll of Supreme Court). More than one punishment may be imposed by the Court which is unprecedented. This is also usurpation of the powers of other bodies (in the above case the Supreme Court). (A Amirthalingam's address - Parliamentary Proceedings 3rd October 1979; Civil Rights Movement - Documents No. E01/9/79 and E03/12/79)

4.5.2 THE LOCAL GOVERNMENT (SPECIAL PROVISIONS) ACT NO. 3 OF 1979 & ACT NO. 12 OF 1979

These Acts deprived local government employees of the right of access to Labour Tribunals in the event of dismissal and provide for only a single appeal to the Minister. This law is in derogation of Article 2(3) of the International Covenant of Civil and Political Rights which states that the State shall develop the possibilities of judicial remedy.

In the case of pending cases at the time of the enactment of the Law, the dismissed employee who alleged political victimisation by the Minister had an appeal to the same Minister, which procedure is contrary to natural justice (Civil Rights Movement - Document No E 01/10/79).

4.5.3 DEMONSTRATION BY TRADE UNIONS

The opposition trade unions organised a demonstration on 5th June 1980. The government party called for a counter demonstration. The opposition trade unionists were attacked and a trade unionist, D Somapala was killed (Civil Rights Movement - Documents No. E 02/07/80, E 01/7/80). (Appendix 35)

4.5.4 STRIKE BY UNIONS

The Public and Private Sector employees staged a strike on 16th July 1980 for alleviation of the problems caused by rapid inflation and economic hardship. The government declared emergency for one month and made regulations,

a) to override ordinary rules of evidence and make confessions to the Police admissible in courts.

b) to impose death penalty for number of offences, some comparatively trivial.

c) to impose strict censorship

d) to make every government department, corporation and co-operative society, mercantile and commercial undertaking an "essential industry"

(Civil Rights Movement - Document No. 01/08/80)

Under these harsh measures more than 40,000 workers lost their jobs for participating in the strike, although the right to strike is recognised by the International Covenant on Economic, Social and Cultural Rights (Article 8) and also the laws of Sri Lanka (Definition of a "Trade Union" in Section 2, and Section 18 of the Trade Unions Ordinance and Section 48 of the Industrial Disputes Act).

On this issue, the Ceylon Workers Congress (CWC) which is part of

the present government, (its President, S Thondaman holding the post of Minister of Rural Industrial Development) was disaffiliated from the International Union of Food and Allied Workers Associations (IUF). This decision was taken at the 19th Congress of the IUF held in Munich from 28th to 31st March 1981 on the ground that the CWC remained in the government in spite of the anti-trade union measures that the government was guilty of (Report of Activities - Ceylon Workers Congress 1979 - 1981). Over the years many persons who were dismissed have been reinstated. However, more than 10,000 persons remain dismissed (Sun - 25th August 1984).

4.5.5 VOLUNTARY SOCIAL SERVICE ORGANISATIONS (Registration and Supervision) Act No. 31 of 1980

This law infringes the fundamental right of freedom of association. It allows for a government official to be present at the meetings of a social service organisation. Freedom of association means freedom to associate with whom one wants to associate. The law is discriminatary against social service organisations (Civil Rights Movement - Documents No. E 01/2/80, E 01/3/80, E 03/3/80 and Human Rights Day Review 1980)

4.5.6 VIOLENCE AGAINST PEACEFUL DEMONSTRATIONS

During the tenure of the present government several peaceful demonstrations were interupted by the police, and thugs who used violence against the workers. In these acts of violence government officials were actively involved or afforded passive support (Civil Rights Movement Document No. E 05A/10/81) (Appendix 35)

4.6 PREVENTION OF TERRORISM ACT AND OTHER REPRESSIVE LAWS

The most repressive law ever enacted in Sri Lanka is the Prevention of Terrorism Act. The Bill relating to this Act was debated in Parliament on 19th July 1979. Copies of the Bill were not made available to the public. The Supreme Court had considered the Bill on 17th July 1979, but representation before the court was impossible as copies of the Bill were not available.

Under the Act a suspected person may be held in custody without access to anyone or trial for eighteen months. Such action cannot be called in question in any manner. The Police and armed forces are given absolute power to enter and search any premises. The Act makes even oral confessions obtained in detention admissible in evidence in Courts. Under this Act, many Tamil youths are being taken into custody and held in camps deep in the South of the Island. There have been many deaths while in custody and torture has become common place. It is estimated that presently there are over 4,000 Tamil youths in custody. Under emergency regulations 15 A promulgated in June 1983, the Security Forces were authorized to dispose dead bodies in secret without any inquest proceedings or post-mortem. Following condemnation of these regulations the government replaced it on 14th June 1984 by new emergency regulations 55 B to 55 F. However, these regulations have not improved the situation. (Civil Rights Movement - Human Rights Day Review 1980, 1981)

Regulations made by the government to restrict movement

of people in the Tamil areas are in force (Security Zone -Gazette Extraordinary 325/23 of 30/11/1984; Prohibited Zone - Gazette Extraordinary 325/21 of 30/11/84) and the declaration of the Surveillance Zone brought to an end all fishing in the North (Gazette Extraordinary 30/11/84). Under the regulations each household is required to provide to the Police a list of the inmates and is prohibited from receiving visitors (Gazette Extraordinary 325/22 of 30/11/84). For possession of vehicles, the owner is required to obtain police permits and only a few specified dealers are authorized to possess a specified quantity of fuel and sell a specified quantity to each customer (Gazette Extraordinary 325/23 of 30/11/84).

4.7 NO CONFIDENCE MOTION AGAINST THE LEADER OF THE OPPOSITION

A no-confidence motion was introduced and passed in Parliament by government members on 23 July 1981 against the Leader of the Opposition, A Amirthalingam. There were extensive debates in Parliament on the methods of torturing and executing him (Hansard - 23, 24 July 1981).

4.8 SIXTH AMENDMENT TO THE CONSTITUTION

The Sixth Amendment to the Constitution was rushed through Parliament and became law on the 8th of August 1983, while violence was raging in the country. This amendment provided that "No person shall directly or indirectly, in or outside Sri Lanka support, espouse, promote, finance, encourage or advocate the establishment of a separate State within the territory of Sri Lanka" (Article 157 A(1)) and required that everyone to take an oath or affirmation (Article 157 A(7) - (10) and the seventh Schedule). The amendment directly conflicts with the provisions relating to freedom of thought and conscience (Article 10) and freedom of speech and expression (Article 14(1)(a)) guaranteed in the constitution itself and is in derogation of Articles 2,18,19 and 25 of the International Covenant on Civil and Political Rights.

Members of Parliament of the Tamil United Liberation Front refused to take oaths in the light of the fact that it had received a mandate from the people to seek ways to establish an independant Tamil State.

Thus The Sixth amendment deprived the Tamil Community of its remaining voice in Parliament and so of its last opportunity to take part in the democratic process (Sri Lanka : A Mounting Tragedy of Errors - Paul Sieghart - ICJ)

4.9 ALL PARTY CONFERENCE

When the All Party Conference began on 10th January 1984, the Tamil United Liberation Front participated to explore the possibility of a viable alternative to place before the Tamil people, although it had received a mandate for the establishment of a separate Tamil State, and indicated that the agenda should be based on the proposals which had emerged as a result of discussions in Colombo and New Delhi as contained in "Appendix C" (Appendix 36) which provided for certain measures for devolution of power and autonomy. But "Appendix C" was rejected and the government admitted to the conference various groups which provded detrimental to the smooth conduct of the conference. The government also resorted to

delay tactics and at the same time, tried to impose a military solution on the Tamils by strong repressive action in the North and the East and also began to continue changing the demographic patterns of the Tamil homelands.

During this period, the government brought in the Israelis and the British ex SAS members as "advisors" to aggravate the repression of the Tamils. Mass massacres of civilians took place in the North and East by the Security Forces. Hundreds of shops and houses were burnt. Hundreds of Tamils were arrested, detained and tortured. Despite all these planned atrocities, the TULF continued to participate in the conference. Finally, on 21st September 1984, the government placed its proposals before the Conference. These proposals envisaged only District Development Councils as the unit and made no provision for any devolution of legislative and executive power to this unit and for election of members of the unit by the people. In a calculated attempt to defeat the object of devolution of power, the proposals linked devolution to a second Chamber, the majority of the members of which would be appointed by the President.

As these proposals did not come anywhere near the aspirations of the Tamil people, the TULF could not accept the proposals (Statement of A Amirthalingam at the Plenary Session of the All Party Conference on 30th September 1984; Hansard 20th February 1985 Vol.34 No.1).

5.0 Future ?

Since January 1985 the violence has escalated and consequently a large number of innocent civilians have lost their lives. The government took no constructive measures to bring about a solution to the ethnic problem but has by wilful action sought to destabilise the entire Tamil population in the Eastern province. The violence created by the government in Batticaloa and Trincomalee has taken its toll of innocent lives.

In an attempt to bring about a peaceful solution to the problems Prime Minister of India Rajiv Gandhi urged the government of Sri Lanka and the Tamil militants to cease hostilities,so that negotiations could be resumed. Both parties have agreed for a cease-fire with effect from 18th June 1985. The solution to the ethnic problem has eluded us thus far. Will there be a solution ?

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APPENDIX - 1

CITIZENSHIP

One of the first acts of the first government of Sri Lanka after independence in 1948 was to ensure the passage of the Citizenship Act No. 18 of 1948 in Parliament. The tests of domicile and birth as conditions for citizenship were shelved and the new test of 'descent' was brought into existence. This Act fixed 15th November 1948 as the 'appointed date' and added that a person could be recognized as a citizen of Sri Lanka by 'descent' or by 'registration'.

Section 29(2) of the 1946 constitution (popularly known as the Soulbury constitution) which had been enshrined to preserve minority rights provided as follows :

No Law (enacted by parliament) shall

a) prohibit or restrict the free exercise of any religion; or

b) make persons of any community or religion liable to disabilities or restrictions to which persons of other communities or religions are not made liable; or

c) confer on persons of any community or religion any privilege or advantage which is not conferred on persons of other communities or religions (Appendix 2).

In view of the restriction imposed by the above section of the constitution, an express provision to deprive the citizenship of plantation workers could not be enacted. Therefore the devious method of defining citizenship was used to circumvent the provisions of the constitution. Although the provisions of the Citizenship Act were applicable to all persons, except the plantation Tamils of recent Indian origin, others were recognized ipso facto citizens of Sri Lanka. The plantation Tamils were required to prove not only their birth but also the births of their ascendants in order to obtain their citizenship. Only a few could provide such proof and the rest became stateless.

The Citizenship Act contravened all international practices and norms. The principle relating to nationality in the Paris Peace Treaty of 1919 that "new states have to accept all persons domiciled within its territory as its nationals" had been accepted by Sri Lanka. as it required only the test of domicile as a condition for citizenship since 1930. The introduction of the test of descent brought an end to this procedure.

Article 15 of the Universal Declaration of Human Rights declares that everyone has the right to a nationality and that no one shall be arbitrarily deprived of his nationality (Appendix 3). Sri Lanka while remaining a member of the United Nations and being a signatory to its covenants has neither taken steps to amend or repeal the Citizenship Act nor has it conformed to the convention relating to the Status of Stateless Persons.

The Citizenship Act categorises Citizenship by descent in the following manner :

	Persons born in Sri Lanka	Persons born outside Sri Lanka
Born before 15.11.1948	Would be a citizen if, a) his father was born in Sri Lanka or b) his paternal grand-father and paternal great grandfather were born in Sri Lanka	Would be a citizen if, a) his father and paternal grandfather were born in Sri Lanka or b) his paternal grand father and paternal great grandfather were born in Sri Lanka
Born after 15.11.1948	Would be a citizen if, his father was a citizen of Sri Lanka (by descent or registration) at the time of his birth.	Would be a citizen if father was a citizen at time of his birth and his birth is registered under the citizenship Act by the Ministry of Defence and Foreign Affairs

Even in modern times proving the birth of one's great grandfather would be an awesome task. In the old days when proper records were scarce (registration of births began only in 1876) the task was impossible. Furthermore persons born after 15th November 1948 remain stateless since their fathers or grandfathers were without citizenship on this date. Thus the appointed date ensured the perpetuation of the state of statelessness.

A person may also apply to be registered as a citizen of Sri Lanka under the Citizenship Act. Very few persons were registered as citizens due to the rigorous requirements of the Act.

The injustice caused to the plantation workers by the Citizenship Act was further aggravated by the enactment of the Ceylon (Parliamentary) Elections (Amendment) Act No.48 of 1949. Sri Lanka granted universal adult franchise in 1931. The plantation Tamils voted in the general elections of 1947 and elected seven members to represent them in parliament. The above-referred Elections Act declared that "no person who was not a citizen of Sri Lanka could have his or her name entered or retained in the electoral registers", stripping a million people, who had been already made stateless, of their voting rights. They could not vote in parliamentary elections or the local government elections. Their voice was effectively stifled.

With a view to neutralise the effects of protests against the Citizenship Act, the government introduced another law in parliament, the Indian and Pakistani Residents (Citizenship) Act No.3 of 1949. An applicant for citizenship under this Act was required to prove the following :

That he has.

a) an assured income of a reasonable amount.

b) no disabilities conforming to laws of Sri Lanka.

c) renounced any other citizenship.

d) been resident in Sri Lanka before 1st January 1946 for a minimum period of -

1) 10 years if unmarried, divorced or widowed
ii) 7 years if married (wife and children residing with him)

Of the 825,000 plantation Tamils who applied under this Act only 134,000 were granted citizenship, rejecting the vast majority of the applications on flimsy grounds.

In 1964 the Sri Lankan and Indian governments entered into an agreement, the Indo-Ceylon Agreement of 1964 (popularly known as the Sirima-Shastri Pact). This agreement which envisaged the division of the planation Tamils like chattel between Sri Lanka and India, paved the way for the enactment of the Indo-Ceylon Agreement (Implementation) Act No.14 of 1967. the agreement was solely between the governments and the people involved were not consulted at any stage. Under the Act 525,000 persons and their natural increase were to be accepted as Indian citizens and repatriated to India. Sri Lanka was to grant citizenship to 300,000 and their natural increase. The number of stateless persons at that time were estimated at 975,000 and the fate of the balance of 150,000 persons and their natural increase was left to be decided later. 700,000 persons applied for Sri Lanka Citizenship and 400,000 for Indian Citizenship, making a total of 1,100,000. The difference between the estimated figure of 975,000 persons and the number of applicants (ie 1,100,000) was never accounted for.

In 1974 there was another agreement between Sri Lanka and India (Sirima - Indira Pact). This agreement decided the fate of 150,000 persons left over in the 1964 agreement. Under the 1974 agreement India was to accept 75,000 persons and their natural increase and Sri Lanka 75,000 persons and their natural increase.

Due to the governments ignoring the people involved and their representatives in the formulation of the agreements, the actual number of stateless persons was never calculated. Therefore in spite of the agreements and the claim by the government of Sri Lanka that there are only 93,000 stateless persons, the actual figure would be in the region of 400,000.

(Politics in Sri Lanka 1947 - 1979 - A J Wilson; Citizenship Rights and Repatriation - MIRJE 1980)

APPENDIX - 2

The Ceylon (Constitution)
Order in Council of 1946
(Soulbury Constitution)
Section 29

S.29 (1) Subject to the provisions of this Order, Parliament shall have power to make laws for the peace, order and good government of the island.

(2) No such law shall -
(a) prohibit or restrict the free exercise of any religion; or

(b) make persons of any community or religion liable to disabilities or restrictions to which persons of other communities or religions are not made liable : or

(c) confer on persons of any community or religion any privilege or advantage which is not conferred on persons of other communities or religions; or

(d) alter the constitution of any religious body except with the consent of the governing authority of that body.

(3) Any law made in contravention of subsection (2) of this section shall, to the extent of such contravention. be void.

(4) In the exercise of its powers under this section, Parliament may amend or repeal any of the provisions of this Order or any other Order of Her Majesty in Council in its application to the Island:

Provided that no Bill for the amendment or repeal of any of the provisions of this order shall be presented for the Royal Assent unless it is endorsed on it a certificate under the hand of the Speaker that the number of votes cast in favour thereof in the House of Representatives amounted to not less than two-thirds of the whole number of Members of the House (including those not present).

APPENDIX - 3

UNIVERSAL DECLARATION OF HUMAN RIGHTS

ARTICLE 15

1 Everyone has the right to a nationality.

2 No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

APPENDIX - 4

LANGUAGE

(1) In 1944 J R Jayewardene proposed in the State Council that Sinahala be made the official language. This proposal was amended to include Tamil and by a vote of 27 to 2 it was decided to recommend that Tamil and Sinhala be made official languages as well as languages for school instructions, public service examinations and legislative proceedings (Ethnic Consciousness in Sri Lanka : Continuity and Change - Kumari Jayawardena).

(2) In September 1951 Sri Lanka Freedom Party (SLFP) was formed and in its first manifesto declared that Sinhala and Tamil should be adopted as official languages (Kumari Jayawardena).

(3) Between 1953 and 1956 Sinhala only cry become important and by 1955 SLFP had changed to Sinhala only demand (A J Wilson in Sri Lanka : A Survey).

(4) In late 1955, Prime Minister Sir John Kotelawala, while on an official visit to the Tamil North promised the Tamils that constitutional provisions would be made for Sinhalese and Tamil languages to have parity status. However on returning to the south he changed his tune (Electoral Politics in an Emergent State - The Ceylon General Election of May 1970 - A Jeyaratnam Wilson)

(5) In February 1956 the United National Party (UNP) under the leadership of Kotelawala adopted a resolution that Sinhala alone should be made the State language (A J Wilson in Sri Lanka : A Survey)

(6) The language issue was seen as a means of gaining political power and the parties changed their slogans to 'Sinhala only'. In the 1950s Buddhist monks organised agitations on the language issue and were the main spokesmen for the campaign (Kumari Jayawardena).

(7) By the 1956 elections UNP, SLFP and Viplavakari Sama Samaja Party led by Philip Gunawardena had opted for Sinhala only (Kumari Jayawardena).

(8) In 1956 the Mahajana Eksath Peramuna (MEP) coalition led by Bandaranaike won the elections and introduced the Sinhala only Bill in Parliament on 5th June 1956.

(9) Speaking on the Bill in Parliament Leslie Gunawardena said "There is danger of the division of the country. If those (Tamil) people feel that a grave and irreparable injustice is done to them, there is a possibility of their deciding even to break away from the rest of the country" (Hansard 8th June 1956). (Appendix 5)

(10) The Bill was passed in Parliament as the Official Language Act No.33 of 1956 on 7th July 1956.

(11) On the day of the introduction of the Bill (5th June 1956) Tamil volunteers who staged a satyagraha in front of the Parliament were set upon by thugs and beaten. Following this, Tamils were attacked all over the island. 150 Tamils including women and children were killed. Property of the Tamils was distroyed. (Appendix 28)

(12) In 1957 S W R D Bandaranaike entred into a Pact (26th July 1957) with S J V Chelvanayakam. In terms of the Pact, Tamil was to be recognised as the language of a national minority and language of administration in the North and East with provision for regional councils with powers over education, agriculture and selection for colonisation (Appendix 6)

(13) The Sinhalese including Buddhist Bikkhus and the United National Party organised a march on 4th October 1957 from Colombo to Kandy to protest against the Pact and this march was led by J R Jayewardene. As a result of such protests the Pact was abrogated.

(14) In the riots that followed in 1958 nearly 1000 Tamils were killed (The Agony of Sri Lanka - T D S A Dissanayake; The Island - 11th December 1983). (Appendix 28)

(15) In 1958 the Tamil language (Special Provisions) Act No.28 of 1958 was enacted by Parliament for the reasonable use of Tamil. The Act authorised the Prime Minister to make regulations to give effect to the use of Tamil in areas specified. The Act did not contain any enforceable right to use Tamil or mandatory provisions directing the use of Tamil. However no regulations were made until 1966. Subsequent to the Senanayake - Chelvanayakam Pact on 24 March 1965 (Appendix 7) the UNP government made

regulations in 1966 but this was strongly opposed by Sinhalese who organised protests (Appendix 8). During these protests a Buddhist Bikkhu was killed. Thereafter the provisions of the regulations were never put into operation.

(16) Tamil employees in government service were served with six months' notice in 1962 to gain proficiency in the Sinhala Language in terms of the Official Language Act. A government employee Kodeeswaran whose increments were stopped for not gaining proficiency in Sinhala, instituted action against the government alleging that the Official Language Act was in contravention of Section 29 of the constitution. The District Court held that the Act and regulations were ultra vires. The Supreme Court set aside this order. But the Privy Council in 1969 held that the case should be remitted to the Supreme Court for consideration of the constitutional issue. Even if the Supreme Court held against Kodeeswaran in the constitutional issue, he could have appealed again to the Privy Council. As a direct outcome of the case and to prevent similar appeals the SLFP government which came to power in 1970 abolished appeals to the Privy Council by the Court of Appeal Act No 44 of 1971.

(17) The 1972 constitution declared (Article 7) that the "Official Language of Sri Lanka shall be Sinhala" thus enshrining the provisions of the 1956 Official Language Act in the constitution. A similar Article was included in the 1978 constitution (Article 18).

(18) As a result of the language policy and legislation. Tamils lost their employment opportunities in the public sector.

APPENDIX - 5

Statements made in Parliament at the time of the introduction of the Sinhala only Bill in 1956

(Page 101 - Sri Lanka - The National Question and the Tamil Liberation struggle - Satchi Ponnambalam)

Dr N M Perera, the LSSP leader declared :

The LSSP's demand for Sinhalese and Tamil as the State languages, it should be made very clear at the outset, flows from a very real concern for the interests of the people who speak these languages . We have been for Swabasha, that is, for Sinhalese and Tamil, ever since we started in 1935. That was one of our items in our first programme issued by the LSSP, that the administration of the country should be in Sinhalese and Tamil.. Our Party has taken a consistent attitude ever since... We have never faltered or wavered from that position because we felt that that was the correct line to take. That position we still adhere to however unpopular that action might be .

G G Ponnambalam, the leader of the the Tamil Congress, said: "The imposition of Sinhalese as the sole official language of this country must inevitably and inexorably put an end, even if that is not your real objective today, to the Tamil nation and the Tamil people as such".
Leslie Goonewardene, the secretary of the LSSP, said :

..We oppose the injustice done to the Tamil-speaking people by this Bill. We feel just as the Sinhalese people should have the right to be ruled in the Sinhalese Language and conduct their business with the government in the Sinhalese language, so also the Tamils should have the right to conduct their business with the State in the Tamil language and to be ruled in the Tamil language.

Pieter Keuneman, of the CP, said :

I am a communist and I am proud to be a communist ... (The CP) opposes this Bill. It opposes oppression in whatever form it appears. It is because of this fundamental basis of our political philosophy that we of the CP oppose this Bill with all our strength. We believe that all nationals of this country have a natural and unfettered right to use their language, to govern themselves in their language, to build and develop their language and cultures. This is a right which in the case of any one linguistic group is neither more nor less than in the case of the other linguistic group. No person or linguistic group should, because of his or its language, be placed in a position inferior or superior, in the exercise and enjoyment of the rights and obligations of citizenship, to another person or language group.

BANDARANAIKE - CHELVANAYAKAM AGREEMENT OF 26TH JULY 1957

Part - A

Representatives of the Federal Party have had a series of discussions with the Prime Minister in an effort to resolve the differences of opinion that had been growing and creating tension.

At an early stage of these conversations it became evident that it was not possible for the Prime Minister to accede to some of the demands of the Federal Party.

The Prime Minister stated that, from the point of view of the Government, he was not in a position to discuss the setting up of a Federal Constitution, or regional autonomy, or take any step that would abrogate the Official Language Act.

The question then arose whether it was possible to explore the possibility of an adjustment without the Federal Party abandoning or surrendering any of its fundamental principles or objectives.

At this stage the Prime Minister suggested an examination of the Government's draft Regional Council Bill to see whether provision could be made under it to meet, reasonably, some of the matters in this regard which the Federal Party had in view.

The agreements so reached are embodied in a separate document.

Regarding the language issue, the Federal Party reiterated its stand for parity, but in view of the position of the Prime Minister in this matter they came to an agreement by way of adjustment. They pointed out that it was important for them that there should be a recognition of Tamil as a national language, and that the administrative work of the Northern and Eastern Provinces should be done in Tamil.

The Prime Minister stated that as mentioned by him earlier it was not possible for him to take any steps that would abrogate the Official Language Act.

After discussion, it was agreed that the proposed legislation should contain recognition of Tamil as the language of a national minority of Ceylon, and that the four points mentioned by the Prime Minister should include provision that, without infringing on the position of the official language as such, the language of administration of the Northern and Eastern Provinces be Tamil, and that any necessary provision be made for the non-Tamil speaking minorities in the Northern and Eastern Provinces.

Regarding the question of Ceylon citizenship for people of Indian descent and the revision of the Citizenship Act, the representatives of the Federal Party put forward their views to the Prime Minister and pressed for an early settlement.

The Prime Minister indicated that the problem would receive early consideration.

In view of these conclusions the Federal Party stated that they were withdrawing their proposed satyagraha.

PART - B

1) REGIONAL areas to be defined in the Bill itself by embodying them in a schedule thereto.

2) THAT the Northern Province is to form one regional area whilst the Eastern Province is to be divided into two or more regional areas.

3) PROVISION is to be made in the Bill to enable two or more regions to amalgamate even beyond provincial limit; and for one region to divide itself subject to ratification by Parliament. Further provision is to be made in the Bill for two or more regions to collaborate for specific purposes of common interest.

4) PROVISION is to be made for direct election of regional councillors. Provision is to be made for a delimitation commission or commissions for carving out electorates. The question of MPs representing districts falling within regional areas to be eligible to function as chairmen is to be considered. The question of Government Agents being regional commissioners is to be considered. The question of supervisory functions over larger towns, strategic towns and municipalities is to be looked into.

5) PARLIAMENT is to delegate powers and to specify them in the Act. It was agreed that regional councils should have powers over specified subjects including agriculture, co-operatives, lands and land development, colonisation, education, health, industries and fisheries, housing and social services, electricity, water schemes and roads. Requisite definition of powers will be made in the Bill.

6) It was agreed that in the matter of colonisation schemes the powers of the regional councils shall include the power to select allottees to whom lands within their area of authority shall be alienated and also power to select personnel to be employed for work on such schemes. The position regarding the area at present administered by the Gal Oya Board in this matter requires consideration.

7) THE powers in regard to the regional councils vested in the Minister of Local Government in the draft Bill to be revised with a view to vesting control in Parliament where necessary.

8) THE Central Government will provide block grants to the regional councils. The principles on which the grants will be computed will be gone into. The regional councils shall have powers of taxation and borrowing.

APPENDIX - 7

Agreement Between Mr Dudley Senanayake , M P
Leader of the U N P
and
Mr S J V Chelvanayakam, Q C, M P
Leader of the F P
on
24 March 1965

Mr Dudley Senanayake and Mr S J V Chelvanayakam met on the 24th day of March 1965 and discussed matters relating to some problems over which the Tamil-speaking people were concerned, and Mr Senanayake agreed that action on the following lines would be taken by him to ensure a stable Government :

1) Action will be taken early under the Tamil Language (Special Provisions) Act to make provision for the Tamil language to be the language of administration and of record in the Northern and Eastern Provinces.

Mr Senayake also explained that it was the policy of his Party that a Tamil speaking person should be entitled to transact business in Tamil throughout the island.

2) Mr Senanayake stated that it was the policy of his Party to amend the Language of the Courts Act to provide for legal proceedings in the Northern and Eastern Provinces to be conducted and recorded in Tamil.

3) Action will be taken to establish District Councils in Ceylon, vested with powers over subjects to be mutually agreed upon between the two leaders. It was agreed, however, that the Government should have power under the law to give directions to such Councils in the national interest.

4) The Land Development Ordinance will be amended to provide that citizens of Ceylon be entitled to the allotment of land under the Ordinance. Mr Senanayake further agreed that in the granting of land under colonisation schemes the following priorities be observed in the Northern and Eastern Provinces:

(a) Land in the Northern and Eastern Provinces should in the first instance be granted to landless persons in the District.

(b) Secondly, to Tamil-speaking persons resident in the Northern and Eastern Provinces, and

(c) Thirdly, to other citizens in Ceylon, preference being given to Tamil citizens in the rest of the Island.

Sgd/Dudley Senanayake
24.3.1965

Sgd/S J V Chelvanayakam
24.3.1965

APPENDIX - 8

Regulations under the Tamil Language (Special Provisions) Act No. 28 of 1958, published in Government Gazette No. 14653 of 2.3.1966.

1) Without prejudice to the operation of the Official Language Act No.33 of 1956, which declared the Sinhala Language to be the one official language of Ceylon, the Tamil Language shall be used,

2) (a) in the Northern and Eastern Provinces for the transaction of all Government and public business and the maintenance of public records whether such business is conducted in or by a department or institution of the Government, a public Corporation or a Statutory Institution, and

   (b) for all correspondence between persons other than officials in their official capacity, educated through the medium of the Tamil Language, and any official in his official capacity or between any local authority in the Northern and Eastern Provinces which conducts its business in the Tamil Language, and any official in his official capacity.

3) To give effect to the principles and provisions of the Tamil Language (Special Provisions) Act, and those Regulations, all Ordinances, and Acts, all Orders, Proclamations, Rules, By-laws, Regulations, Notifications, made or issued under any written law, the Government Gazette and all other official publications and circulars, and forms issued by Government, Corporations, Statutory Institutions shall be published in Tamil.

APPENDIX - 9

EMPLOYMENT

TABLE 1

STATE SECTOR (EXCLUDING CORPORATION SECTOR)

Category percentages of :	Sinhalese	Tamils	Others
Professional and Technical	82%	12%	6%
Administrative and Managerial	81%	16%	3%
All Categories	84%	12%	4%

TABLE II

Public Sector (State and Corporation Sectors Combined)

Category percentages of:	Sinhalese	Tamils	Others
Professional and Technical	82%	13%	5%
Administrative and Managerial	83%	14%	3%
All categories	85%	11%	4%

Source: Census of Public and Corporation Sector Employment, Department of Census and Statistics.

From the above tables it will be seen that although the Sinhalese form only 74% of the population they had 85% of all jobs in the State sector and the minority (Tamils and Muslims) with 26% of the population had only 15% of the jobs. These figures are for the year 1980. Since 1980 the position has much worsened, the state sector showing open apathy towards the Tamils.

The Tamils have a lower unemployment rate. This is due to the fact that whole families of Tamils are employed on plantations where they receive wages on a daily rate (the State management granting only three days work on the average a week) and are probably the lowest paid workers in the world.

The unemployment rate among young Tamil males who have passed the G C E (A/L) examination is 41% while that of the Sinhalese is only 29% (Source : Labour Force and Socio Economic Survey - Ministry of Plan Implementation and Department of Census and Statistics -1983)

Of nearly 500.000 vacancies filled by the government after 1977 not even 2% were Tamils.

In the armed forces less than 2% are Tamils and in the police force less than 5% are Tamils (Mervyn de Silva - Far Eastern Economic Review 30th August 1984)

Table III

Employment
State Sector Employment - 1972 - %

	Sinhalese	Tamils
As a % of population 1971	72.0	20.5
Administrative, Professional & Technical Grades	67.7	28.5
Middle Grades	81.2	15.3
School Teachers	81.5	11.6
Minor Employees	86.4	10.6
Labour Grades	85.5	11.6
All Categories	82.6	12.9

Source : Statistics of Personnel in State Services -1972

TABLE IV

Discrimination in State Sector Employment between 1977 - 81

	Total Vacancies	Sinhalese(%)	Tamils(%)
Clerical	9,965	9,326(93.6)	492(4.9)
Teachers	29,218	25,553(87.6)	2,084(7.1)
Total	39.183	34,879(87.6)	2,576(6.6)

Source : Tamil Times - January 1985
By Dr Nihal Jayawickrema

APPENDIX - 10

UNIVERSAL DECLARATION OF HUMAN RIGHTS

ARTICLE 23

1 Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2 Everyone, without any discrimination, has the right to equal pay for equal work.

3 Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4 Everyone has the right to form and to join trade unions for the protection of his interests.

APPENDIX - 11

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

ARTICLE 6

1 The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2 The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes. policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular :

a) Remuneration which provides all workers, as a minimum, with :

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those

enjoyed by men, with equal pay for equal work ;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant ;

b) Safe and healthy working conditions :

c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

APPENDIX - 12

COLONISATION

The Tamil Homelands have been in existence for many centuries (Appendix 12A). Colonisation of the Tamil Homelands began after independence in 1948. Colonisation means government sponsored resettlement of Sinhalese from the wet zone, in the jungle-cleared dry zones, mainly the Tamil areas. This has over the years resulted in the alteration of the ethnic composition in the Tamil areas. Although the existence of "Tamil homelands" had been acknowledged by successive governments, colonisation was carried out nevertheless. (Appendix 13)

After years of continued colonisation, in 1963 a new district, the Amparai District was carved out of what was Batticaloa district. From the Amparai district a separate electorate (Amparai electorate) was formed for the Sinhalese. Similarly the Seruwila electorate was carved out of the Trincomalee District for the Sinhalese (Map 9). These two electorates cover an area of 1548 square miles out of the total area of the Eastern Province of 3839 square miles.

In 1953 the population of Sinhalese in Batticaloa District was 11.5%. After division in 1963 the Amparai District had 29.3% of Sinhalese. while the Batticaloa district had 3.4%. By 1981 the population of Sinhalese in the Amparai District had increased to 38% while the percentage of Tamil population decreased to 19.8% from 23.8% in 1963. In the Northern and Eastern Provinces, between the years 1921 and 1981, there was a dramatic rise in the the population of the Sinhalese from 2.2% to 13.2%. Between these two years the Sinhalese population rose from 4.5% to 24.9% in the Eastern Province.

In the Trincomalee District the Sinhalese population rose from 4.4% in 1921 to 33.6% in 1981. In the Vavuniya District the increase was from 11.8% in 1921 to 16.6% in 1981 (Tables IV-XIV). In September 1984 a portion of Vavuniya North AGA division was annexed to Vavuniya Sinhala Division. (Appendix 14)

The Galoya project in the Amparai District and the Kantalai project in the Trincomalee district were commenced in order to accelerate colonisation. Apart from official colonisation, the Members of Parliament also resorted to illegal colonisation in the Tamil areas. (Sri Lanka : The National Question - Dr Kumar David - Asian Exchange Vol, II Nos 2,3,4). Thereafter in the Eastern Province the Allai and Padaviya colonisation schemes were begun. Maps show the colonisation schemes in progress and the ones that have been planned in Tamil areas (Maps 10 & 11).

In the Mannar and Mullaitivu districts two projects have been begun which cover an area of 25,000 acres and 2000 acres respectively. There is no doubt that these are intended for future colonisation (Map 11).

In the colonisation schemes, State Corporations such as the Cadju Corporation, Mahaweli Development Board, Ceremic Corporation, Mineral Sands Corporation and the Petroleum Corporation play active roles by massing all available resources in personnel and equipment.

The United National Party which forms the government today, prior to gaining power in 1977 agreed that the Tamils had a grievance as regards colonisation and promised in their Election Manifesto (Appendix 15) to remedy the situation; but on attaining victory in the 1977 elections gave impetus to colonisation by bringing all government machinery into active support. The priorities of the Mahaweli River Development Scheme were altered to suit the venture and the Madura Oya River Scheme was made ready for colonists.

Although land alienation falls within the purview of the Ministry of Lands and Land Development, the Minister of National Security Mr Lalith Athulathmudali and the Minister of Industries Mr Cyril Mathew took keen interest in these projects and even visited the areas covered. An additional Government Agent Mr Nelundeniya was appointed for Vavuniya District, who was stationed in Anuradhapura which is a different district and overwhelmingly a Sinhalese area, and directed ' operation colonisation'. Mr Lalith Athulathmudali when visiting the colonised areas sought the assistance and advise of Mr Nelundeniya rather than the Government Agents stationed in Vavuniya who were acquainted with and responsible for the development of these areas.

Kent and Dollar Farms

The Kent and Dollar Farms, 171 and 243 acres in extent respectively, owned by private persons were used for the settlement of Tamil refugee workers from plantations in the Central hills who had been affected by the attacks of Sinhalese mobs in 1977 and 1981. The Kent Farm accommodated 98 families and the Dollar Farm housed 120 families. The refugees were assisted by voluntary organisations to build schools, Churches, Offices, excavate wells and establish mango and coconut plantations and dairy farming.

On the 22nd of August 1983 the government acquired the farms for village expansion. Usually, areas in the vicinity of tanks or rivers are selected for such schemes. The selection of the farms where water is scarce while there are vast acres of land avilable in the Sinhala areas such as Madawachiya and Anuradhapura, clearly exposes the ulterior motives of the Government. Administrative rules define "Village Expansion" as settlement of peasants in Villages and further require that in the selection the peasants, priority should be given to persons of the respective area. These two rules were shelved in the case Kent and Dollar Farms. Ex-convicts in the guise of rehabilitation, and not peasants, were chosen for settlement and the people of the area were driven away. It would be relevant to note here that rehabilitation does not fall within the scope of village expansion schemes under land administration for which purpose lands were acquired. Similar schemes were implemented with vigour in Amparai, Kantalai, Allai, Nilaveli and Pulmuddai in the Eastern Province.

In the early part of 1983 the security forces of the government began harrassing the settlers in the Dollar and Kent Farms. The harrassment was not confined to these Farms. Refugee settlements in the Vavuniya, Mannar and Mullaitivu Districts had to face similar harrassment. The Sinhalese Officers in the government departments and state corporations joined the armed forces in the atrocities and in August 1984 due to fear, half the settlers in the Kent and Dollar Farms fled to other areas. In September 1984 a team of jail guards arrived at these farms, forcibly evicted the remaining families and settled gangs of ex-convicts. They were provided with arms by the government. These gangs of exconvicts which included persons who took part in the massacre of Tamil political prisoners at Welikade prison in Colombo in July 1983, once settled began terrorising the surrounding villages, entering houses at will, taking away goats and pigs forcibily for slaughter and raping two Tamil women.

These acions resulted in the attack on the farms by the Tamil militants on the 30th of November 1984.

APPENDIX - 12A

A COMMENT ON TAMIL HOMELANDS

National identity and communal-consciousness are generated by a number of factors of which historical memory is one. In assessing historical significance of nationality, what is important is the perception of a people of its historical antecedents. Sinhala and Tamil people in Sri Lanka have different and sometimes conflicting memories of their past and no amount of contemporary polemics will deny the validity of one or the other.

Much of Sri Lanka history has been based on myths and legends which were preserved in Buddhist chronicles written in Pali and Sinhalese. Most of the historians of early Sri Lanka relied uncritically on these chronicles, particularly the Mahavamsa and the Chulavamsa. Much has happened in the 1970s and 1980s in archaeological work and in the critical examination of myths and legends. A new generation of historians is re-examining the foundations of civilization in Sri Lanka and this has rendered archaic much of the known early history of the island. The most prominent of these scholars are : Professor Leslie Gunawardena, Dr Senake Bandaranayake, Dr Susantha Goonatillake, Dr W I Sriniweena, Prof. Liyanagamage, Prof. K Indrapala and Dr S Pathmanathan.

Their writings explore the myth of Aryan descent of the Sinhalese, the plurality of the origins of civilization in Sri Lanka, the almost contemporaneous presence of Dravidian people and settlers from north India from the very earliest periods, the myth of unified sovereignty over the whole island, the existence of several dynastic kingdoms contemporaneously in many parts of the island, the role of South India in the history of Buddhism in Sri Lanka, the myth of Sinhala-Tamil conflicts and a heap of other issues which put in proper perspective the pluralism of culture in Sri Lanka. (For some of their conclusions see Ethnicity and Social Change in Sri Lanka (Colombo 1984)).

Professor Leslie Gunawardena, in an important article, has shown how in the 20th century, Sinhalese politicians popularised and exploited myths and legends to give a racial ideology to Sinhala nationalism (R A L H Gunawardena, People of the Lion: The Sinhala Identity and Ideology in History and Historiography. Sri Lankan Journal of Humanities, V. Nos. 1 & 2 (1979) pp. 1-36). This theme of racial use of history has also been taken up by other scholars such as Prof. Kumari Jayawardena. It is to be hoped that people interested keep up with the latest enlightened thinking in Sri Lanka on these matters and put their influence on the side of a genuine liberal nationalism rather than repeat hoary myths and out-dated legends which only foster racism. It is amusing that some persons talk of expeditions abroad by kings of Sri Lankan kingdoms. If they were to follow up what happened to some of these expeditions, particularly those of Parakrama Bahu I to Burma and to South India, they may not be so enthusiastic.

Though the Tamils had existed in the island of Sri Lanka from the middle of the first millenium BC, the growth of their consciousness as a separate people in a Sri Lankan milieu dates

from the Tamil Kingdom of Jaffna around 1250. Thereafter the kingdom existed as an independent political entity until overthrown by the Portuguese in 1621. The Kings of Jaffna had close relations with a number of South Indian Kingdoms, including the Pandyan Kingdom, the Vijayanagar Empire, the Nayakdoms of Tanjore, Madurai and Mysore, and the Zamorin of Calicut. On some occasions they paid tribute to those kings, in return for assistance of one form or the other. Kings of Jaffna also had relations with the Kingdoms of the South-Kotte, Gampola and Kandy. On various occasions, kings of Jaffna, when they felt able to do so, invaded the south and occupied parts of Sinhalese territory for brief periods. On other occasions, kings of the south, especially of kotte, invaded the north. One of these invasions, by Parakrama Bahu VI, was successful for a brief period but at his death the old Jaffna dynasty recaptured the Kingdom.

The Kingdom of Kandy continued to exist in the interior of the island, after the destruction of the Kingdoms of Kotte and Jaffna. As the only indigenous ruler in the island, the coastal territories having been conquered by the Portuguese and then the Dutch, the King claimed overlordship of the whole island and added many of its districts to his title, including places like Colombo and Galle which were ruled by the Portuguese and the Dutch. These claims were not taken seriously. In traditional Indian Kingship, it was not what you claimed but what you administered that mattered.

The Portuguese claimed sovereignty over the territories ruled by the Kingdom of Jaffna by right of conquest and these rights passed on to the Dutch and then to the British. Portuguese chroniclers like Queyroz and Couto, in their potted histories, used fragments of Sinhalese 'chronicles' like the Rajavaliya and Pujavaliya which naturally exaggerated the territorial claims of the Kotte kings who were the patrons of the authors of the chronicles. This entire evidence has been considered in a monograph on The Kingdom of Jaffna by S Pathmanathan (Jaffna 1978, PH.D thesis, University of London).

Thus from about the 13th century, a major demographic movement took place in Sri Lanka. The Sinhalese drifted towards the southern, western and central regions and the Tamils to the northern and eastern coastal belts. The situation has been virtually frozen in this fashion for 700 years. The only exception to this was the migration of about a million Tamils from south India to the plantations of the central highlands in the 19th and 20th centuries.

The question of traditional homelands of a people is a highly complex one and some people show no effort to understand and appreciate the feelings of minority communities in this respect. When multi-ethnic communities are brought together into a unitary state, mechanisms should be devised to preserve the integrity of each of the constituent units. In multi-ethnic states like those in the Balkans, the Soviet Union and India, autonomy of diverse levels is conceded to these self sufficient ethnic or linguistic groups to provide them with security and to integrate them into the larger polity.

After independence, the Ceylon and Sri Lanka governments set about senselessly to change the country's demographic balance. One is not talking here of the right of private citizens to buy and own property in any part of the country. This has never been in question and it has gone on peacefully for decades and will continue, given the right climate of communal relations. One is talking of state-sponsored and state-financed systematic colonisation by which an alien ethnic group is brought in large numbers and planted in the midst of an existing group. This has gone on systematically since 1950 and the consequence has been to reduce Tamils from a majority into a minority in some districts.

It should be clear to anyone concerned with the question of national integration that such a policy is most disturbing to a minority, particularly as that minority has settled and established itself in that area for over 700 years. Many liberal and fair-minded Sinhalese have accepted this and, at least on two occasions, Sinhala national leaders have incorporated this in the agreements they entered into with the Tamils. S W R D Bandaranaike and Dudley Senanayake were prepared to go some way to accommodating Tamil grievances in this respect.

The Tamil efforts to keep inviolate what they consider their traditional homelands should be seen in the context of an aggressive Sinhala nationalism and hegemony in the whole island. They have seen this Sinhala nationalism claim for itself a greater and greater share of the political and economic cake, using its majority status to push minorities out of several avenues of participation. The Tamils want to defend their rights at their territorial frontiers and this is something that every Sinhalese will have to understand.

APPENDIX - 13

TAMIL HOMELANDS

(1) Mr S W R D Bandaranaike, Prime Minister in a statement issued on 16.08.1957 said:
"The instrument of colonisation should not be used to convert the Northern and Eastern provinces into Sinhalese majority areas or in any other manner to the detriment of the Tamil speaking people of these areas".

(2) Mr Dudley Senanayake, Prime Minister who opposed the above clause, later came to an agreement with Mr Chelvanayakam on 24.03.1965.

"Mr Senanayake further agreed that in the granting of land under colonisation schemes the following provisions be observed in the Northern and Eastern provinces :

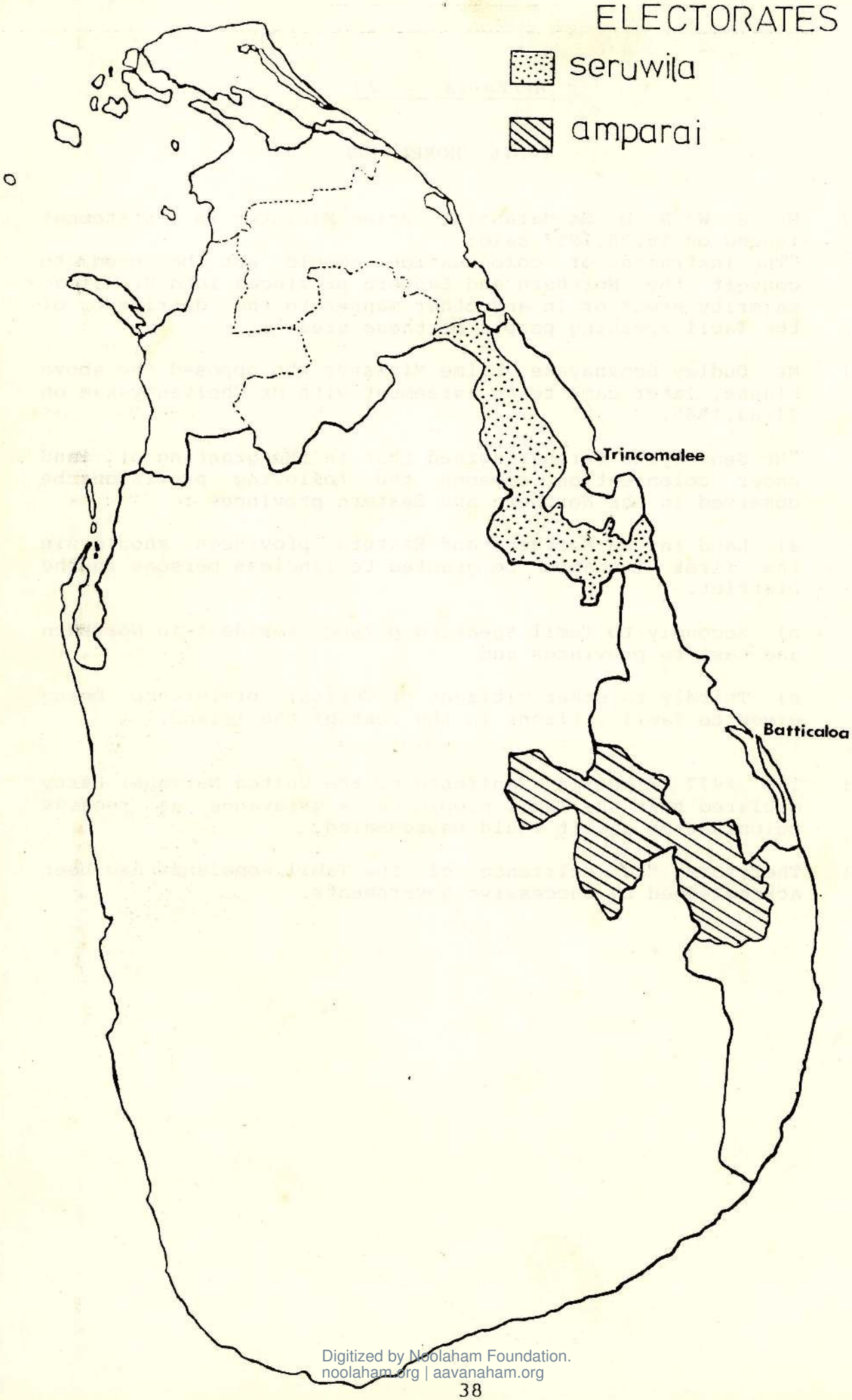
a) Land in the Northern and Eastern provinces should in the first instance be granted to landless persons in the District.

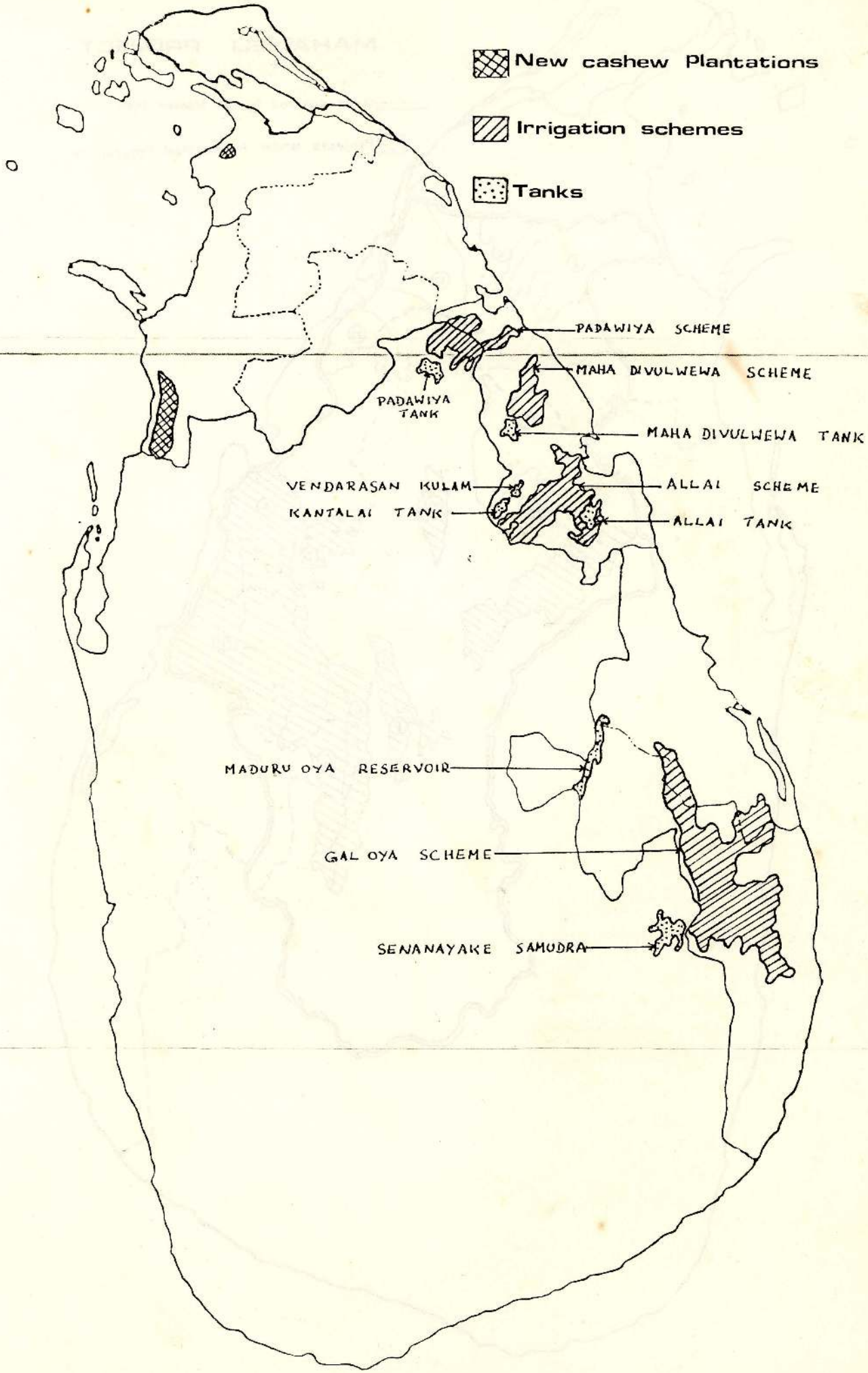
b) Secondly to Tamil speaking persons resident in Northern and Eastern provinces and

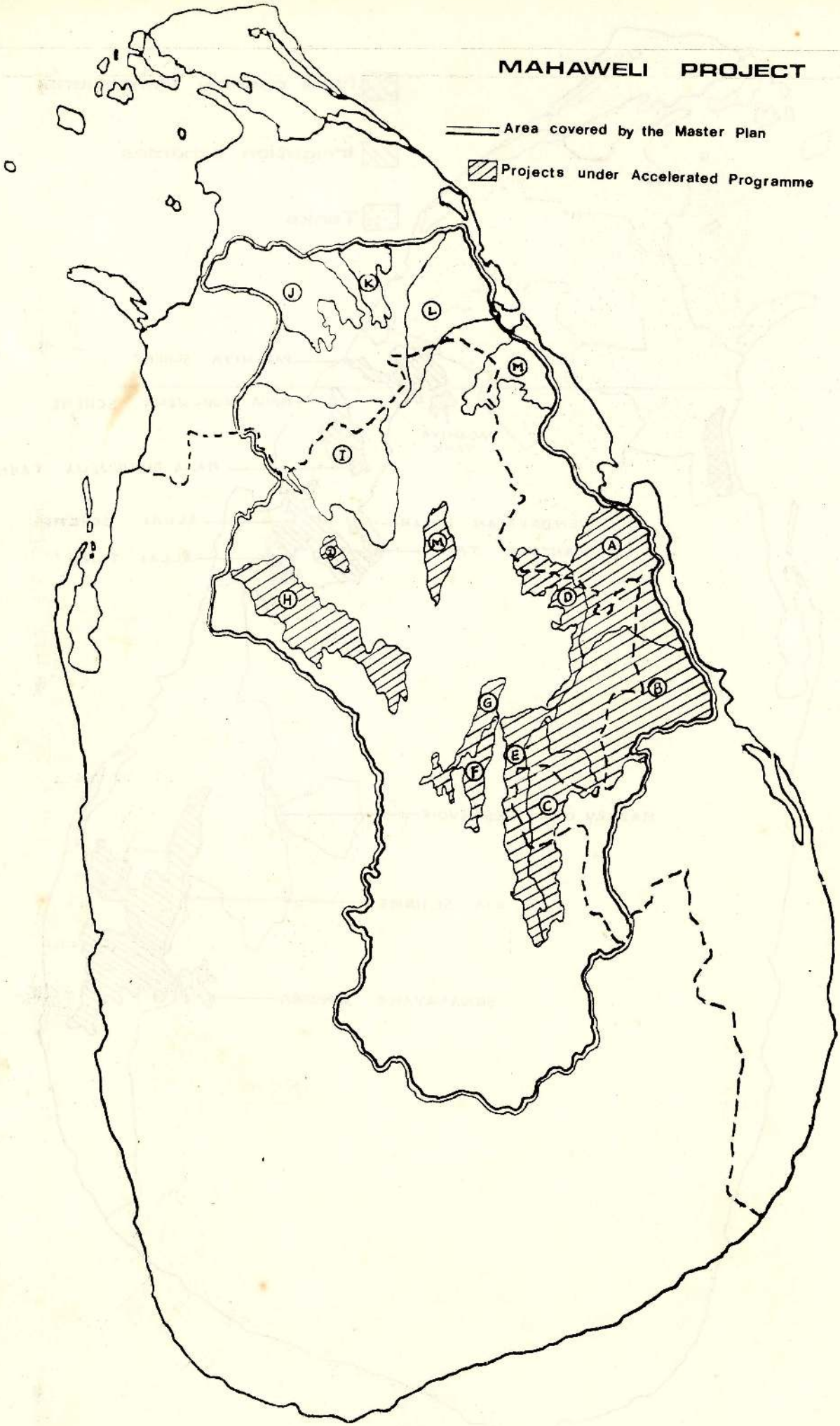
c) Thirdly to other citizens of Ceylon, preference being given to Tamil citizens in the rest of the island.

(3) The 1977 Election Manifesto of the United National Party declared that the Tamil people had a grievance as regards colonisation and it would be remedied.

(4) Therefore the existence of the Tamil homelands had been acknowledged by successive governments.







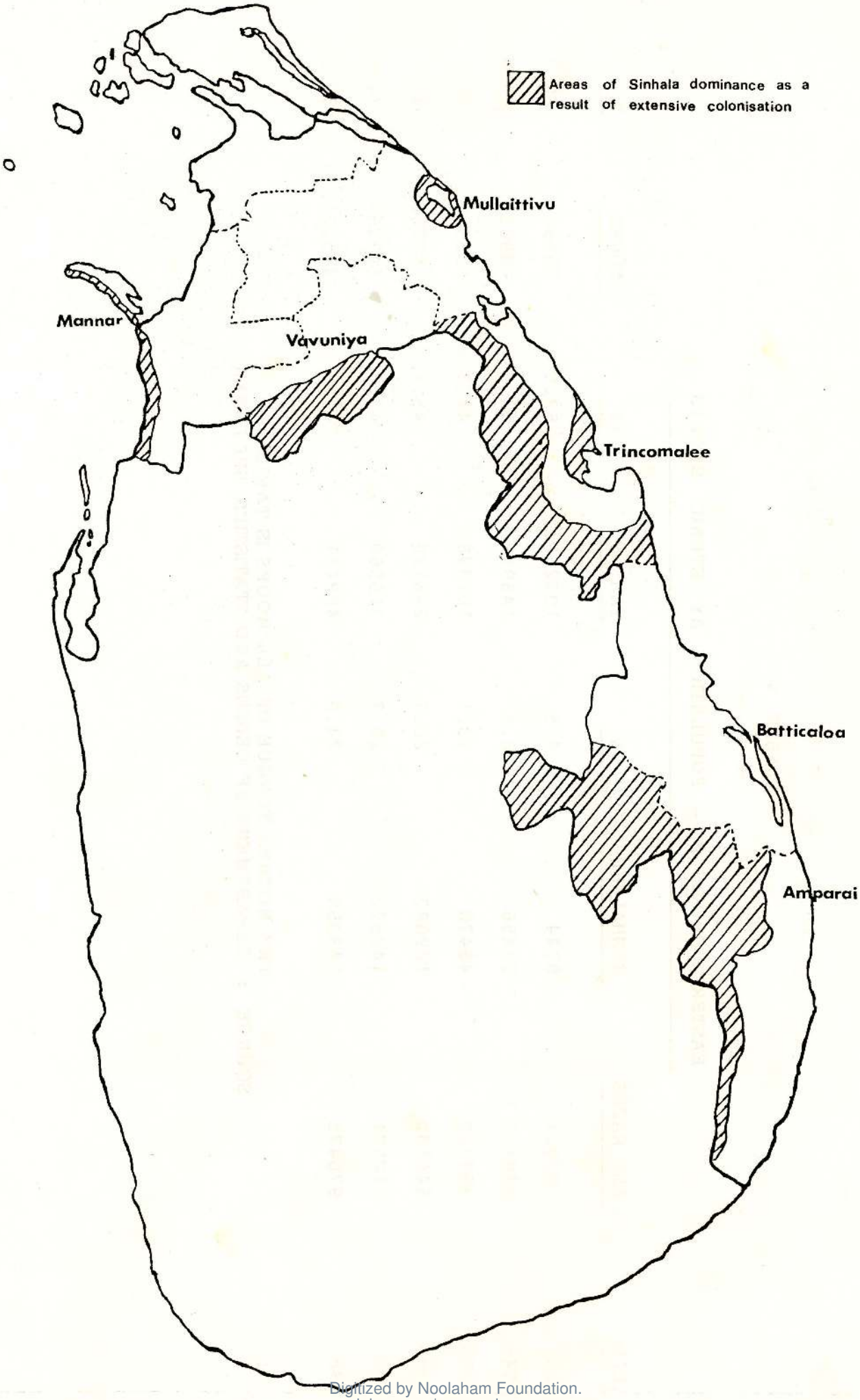


TABLE V

EASTERN PROVINCE - POPULATION BY ETHNIC GROUPS

YEAR	ALL RACES	SINHALESE	%	TAMILS	%	MOORS	%
1921	192821	8744	4.5	103251	53.5	75992	39.4
1946	279112	23456	8.4	146059	52.3	109024	39.1
1953	354410	46470	13.1	167898	47.3	135322	38.1
1963	546130	109690	20.1	246120	45.1	185750	34.0
1971	717571	148572	20.7	315560	43.9	248567	34.6
1981	976475	243358	24.9	409451	41.9	315201	32.2

- THE MOTHER TONGUE OF ALL MOORS IS TAMIL

SOURCE : DEPARTMENT OF CENSUS AND STATISTICS, SRI LANKA

TABLE VI

NORTHERN PROVINCE - POPULATION BY ETHNIC GROUPS

YEAR	ALL RACES	SINHALESE	%	TAMILS	%	MOORS	%
1921	374829	3795	1.0	356801	95.2	13095	3.4
1946	479572	9602	2.0	449958	93.8	18183	3.8
1953	570650	14222	2.4	531399	93.1	23233	4.0
1963	741910	20270	2.7	689470	92.9	30760	4.1
1971	874629	25847	2.9	809100	92.5	38565	4.4
1981	1111468	33149	3.0	1023228	92.1	52638	4.7

- THE MOTHER TONGUE OF ALL MOORS IS TAMIL

SOURCE : DEPARTMENT OF CENSUS AND STATISTICS, SRI LANKA

TABLE VII

NORTHERN AND EASTERN PROVINCES - POPULATION BY ETHNIC GROUPS

YEAR	ALL RACES	SINHALESE	%	TAMILS	%	MOORS	%
1921	567650	12539	2.2	460052	81.0	89087	15.7
1946	758684	33058	4.4	596017	78.6	127207	16.8
1953	925060	60692	6.6	699297	75.6	158555	17.1
1963	1288040	129960	10.1	935590	72.6	216510	16.8
1971	1592200	174419	11.0	1124660	70.6	287132	18.0
1981	2087943	276507	13.2	1432679	68.6	367839	17.6

- THE MOTHER TONGUE OF ALL MOORS IS TAMIL

SOURCE : DEPARTMENT OF CENSUS AND STATISTICS, SRI LANKA

TABLE VIII

JAFFNA DISTRICT - POPULATION BY ETHNIC GROUPS

CENSUS YEAR	ALL RACES	SINHALESE	%	TAMILS	%	MOORS	%
1827*	126,620	-	-	124,454	98.3	2,166	1.7
1881	265,583	80	0.03	261,902	98.6	2,648	0.9
1891	279,284	131	0.05	275,227	98.5	3,049	1.1
1901	300,851	226	0.08	296,805	98.6	3,078	1.0
1911	326,712	403	0.1	321,908	98.5	3,485	1.1
1921	330,541	1,042	0.3	324,874	98.3	3,748	1.1
1946	424,788	4,546	1.1	413,264	97.3	5,620	1.3
1953	491,849	6,183	1.2	477,304	97.0	7,083	1.4
1963	613,230	5,630	0.9	597,920	97.5	8,600	1.4
1971	701,603	6,691	1.0	683,890	97.4	10,374	1.4
1981	831,112	4,615	0.6	812,247	97.7	13,757	1.7

*1827 - Jaffna District and Delft Islands were treated as two units. The figures are combined.

Source : Department of Census and Statistics.

TABLE IX

VAVUNIYA DISTRICT - POPULATION BY ETHNIC GROUPS

CENSUS YEAR	ALL RACES	SINHALESE	%	TAMILS	%	MOORS	%
1827*	9,028	517	5.7	8,511	94.3	-	-
1881	15,569	1,157	7.4	13,164	84.6	1,133	7.3
1891	15,501	1,199	7.7	13,030	84.1	1,139	7.3
1901	15,159	1,128	7.4	12,726	84.0	1,069	7.1
1911	17,336	1,848	10.7	14,059	81.1	1,241	7.1
1921	18,706	2,215	11.8	14,978	80.1	1,345	7.2
1946	23,246	3,870	16.6	17,071	73.4	2,153	9.3
1953	35,112	5,920	16.9	25,881	73.7	3,020	8.6
1963	68,500	12,020	17.5	51,410	75.1	4,900	7.2
1971	95,246	15,981	16.7	72,259	75.9	6,641	7.0
1981+	95,904	15,876	16.6	73,133	76.3	6,640	6.9

*In 1827 (See Mannar) Part of Vavuniya was included in Mannar. There was no separate Vavuniya District.

+Now divided into Vavuniya and Mullaitivu Districts.

Source : Department of Census and Statistics.

TABLE X

MANNAR DISTRICT - POPULATION BY ETHNIC GROUPS

CENSUS YEAR	ALL RACES	SINHALESE	%	TAMILS	%	MOORS	%
1827*	13,408	-	-	6,994	52.2	6,414	47.8
1881	21,348	142	0.7	14,415	67.5	6,635	31.1
1891	24,511	592	2.4	16,898	68.9	7,643	31.2
1901	24,926	201	0.8	16,848	67.6	7,715	31.0
1911	25,603	639	2.5	16,731	65.3	8,092	31.6
1921	25,582	538	2.1	16,949	66.3	8,002	31.3
1946	31,538	1,186	3.8	19,623	62.2	10,410	33.0
1953	43,689	2,119	4.9	28,214	64.6	13,130	30.1
1963	60,180	2,620	4.4	40,140	66.7	17,260	28.7
1971	77,780	3,175	4.1	52,951	68.1	21,550	27.7
1981	106,940	8,710	8.1	68,178	63.8	28,464	26.6

*1827 - Includes part of the present Vavuniya District, and hence the figure is approximate.

Source : Department of Census and Statistics.

TABLE XI

TRINCOMALEE DISTRICT - POPULATION BY ETHNIC GROUPS

CENSUS YEAR	ALL RACES	SINHALESE	%	TAMILS	%	MOORS	%
1827	19,158	250	1.3	15,663	81.8	3,245	16.9
1881	22,197	935	4.2	14,394	64.8	5,746	25.9
1891	25,745	1,109	4.3	17,117	66.4	6,426	25.0
1901	28,441	1,203	4.2	17,069	60.0	8,258	29.0
1911	29,755	1,138	3.8	17,233	57.9	9,714	32.6
1921	34,112	1,501	4.4	18,586	54.5	12,846	37.7
1946	75,926	11,606	15.3	33,795	44.5	23,219	30.6
1953	83,917	15,296	18.2	37,517	44.7	28,616	34.1
1963	138,220	40,950	29.6	54,050	39.1	42,560	30.8
1971	188,245	54,744	29.1	71,749	38.1	59,924	31.8
1981	256,790	86,341	33.6	93,510	36.4	74,403	29.0

Source : Department of Census and Statistics.

TABLE XII

BATTICALOA DISTRICT - POPULATION BY ETHNIC GROUPS

CENSUS YEAR	ALL RACES	SINHALESE	%	TAMILS	%	MOORS	%
1827	27,483	-	-	19,095	69.5	8,288	30.2
1881	105,358	5,012	4.8	61,014	57.9	37,255	35.4
1891	122,699	6,403	5.2	69,584	56.7	44,780	36.5
1901	145,161	7,575	5.2	79,857	55.0	54,190	37.3
1911	153,943	5,771	3.7	83,948	54.5	60,695	39.4
1921	158,709	7,243	4.6	84,665	53.3	63,146	39.8
1946	203,186	11,850	5.8	102,264	50.3	85,805	42.2
1953	270,493	31,174	11.5	130,381	48.2	106,706	39.4
1963	196,090	6,580	3.4	141,590	72.2	45,920	23.4
1971	256,721	11,548	4.5	181,527	70.7	61,524	24.0
1981	330,899	10,646	3.2	238,216	72.0	79,317	24.0

NOTE : (1) In 1827 population was on the basis of religion. Buddhists were counted as Sinhalese. Thus the figure is approximate.
(2) In 1963 Batticaloa District consequent to colonisation was divided into Batticaloa and Amparai Districts. (See Amparai District).

Source : Department of Census and Statistics.

TABLE XIII

AMPARAI DISTRICT - POPULATION BY ETHNIC GROUPS

CENSUS YEAR	ALL RACES	SINHALESE	%	TAMILS	%	MOORS	%
1963	211,820	62,160	29.4	50,480	23.8	98,270	46.4
1971	272,605	82,280	30.2	62,290	22.8	127,119	46.6
1981	388,786	146,371	37.6	77,725	19.9	161,481	41.5

TABLE XIV

BATTICALOA AND AMPARAI DISTRICTS

CENSUS YEAR	ALL RACES	SINHALESE	%	TAMILS	%	MOORS	%
1963	407,910	68,740	16.9	192,070	47.1	143,190	35.1
1971	529,326	93,828	17.7	243,817	46.1	188,643	35.6
1981	719,685	157,017	21.8	315,941	43.9	240,798	33.5

Source : Department of Census and Statistics.

APPENDIX - 14

RECONSTITUTION OF GRAMA SEVA NILADHARI DIVISIONS IN THE VAVUNIYA SOUTH SINHALA A G A DIVISION IN VAVUNIYA DISTRICT

It is hereby notified for general information that with effect from 20th September, 1984. No 213 Mamaduwa Grama Seva Niladhari Division in the Vavuniya South Sinhala A G A Division in the Vavuniya Administrative District has been reconstituted to include the villages of Pedikkavahekulam Samanalawewa (Kachchal Samalankulam) and Bogaswewa (Kokkaichankulum) containing in extent about 4,100 acres and bounded on the North by State Forest, East by State Forest, West by State Forest and on the South by the District Boundary, which have been hitherto falling into No.221 Unchalkaddy Grama Seva Niladhari Division in the Vavuniya North A G A Division in the Vavuniya Administrative District.

2 The Magistrate's Court and Police station which have jurisdiction over these new villages, Births, Deaths and Marriages Registrar's Division, Electoral District and Local Body to which these villages belong are appended for general information.

1 Village	2 Magistrate's Court	3 Police Station	4 Registrar of Births, Deaths and Marriage Division
1 Pedikkavahekulam	Vavuniya ..	Vavuniya ..	Kilakkamulla South (Sinhala)
2 Samanalawewa (Kachchal Samalankulam)	Vavuniya..	Vavuniya..	Kilakkamulla South (Sinhala)
3 Bogaswewa (Kokkaichchankulam)	Vavuniya..	Vavuniya..	Kilakkamulla South (Sinhala)

5 Local Body	6 Electoral District and No.
Vavuniya District Development Council, Kilakkamulla South (Sinhala) Sub Office	II -Vanni, B-Vavuniya
Vavuniya District Development Council, Kilakkamulla South (Sinhala) Sub Office	II - Vanni,B - Vavuniya
Vavuniya District Development Council, Kilakkamulla South (Sinhala) Sub Office	II - Vanni, B - Vavuniya

CYRIL GAMAGE
Secretary
Ministry of Home Affairs

Ministry of Home Affairs
Colombo 7
20.09.1984
10.369 - Gazette No.320 of 84.10.19

THE 1977 ELECTIONS - MANIFESTO OF THE UNITED NATIONAL PARTY OF SRI LANKA
PAGE 16

PROBLEMS OF THE TAMIL - SPEAKING PEOPLE

The United National Party accepts the position that there are numerous problems confronting the Tamil-speaking people. The lack of a solution to their problems has made the Tamil-speaking people support even a movement for the creation of a separate State. In the interest of national integration and unity so necessary for the economic development of the whole country, the Party feels such problems should be solved without loss of time. The Party, when it comes to power, will take all possible steps to remedy their grievances in such fields as

1 Education;
2 Colonisation;
3 Use of Tamil Language ;
4 Employment in the Public and semi-public Corporations.

We will summon an All-Party Conference as stated earlier and implement its decisions.

EDUCATION

Before 1970 admission to the Universities was on the bais of merit. The results of the 1969 GCE (Advanced Level) examination were released before the SLFP government was elected to power in May 1970. The selected candidates had received their letters of admission. The new SLFP government cancelled those admissions and introduced a new system of standardisation under which a Tamil student was expected to obtain higher marks than a Sinhalese student. eg. Tamil engineering students seeking admission to the Peradeniya University were expected to obtain an aggregate of 250 marks while their Sinhalese counterparts were expected to obtain only 227 marks. For medicine the marks expected were 250 for the Tamils and 229 for the Sinhalese (Table xxi).

The standardisation of marks is in direct conflict with Article 26 of the Universal Declaration of Human Rights and Article 13 of the International Covenant on Economic, Social and Cultural Rights (Appendices 17 & 18).

This standardisation continued until 1973. In 1974 in addition to standardisation, a system of district quota was introduced. Under this scheme each district (22 at that time; now 24) was allotted a quota calculated according to the total population of the district and separate quotas were allocated for each district in respect of Medicine, Dental Surgery, Engineering, Applied Sciences, Physical Science, Biological Science and Arts. The discrimination in this scheme is shown in the following table :

TABLE XV

Total qualified and District Quota for Ratnapura and Jaffna Districts in 1974.

	JAFFNA DISTRICT (Tamil District)		RATNAPURA DISTRICT (Sinhalese District)	
	TOTAL QUALIFIED	DISTRICT QUOTA	TOTAL QUALIFIED	DISTRICT QUOTA
Medicine/Bio.Science	398	34	16	30
Engineering/Physical Science	575	37	19	32

University admissions from 1969 to 1975 are shown in the following tables :

TABLE XVI

University Admission of Tamil Students - %

	1969/70	1970/71	1971/72	1973	1974	1975
Science Based -Courses	27.6	28.6	31.2	25.9	20.9	19.5
Engineering	48.3	40.8	34.7	24.4	16.3	14.2
Medicine	48.9	40.9	39.3	36.9	25.9	17.4
Arts (Including Law)	7.5	7.6	4.8	6.1	10.0	10.0

N.B

These falls in spite of increase in overall number of students taken - from 1177 in 1973 to 1403 in 1974.

TABLE XVII

University Admission of Sinhalese Students - %

	1969/70	1970/71	1971/72	1973	1974	1975
Science Based - Courses	69.7	68.0	67.0	73.1	75.4	78
Engineering	51.7	55.9	62.4	72.1	78.8	83.4
Medicine	48.9	53.5	56.1	58.8	70.0	78.9
Arts (Including Law)	88.4	88.9	92.6	91.5	86.0	85.6

The government, in 1975, (because elections were drawing closer) appointed a sectoral committee, to study standardisation, headed by Mr Peiter Keuneman (then Minister of Housing). In early 1975 the sectoral committee submitted its report recommending discontinuation of media-wise standardisation. It also recommended that 70% of the vacancies in the universities should be filled on merit, 15% on district quota basis and 15% should be reserved for the backward areas. This was opposed by those government officials who assisted the committee and they recommended that media-wise standardisation should be retained with 70% on district quota and 30% on merit. The cabinet rejected the recommendations of the sectoral committee and accepted the recommendation of the government officials.

The UNP in its election manifesto of 1977 admitted that the Tamils had grievances regarding education and said that on election to power would take remedial measures. (Appendix 15)

The UNP government appointed a committee in 1978 headed by Prof. Stanley Kalpage to recommend an equitable system. The committee recommended that 30% be recruited on an all island basis of merit on raw marks, 55% on district basis and 15% for educationally under-developed districts. This was opposed vehemently by the Sinhalese. The Minister of Industries Cyril Mathew attacked it in Parliament. The earlier standardisation system was prefered.

A cabinet sub-committee also recommended as above but implied that university entrance results are subject to cabinet scrutiny thus brining further political interference into university admissions. As only 30% of the students were admitted on merit under this scheme, the position of the Tamils did not improve.

University admissions from 1978 to 1981 are shown in the following tables.

TABLE XVIII

University Admissions of Tamils Students - %

	1978/79	1979/80	1980/81
Science based Courses	36.7 *	24.2	31.7 *
Engineering	38.0 *	27.2	31.1 *
Medicine	42.5 *	21.8	27.7 *
Arts (including Law)	15.3 *	12.7	17.0 *

* Includes Muslims

TABLE XIX

University Admission of Sinhalese Students - %

	1978/79	1979/80	1980/81
Science based Courses	63.2	72.6	68.2
Engineering	60.0	69.2	68.8
Medicine	57.0	75.5	72.9
Arts (including Law)	83.5	83.7	82.9

TABLE XX

University Admission Total

	1978/79		1979/80		1980/81	
	Total	%	Total	%	Total	%
Tamils	1194 *	24.4	830	17.1	1162 *	23.2
Sinhalese	3687	75.5	3837	79.4	3847	76.7

* Includes Muslims

TABLE XXI

University Admissions - Comparative Figures 1969/70 and 1970/71

Course of Study	Sinhalese			Tamils		
	1969/70 %	1970/71 %	Cut-out* Marks	1969/70 %	1970/71 %	Cut-Out* Marks
Engineering			227			250
Peradeniya	51.7	54.6		48.3	42.3	
Engineering Moratuwa			212			232
Medicine	48.9	54.3	229	48.9	40.8	250
Dentistry	52.4	40.4	229	38.1	57.1	250
Agriculture	44.7	55.5	171	47.4	37.7	184
Vet.Science	27.7	71.4	181	66.7	23.8	206
Bio-Science			175			184
Architecture	69.7		180	27.6		194
Physical Sc.			183			204
Total Science	57.7	58.2		39.8	38.2	

* Cut out marks - Means marks that should be obtained for admission.

Sources for the tables : The Politics of University Admissions - C R de Silva, Sri LaNKA Journal of Social Studies Vol.1, No.2 1976
Hansards - Sri Lanka Parliament : 7.11.1978, 6.9.1979, 5.5.1981, 9.2.1982
Discrimination in Education - V Arumugam

Universal Declaration of Human Rights

ARTICLE 26

1 Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2 Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3 Parents have a prior right to choose the kind of education that shall be given to their children.

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

ARTICLE 13

1 The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2 The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right :

(a) Primary education shall be compulsory and available free to all ;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3 The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4 No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

APPENDIX - 19

Religion and Culture

Some examples of religious intolerance :

1) At a temple in Kurunthan Malai in Mullaitivu in November 1981 the army took away Hindu idols in order to build a Buddhist Vihare (Saturday Review 20 March 1982).

2) 35 (25 girls and 10 boys) Undergraduates of the Jaffna University who went on pilgrimage to Sri Pada (Adam's Peak) on 24.3.82 were assaulted by thugs while climbing Sri Pada. (Saturday Review 3 April 1982).

3) Minister of Hindu Affairs C Rajadurai who was to lay the foundation stone for a Hindu pilgrims rest house at Kataragama on 9.4.82 was advised by the Monaragala District Minister to postpone the ceremony indefinitely. It was pointed out that the Sinhala Buddhist residents at Kataragama were opposed to this move (Saturday Review 17 April 1982).

4) On 28.1.84 army personnel entered a Mosque in Trincomalee, smashed windows and furniture and injured a civilian.

5) On 9.4.84 army fired at the Church of Our Lady of Refuge in Jaffna and caused extensive damage.

6) On 2.5.84 the Army damaged the Pathirakali Amman Temple at Jaffna.

7) Army personnel walked into the Amman Temple at Umayalpuram in Kilinochchi on 5.12.84, during a pooja and shot and killed the priest, Kandiah in the presence of a number of devotees (Eelanadu - 6.12.84)

8) Methodist Priest Rev. George Jeyarajasingham was shot and killed by the army on 13th December, 1984 at Mannar. His body was burnt along with his vehicle (Amnesty International Report - April 1985 - ASA 37/03/85).

9) On 6th January, 1985 catholic parish priest, Rev Fr Mary Bastian was shot and killed by the army inside the church at Vankalai, Mannar. His body was also burnt (Amnesty International Report - April 1985 - ASA 37/03/85).

DESTRUCTION OF SOME OF THE PLACES OF WORSHIP OF THE TAMILS - 1977

		Date of attack
1)	Sri Kathiresan Temple, Mawanella	19.8.1977
2)	Hindu Pilgrims Rest, Kataragama	22.8.1977
3)	Sri Kathiresan Temple, Maho	17.8.1977
4)	Sivan Temple, Sivapuram	29.8.1977
5)	Kathiresan Kovil, Anuradhapura	17.8.1977
6)	Kathiresan Temple, Kegalle	19.8.1977
7)	Pillaiyar Temple, Galgamuwa	18.8.1977
8)	Mariamman Temple, Warakapola	18.8.1977
9)	Sri Subramania Kovil, Maho	18.8.1977
10)	Pillaiyar Temple, Katugastota	19.8.1977
11)	Sri Subramania Swami Kovil, Ukkuwela	20.8.1977
12)	Sri Murugan Temple, Matara	21.8.1977
13)	Sithivinayagar Temple, Wahagoda, Katugastota	19.8.1977
14)	Pilgrims Rest, Matara	20.8.1977
15)	Yoga Ashram, Kataragama	23.8.1977
16)	Kurinchi Kumaran Murugan Temple University Campus, Peradeniya	19.8.1977

The officiating Hindu priests and Trustees gave evidence regarding the above destruction before the Sansoni Commission.

SOURCE : Plight of Hindu Society.

SOME OF THE HINDU TEMPLES AND INSTITUTIONS DAMAGED DURING THE JULY 1983 DISTURBANCES

NO	NAME	ADDRESS
1	Venkateswara Maha Vishnu Moorthy	7 Vishnu Kovil Road Dehiwela
2	Sri Poopala Vinayagar Temple	212 Kandy Road Peheliyagoda
3	Kurinchikumaran Temple	University of Peradeniya
4	Sri Devi Karumari Amman Temple	Maligawatta
5	Sri Siva Subramaniya Kovil	Temple Road, Bandarawela
6	Vyruthu Pillaiyar Temple	7th Mile Post, Kandy Road Trincomalee
7	Athmajorthy Nillayam	Nawalapitiya
8	Pillaiyar Temple	China Bay, Trincomalee

NO	NAME	ADDRESS
9	Viswanathan Sivam Temple	30 Hushision Street Trincomalee
10	Sithivinayagar Temple	Uppuveli, Kerniyadi Sinnathoduvai Trincomalee
11	Hindu Temple for Kataragama God & Pilgrims	Kataragama, Matara
12	Muthu Vinayagar Temple	136 Udupihilla, Matale
13	Sri Thillayampala Pillaiyar Temple	Anpuvalipuram Trincomalee
14	Krishnan Kovil	256 Main Street, Trincomalee
15	Srimath Arunachaleswara Devasthanam	68 Temple Road Colombo 15
16	Kanthasamy Kovil	Panadura
17	Sri Sithivinayagar Kovil	Pillaiyar Kovil Road, Matale
18	Sri Balaselvavinyagar Kovil	Captain's Garden Maradana, Colombo 9
19	Sri Gangai Vinayagar Temple	Hulunganga Madulkelle
20	Sri Poobalakrishna Ashramam	11 Park Road, Matale
21	Kathiresan Kovil	Kings Street Matale
22	Kurunagala Saiva Maha Sabai	57 Negambo Road Kurunagala
23	Vilankulam Pillaiyar Temple	Kandy Road Trincomalee
24	Panmadawachchiya Pillaiyar Temple	Trincomalee
25	Bharathipuram Pillaiyar Temple	Pankulam Trincomalee
26	Pillaiyar Temple	Channel 6, Pankulam Trincomalee
27	Muthalikulam Pillaiyar Temple	Pankulam, Trincomalee
28	Kithuluthy Pillaiyar Temple	Kanniya, Trincomalee

NO	NAME	ADDRESS
29	Kithuluthy Murugan Temple	Trincomelee
30	Upparu Pillaiyar Temple	Trincomalee
31	Ellai Kali Kovil	Pankulam, Trincomalee
32	Sri Muthumari Amman Kovil	Alaimarathi Junction Trincomalee Street Matale
33	Sri Kamadchyambal Kovil	583 KKS Road Jaffna
34	Haldumulla Atheivinayagar Temple	Sri Ramakrishna Estate Haputale
35	Sri Kathiresan Kovil	Lower Street, Badulla
36	Kali Kovil	Rockhill, Badulla
37	Kataragama Madam	Matara
38	Sri Muthumariamman Kovil	Kotmale Road, Nawalapitiya
39	Udupi Sri Muthuvinayagar Alayam	Matale

Source : Ministry of Regional Development and Hindu Affairs, Sri Lanka

APPENDIX - 20

Universal Declaration of Human Rights

ARTICLE 27

1 Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2 Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

APPENDIX - 21

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

ARTICLE 15

1 The States Parties to the present Covenant recognize the right of everyone :

(a) To take part in cultural life ;

(b) To enjoy the benefits of scientific progress and its applications;

(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2 The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3 The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4 The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

APPENDIX - 22

UNIVERSAL DECLARATION OF HUMAN RIGHTS

ARTICLE 18

Everyone has the right to freedom of thought, conscience and religion, this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

APPENDIX - 23

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

ARTICLE 18

1 Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2 No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3 Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4 The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

APPENDIX - 24

ECONOMIC DISCRIMINATION

1) Apart from the cement factory in Jaffna and chemical factory in Paranthan very few industrial projects have been set up in the Tamil areas (P R Ganeshan). The Prima Flour complex and the ilmanite factories at Trincomalee employ almost 100% Sinhalese (Table xxii).

2) The Northern and Eastern provinces were to benefit under the original Master Plan of the Mahaweli Development Project. The Master Plan envisaged a period of 30 years for the completion of the project. The present UNP government when it came to power, substituted the Master Plan with the Accelerated Mahaweli Development Scheme which was expected to be completed in six years. In the Accelerated Scheme the plans for the development of the parts of East and the North were omitted (Sri Lanka : The National Question - Dr Kumar David. Asian Exchange vol.11 Nos. 2,3,4).

3) Under the Mahaweli project, in the H scheme and the C system 70,000 and 100,000 acres of land have been alienated respectively. No Tamil has been selected under this scheme.

4) Under the Mathuru Oya project in the East not a single Tamil has benefitted.

5) Under the construction project to build one million houses, more than 100,000 houses have been built, but less than 1% have been given to Tamils.

6) The Urban Development Authority established to improve urban areas confines its activities to the Sinhalese areas.

7) The capital expenditure for the Tamil area in 1981 was only 413 million rupees (4.5%) out of total National Capital expenditure of 9 billion rupees. The per capita expenditure for Jaffna, Batticaloa, Vavuniya/Mullaitivu and Mannar districts were 313,185,556 and 358 rupees respectively while the national per capita expenditure was 656 rupees. The foreign and utilisation in Jaffna in 1981 was nil (Table XXIII).

8) Although governments have spent heavily on irrigation, Tamil area have been neglected (Sri Lanka Ethnic problems : Myths and Realities - Committee for Rational Development) (Table XXIV).

9) The plantation Tamils earn over 65% of the foreign exchange for the country. The income is siphoned off for development of the Sinhalese areas and a negligible amount is spent on their welfare.

TABLE - XXII

INVESTMENT AND EMPLOYMENT FIGURES IN THE FREE TRADE ZONE (FTZ)

AND OUTSIDE FTZ

	FTZ	OUTSIDE FTZ*
NUMBER OF PROJECTS PLANNED	104	320
PROJECTS SO FAR COMPLETED	77	248
PROJECTS UNDER CONSTRUCTION	6	12
PROJECTS YET TO BE STARTED	21	60
INVESTMENT (BILLION RS.)	4.8	7.0
TOTAL JOB POTENTIAL	77,000	-
JOB SO FAR CREATED	37,000	33,500

Source : FAR EASTERN ECONOMIC REVIEW "ASIA 1985 YEAR-BOOK"

* NOT A SINGLE INDUSTRY IN TAMIL AREAS.

TABLE - XXIII

CAPITAL EXPENDITURE ON DEVELOPMENT PROGRAMMES - 1981

Districts	Capital expenditure		Foreign Aid Utilisation	
	Capital	per capita	Capital	per capita
All Districts (National)	9,746,320	656	2,864,191	192
Jaffna	260,329	313	160,000	0*
Batticaloa	61,404	185	20,000	60
Vavuniya + Mullaitivu	53,305	556	850	9
Mannar	38,290	358	15,000	140

* Aid given not utilised

Note : As against the large shortfalls for the districts in the Northern and Eastern Provinces, the districts in other provinces have benefitted by development expenditure and foreign aid expenditure at a higher rate than the national per capita averages.

Source : Ministry of Plan Implementation- Performance 1981

TABLE - XXIV

LAND SIZE AND PERCENTAGES OF SOWN LAND IRRIGATED

IN THE DRY ZONE (MAHA 1979/80)

Sinhala Districts	Percentage irrigated	Average size of holding
Puttalam	79.7	3.4
Moneragala	63.2	3.9
Anuradhapura	92.7	4.1
Polonnaruwa	95.3	4.0
Hambantota	92.5	3.0
Tamil Districts	**Percentage irrigated**	**Average size of holding**
Jaffna	31.6	1.3
Vavuniya	83.4	5.7
Mannar	94.7	3.7
Trincomalee	56.6	3.1
Batticaloa	30.4	2.7

Source : Department of Census & Statistics. Ministry of Plan Implementation Socio-Economic Indicators of Sri Lanka February 1983. p.232/p.102.

KODAKAN PILLAI V MUDANAYAKE (1953) 2 AER 833

(Source : Vijaya Samaraweera in "The Indian Tamil Immigrant Labour and the Land Problem", a paper presented at the IV International Conference of Tamil Studies, 1974; Quoted in Sri Lanka - The National Question and the Tamil Liberation Struggle - Satchi Ponnambalam)

The question in this case was whether the provisions of the Citizenship Act of 1948 were contrary to section 29(2) (b) and (c) of the Soulbury Constitution. The revising officer (a District Judge) held that the Citizenship Act of 1948 and the Ceylon (Parliamentary Elections) Amendment Act of 1949 were ultra vires the constitution. The crown appealed to the Supreme Court which held in favour of the crown. An appeal was made to the Privy Council by the appellent. The Privy Council dismissed the appeal stating that the Indian Tamils did not form a "community". This decision of the Privy Council has been severely critisized.

Military Camps in the Tamil Homelands

	ARMY	NAVY	AIRFORCE	POLICE COMMANDOS
JAFFNA	Gurunagar (Housing Scheme) Palali Kankesanturai (Harbour View Hotel) Point Pedro (Police Station) Navatkuli	Karainagar Kayts Kankesanturai (Harbour View Hotel) Point Pedro (Dist. Judge's Bungalow)	Palali Airport	Nallur Chavakachcheri Kodikamam Palai Karaveddy Point Pedro Kopay Chunnakam Annaikoddai Valvettiturai Kayts Delft
Kili-nochchi	Elephant Pass Poonagari Poonagari 4th Mile Post Kokkavil	-	-	Elephant Pass Kilinochchi Town

Military Camps in the Tamil Homelands (Contd)

	ARMY	NAVY	AIRFORCE	POLICE COMMANDOS
Mullai tivu	Mullaitivu Town Kokkilai Mankulam	-	-	Mullaitivu Town Oddusuddan Mankulam Nedunkeny
Vavuniya	Vavuniya Town Eraperiya-Kulam (JOSSOP)	-	Eraperiya-kulam	Vavuniya Town
Mannar	Thallady Silavathurai	-	-	Mannar Town Murunkan Pesalai Talaimannar
Trinco-malee	Mattakkaly Fort Fredrick Kantalai Nilaveli Muthur Thiriyai	Trincomalee Town	China (Training base)	Trincomalee Town Uppuweli Kantalai China Bay Muthur Nilaveli Harbour

Military Camps in the Tamil Homelands

	ARMY	NAVY	AIRFORCE	POLICE COMMANDOS
Batti-caloa	Kallady Kurukkalmadam Vahari Kalkudah	-	Alaiady -cholai	Batticaloa Town Eravur Valaichenai Punanai (check point) Kaluwanchikudy Vellavely
Amparai	Amparai (central camp)	-	-	Amparai Town Uhana Kalmunai Sammanthurai Akkaraipattu Potuvil

TULF NATIONAL CONVENTION

Pannakam (Vaddukoddai Constituency) 14 May 1976
Presided over by the late Mr S J V Chelvanayakam, Q.C., M.P.
The following Political Resolution was unanimously adopted.

Whereas throughout the centuries from the dawn of history the Sinhalese and Tamil nations have divided between them the possession of Ceylon, the Sinhalese inhabiting the interior of the country in its southern and western parts from the river Walawe to that of Chilaw and the Tamils possessing the Northern and Eastern districts.

And whereas the Tamil kingdom was overthrown in war and conquered by the Portuguese in 1619 and from them by the Dutch and the British in turn, independent of the Sinhalese kingdoms.

And whereas the British Imperialists who ruled the territories of the Sinhalese and Tamil kingdoms separately joined under compulsion the territories of the Tamil kingdom to the territories of the Sinhalese kingdoms for purposes of administrative convenience on the recommendation of the Colebrooke Commission in 1833.

And whereas the Tamil leaders were in the forefront of the Freedom movement to rid Ceylon of colonial bondage which ultimately led to the grant of independence to Ceylon in 1948.

And whereas the foregoing facts of history were completely overlooked and power was transferred to the Sinhalese nation over the entire country on the basis of a numerical majority thereby reducing the Tamil nation to the position of a subject people.

And whereas successive Sinhalese governments since independence have always encouraged and fostered the aggressive nationalism of the Sinhalese people and have used their political power to the detriment of the Tamils by -

(a) Depriving one half of the Tamil people of their citizenship and franchise rights thereby reducing Tamil representation in Parliament,

(b) Making serious inroads into the territories of the former Tamil kingdom by a system of planned and state-aided Sinhalese colonisation and large scale regularisation of recently encouraged Sinhalese encroachments calculated to make the Tamils a minority in their own homeland,

(c) Making Sinhala the only official language throughout Ceylon thereby placing the stamp of inferiority on the Tamils and the Tamil Language,

(d) Giving the foremost place to Buddhism under the Republican Constitution thereby reducing the Hindus, Christians and Muslims to second class status in this country,

(e) Denying to the Tamils equality of opportunity in the spheres of employment, education, land alienation and economic life in general and starving Tamil areas of large scale industries and development schemes thereby seriously endangering their very existence in Ceylon,

(f) Systematically cutting them off from the mainstream of Tamil cultures in South India while denying them opportunities of developing their language and culture in Ceylon thereby working inexorably towards the cultural genocide of the Tamils,

(g) Permitting and unleashing communal violence and intimidation against the Tamil speaking people as happened in Amparai and Colombo in 1956; all over the country in 1958; army reign of terror in the Northern and Eastern provinces in 1961; police violence at the International Tamil Research Conference in 1974 resulting in the death of nine persons in Jaffna; police and communal violence against Tamil speaking Muslims at Puttalam and various other parts of Ceylon in 1976 - all these calculated to instil terror in the minds of the Tamil speaking people thereby breaking their spirit and the will to resist the injustices heaped on them.

(h) By terrorising, torturing and imprisoning Tamil youths without trial for long periods on the flimsiest grounds,

(i) Capping it all by imposing on the Tamil nation a constitution drafted under conditions of Emergency without opportunities for free discussion by a constituent assembly elected on the basis of the Soulbury Constitution distorted by the Citizenship laws resulting in weightage in representation to the Sinhalese majority thereby depriving the Tamils of even the remnants of safeguards they had under the earlier constitution.

And whereas all attempts by the various Tamil political parties to win their rights by co-operation with the governments, by parliamentary and extra-parliamentary agitations, by entering into pacts and understandings with successive Prime Ministers in order to achieve the bare minimum of political rights consistant with the self - respect of the Tamil people have proved to be futile ;

And whereas the efforts of the All Ceylon Tamil Congress to ensure non-domination of the minorities by the majority by the adoption of a scheme of balanced representation in a Unitary Constitution have failed and even the meagre safeguards provided in article 29 of the Soulbury Constitution against discriminatory legislation have been removed by the Republican Costitution;

And whereas the proposals submitted to the Constituent Assembly by the Ilankai Thamil Arasu Kadchi for maintaining the unity of the country while preserving the integrity of the Tamil people by the establishment of an autonomous Tamil state within the framework of a Federal Republic of Ceylon were summarily and totally rejected without even the courtesy of a consideration of its merits.

And whereas the amendments to the basic resolutions intended to ensure the minimum of safeguards to the Tamil people, moved on the basis of the nine point demands, formulated at the conference of all Tamil political parties at Valvettithurai on 7th February, 1971 and by individual parties and Tamil members of Parliament including those now in the government party, were rejected in toto by the government and Constituent Assembly;

And whereas even amendments to the draft proposals relating to language, religion and fundamental rights including that was calculated to ensure that at least the provisions of the Tamil Language (Special Provisions) Regulations of 1966 be included in the Constitution, were defeated resulting in the boycott of the Constituent Assembly by a large majority of the Tamil members of Parliament;

And whereas the Tamil Liberation Front, after rejecting the Republic Constitution adopted on the 22nd of may 1972 presented a six point demand to the Prime Minister and the Government on 25th June, 1972 and gave three months time within which the government was called upon to take meaningful steps to amend the Constitution so as to meet the aspirations of the Tamil nation on the basis of the six points and informed the government that if it failed to do so the Tamil Liberation Front would launch non-violent direct action against the government in order to win the freedom and the rights of the Tamil nation on the basis of the right of self determination;

And whereas this last attempt by the Tamil Liberation Front to win Constitutional recognition of the rights of the Tamil nation without jeopardising the unity of the country was callously ignored by the Prime Minister and the Government;

And whereas the opportunity provided by the Tamil Liberation Front leader to vindicate the Government's contention that their constitution had the backing of the Tamil people, by resigning from his membership of the National State Assembly and creating a by-election was deliberately put off for over two years in utter disregard of the democratic right of the Tamil voters of Kankesanthurai and

Whereas in the by-election held on the 6th February, 1975 the voters of Kankesanthurai by a preponderant majority not only rejected the Republican Constitution imposed on them by the Sinhalese Government but also gave a mandate to Mr S J V Chelvanayakam Q C and through him to the Tamil Liberation Front for the restoration and reconstitution of the Free, Sovereign, Secular, Socialist State of TAMIL EELAM.

The first National Convention of the Tamil Liberation Front meeting at Pannakam (Vaddukoddai Constituency) on the 14th day of May, 1976 hereby declares that the Tamils of Ceylon, by virtue of their great language, their religions, their separate culture and heritage, their history of independent existence as a separate state over a distinct territory for several centuries till they were conquered by the armed might of the European invaders and above all by their will to exist as a separate entity ruling themselves in their own territory are a national distinct and apart from the Sinhalese and their costitution announces to the

world that the Republican Constitution of 1972 has made the Tamils a slave nation ruled by the new colonial masters, the Sinhalese who are using the power they have wrongly usurped to deprive the Tamil nation of its territory, language, citizenship, economic life. Opportunities of employment and education thereby destroying all the attributes of nationhood of the Tamil people.

And therefore, while taking note of the reservations in relation to its commitment to the setting up of a separate state of TAMIL EELAM expressed by the Ceylon Workers Congress as a Trade Union of the Plantation Workers, the majority of whom live and work outside the Northern and Eastern areas.

This convention resolves that the restoration and reconstitution of the Free, Sovereign, Secular Socialist State of TAMIL EELAM based on the right of self determination inherent to every nation has become inevitable in order to safeguard the very existence of the Tamil nation in this country.

APPENDIX - 28

VIOLENCE AGAINST TAMILS

1956

On 5th June 1956 in the vicinity of the Parliament about 200 Tamil Satyagrahis protesting against the Sinhala only legislation that was to be introduced on the same day, were set upon by thugs and beaten. Some were thrown into the Beira Lake (National Question and Tamil Liberation Struggle - Satchi Ponnambalam, page 105). Tamils were attacked in other parts of the island specially in the Eastern Province. During this violence over 150 people were estimated to have been killed (Ethnic Consciousness in Sri Lanka : Continuity and Change, Kumari Jayawardena). Those killed included women and children. Many women were raped. Houses were looted and set on fire.

1958

The anti-Tamil pogrom of 1958 began on the 25th of May. The violence was particularly severe in Colombo, Batticaloa, Polonnaruwa, Badulla, Kurunagala, Panadura, Galle and Matara. Shops were looted and set on fire. Tamils were attacked and killed, trains were derailed and unparalleled violence took place for four days before a state of emergency was declared. The riots resulted in 12,000 Tamils having to flee their houses and take shelter in refugee camps before being transported to Jaffna (Kumari Jayawardena). The estimated death toll in the riots of 1958 was of the order of 1000 (Agony Sri Lanka, page 8, 1983 quoted by P R Ganeshan in 'Genocide of Tamils and Human Rights Violations in Sri Lanka') (Also refer Emgergency' 58 by Tarzie Vittachi)

1961

The Army and the Police attacked Tamil Satyagrahis in Jaffna on 20th February 1961. The Satyagraha was staged demanding settlement of the Tamil problems. Many Satyagrahis including members of Parliament were injured. On 2nd March 1961 the Army attacked the Satyagrahis again with batons and rifle butts near the Jaffna Kachcheri. Many were injured including Dr E M V Naganathan, a Member of Parliament.

On 28th March 1961 a bomb and stones were thrown at the Satyagrahis in front of the Jaffna Kachcheri. The stones caused severe injuries to the Satyagrahis.

The government declared a state of emergency on 17th April 1961. on the 19th night the army attacked the Satyagrahis once again including the women. Many sustained serious injuries and over a hundred people were admitted to the Jaffna hospital. All telecommunication links to Jaffna were severed. Electricity supply was cut off and curfew was imposed. Hundreds of people on the road were attacked by the army. Most of the Tamil members of Parliament were arrested. On 19th April 1961 one Velan Kidnan was shot and killed by the army. Soldiers entered houses and beat up the inmates. They also raided shops and took away whatever they wished. Several women were also raped (P R Ganeshan) .

1974

The Police attacked the people attending the fourth International Tamil Research Conference on 10th January 1974 and as a result nine Tamils were killed (Refer paragraph 2.4.3), (Sansoni Commission-Evidence of A Amirthalingam, pages 11273-11282).

1977

The violence began on 13th August 1977 and went on till the middle of September 1977. In this violence which was more widespread than the earlier violences, thousands of Tamils, children and women included, in all parts of the country were subjected to the most barbaric violence, beaten up, burnt alive, hacked to death, raped and their property looted and destroyed (P R Ganeshan).

Over 300 Tamils were murdered and 10,000 were injured, the majority of them receiving serious injuries. About 200 women were raped. The damage caused to property would be in the region of £ 30,000,000. In this violence, nearly 100,000 Tamils were displaced (Letter dated 10th August 1983 to President Jayewardene from A Amirthalingam). More than 15,000 persons were transported by ship to Jaffna (Daily Mirror 30th August 1977).

The law enforcement machinery of the State and in particular the police by and large failed to discharge its function in protecting the victims and preventing incidents (Report of Sansoni Commission - page 266). (Appendices 29 and 30)

1979

On 12th July 1979 emergency rule was declared over the Tamil district of Jaffna (Sun - 12th July 1979). Several young persons taken into custody by armed forces were killed (ICJ Report 1981 - 1983, Prof. Virginia A Leary, page 31). Other youths were tortured in camps and prisons. Burning with cigarettes, applying chillie powder to sensitive parts of the body, beating with batons after hanging the victim from the ceiling, were some of the methods used by the security forces in torture (Parliamentary Debates 1969).

1981

On 31st may 1981 the Army attacked, looted and burnt shops in Jaffna. They burnt the party office of the Tamil United Liberation Front and the house of the MP for Jaffna, V Yogeswaran. They attempted to kill him but he escaped. On 1st June 1981 the police and the army assulted civilians on the road. They burnt the Jaffna public Library and the press of "Eelanadu", which was the only Tamil daily in the Tamil areas. Many shops were also burnt in the Jaffna town. On the 2nd June the Army and Police continued to burn shops in many areas and assult people. On this same day, after emergency was declared and curfew was imposed in Jaffna the army killed two persons . On the 3rd and 4th the army shot dead 5 persons including one in the office of the MP for Nallur. On the 4th June, four members of Parliament of the North were arrested "for no apparent reason" and later released. Several other Tamils were also arrested.

On the same day trains to and from Jaffna were attacked by mobs. Ministers of the government Cyril Mathew and Gamini Dissanayake were present in Jaffna during these attacks (Civil Rights Movement Documents No E01/4/81, EO1/5/81, E03A/6/81, E01/6/81 and E03/6/81).

From the 10th of August 1981 violence spread to the entire country and the Tamils become victims of mass murder, assults, hacking, burning, looting and raping and other forms of genocidal attacks (P R Ganeshan - report to the UN Human Rights Commission).

In Ampari many houses belonging to the Tamils were burnt by mobs who were assisted by Security Forces. Large number of shops were also burnt and 500 Tamils were made refugees (Satchi Ponnambalam). Violence was particularly directed against the plantation workers. Thugs attacked 43 estates in the Ratnapura area. The line rooms were looted and burnt and thousands of plantation Tamils become refugees. Many persons were also killed. On 14th August 1981 President Jayewardene admitted that the violence in the Ratnapura area had been an organised one (Statement adopted by the National Council of the Ceylon Workers Congress on 29th August 1981; Civil Rights Movement Document No E01/10/81; India Today 1-15 September 1981; Virginia Leary - ICJ - report for 1981 - 1983). In these violences nearly 40,000 Tamils were made refugees.

1983

During June and July 1983 violence (beginning from 3rd June) on a large scale was unleashed against the Tamils in Trincomalee by Sinhalese mobs and the security forces. Tamils were attacked with knives and swords and bombs were thrown at Tamil houses and business establishments. 19 Tamils were killed and more than 200 houses, 24 shops, a hotel and eight Hindu temples were burnt.

On 11th and 12th May 1983 Tamil students in the university of Peradeniya were attacked by gangs of Sinhalese students and on the 13th of May 1983 Tamil students of the Medical faculty in the University of Colombo were also attacked.

On the 18th of May 1983 army personnel went on the rampage in Jaffna burning 169 houses, 45 vehicles, several shops, patrol filling stations and two Hindu temples. They also brutally attacked civilians.

Army personnel went on the rampage in Vavuniya on 1st June 1983 and burnt the market, shops, vehicles and indiscriminately assaulted the civilians.

On the 3rd of June, 25 shops and several houses belonging to Tamils in Kurunagala were burnt by mobs.

Violence on an unprecedented scale against the Tamils was perpetrated following the killing of 13 soldiers in Jaffna on the night of 23rd July 1983. This violence had been planned months ahead. The Sinhalese persons who carried out the attacks knew exactly whether the house or building belonged to a Tamil or a business establishment was owned by a Tamil. Where the building was owned by a Tamil and occupied by a Sinhalese, the things in the building were removed carefully and the building was burnt and if a building belonged to a Sinhalese and the occupant was a Tamil, the things were brought out and burnt. Such knowledge could not have been obtained overnight or without the connivance of government officials. Electoral lists, business registration, and ownership registrations bad been checked and the thugs carried lists with them on their rampages. Tamils irrespective of their age or sex were killed, burnt alive, hacked or battered. The armed forces and the police encouraged violence and on many occasions took active part by simply shooting the Tamils (Stewart Slavin - UPI - Sunday Observer - Bombay - 7 -13 August 1983). Even patients in hospitals were killed, some by the hospital attendants.

On the 25th of July 1983, at the maximum security Welikade prison in Colombo, 35 Tamil political prisoners were massacred by other Sinhalese prisoners who had been armed with clubs, iron rods and other weapons. On the 26th July 1983 the Chief Magistrate of Colombo, K S Wijewardena conducted an inquiry into the massacre, but the inquiry did not reveal the identity of the killers, how they obtained the weapons or how they got out of their cells. The Magistrate held that these were homicides and directed the Officer in charge of the Borella Police to conduct further investigations. No further investigation was carried out. On the 27th of July 1983, another 18 Tamil political prisoners in

in the same prison were slaughtered by Sinhalese prisoners. The killers were armed with axes, iron bars and spikes. An inquiry was conducted into this second incident by the same magistrate, but revealed nothing. At these inquiries the surviving Tamil prisoners who could have identified the killers were denied representation. The government has rejected demands for a proper judicial investigation by international Organisations including the International Commission of Jurists (Report of August 1983) and the Amnesty International (Report of 1st June, 1984) (Patricia Hyndman - Lawasia)

In the 1983 July/August violence, nearly 2,000 Tamils were killed. Tens of thousands were injured and many among them were incapacitated for life Nearly 200,000 Tamils were displaced (Sri Lanka : Racism and the Authoritarian State - Race & Class, Volume XXVI No. 1 - 1984). 18,000 houses belonging to Tamils had been destroyed (The Hindu - Madras - 8th November 1983)

15,000 persons were unemployed in affected industries and 5,500 in 1,100 shops destroyed in Colombo. 9,500 in 1,900 shops destroyed elsewhere in the Country and 6,000 to 9,000 engaged in the tourist industry. 152 industries within 30 miles of Colombo were affected by the disturbances (US AID Report quoted in Sunday - New Delhi - 3rd December 1983)

AFTER AUGUST 1983

Since August 1983, the Tamils have been subjected to extreme hardships by the atrocities committed by the armed forces. After August 1983 over 1,900 Tamil civilians have been killed and the killing continues with the government providing arms to Sinhalese civilians (Guardian 6 June 1985). Upto the 18th of June 1985, nearly 10,000 houses, several thousand shops and hundreds of vehicles belonging to Tamils in the North and East have been destroyed by the security forces and mobs. In addition, community centres, dispensaries, schools and temples have been destroyed (Diary of Incidents 1984 and Daily Reports - Tamil Information Centre).

Violence Against Muslims

The Muslims, whose mother tongue is Tamil, have also been subject to violence by Sinhalese mobs and the security forces. During the period 1970-77 there were many attacks on the Mulsims. On 2nd February 1976 seven Muslims praying inside a mosque in Puttalam were shot dead by the police. 271 houses, 44 shops and two fibre factories belonging to the Muslims and two mosques were set ablaze. Two Muslims were burnt alive. The government refused to hold an inquiry into these atrocities by the police. In 1980 two people were shot dead by the police outside the mosque in Slave Island in Colombo. In July 1982 Sinhalese mobs attacked the Muslims in Galle and killed five persons. Shops belonging to the Muslims were burnt and Muslim women were raped.

Many Muslims have been arrested under the Prevention of Terrorism Act and are held in custody.

Appointment of the Sansoni Commission

P O No.N 143/77

By His Excellency WILLIAM GOPALLAWA, President and Commander-In-Chief of The Republic of Sri Lanka

W GOPALLAWA

To : Miliani Claude Sansoni, Esquire

GREETINGS :

WHEREAS it appears to me to be necessary to appoint a Commission of inquiry for the purposes hereinafter mentioned :

Now, therefore, I, William Gopallawa, President, reposing great trust and confidence in your prudence, ability and fidelity, do, in pursuance of the provisions of Section 2 of the Commissions of Inquiry Act (Chapter 393), by these presents appoint you, the said Miliani Claude Sansoni, Esquire, to be my Commissioner for the purpose of inquiring into and reporting on the following matters :

(1) to ascertain the circumstances and the causes that led to, and the nature and particulars of, the incidents which took place in the Island between the 13th day of August, 1977 and the 15th day of September, 1977 and resulting in -

(a) death or injury to persons;

(b) the destruction or damage of property belonging to, or in the possession of any person, or any State Institution or the State;

(c) the robbery or theft of any such property ;

(2) Whether any person or body of persons or any organization, or any person or persons connected with such organization -

(a) committed or conspired to commit;

(b) aided or abetted in or conspired to aid or abet in the commission of; or

(c) in any manner assisted, encouraged, or were concerned in or conspired to assist or encourage in the commission of, any of the acts referred to in paragraph (1); and

(3) to recommend such measures as may be necessary -

(a) to rehabilitate or assist in any other manner the persons affected by such acts; and

(b) to ensure the safety of the public and to prevent the recurrence of such incidents.

And I do hereby authorize and empower you, the said Commissioner, to hold all such inquiries and make all such investigations, into the aforesaid matters as may appear to you to be necessary, and require you to transmit to me within three months from the date hereof, a report thereon under your hand, setting out the findings of your inquiries, and your recommendations:

And I do hereby direct that such part of any inquiry relating to the aforesaid matters, as you may, in your discretion determine, shall not be held in public :

And I do hereby require and direct all State Officers and other persons to whom you may apply for assistance or information for the purpose of your inquiries and investigations to render all such assistance and furnish all such information as may be properly rendered and furnished in that behalf :

And I do hereby declare that the provisions of section 14 of the aforesaid Commissions of Inquiry Act, shall apply to this Commission.

Given at Colombo, under the Seal of the Republic of Sri Lanka, this Nineth day of November, One Thousand Nine Hundred and Seventy-seven.

By His Excellency's Command

(sgd) H C D Wijesinha
Secretary to the President

RECOMMENDATIONS OF THE SANSONI COMMISSION

CHAPTER V

MEASURES NECESSARY FOR THE REHABILITATION AND ASSISTANCE OF PERSONS AFFECTED

This subject is covered by Section 3(a) of the Terms of Reference.

Several Memoranda were received on this subject.

Fr Caspersz dealt with the subject thus :

(1) Speedy and well-supervised disbursement of adequate compensation is necessary.

(2) Re-settlement of hardworking families in the North-Central and Eastern Provinces will help the country to be self-sufficient.

(3) Rehabilitation through settlement should guarantee that the families will be the main beneficiaries of their efforts to produce food and will not be exploited by landlords and others.

(4) Where people are still living in insecurity and fear, they should be transferred to more secure places.

(5) Persons, whether landlords or other possessors of lands, who were ousted forcibly, should be restored to possession.

Bishop of Kurunegala summarised the problems that existed as follows :

(1) Relief to destitute persons which included over 5,000 Tamils of plantation origin; refugees of Jaffna origin who were accommodated by relatives or friends; and a limited number of Sinhala refugees or friends; and a limited number of Sinhala refugees who were being supported by Government relief programmes.

(2) Some estate workers who had suffered looting and violence had been helped by organisations, but others had received nothing.

(3) Government servants who had fled from insecure places of work were being paid salaries only if they had returned to work, unless proper leave was obtained. Only some had been transferred to secure places; all whose requests were genuine should be transferred.

(4) Craftsmen, artisans or small traders who lost their means of livelihood should be given some form of capital in order

to resume work.

The Federation of Tamil Trade Unions suggested, as measures of rehabilitation of victims of the disturbances, the transfer of Tamil employees to Tamil areas; the provision of housing facilities in safe places and security arrangements; and the option of retirement for employees who do not want to continue in employment under the Government, with adequate compensation for loss of career.

The Tamil Refugees Rehabilitation Organisation suggested that, in addition to the above, Tamils who had to leave their land and property in Sinhalese areas and do not wish to return to them, should be given land in other areas where they will have a sense of security. In such cases, it was suggested by the Association of Affected Tamil Officers, the government should buy those lands at the market value, as that was the only way to obtain a reasonable price for them.

Dr Balasingham, President of the Affected Tamil Officer's Association, suggested the decentralisation of the public service, with a view to reducing the number of Tamil Officers required to serve in Colombo. This would also result in various branches of the public service being moved to the North. Such a step, he said, would be more convenient for members of the public also : at present they have to travel to colombo for many purposes which could be conveniently attended to in Jaffna.

I would advise that all these suggestions be considered by the Government. They have been put forward by public officers who had, in many cases, gone through days of great anxiety and distress. Some of them had suffered severe losses of money and property, and members of their families had also gone through severe mental strain. I can well understand and sympathise with them, and their reluctance to run the risk of a repetition of the experiences they had undergone. Wherever possible, I think action should be taken to allay their fears.

While a mass of evidence has been led before me to show what so many citizens and public officers suffered during the disturbances, little evidence was placed by witnesses with regard to the need for rehabilitation as it existed after the lapse of 18 months or two years. Mr W T Jayasinghe who was in charge of rehabilitation, stated in evidence on 16th May 1979, that rehabilitation was over and there was no problem left. I do not think he was referring to the requests made by the organisations which I have just been setting out. He stated that about 30,000 Tamil persons had been in refugee camps : a good part of them had returned to their original houses; to others land had been given or they were working on lands belonging to other people. The government, he said, had spent about twenty million rupees on rehabilitation, and there were no more refugee camps.

Mr Jayasinghe admitted that the Tamil Refugees Rehabilitation Organisation had applied to be granted the status of an Approved Charity. He stated that it had not complied with certain conditions laid down by the Government, and that it was Government policy that all assistance offered by outside agencies for rehabilitation, should be sent to the Government.

On the question of compensation it has been said that while it is true that laws providing compensation to victims of crime are rare, they are desirable.

"They should be framed as part of the effort to do justice, when a crime has occured as a symptom of social disunity and a further disruption of the social order. If we are to regard justice after a crime as social restoration, victims should be compensated. When a community has been wounded by a crime, the community has not been made whole while its living members who have most grievously suffered for the crime are uncompensated " (Crime and Justice in America, by Professor L Harold de Wolf (1975) page 195).

Whatever may be the rule in this Island under normal conditions, the incidents which occured during the specified period were of such an extreme nature and so widespread, that an exception should be made as regards the payment of compensation to all those persons who were adversely affected. I suggest that full compensation for all losses sustained should be paid to all such persons by the Government. I have recapitulated the evidence given by witnesses. But there are also 275 affidavits filed by affected persons which should be taken into consideration when compensation is being assessed. A great deal of time was saved by the production of these affidavits.

In some cases the sufferers have, either in evidence given by them or by way of affidavits, given their own estimates of the damages they sustained. It was hot possible for me to examine the correctness of these estimates and arrive at accurate findings on the actual damages sustained. To have attempted to do so would have prolonged these proceedings unduly. It will be necessary to have the claims made by those who suffered losses carefully investigated by persons who are competent to assess the quantum of compensation which should be paid in each case.

There have been many cases where public servants and others have been killed in the prime of life, leaving widows and children. They could have worked, in some instances, for many more years and their heirs would have received larger pensions if they had done so.

Their dependants have suffered by losing the bread-winner under such circumstances, while if he had enjoyed the normal life expectancy they would have been in a much more favourable situation. Such cases should be suitably dealt with, and an enhanced pension paid to the heirs.

I recommend that all persons who suffered damages arising out of the incidents which occurred during the period 13th August, 1977 to 15th September, 1977, be paid full compensation to the extent of such damages. Any sums already received from the government, or payable by reason of insurance policies in their favour , should of course be deducted.

REFUGEES

1 Tamils who have left Sri Lanka as refugees since July 1983

Australia.....	2,000	
Canada.....	3,000	
Denmark.....	200	
France.....	20,000	
India.....	100,000	
Italy.....	1,000	
Netherlands.....	4,000	
Norway.....	200	
Switzerland.....	2,000	
United Kingdom.....	1,500	
United States.....	600	
West Germany (FRG).	20,000	
Total		154,500

2 Other Tamils who left Sri Lanka since July 1983		30,000
3 Tamils who have left Sri Lanka since 1956 due to discrimination and continued violence		50,000
4 Persons displaced within the country :		
Fishing families displaced as a result of the prohibited zone in the Northern province and the Surveillance Zone	200,000	
Persons displaced as a result of rampages by armed forces including plantation Tamils in the North and East since 1983	50,000	
Persons displaced in other areas after September 1983	50,000	
Total		300,000
Total number of Tamils displaced		534,500

REFERENDUM

Sri Lanka celeberated the golden jubilee of the granting of Universal adult frnchise in 1981 while hundreds of thousands of Tamil plantation workers were suffering without citizenship and voting rights, and took away the franchise rights of the rest of the population in 1982 by holding a referendum instead of general elections, on 22nd December 1982, to extend the life of the Parliament by another seven years. The last election was held in 1977 and since then upto 1982, around one million new voters had been registered. These new voters were also deprived of their franchise rights. This was done also to continue the two-third majority as otherwise in an election under the new proportional representation system no party would have received a two-third majority. This move also froze the number of opposition seats in Parliament.

The President of Sri Lanka J 'R Jayewardene obtained undated letters of resignation from 141 members of Parliament on 28th October 1982. Such move was unprecedented in the history of parliamentary governments in the world. This was done so that there would be no opposition for the referendum (and other moves by him in the future) within his party and in Parliament. The referendum was itself held under the following conditions :

1 Emergency rule

2 Opposition newspapers banned

3 The head-quarters of the opposition Sri Lanka Freedom Party was raided by police and documents were seized.

4 Printing presses were sealed.

5 Key opposition organisers were arrested and detained, including the General Secretary of the SLFP Ratnasiri Wickremanayake.

6 Blatent disregard was shown by the government party to the law relating to posters. Leaflets advocating 'No' votes were seized by Police.

7 Police took active part in suppressing the opposition.

8 Voters were intimidated.

9 Persons were harassed at their homes.

10 Persons were assaulted by members of the ruling United National Party.

The holding of the referendum instead of a general election is in contravention of Article 25 of the International Covenant on Civil and Political Rights .(Appendix 33)

Further it would be relevant to note here that J R Jayewardene resigned his seat in the then National State Assembly on 14th May 1972 on the ground that "the National State Assembly had no moral right to continue beyond May 1975" (Tribune Vol.20, No.5 June 1975 as quoted by Wiswa Warnapala and Dias Hewagama).

Sources :

1 The Conduct of the Referendum - Priya Samarakone - Sri Lanka in Change and Crisis.

2 Civil Rights Movement of Sri Lanka - Documents No.E05/10/82, E04/12/82, E07/12/82, E03/12/82, E02/11/82, E03/11/82, E01/11/82.

3 Sri Lanka's First Referendum : Its Conduct and Results_James Manor.

4 Recent Politics in Sri Lanka - The Presidential Election and the Referendum of 1982 - W A Wiswa Warnapala and L Dias Hewagama.

APPENDIX - 33

International Covenant on Civil and Political Rights

Articles 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions :

a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

c) To have access, on general terms of equality, to public service in his country.

JUDICIARY

1) Prior to 1972, control of judicial officers other than the judges of the Supreme Court was vested with the Judicial Services Commission comprising the Chief Justice and two other judges of the Supreme Court.

2) The 1972 constitution vested the authority of appointment, transfer, dismissal and disciplinary control of the judges other than the judges of the Supreme Court in the cabinet (Sections 121 to 131). The newly appointed bodies, the Judicial Services Advisory Board and the Judicial Services Disciplinary Board derived their functions and duties from the cabinet and were not independent (The Administration and the Judicial System - Vijaya Samaraweera - Chapter 15 - Sri Lanka : A Survey - Edited by K M De Silva).

3) The 1978 constitution vested all such powers in the President while ending the tenure of the offices of all the judges of the Supreme and High Courts (Article 163). Under Article 107(1), the President appoints all judges of the Supreme Court including the Chief Justice and all judges of the Court of Appeal. Under Article 111 (1) the President appoints all judges of the High Court and under Article 112(1), he appoints the members of the Judicial Services Commission. When the President appointed the judges after the promulgation of the 1978 constitution, seven judges of the previous Supreme Court and five judges of the High Court lost their offices. Four other judges of the Supreme Court were moved down to the inferior Court of Appeal. Justice K C de Alwis was appointed a judge of the Court of Appeal from the District Court over the heads of many senior judges. The Chief Justice was appointed from the unofficial bar (Civil Rights Movement - The New Judicial Appointments - and the chart - 1979).

4) An inter-religious organisation called the "Voice of the Clergy" was campaigning against the referendum to be held on 22nd December 1982. A Superintendent of Police, P Udagampola siezed 20,000 leaflets from the organisation. The Secretary of the organisation, a Buddhist monk instituted action under Article 126 of the constitution in the Supreme Court alleging infringement of fundamental freedoms of speech and expression.

The Supreme Court on 8th February 1983 held that there had been breach of fundamental rights and awarded Rupees 10,000 as damages and costs against the Superintendent of Police personally. On the 2nd of March 1983 the cabinet decided to promote the police officer and pay the fine and costs out of public funds. These measures were taken at the instance of President Jayewardene (Sri Lanka : Mounting Tragedy of Errors - Paul Sieghart - ICJ).

5) On the 8th of March 1983, Mrs Vivienne Goonewardene (a former member of Parliament and Junior Minister) after participating in a peaceful procession which handed over a petition to the US embassy protesting against the establishment of nuclear bases on Diego Garcia, was manhandled at a police station by a police officer. She instituted action under Article 126 of the constitution in the Supreme Court for infringement of fundamental rights. On 8th June 1983 the court held that there had been a breach of fundamental rights, ordered the State to pay damages and directed the Inspector General of Police to conduct inquiries into the allegation of degrading and inhuman treatment. On the same day the cabinet decided to promote the Sub-Inspector of Police who had manhandled her. The inquiry directed by the Supreme Court was also not conducted. On the 10th of June 1983, two days after the judgement thugs who arrived at the homes of the judges shouted obscenities at them and threw stones. The judges sought help from the police which was not forthcoming. The thugs had arrived in buses belonging to the Ceylon Transport Board, which is a state corporation. Later the judges had given the registration numbers of the buses to the police, but no action was taken. President Jayewardene strongly critisized the Supreme Court and added that the "people had exercised their rights in demonstrating in front of the houses of judges" (Sri Lanka : Mounting Tragedy of Errors - Paul Sieghart ICJ; Island 3rd March 1983, Civil Rights Movement - Documents dated 18th June 1983 and No. E02/6/83)

6) Under the 1972 constitution the judges were required to take oaths to uphold the constitution. This in effect removed the question of illegality of the costitution from the jurisdiction of the judiciary and brought the judges under the executive. The 1978 Constitution also required the judges to take similar oaths (Article 165)(Memorandum on Human Rights Violations and Ethnic Violence in Sri Lanka - 1983 Standing Committee for Tamils, Human Rights Council).

7) The sixth amendment to the constitution which came into force on the 8th of August 1983 required all to take an oath of allegiance to the Republic within one month (see paragraph 4.8), including the judges. The judges of the Supreme Court and the Court of Appeal took their oaths before one another, as was the tradition, within the specified period. The government backed with a ruling by the Attorney-General that they should take oaths before the President, declared that the judges had ceased to hold office as from the 8th of September 1983. The judges were locked out and police were posted to prevent them from entering their chambers. They, including the Chief Justice, were denied the right to remove their own papers from the chambers. Official cars and police protection were withdrawn. The effect was that there was no Supreme Court or Court of Appeal in Sri Lanka for one week. Thus the judges were compelled to take oaths before the President, which is unprecedented, and were reappointed (Tamil Times - September/October 1983).

SUMMARY OF ALLEGATIONS OF USE OF THUGGERY IN A POLITICAL CONTEXT AND/OR FAILURE OF POLICE TO AFFORD ADEQUATE PROTECTION

(Compiled by the Civil Rights Movement of Sri Lanka)

This summary has been compiled under the following headings :

1 ATTACKS ON PICKETS/DEMONSTRATIONS
2 MEETINGS DISTRUPTED BY THUGGERY
3 THUGGERY IN THE WORKPLACE (INCLUDING THE UNIVERSITY)
4 D B I P S SIRIWARDENE COMMITTEE OF INQUIRY INTO POST ELECTION VIOLENCE
5 M C SANSONI COMMISSION OF INQUIRY INTO THE INCIDENTS WHICH TOOK PLACE BETWEEN 13 AUGUST 1977 & 15 SEPTEMBER 1977

Due to lack of time, details of the events in Jaffna on and after 31 May 1981 and the communal violence elsewhere in the country, especially in the plantation areas, in August 1981 have not been included.

1 ATTACKS ON PICKETS/DEMONSTRATIONS

1.1 31 January 1978

Several thousand teachers gathered at Malay Street to make representations at the Education Ministry. At about 2 pm mounted police baton-charged the teachers in an attempt to disperse them and many teachers were hurt.

Ref : Attha

1/2/78 and information given by Ceylon Teachers Union.

In March 1978, lunch-time pickets were held, in protest against the white Paper on Employment Relations, and a number of incidents of violence took place. The complaints that have come to our notice include those listed in paragraphs 1.2 to 1.5 below.

1.2 8 March 1978

Opposite the Head Office of the Ceylon Petroleum Corporation, Kollupitiya, (next door to the Kollupitiya Police Station) at about 12.40 pm, H J Rogers was assaulted by 4 or 5 people, while picketing. He made a complaint to the police. Four members of the All-Ceylon Oil Workers' Union were also attacked, including Daya Alwis and one Piyasena. It is reported that the police looked elsewhere and refused to entertain complaints. We understand that the police have prosecuted the victims on a charge of assaulting the assailants.

1.3 9 March 1978

H J Rogers and others were assaulted near the main office of the Petroleum Corporation after the picket, by a group of thugs armed with clubs. Ravindra Jayalath was assaulted by about 8 people, including (name withheld) and one (name withheld) when he was sitting in the office after picketing. The Accountant, Mr Cecil de Mel, sent him to hospital in a Corporation vehicle, accompanied by two Corporation executives. Roy de Silva and one Sirisena made statements regarding assaults on their persons.

1.4 14 March 1978

Mr Cecil de Mel was attacked, inside his office, in the lunch interval, by two unknown people. He received head injuries when he was hit with a pistol. Mr Bala Tampoe, General Secretary of the Ceylon Mercantile Union (CMU) informed DIG Lawrence, who promised an immediate investigation.

Ref :

(1) weekend, 19/3/78. (2) Letter of 11/4/78 etc. from General Secretary, CMU to Chairman, Ceylon Petroleum Corporation and DIG Lawrence etc. Letter of 23/8/78 from General Secretary, CMU to DIG Lawrence. (3) Letter of 22/3/78 from Mrs Rupert Pieris (United National Party member) to the President, the Prime Minister, Minister of Justice, Minister of Industries and Scientific Affairs and the MP for Moratuwa.

1.5 7 March 1978

At the gate of the head office of the National Paper Corporation, Union Place, at about 12.30 pm, placards were forcibly removed from some pickets by two Corporation employees and burnt. George Perera was assaulted by (name withheld). Balendra was assaulted by (name withheld) and one (name withheld). Mrs Navaratnam was kicked in the stomach by (name withheld). Victims and assailants went to the police. After making statements, Balendra was given outpatient treatment at the General Hospital, and Mrs Navaratnam was warded for observation.

Ref :

(1) Letter of 11/4/78 etc. to Chairman National Paper Corporation, OIC, Slave Island, DIG Lawrence, etc. (2) Hansard of 10/3/78, col. 455.

Note : According to Bank of Ceylon Branch Union News of 1/7/80, similar attacks on pickets were made during this time at the Tyre Corporation, Kelaniya. According to Attha

10/3/78, harassment/assults also took place on pickets at the Department of Immigration and Emigration, the Registrar-General's Office, the Port Commission Authority, and Cargills.

1.6 20 July 1978

Twelve banks came out on a one-day token strike led by the Ceylon Bank Employee's Union in protest against the dismissal of 971 bank employees, and other trade unions staged one-hour demonstrations at their work-places in sympathy. Peaceful strikers were attacked by thugs in about 15 places in the city, including near the Hotel Taprobane, Bank of Ceylon (5th City Branch), Peoples Bank (Duke Street), National Savings Bank (Kollupitiya), Bank of Ceylon (York Street), Ministry of Food (Union Place). From about 9.00 am, thugs rampaged assaulting strikers with empty bottles and iron rods, injuring many severely.

Gangs of thugs were transported to the city in government vehicles, and Ceylon Transport Board buses, several numbers of which were noted. Many reports emphasise that the police were either mere spectators, or even connived with the thugs to get the unarmed strikers thrashed. Near the Hotel Taprobane, at one point, police appeared to have pushed the strikers towards the Port Commission building, where thugs charged them, wielding empty bottles. When two thugs were caught and handed over to the police, they were immediately released.

Ref :

(1) The Bank Worker, June/July 1978. (2) Hansard of 20/7/78 - Leader of the Opposition's statement. (3) Eye-witness accounts.

In January 1980 the Joint Trade Union Action Committee launched lunch-time pickets in protest against proposals to reduce the number of government holidays. Some allegations of thuggery that ensued are summerised in paragraphs 1.7 to 1.11 below.

1.7 8 January 1980

Members of the Ceylon Bank Employees Union (CBEU) were picketing at the Chartered Bank. Police swept down, wrenched away their placards and threatened to arrest anyone who remained in the arcade of the building.

1.8 9 January 1980

The Ceylon Bank Employees Union picket on this day was to be opposite the Bank of Ceylon Head Office, York Street, starting at the usual time of 12.30. Unlike on the previous day, no policemen were in the vicinity, but at 11.50 am, York Street was closed to traffic by the police.

Hundreds of armed thugs (transported in Ceylon Transport Board buses, a Petroleum Corporation van and about 40 scooter-trishaws) then gathered and began to assault people, even though the picketing had not begun. The Bank Union President, Nimal Perera, was dragged off the steps of the Bank and brutally assaulted by about 15 thugs, with bicyles chains, clubs and knuckle dusters. A passing traffic policeman, who had strayed into the area, went to his assistance, but he too was set upon by the thugs and barely escaped. Nimal Perera was finally rescued and sent to the General Hospital in a Bank vehicle.

Trade unionist and press photographer, Sarath Nawana was also brutally attacked and robbed of his camera. He was able to indentify several of his assailants as being from the Petroleum Corporation. When he staggered around the corner to the gate of Police Headquarters, to request help to get to hospital, police (in the company of thugs) refused aid. A telephone call to Mr Sarath Amunugama (from the Information Department next door to Police Headquarters) procured a vehicle to transport this severely injured person to hospital. ASP Frank Silva and ASP C P Jayasuriya took a statement from him in hospital.

No one was arrested in connection with these events. In fact, when the thugs first appeared, a Bank Security Officer had summoned the police. They came after about 40 minutes of mob violence.

At this point, trade unionist Alavi Moulana arrived and was about to remove injured SLFP reporter Edwin Weerasinghe to hospital. But, under the very noses of the police, opposite the staff entrance of Grindlays Bank, he was set upon by thugs, clubbed and stabbed. The police neither intervened nor helped him to hospital. He was taken to the Intensive Care Unit in a passing car.

Moulana and Perera made statements to the Police Post at the Accident Ward, to OIC Joseph. Apparently, there is a Crime Detection Bureau file on this with full details of drivers and Ceylon Transport Board bus numbers.

1.9 9 January 1980

Picketers at the Headquarters of the Government Clerical Service Union (GCSU) at Chittampalam Gardiner Mawatha, were assulted by the police. Among those hurt were G D Sumanadasa, G Mahanama, Chandraratne Bandara, and Edwin Kotelawala.

1.10 10 January 1980

A handbomb was thrown at picketers in front of the GCSU headquaters. In the evening, a group of police with machine guns, raided the GCSU headquarters, but found nothing of consequence. Nevertheless, they took GCSU office bearers Savanadasa and Mahanama into custody.

1.11 11 January 1980

A handbomb was thrown at picketers in front of the central Bank. Two Central Bank employees were remanded.

Ref : for Nos. 1.7 - 1.11 (1) Statements issued by President of Bank of Ceylon Branch of the Ceylon Bank Employees Union on 10/8/80 and 11/1/80. (2) Letter of 17/1/80 from General Secretary, CBEU to the President of the Republic. (3) Navodaya 11/1/80 - newsheet of the GCSU. (4) Hansard of 9/1/80 and 10/1/80. (5) Ceylon Daily News 10/1/80 and 12/1/80. (6) Janadina 9/1/80, 10/1/80 and 11/1/80. (7) Eye-witness accounts.

1.12 5 June 1980

Teachers at Maharagama Teachers Training College had been peacefully picketing when a Ceylon Transport Board bus No.23 Sri 2549 came through the College gates, carrying 27 people including (name withheld) of the JSS (The Jathika Sevaka Sangamaya, the trade union of the ruling United National Party). (This bus had left Maharagama Depot at 12.40 pm; log entry No.698271 refers.) Thugs got out and began to assault the teacher trainees with rubber belts, stones, bicyle chains etc. Women were thrown to the ground and waste oil was poured over their clothes and into their eyes and ears. They attempted to run one girl over with the bus. Police arrived about 4.00 pm, and took a statement. Two hours later people were taken to Colombo South Hospital. Four female teachers had serious injuries.

Ref: (1) Sun, 6/6/80, 12/6/80,14/6/80. (2) Kantha Handa No.3 (3) Attha, 7/6/80. (4) Information from the Ceylon Teachers' Union.

1.13 5 June 1980

In support of the Joint Trade Union Action Committee nation-wide day of protest, there was a picket in front of the Department of Government Supplies. A police report sent to the IG on 6/6/80. said :

"At about 12.45 ..... on 5/6/80, there had been a crowd of about 100 persons picketing ... in front of the Department of Government Supplies. A crowd of about 20 persons had appeared at this time from the direction of Slave Island and had assaulted the persons who were picketing. At about this time, a jeep.... No.31 Sri 1111 had come from the direction of Slave Island and had joined the persons who were attacking the pickets. Stones and clubs had been used. There was the sound of an explosion at this time. About 5 or 6 persons were injured and were removed to hospital. The jeep was later seen driving away from a point in front of Lake House with the MP for (name of electorate withheld) in the front seat. One person has since succumbed to his injuries .....".

This person was D Somapala, President of the Government Supplies Branch of the Public Service General Workers' Union.

G Mahanama who was leading the picket was threatened, and Mr George Ratnayake, President of the Sri Lanka Jatika Guru Sangamaya, who was addressing a meeting nearby was also attacked and injured.

As police refused to help (the police report, itself, makes no mention of intervention) Mahanama got passing vehicles to take the injured to hospital. He made a statement to Inspector Croos of Maradana Police Station at the Police Post, Accident Service, General Hospital. This is on p.124 of Police Information Book opened on 27/5/1980. He said that the MP for (name of electorate withheld) was also in the jeep.

We understand that no arrests have yet been made in this connection.

Ref : (1) Tribune, 28/6/80. (2) Forward, 15/6/80. (3) Attha, 6/6/80. (4) Information from Government Clerical Services Union members.

1.14 28 August 1980

Attha of 29/8/80 reports a police attack (led by of the Maharagama Police) on a peaceful picket in Maharagama. One person was admitted to hospital and several were treated as out-patients at Colombo South. (Further details have been requested.)

2 MEETINGS DISRUPTED BY THUGGERY

2.1 5 October 1977

A Sri Lanka Freedom Party meeting at Hyde Park in the evening was broken up soon after it began, by thugs who assaulted members of the audience and people on the platform, tore flags and smashed the public address system - while the police were looking on. When some police did try to intervene, they were threatened. The thugs came in Ceylon Transport Board buses. No arrests were made. No action was filed in Court by the police.

Ref :

(1) Supplement to Bank of Ceylon Branch Union News 1/7/80.
(2) Janadina 6/10/77

2.2 22 February 1978

A United Left Front meeting at the Jaffna Esplanade was broken up when 12 to 15 persons threw stones, shoes and bottles at the speakers. One person, A Vaithialingam,

received head injuries. People climbed on the stage, cut loud-speaker wires, tore the party flag and toppled furniture. The electricity supply was cut. Police were watching and waiting about 100 yards away, and the stone-throwing continued for about half an hour without their intervening. Mr P Keuneman, one of the speakers, did not believe it was incited by the TULF or by Mr Ponnambalam's group.

Ref : (1) Ceylon Daily News, 23/2/78
(2) Attha. 25/2/78

2.3 21 July 1981

A meeting of about 500 members of the Public Services United Nurses Union (PSUNU) was held at the Abhayarama Temple, Narahenpita. From about 1.00 am, thugs had been assembling in the area and at the police garage junction. They threatened nurses and managed to scare some of them away from the meeting. The (name withheld) was also present, in a jeep. At about 2.30 pm two people came on a mo-bike and threw a bomb at the temple. All this time the police were absent. It is believed that they refused to come when requested. Instead, the temple bell was rung and people came and chased the thugs away. The police came later and took a statement from the Union President.

Ref : (1) Forward , 1/8/81. (2) Eye-witness

3 THUGGERY IN THE WORKPLACE (INCLUDING THE UNIVERSITY)

3.1 23 July 1977

Immediately after the change of government in July 1977 mob rule and thug violence took over at Lake House (premises of the state controlled Associated Newspapers of Ceylon Limited) for 2 or 3 weeks, after the appointment of a new management. Intimidation, assaults and sordid acts against employees, resulted in several breakdowns. Those who were ordered off the premises were beaten up by thugs camped outside. Employees do not seem to have received protection from any quarter.

Ref : (1) Tribune, 8/8/77 "Lake House Today". (2) Weekend 7/8/77 .

3.2 20 August 1977

In the Central Mail Exchange in McCallum Road, lights were switched off about 12:30 am, and minor staff assaulted the Tamil supervisors. This was reported and at about 6.00 am, the Chief Postmaster and Postmaster General turned up. The Maradana Police also arrived. When Tamil Officers reported for duty that morning, they were severely assaulted in the presence of their superior officers.

They were also made to crawl up to the rear entrance of the mail room from the entrance gate. This was in the presence of police officers. The injured officers were finally taken to the Maradana Police Station, where they received a callous reception. By July 1980, no action had been taken against the assailants.

Ref :

Sansoni Commission Report - Sessional Paper VII - 1980.

3.3 17 January 1978

Electricians (who had recently joined the Ceylon Mercantile Union after leaving the pro-government union JSS) and other workers from Dasa Industries, Dalugama, as well as some bystanders, were assaulted by green-shirted thugs near their workplace in the morning. This was reported to DIG Lawrence the same day, and statements were made by several of the victims to the ASP, Kelaniya. An account in The Ceylon Bank Employees Union News refers to picket line at Dasa's being attacked by thugs (one of whom was (name withheld)), in full view of a strong police contingent. It is not clear if these two reports refer to the same incident.

3.4 16 March 1978

For sometime students at the Vidyalankara Campus had been intimidated and assaulted by UNP thugs, brought into the campus by the Samavadi Shishya Peramuna (SSP). Though the Campus Security Office, the Campus President, the Vice-Chancellor and the Peliyagoda Police were informed of this situation, no one intervened. On 15/3/78, Peramuna leaders announced that thugs would come the next day to beat up left-wing student leaders. The thugs began to gather outside the campus from 7.30 am on 16/3/78, some arriving in government vehicles (one was a National Apprenticeship Board Peugeot 504 and another, a Ceylon Steel Corporation Volkswagen.)

A complaint was lodged at the Peliyagoda Police Station by the students at 8.30 am, and other authorities were also informed. The Campus President absented himself all day from the campus. From 8.15 am onwards, the students came under attack. An armed gang invaded the canteen with swords, knives, clubs and bombs. Many students were injured and one of the thugs, (name withheld) (a close friend of the President of the SSP), fatally.

The police came into the campus only at noon, after they had learnt of (name withheld) injury.

Ref : (1) Statement of the Student Council of the University of Sri Lanka, published in Tribune, 8/4/78. (2) Observer, 17/3/78. (3) Ceylon Daily Mirror 18/3/78. (4) Also a number of public statements and letters referring to violence against unprotected students.

3.5 16 March 1978

Two attacks by thugs, transported in government vehicles, were made on the Aesthetics Institute, Colombo, one in the evening and one around 12.15 pm on 16/3/78. They attacked students with various weapons, injured the Institute Director, smashed furniture, etc. An investigation was led by Detective ASP Canagasingham.

Ref : (1) Ceylon Observer 17/3/78. (2) Ceylon Daily Mirror, 18/3/78. (3) Statement of the Inter-Campus Students Federation, published in Attha, 8/4/78.

3.6 29 March 1978

Students had been on strike in the Colombo Campus. About 4.00 am on 29/3/78, over 500 police raided the campus for weapons etc. In the evening, thugs came in a jeep, fired shots in the air, tore down posters and threatened students and workers. They attacked students walking along Reid Avenue. Registration numbers of vehicles were recorded.

At 5.30, on the same day, two University students at a Bambalapitiya bus stand were forced on to a 193 bus and taken to the United National Party headquarters, Siri Kotha, and held there for several hours. (They were either from the Aesthetics Institute or Colombo Campus.)

Ref : (1) Attha, 30/3/78, 31/3/78. (2) Sun, 6/4/78

3.7 5 April 1978

For several days students from Katubedde Campus were being intimidated and subjected to assault. On 5/4/78, several were injured in an attack by UNP thugs who came in Ceylon Electricity Board Jeep 31 Sri 843. The thugs said they would be returning. Students complained to the Moratuwa Police.

Ref : Attha, 7/4/78

3.8 27 February 1979

After lectures on 27/2/79, some Polgolla Campus students were waylaid by thugs and asked : "Aren't you working against the government?". Two girls, Polonnaruwa Yasawathi Herath and Matale Indrani Gunawardene were assulted and had to be admitted to hospital. The students were helpless against the thugs and received no protection from the authorities.

Ref : Attha, 1/3/79, 7/3/79

3.9 2 March 1979

As a result of an altercation between students and a security officer at Vidyodaya Campus students occupied a hall. At about 4.00 am on 2/3/79, about 200 police entered and ordered the students out. Some were baton- charged. Police went to the hostel at 6.00 am and ordered male students to leave by 6.30 am and females by 12.00 noon. At 6.30 they entered the hostel and began to assault students. When the latter ran out under this sudden onslaught, they were attacked by thugs waiting outside. Twenty-five students were hurt, seven badly.

Ref : Attha, 3/3/79

3.10 13 June 1980

Students in Weerasooriya Hall, Kelaniya University, were threatened by six or seven thugs with dangerous weapons, one of whom claimed to be the Vice Chancellor's security man. Students complained to the V C, but believe that he did not inform the police. On 13/6/80, thugs once again entered students' rooms, and complaints to the V C were of no avail. Moreover, he said that if anything happened to them outside the campus, he could do nothing. Students sent a telegram to the President of the Republic, saying that they were threatened by thugs and requested protection.

Ref : Attha , 14/6/80

3.11 15 June 1978

At 9.30 am on 15/6/78 about 400 thugs, members of the JSS threatened six section heads at the Thulhiriya Mills and drove them off the premises. They were forced to give letters of resignation. The management was warned by the thugs not to allow the six people back. It appeared that only JSS members and those who accepted their terms were allowed to stay in the Mills.

Ref : Attha, 17/6/78, 19/6/78.

3.12 22 November 1979

Members of the All-Ceylon Oil Workers Union at the Ceylon Petroleum Corporation, Kollupitiya, who went to file their nomination papers for the Employees Councils, were assaulted and driven away by thugs. Ruben Wickremaratne and one Abeyratne were badly hurt and hosptalised. The Wellampitiya Police took no action. The election went uncontested and a number of the Oil Workers Union members were transferred.

Ref : (1) Information from the Ceylon Federation of Labour.
(2) Case record.

3.13 19 December 1979

In the lobby of the Head Office of the Peoples' Bank at about 5.30 pm,(name withheld) of the JSS Branch assaulted a member of his own union, in the presence of about 300 members of staff including three senior officers. No action was taken.

Ref : Statement issued by the President of the Bank of Ceylon Branch of the Ceylon Bank Employees Union, 10/1/80.

3.14 The Personnel Manager of the Peoples Bank was abused and assaulted in his office by JSS officers, in the presence of several members of staff. The police were informed and the four assailants were arrested. However, they were shortly released on bail in Rs.250/- each. The next day,(name withheld) the JSS threatened certain staff members near the Head Office entrance, over this matter.

Four people were interdicted by the management in this connection. On 9/1/80, a JSS mob roamed the building, abusing and threatening officers. Eventually, the police were sent for and the Staff Department was put under the police guard. The mob then looted the canteen.

On 11/1/1980, the interdicted JSS office bearers were reinstated as a result of pressure exerted on the Personnel Manager to withdraw his complaint. He was later transferred.

Ref : as for No.3.13 above.

3.15 10 January 1980

After the elections for the Employees Association at the National Paper Corporation, Embilipitiya, the successful candidates were attacked.

Ref : Attha, 14/1/80, 18/1/80 - with photograph of one of the injured.

3.16 15 June 1980

Nurses of the Kekirawa Hospital were on sick leave in connection with a token strike. Thugs forced entry to their hostels and carried off one nurse to Kekirawa hospital, where they kept her forcibly. They damaged the house of a district nurse and threatened her. An injured nurse was admitted to the Anuradhapura Hospital. The next day, all hosptial staff in the Anuradhapura district struct work.

Ref : (1) Kantha Handa, No 3 (2) Attha, 16/6/80, 17/6/80.

3.17 2 July 1980

500 people struck work at Monta Garments, Ja-ela and were assaulted by police. S D Bandaranayake reported in the National State Assembly how women were threatened and some men had their clothes removed. An earlier strike, which began on 19/5/80, provoked attempts to intimidate the workers by (name withheld) and there is clear evidence of political pressure exerted on the police at that time.

Ref : (1) Attha , 8/8/1980. (2) Letter of 26/5/80 by the General Secretary, CMU to DIG Ernest Perera.

The two prolonged periods of violence which ensued soon after the 1977 election, furnish numerous examples of thuggery (political and otherwise). In respect of many of them the police, it is reported, were either passive observers, refused to entertain complaints or come when called by desperate people, or actually instigated or participated in assaults.

4 D B I P S SIRIWARDENE COMMITTEE OF INQUIRY INTO POST ELECTION VIOLENCE

4.1 According to Dinamina of 19/1/78, 5600 complaints were received by this Commission, more than twice the number received as a result of the 1970 disturbances. As no report is yet available, we would refer you to 43 specific cases from the Akuressa district which were brought to the notice of certain of our members, who were in the area. These were documented and reported to the Committee in a letter of 14/1/78, a copy of which is available, together with photographs, with CRM. No complaint of failure of police in their duties is contained in this letter. However, may we also refer to a letter sent by former Prime Minister Sirima R D Bandaranaike to the then President (published in Sun, 30/7/77), in which she describes looting, intimidation, assaults, arson and even murder by thugs travelling about in government vehicles, and adds, "whilst these incidents were taking place, the police remained as passive on- lookers .... when they did try to intervene, they were threatened by UNP mobs with political victimisation."

5 M S SANSONI COMMISSION OF INQUIRY INTO THE INCIDENTS WHICH TOOK PLACE BETWEEN 13 AUGUST 1977 AND 15 SEPTEMBER 1977

We quote two observations made in the report and list some relevant incidents (details of which can be obtained from the report).

"The Ceylon Workers Congress in its memorandum complained that the law enforcement machinery of the State, and in particular the Police, by and large failed to discharge its fucntion of protecting the victims and preventing incidents. I agree that in many instances the truth of this observation had been borne out." (p.266)

"Why did the armed police fail in their duty to protect the public and their property?"....(had the police) been given instructions not to apprehend looters and law breakers, or...(was there) collusion between the police and the law-breakers?" (p.154 - Question posed by a retired Director of Education who was also a victim of the violence.)

(1) Incidents of assault where the police were present, but did not intervene.
(a) Couple whose house had been burnt were being transported by police jeep to Wellawaya hospital, when a crowd assaulted them on 20 August. (p.139)
(b) Assault and looting of train passengers at Anuradhapura station on 17 August. (p.146 - 148)
(c) Assault and looting of passengers on Train No.70, after Kurunegala, on 17 August. (p.153)
(d) Threatened assault at Alawwa, only prevented by a Thulhiriya worker who intervened, rescued the man and handed him over to the watching police, on 19 August. (p.230)

(2) Incidents of looting and/or arson where the police were present but did not intervene
(a) Shops looted and burnt at Koslanda, Badulla, on 20 August. (p.140)
(b) Looting of trains Nos.69 and 70 at Anuradhapura and en route, on 17 August. 8p.46-153)
(c) Shops, houses and mills looted and damaged at Nochchiyagama, Vesurakulam, on 18 August. (p.164)
(d) Shops looted at Horowapathana, Anuradhapura, on 17 August. (p.167)
(e) Shops looted at Kekirawa, Anuradhapura, on 17 August. (p.167)
(f) Shops looted at Galewala, Anuradhapura on 17 August. Apparently, police actually tried to prevent one person from trying to stop the looting. (p.174)
(g) Shops looted in Trincomalee Street, Kandy, on 19 August. (p.203)
(h) Shop looted and burnt at Alawwa, Kurunegala District, on 19 August. (p.230)

(3) Instances where police either refused to entertain complaints, or failed to come when requested
(a) House attacked and looted in Nugegoda, on 19 August. (p.129) (N B Commissioner's comment here.)
(b) Line rooms at St.George's Group, Matugama, attacked on 23 August. Dying man found there on 24 August. Had to be buried by son-in -law. No post-mortem as police would not come before or after the death. (p.135)
(c) Assault on a Trains Controller at Anuradhapura, in the Railway Retiring Room, on 17 August. (p.151)
(d) Assault on priest and one other in temple, Galewala, Anuradhapura, on 17 Gust.(p.174)
(e) Attack on labourers of Middle Division Estate, near Kandy, on 19 August, and again on 20 August. (p.207)

(f) Police protection refused for a gentleman who gave refuge to his Tamil tenants. They were dragged out of his house, and assaulted (two were killed, three were badly burned), and the householder's shops were burned. He had telephoned the police twice for assistance , in vain . (p.229-230)

(4) Instances where police assaulted people
(a) Tamil officers attacked in Anuradhapura railway retiring rooms on 17 August. It is reported that PC said: "They must be given the works for at least 10 minutes."
(b) Several cases of assault by police at Thunukkai, Vavuniya District, on 17 August and 19 August. (p.180)
(c) Cruelty by two identified policemen and an ASP at Mullaitivu. (p.191)
(d) Branch Manager, Multi Purpose Co-operative Society (MPCS) Sivapuram, robbed and assaulted on the road at Vavunikulam, Mannar District. (p.191)
(e) Branch Manager, MPCS Vavunikulam, robbed and assaulted by PC and ASP. (p.192).

APPENDIX - 36

"ANNEXURE C"

All Party Conference

In terms of paragraph six of the President's statement of December 1st, 1983, the following proposals which have emerged as a result of discussions in Colombo and New Delhi are appended for consideration by the All Party Conference. These proposals are in the context of the unity and intergrity of Sri Lanka and will form a basis for formulating the Agenda of the All Party Conference.

(1) The District Development Councils in a Province be permitted to combine into one or more Regional Councils if they so agree by decisions of the Councils and approved by Referendum in that district.

(2) In the case of the District Councils in the Northern and Eastern Provinces respectively, as they are not functioning due to the resignation of the majority of Members, their union within each province to be accepted.

(3) Each Region will have a Regional Council if so decided. The convention will be established that the leader of the party which commands a majority in the Regional Council would be formally appointed by the President as the Chief Minister of the Region. The Chief Minister will constitute a Committee of Ministers of the Region.

(4) The President and the Parliament will continue to have overall responsibility over all subjects not transferred to the regions and generally for all other matters relating to

the maintenance of the sovereignty, unity and security and progress and development of the Republic as a whole.

(5) The legislative power of the Region would be vested in the Regional Councils which would be empowered to enact laws and exercise executive powers in relation thereto on certain specified listed subjects including the maintenance of Internal Law and Order in the Region, the Administration of Justice, Social and Economic Development, Cultural matters and Land Policy. The list of subjects which will be allocated to the Regions will be worked out in detail.

(6) The Regional Councils will also have the power to levy taxes, cess or fees and to mobilise resources through loans, the proceeds of which will be credited to a Consolidated Fund set up for that particular Region to which also will be credited grants, allocations or subventions made by the Republic. Financial resources will be apportioned to the Regions on the recommendations of a representative Finance Commission appointed from time to time.

(7) Provision will be made for constituting High Courts in each Region. The Supreme Court of Sri Lanka will exercise appellate and constitutional jurisdiction.

(8) Each Region will have a Regional Service consisting of (a) officers and other public servants of the Region and (b) such other officers and public servants who may be seconded to the Region. Each Region will have a Regional Public Service Commission for recruitment and for exercising disciplinary powers relating to the members of the Regional Services.

(9) The armed forces of Sri Lanka will adequately reflect the national ethnic position. In the Northern and Eastern Regions, the Police forces for internal security will also reflect the ethnic composition of these Regions.

(10) A Port Authority under the Central Government will be set up for administering the Trincomalee Port and Harbour. The area which will come under the administration of the Port Authority as well as the powers to be assigned to it will be further discussed.

(11) A national policy on land settlement and the basis on which the Government will undertake land colonization will have to be worked out. All settlement schemes should be based on ethnic proportions so as not to alter the demographic balance subject to agreement being reached on major projects.

(12) The Constitution and other laws dealing with the official language Sinhala and the national language, Tamil, be accepted and implemented as well as similar laws dealing with the National Flag and Anthem.

(13) The Conference should appoint a committee to work out constitutional and legal changes that may be necessary to implement these decisions. The Government would provide its Secretariat and necessary legal offices.

(14) The consensus of opinion of the All Party Conference will itself be considered by the United National Party Executive Committee and presumably by the executive bodies of the other Parties as well, before being placed before Parliament for legislative action.

APPENDIX - 37

REPRESENTATION IN PARLIAMENT - 1947 TO 1977

	Total	Sinhalese	Sri Lankan Tamils	Tamils of Indian Origin	Muslims
Population 1946	100%	69.4%	11.0%	11.7%	7.0%
Seats due on basis of population	95	66	12	10	6
Seats Obtained					
1947	95	68	13*	7	6
1952	95	75+	13*	-±	6
1956	95	75+	12	-±	7
Population 1958 (Estimate)	100%	69.3%	10.9%	12.0%	6.3%
Seats due on basis of population	151	106	17	18	10
Seats Obtained					
March 1960	151	123+	18*	-±	9
July 1960	151	122+	18*	-±	11
1965	151	121+	17	-±	11
1970	151	123+	19*	-±	8
Population 1971	100%	71.9%	11.1%	9.4%	7.0%
Seats due on basis of population	168	121	19	16	12

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Seats Obtained	Total	Sinhalese	Sri Lankan Tamils	Tamils of Indian Origin	Muslims
1977	168	136	19	1	12

+ The dramatic rise in the number of seats for the Sinhalese is as a result of disenfranchisement of the Tamils of Indian origin whose allocation had accrued to the Sinhalese.

* The increase in number of seats for Sri Lankan Tamils is as a result of the additional seats allocated in certain electorates for minority representation. according to the recommendations of the Soulbury Commission.

± The Tamils of Indian origin did not have any seats in Parliament from 1952 to 1977 (presently only one) due to decitizenisation and disenfranchisement by the Citizenship Act of 1948 and the Parliamentary Elections (Amendment) Act of 1949.

SOURCE : Reports of the Delimitation Commissions and Electoral Politics in an Emergent State by A Jeyaratnam Wilson.

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9/11/82

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