

A 'RAVAYA'
PUBLICATION

Government Corruption

An open and shut case

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ISLANDWIDE SALES POINTS FOR *Counterpoint*

ALAWWA	Nandanasiri Stores	Piliyandala	New City
AMBALANGODA	Royal Book Shop	Pitakotte	Pothgula
AMPARAI	Delicia	Ratmalana	Thusitha Book Shop
	Mahajana Picture Palace	Thimbirigasyaya	Missaka Book Shop
ANURADHAPURA	Sathsara	Wellawatte	Windsor Book Shop
BADULLA	Mahinda's		Rohana Book Shop
BALANGODA	Sunil Book Shop	EMBILIPITIYA	Vivian Traders
BANDARAWELA	Leelasena & Sons	GALLE	Queens Hotel
BATTICALOA	Udeni's		New Aradhana Traders
CHILAW	Mayura Book Shop		Vijitha Yapa Book Shop
COLOMBO			Thaksala Nalanda Book Shop
Bambalapitiya	Charles Subasinghe	GAMPAHA	Hema's Book Shop
	Greenlands Hotel		Udaya Stores
	Lanka Traders	GAMPOLA	Davasa Centre
	Liyanaage	HAPUTALE	Mallikarachchi & Co.
Battaramulla	Shanthi Vihar	HORANA	Jayathu Hotel
Borella	Pubudusiri Cream House	HIKKADUWA	Coral Garden Hotel
	Madhawa Book Shop	KADUGANNAWA	Daya Traders
	Pushpa Stores	KALUTARA	New Owen Joseph Book Shop
	Ketapatha Prakashana	KANDY	Guneratne Distributors
	Supipi Book Shop		Seevali Book Shop
	Sadeepa Book Shop		Vijitha Yapa Book Shop
Dehiwela	Lakmini Stores		Sithumina Book Shop
Fort	Catholic Book Shop		Malson Book Shop
	Colombo Hilton		Central Book Shop
	Holiday Inn	KULIYAPITIYA	Sastrodaya Book Shop
	Taprobane	KURUNEGALA	Sampath Traders
	Lake House Book Shop	MATARA	Nilmini Stores
	Lanka Oberoi	MATALE	Malaka Traders
	Macllum Book Shop	MIRIGAMA	Gamage Stores
	M.D. Gunasena Book Shop	MONERAGALA	Sumedha Book Shop
	Salaka		Sri Ramya Stores
Union Place	Geethani Grocery	N'ELIYA	Shop No. 3, (Opposite Municipal Council)
Homagama	Perno Stationers	NEGAMBO	Nayana Book Shop, Mahabage
Ja Ela	Srimali Grocery		Nayana Book Shop, Kandana
Kadawata	Jayabima		British Book Center
Kandana	Samanala Book Shop		Negambo Printers
Kiribathgoda	Vijitha Yapa Book Shop		Co-operative Sales Center
Kollupitiya	Malee Book Shop	NITTAMBUWA	Ganga Cool House
	A. Z. N. M. Marikar	PANADURA	Fernando's
Maharagama	Sasiri Book Shop	PILIMATALAWA	Jayasekera Traders
Maradana	Godage Book Shop	PUTTALAM	Lucky Newspaper Agency
	Dayawansa Jayakody	RATNAPURA	Pradeepa Book Shop
	I. P. B. Book Shop	TRINCOMALEE	470, Navy Camp Road
	McCallum Book Shop	VAVUNIYA	Kavidha Stores
Moratuwa	Wijesekera Grocery	VEYANGODA	Somagiri
Nugegoda	National Book Shop	WARAKAPOLA	Ranjith Book Shop
	Sarasavi Book Shop	WELLAWAYA	Suhanda Traders
Pannipitiya	Nimali Book Shop	YAKKALA	Vidyodaya

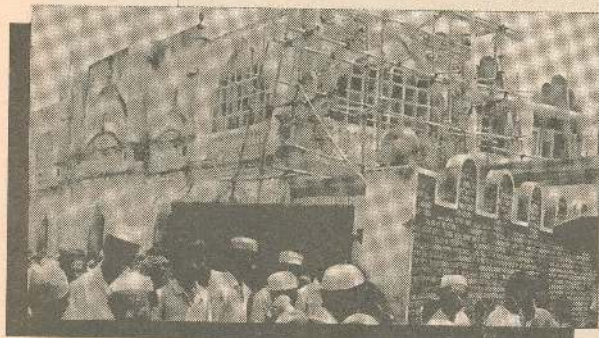


COVER STORY 5

Presidential condoning of law-breaking and corruption as well as his direct interference to subvert the investigation of fraud and in the punishment of conscientious officers. Other Government irregularities are also analysed.

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Cover Layout
Asoka
Padmasiri

The worst of a bad lot

To remove the Bribery Commissioner and demote her successor because that department was investigating the misdeeds of one's friends and backers was the last straw, or so we thought, until the Presidential pardon granted to two people who had made a mockery of the entire judicial process. That, surely, was even less defensible. The mere fact that we are now reduced to arguing which of President Wijetunga's horrendous actions is the worst is an indication of the depths of despair to which we have sunk. After all, it is only academic whether, for instance, his racism is more damaging than his contempt for the law. The country is reaping the tragic consequences of the combined ignorance, foolishness and dishonesty of this President.

As far as we are concerned this new President is no more fit to govern our country than was his predecessor. Beneath the paternalist bonhomie and self-confessed simple-mindedness lies another vicious, self-seeking despot. Just as his palpable senility can never be an excuse for the overt racism he displays, his cronyism, often misnamed loyalty, cannot be a justification for the condoning and legitimising of corruption. In fact, it is our contention that only someone who is fundamentally corrupt himself, or at least has been irrevocably compromised in this area, can aid and abet others in such a blatant and high-handed manner.

The Wijetunga administration continues in its charade, pretending that it is interested in matters other than personal profit and totalitarian power. This should have been designated the year of the hypocrite in aid

of which a great song and dance is being staged in the honour of the masses. The UNP hopes by donning this mask of decency and concern to fool all the people all the time. But just in case the people are not being hoodwinked by election victories in contexts where elections themselves are meaningless, there's a little help from friends who wield a more elemental sort of power. The Police has now degenerated into the fighting arm of the UNP, with selective harassment, incarceration, even disappearance of the Opposition being its *modus operandi*.

With Mr. Wijetunga's partisan interference in the judicial process he has jeopardized the credibility of the entire system of law in this country. With his cavalier attitude to Customs fraud he has proved to all concerned that party membership is more important than honesty. With his unceremonious removal of the Bribery Commissioner he is showing what kinds of rewards await those who perform their duty impartially.

The Wijetunga message to the people is now loud and clear: if you are on our side you can do no wrong, but if you are not we will destroy you in the quickest possible way.

Can we allow this government to gag the truth, trash the law and punish the innocent? Can we remain apathetic to the silencing of the Opposition, the rigging of elections and the massacre of people in the name of a useless war? If, therefore, we have shown that, in fact, we can remain passive in the face of all this, have we not deserved what we have got? ■

Managing Editor Victor Ivan
Editor Waruna Karunatilake
Editorial Coordinator Ymara de Almeida
Layout Charitha Dissanayake
Cartoonist K.W. Janaranjana
Photographer Dexter Cruz
Circulation Daya Kaluarachchi
 C.B. Panditha
Printer Lalitha Kala, Colombo
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Head Office and Mailing Address No. 90, Pirivena Road, Ratmalana, Sri Lanka
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 Fax. 722943

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I refer to Your Excellency's exclusive interview to *The Sunday Times* which appeared on page 1 of their issue of the 2nd of August, 1993.

Your Excellency talks of the traumatic events of April/May. I have always recognised the previous 4 and a half years as having been particularly traumatic and for that reason have been an unrepentant critic of the President during his lifetime. But I shall be failing in my duty if I do not publicly state that not even in his worst moments has President Premadasa even hurt the sensibilities of the Tamils by making such proactive statements as "there is no Tamil problem but only a terrorist problem" which Your Excellency has made. In the last eight months of Your Excellency's stewardship, Your Excellency has made this statement on eight official occasions. This calculated statement alone portends a traumatic future under Your Excellency's stewardship, if not for others, certainly for the Tamils. By this oft-repeated statement and the emphasis given to it, even in the matter of print where it comes out in heavy type, Your Excellency is pointing out that as far as Your Excellency is concerned, the Tamils are of no consequence. Your Excellency has succeeded in effectively alienating every single Tamil from Your Excellency in the UNP except those 3 minions who are still card-carrying members of the UNP. For this and for the reason that Your Excellency has shown the necessity for the existence of the LTTE I wish to thank Your Excellency. I will be happy to know any sane Tamil who will stand by Your Excellency and say that there is no Tamil problem. Your Excellency's statement has itself created a major problem and far from having established a period of stability as Your Excellency has claimed, will surely herald a period of instability and destablity under Your Excellency's stewardship, with feelings of suspicion and insecurity and perhaps even hatred.

To a question, Your Excellency has answered that

Your Excellency has always been for a political solution. Pray, what is this political solution for or about, if there is no Tamil problem?

Your Excellency says that Your Excellency is always ready for talks. Pray, how can Your Excellency be prepared to talk to the LTTE which Your Excellency has recognised as a terrorist group and considers their destruction as Your Excellency's first priority? Pray, on what basis is Your Excellency prepared to talk to the LTTE which Your Excellency and the Government are accusing of having destroyed Your Excellency's predecessor. Or, is this 'readiness' only hypocrisy?

Your Excellency says that "there has been

conceded, will make the Sinhala majority second class citizens?

Your Excellency says that only "if the Tamils are persecuted, in the rest of the country and are driven out" could it be termed an ethnic conflict. This is a strange meaning given to the phrase "an ethnic conflict". That this is a strange meaning even the foreigner will realise, I am sure. If this is honestly Your Excellency's view of things, I wonder on what basis Your Excellency participated in all the exercises that were termed All-Party Conferences etc., which set out to find solutions to the ethnic conflict, and I am also perplexed why Your Excellency has not voiced these sentiments before in the three decades Your

capital of the country and some have to stay here to transact business and others have to counter the puerile arguments and propoganda put forward by some of our Sinhalese brethren. Your Excellency is not correct in saying that "more than half of the Tamil people now live in seven provinces outside the Northern and Eastern provinces".

Yes, there are not many Sinhalese living in the North today. This is also a tragedy of

minions in your party dispute this fact?

That the LTTE is "not allowing the other Tamil parties and groups to engage in their legitimate political activities is true. This is a strong indictment to which only the LTTE has an answer. But how is it that Your Excellency has forgotten that for over a decade the North and East has been a war zone where normal life has not been possible and where indiscriminate bombing is being done from astronomical heights at Your Excellency's command? Is "legitimate political activity" possible or worthy of it when, except for 3 Tamil parties, all the others are in employment of Your Excellency's Government and are being paid lavishly for their board and lodging? Even Your Excellency's regular Sinhala Army soldiers are not paid the stipend each Tamil mercenary gets! Under the guise of ferreting out the LTTE, these Tamils Parties overtly indulge in abductions, killings, cheating and extorting money from hapless Tamils living in and around Colombo. And your Excellency knows this, as Commander-in-chief, and is prepared to condone this! What would Your Excellency call this type of terrorism? What is the purpose in having such groups doing political activity?

At another point of the interview, Your Excellency talks of being prepared "for the solution of minority problems". Your Excellency also says enthusiastically that "there is no ethnic problem". How does one resolve this contradiction?

Please do not say that "the language problem has been solved with Tamil being made the official language". There is no point putting Tamil down as an official language and giving it a position inferior to the Sinhala language because that is exactly what Article 18 of the Constitution tells us. When this question was asked

President Wijetunga far worse than Premadasa

unprecedented devolution of powers through Provincial Councils'. Pray, how can this statement be reconciled with Your Excellency's recent outburst that Provincial Councils are only there to implement the policies of the Government?

I take particular exception to Your Excellency's statement that Your Excellency "cannot agree to making minorities Super Class citizens". A statement such as this will give a wrong impression to others, especially the international community. As far as the Tamil impression is concerned, pray what have the Tamils ever asked, that prompts Your Excellency to think that that demand puts us on the Super Class pedestal? What we have been crying for is that the Tamils must enjoy equal status by way of enjoying what Your Excellency has categorised as, equal rights, powers and privileges. Pray what is the demand of the Tamils that, if

Your Excellency has been in the public life of this country?

A new argument being put forward in recent times, to which Your Excellency too has subscribed, is that there cannot be an ethnic conflict because "Tamil live freely among the Sinhalese and the Muslims quite amicably and in harmony". This is a very precise argument. There are hardly any Sri Lankan Tamils living outside the North and the East today, except in and around Colombo. 1977, 1981 and 1983! The numbers of man is short, they say! After 1983 Tamils have not been attacked in that way, but has that not been due to the existence of the LTTE, on the one hand, and the grave possibility of Sri Lanka being ostracised by the civilised world, which already has an eye on this country, on the other hand? Let us be honest to ourselves.

If the Tamils are living in and around Colombo, it is because Colombo is the

our times. Anyway, God forbid the day when Tamils will be told that just because they are able to only live in Sri Lanka. They cannot be heard to have any problems!

Your Excellency says that the LTTE is "bent on ethnic cleansing in the North", because they have driven out almost all the Muslims and the Sinhalese from the Jaffna district. Whilst this is again a tragedy of our times and the ACTC has been against this, surely this is not what is meant by ethnic cleansing?

Your Excellency sneers at the Tamil claim of a traditional homeland. Has not Your Excellency been a party to the acceptance of this position by successive UNP governments? Has not even the SLFP Government accepted this position? Have not foreign countries accepted this position? Is it not late in the day to dispute the traditional homeland status now? Will even the three Tamil

from President Jayewardene. At the Seminar at the OPA recently he could not answer the question and could only say "they were all there", whatever that means.

Your Excellency has called for elections in the North and East. Twice before the elections were postponed when some Tamil Parties pointed out that, for more reasons than one, a free and fair election cannot be held in the North and East. That situations still obtains. Therefore Your Excellency's insistence to hold elections is not due to a desire to bring about representative government but a piece of propaganda to show the world that there is peace and normalcy in those areas of the North and East. Already Tamils have alleged that Government's supporters are forcing Tamils to sign on the dotted line. Your Excellency boasts that the UNP "had been able to preserve the democratic way of life". With this type of thing happening and with the abductions, blackmail and bribery that is shamelessly going on in the political sphere, Your Excellency's stewardship might go down to posterity as having brought in anarchy.

Today is Tamil Thai Pongal Day. Your Excellency's official organ, *The Daily News*, does not so much as even refer to that fact in its pages and it was left to Your Excellency's deputy to give a message rather late in the day, to the Ruphavahini.

Your Excellency's utterances during the last few months certainly show us Tamils that Your Excellency has failed to appreciate the very basic fact that, at least upto now, Sri Lanka has been a plural polity. If the President of a country acts in total disregard of that fact, then surely such a President loses all credibility and has no right to govern the Tamils, who are part of that plural society.

In this political scenario, therefore, any Tamils who support Your Excellency or the Government or lends himself to be a part of such an ill-conceived establishment must surely be a traitor of the Tamils. ■

G.G. Ponnambalam (Jr)

Electioneering and the TRI

Your article in the December issue was very interesting to the public. Therefore, it is necessary to record the present situation which readers must be told truthfully, in following your editorial policy of exposing the anti national misdeeds of those in authority.

When Rupa Karunatileke the Minister of Plantation Industries appointed that very high powered committee to which you referred, all concerned in the future of the tea industry were satisfied that at last some positive action was being taken by him. Their hopes were short lived when the Hon. Minister got scared and dropped the

matter completely.

The valuable Report of the Special Committee appointed by the Minister himself, was sent by him to Mr. Ronnie Weerakoon, the Chairman of the Tea Research Board for implementation of all recommendations which included the replacement of Dr. T. Sivapalan Director TRI and Mr. Mercy Munindradasa Deputy Director (Administration) and the suppression of the post of Deputy Director (Research) held by Miss Nalini Gnanapragasam.

The Chairman Tea Research Board did not have the guts to implement the recommendations, so

he returned the Report to the Minister who then appointed a new Chairman and a new Tea Research Board to do the needful.

Meanwhile Dr. Sivapalan, the Director Tea Research Institute, applied for 12 months extension of service from 26 December 1993 and in consideration of the Report findings, the Minister extended him for only 6 months, to give the Board time to find a successor.

The Director wrote to the new Board requesting it to recommend 12 months and in that letter which he copied to the Minister, he referred to a "Fundamental Rights" case for which he was

preparing.

At the first meeting, the new Board considered the letter and decided that the Minister's 6 month extension should stand. Even before this decision could be conveyed to the Minister and the Director, The Minister who had appointed the Special Committee and the new Board and given the 6 months extension, suddenly changed his mind and without warning even waiting for the decision of the new Board, gave the Director a 12 months extension! Why?

This is an election year. The Southern Provincial Council elections are to be held in mid February. The Minister's electorate is in the South. Votes are important to him. He feared the opposition taking up the matter of the Fundamental Rights case against him which he could not deny. Votes are more important to him that the future of the Tea Industry and the future of the country. To prevent the case, the Minister gave in to the Director by extending his period by 12 months!

Personal politics takes precedence over the country's interests. Principles are sacrificed on the altar of expediency. Such is democracy in Sri Lanka. ■

Vernon Rodrigo
Panadura

People's Power

What afflicts our body politic today? Is it the lethargic indifference displayed by the public at large towards the political process that has helped the Government to make a mockery of the democratic process, and plunge the country towards anarchy? Otherwise how could one reconcile with the attitude of those in power, the so-called representatives of the people, who blatantly violate all acceptable forms of civilised behaviour in the name of democracy.

Our political lords of today have to resort to threats, intimidation, abductions and even murder, in order to cling to power. Rigged elections have become the order of the day -- but who cares? Those in power carry on regardless under the impression or perhaps having been encouraged by the lack of public outrage, that they could get away with anything.

One reason for this sorry state of affairs could be blamed on the disorganised, weak opposition parties, especially the

main opposition party of the country, which have so far been unable to effectively mobilise the support of the public as a force to be reckoned with. Another contributing factor has been the break down of the trade union movement, which in the past had the ability to unite the workers of the country.

Does it mean that the public at large, who are considered to be highly literate and politically mature more or less accept or are totally powerless to counteract the machiavellian behaviour of the Government? It appears that the only alternative left at this point of time is for all patriotic people of this country, irrespective of race, religion, caste or political affiliation, to unite and fight this political menace, not with guns, bombs or grenades -- but with words and peaceful action; not only for their sake but for the sake of the unborn generation. ■

S.L.D. Samarakkody
Dehiwela

KUMARACHANDRAN
JIRUMPIRAJ

Government corruption

An open and shut case

Admittedly, the late President Premadasa's was a hard act to follow in terms of its gratuitous violence and megalomania, to mention only two of its salient features. In that respect, however, one has to hand it to current President Wijetunga who has in less than one year proved himself a worthy successor, even excelling the old dispensation in the extent and scope of corruption, the range of his disdain for the law, and, last but certainly not least, his chauvinist trivialising of the ethnic crisis.

Mr. Wijetunga has pardoned convicted criminals who have shown nothing but contempt for the law, for no better reason than they are card-carrying members and generous benefactors of the UNP. He has transferred the Bribery Commissioner Nelum Gamage, allegedly because her investigations were getting too close for comfort, and refused to promote her deputy for fear of a repeat performance. As Minister of Finance, he has interfered more than once on behalf of those who have attempted to wilfully defraud the state to the tune of millions of rupees by falsifying Customs declarations. He has demanded the scalps of those officers who have uncovered these scandals. All these incidents are analysed in the following pages: the actual cases are so blatant that they are difficult to believe of any experienced politician, much less the supreme leader of a nation. The pity of it all, of course, is that in terms of the Constitution the President is virtually immune from any kind of repercussion for his actions. His antics are, therefore, the best argument that such a fundamentally undemocratic and unjust constitution should be changed as soon as possible.

Until this happens we can only continue to highlight in anger, despair and disgust the crimes perpetrated by the Wijetunga administration. Mr. Wijetunga appears to be carrying on regardless, in no way hampered by his responsibility to the people, nor by a sense of right and wrong.

While he was Prime Minister he was well-known for helping his cronies and business allies. For instance, in

August 1989 he wrote to the Assistant General Manager, Prima Ceylon Ltd., with whom he appears to have been on intimate terms, asking him to "kindly speak to Mr. Primus and make arrangements to buy up this Corporation [the Oils & Fats Corp]. You can negotiate in regard to the terms." The letter was accompanied by a copy of the advertisement to tender for this corporation. With such support Prima (Singapore) could not fail, and more than two years later, on January 10, 1992, Prima completed the purchase of the Oils & Fats Corporation, on terms that were clearly advantageous

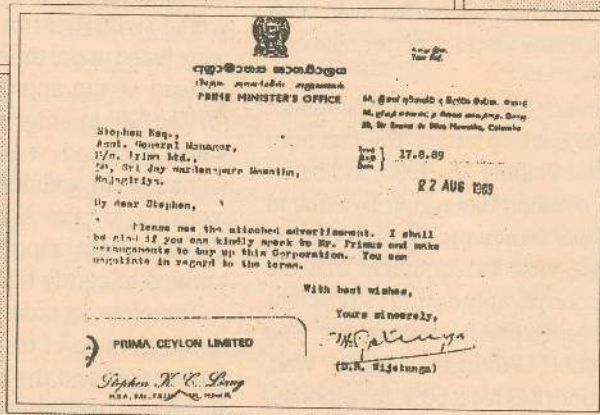
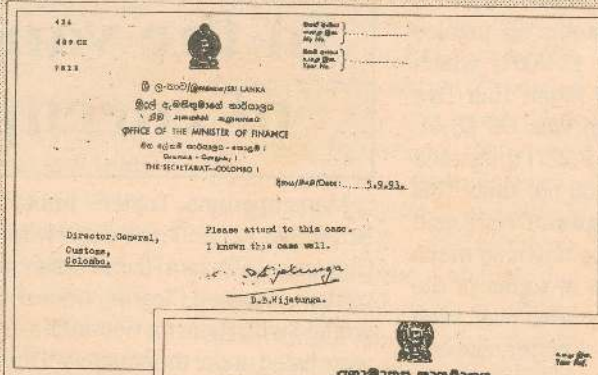
to them, of course. The corporation was purchased at about half its tendered value, because only a fraction was paid up front, with the balance to be paid in installments over ten years. Given the depreciation of the rupee over the ten year period, this would result in a substantial loss to the state. Mr. Wijetunga may well ask, however,

whether the sum of a mere hundred million rupees matters among friends!

As President the largesse he has bestowed from the national coffer surpasses even this. On September 5, 1993 he strongly recommended a total waiver of duty on 100,000 metres of

cloth manufactured by a FTZ company, Gartex Industrial Lanka Ltd., which was to be sold in the local market in aid of the Teldeniya Bambaragala Rajamaha Viharaya. The revenue lost to the state on this has been estimated at 90 million rupees, and the value of the cloth has been placed by the Customs authorities at over 130 million rupees. The only criterion for such an unprecedented waiver of duty appears to be contained in Mr. Wijetunga's terse letter the Director-General Customs, the entire contents of which read: "Please attend to this case. I know [sic] this case well."

With characteristic lack of guile or subtlety Mr. Wijetunga has shown us what he is all about. The question remains, however, as to what can be done about it. The case against the Government and its head is an open and shut one, but is it to be yet another of those with little prospect of being heard in the people's court? ■



To lie about the dye, that is the answer

Premasiri Stores are importers of Bigen Hair Dye, and have been doing so for over four years from the Japanese exporters Hoyu Co., Ltd. On November 13, 1993, Premasiri submitted to Customs an invoice [No: F.508 for Bfl of Entry No: 12-2007] which indicated that the cost of one unit of Bigen Hair Dye (containing 12 bottles of powder each) was US \$6.44, whereas on April 22, 1993 [Invoice No: F.227] the stated value of the same item was US \$11.60 per unit. This means that within the six months between April and November the price of the dye had gone down so much that it amounted to an 80% difference in terms of the alleged current price -- one could only wish that such things really did take place in the world of commerce and consumption!

The explanation for this incredible decline was "justified" by Premasiri on the basis of just two letters, the first from the consignee which, dated August 15, 1993, indicated that there was a difficulty in selling Bigen Hair Dye due to competition from the cheaper Indian products Godredge and Black Henna. There was also the argument that the US dollar had appreciated considerably during the last four years, whereas the Indian rupee had been devalued. The request from the consignee, Prémāsiri Stores, was, therefore, for a price reduction of at least 50%. In response, Hoyu of Japan wrote back (all too promptly on August 25, 1993) that all Bigen Hair products will be price-reduced, and the reasons given were identical to those presented by Premasiri.

This drastic price reduction was not reflected in the over-the-counter sales of Bigen Hair Dye.

The Customs naturally could not accept such a blatant attempt to undervalue this product and thereby to defraud on the payment of legitimate duties. This intent became clearer when it was observed by the Customs Officer handling the case that Premasiri Stores had misclassified the imported hair dye under category 3305.90.01 at 10% duty, whereas there was no such heading after the Budget and that the item should have been classified under category 3305.90 at 20% duty. In his report to the Director-General of Customs, the officer had determined that Premasiri had committed fraud on two counts -- undervaluation and wrong classification to obtain a lower rate of duty. The total duty paid was Rs 1,193,554/- which

was less than half of the duty payable, and "the loss to the State by this fraudulent evasion is Rs 1,463,972.13" according to the Report.

What was the outcome of all this, then? The case was dropped and the importer Premasiri Stores was endorsed in its fraudulent practice, apparently on the express instructions of the Minister in charge. The Customs Department comes under the direct control of President Wijetunga. The proprietors of Premasiri Stores are well known as powerful allies and generous contributors to the UNP. In the idiom of open and shut cases, one can summarize this as an instance where cases which are opened by others in carrying out their duty and in the legitimate interest of the country are shut by the President in self- or party- interest.

In the vanguard of corruption

Manamperuma Traders imports and sells cars. On November 12, 1993, the paperwork for the clearance from Customs of 5 Toyota Hiace Passenger Vans was undertaken by the authorised Clearing Agent of this company who has worked with them for two-and-a-half years. The five vans were listed under the category "Delivery Vans" [8704.21.06] instead of the appropriate listing for "Passenger Vans" [8702.1002] in order to reduce the duty payable, and the value declared was very much below the accepted valuation. In addition, the declaration of value must be executed by the Agent of the particular manufacturer. Toyota agents being Freudenbergs, they are the only ones entitled to certify the CIF value of these vans.

Therefore, in order to defraud the state by indicating a reduced value of the vans, Freudenberg's rubber stamp was copied and the signature forged. Some indication of the extent and scope of this fraud can be seen by the fact that the employees of Manamperuma Traders involved in clearing the vehicles admitted to manufacturing a false rubber stamp for this purpose which, in fact, is in the possession of the Customs Investigative & Surveillance Unit. The statements of the accused, their admissions under examination, the overwhelming evidence presented as well as the systematic nature of the operation (to making of false rubber stamps, for instance), all go to show that this was not a chance occurrence or the exception to the normal conduct of the business of Manamperuma Traders. The total loss in revenue to the state was 614,930/- in this one case that came to light alone. The fact of the matter, admitted by all concerned, is that over the years many many times this amount has been systematically defrauded.

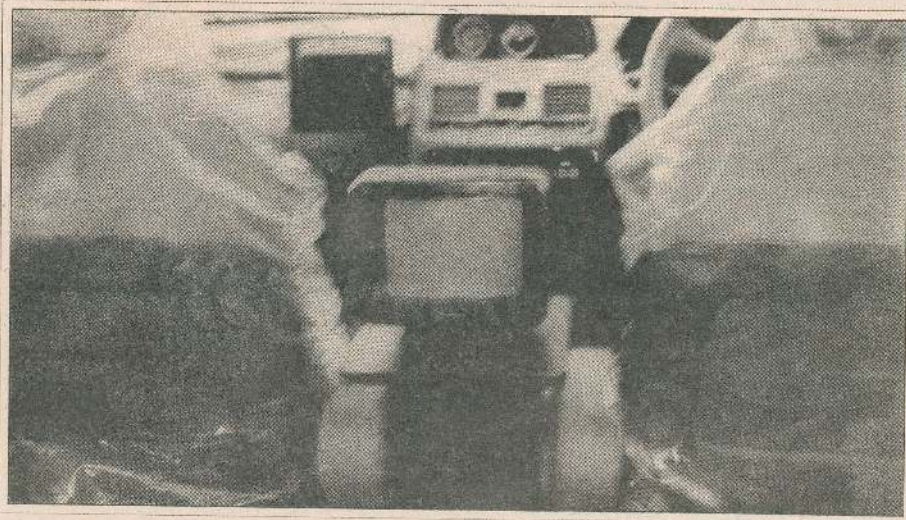
In fact, in the circumstances, the ruling by the Inquiring Officer, Customs Department -- that the 5 Toyota Hiace Vans (model LH 110 G) be forfeited, and that Mr.

Manapperuma be fined 500,000/-, the senior wharf clerk (who acted as clearing agent) fined 100,000/- and the two other wharf clerks 50,000/- each -- appears lenient, and it is certainly not unjust.

Mr. S. Manapperuma the Managing Director of this company has been in the motor vehicle trade for 23 years, of which the last seven have involved the importation of vehicles. He is another powerful man, as well as a generous financier of the UNP, but then are we repeating ourselves here? There can surely be no question of a neophyte being tricked into corruption by an underling who will gain nothing from taking all these risks since, a flat rate per vehicle cleared is paid to the clearing agent and the other wharf clerk involved. This is hard-boiled fraud for personal gain, and the wharf clerks knew exactly what they had to do in order to remain employed by Manapperuma Traders. If, in fact, other such companies are doing the same thing, then all of them must be punished equally.

This account can be ended on a positive note, then, that some employees of the Customs Department are doing their duty without fear or favour. Surely, the Minister in charge would have seen to it that the officers making the detection and conducting the investigation were rewarded for their honesty and diligence? If so, this would be a better place, and **Counterpoint** would be the first to say so.

On the contrary, it seems that the highest powers were interested only in taking away the job of the Customs Officer who conducted these investigations and brought the culprits to book. The Director-General of Customs was



In another example, a businessman D. P. Jayasinghe, imported a Pajero with *all* the luxury fittings, including television and remote control systems, claiming "duty free" status under BOI regulations as he had a garment factory in Galle, D. P. S. Apparel. Inquiries revealed that no such garment factory existed, and so the matter became a simple and manifest case of attempting to defraud the state of duty on this vehicle valued at around 9 million. Was the vehicle confiscated and a deterrent fine imposed? No way, as this was another of the President's men who "Deserved Better".

under tremendous pressure to sack him, and was only able to save this officer by transferring him to the innocuous Policy Planning Unit where he would not be a threat to any more of the President's men. Alas, the only reward from this piece of blatant fraud was derived, allegedly on the express instructions of the President, by Mr. Manapperuma whose forfeited vehicles were returned.

This is further proof that our President's bounty is unlimited, that he looks after old friends at whatever cost to the state and the people, whatever travesty of justice it involves. The law is dead: Long live the President because he lays down the law and tramples upon it! ■

THE ARROGANCE OF POWER

The credibility of institutions responsible for the administration of justice received a further battering recently. The nonchalant pardon by President Wijetunga of two persons who, though found guilty of attempted culpable homicide not amounting to murder, blatantly disregarded several orders of court and refused to serve even one day of the 3 year sentence of rigorous imprisonment, served to jolt those who persist in the belief that President Wijetunga, in contrast to his predecessors in office, is a benign, avuncular leader. The outrageously partisan decision to drop charges against Mr. Lakshman Seneviratne, following his decision to enter the Wijetunga Ambalama, reinforces the public cynicism in the already discredited Attorney-General's Department.

The facts of the Presidential pardon clearly indicate that in less than a year, and despite the fact that a series of elections are imminent, the Wijetunga Administration has become intoxicated by the arrogance of power. In most liberal democracies these actions would have evoked public outrage, even a judicial outcry and the resignation of the Attorney-General (particularly in the wake of the Udugampola, and the Rape Case fiascos). In Sri Lanka, typically, the events passed with hardly a murmur, and the President continues to proclaim his government's commitment to democracy while the Attorney-General stoutly defends Sri Lanka's human rights record in

ROHAN EDRISINHA

Geneva. At the same time, of course, politicians of varied hues, Marxists, Bahujana socialists, Buddhist nationalists, Hela Urumaya capitalists and liberals, neo and classical, flock to enter the Ambalama!

On 4 September 1992, Messrs. W.A. Shelton Nimal Peiris and W.M. Bandula Jayadeva were convicted of the offence of attempted culpable homicide not amounting to murder and were each sentenced to 3 years' rigorous imprisonment. They were

Res Ipsa Loquitur. The facts speak for themselves. But apart from the flagrant misuse of Presidential powers and the contempt of court demonstrated by the Presidential pardon (both of which are of academic interest as the President, because of the sweeping immunity provision of Article 35 of the Constitution, is virtually above the law), what about the offence committed by the two privileged offenders for which they were not pardoned, contempt of court?

both ordered to appear before the High Court of Kurunegala on 11 December 1992, so that the Court could finalise the arrangements for the serving of the sentence. They both failed to turn up. Thereupon warrants were issued against the two accused and their sureties to no avail. Open warrants for their arrest were

issued thereafter on four separate occasions; 5 January 1993, 26 November 1993, 1 December 1993 and 3 December 1993. The OIC of the Kuliyaipitiya Police Station failed to take any action and produce the accused before the High Court.

The High Court Judge on 15 December 1993, then took the unprecedented action of directing the Registrar of the Court to write a letter to the IGP. The Registrar pointed out that the first accused was a Member of the Kuliyaipitiya Urban Council and also the President of the Kuliyaipitiya Private Bus Owners Association, was a close associate of the police of the area, and was seen frequently in the Kuliyaipitiya town. The Registrar appealed to the IGP to take immediate steps to ensure that the convicted persons were brought before the Court.

Just two days later, the Registrar received a letter signed by Ms. Lalani Perera, Senior Assistant Secretary (Legal) on behalf of the Secretary, Ministry of Justice. She informed the Registrar that President Wijetunga, acting under the powers vested in him by Article 34(1) of the Constitution, had granted a free pardon to both the convicted offenders.

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virtually above the law), what about the offence committed by the two privileged offenders for which they were not pardoned, contempt of court?

Oswald's **Contempt of Court** defines contempt of court as "any conduct that tends to bring the authority and administration of the law into disrepute or disregard." The Sri Lankan judiciary compared with its counterparts in the UK, USA, India and recent trends in international law, has generally adopted an extremely strict, conservative approach to contempt of court. This was clearly indicated recently, in the surprising decision of the Supreme Court in *In Re Garumunige Tillekeratne* 1991 **1 S.L.R. 134** or the *Divaina* Newspaper Case. Mr. Dharmasiri Senanayake M.P. in an address to a group of SLFP organisers in Aranayake, at a time when the Presidential election petition was being heard, was alleged to have stated that the election petition had already been proved, and if the petitioner did not win her case it would be the end of justice in Sri Lanka. Mr. Tillekeratne, the provincial correspondent, sent a report of the meeting to the head office of the newspaper and the *Divaina* thereafter carried a news report on Mr. Senanayake's speech. Contempt proceedings were instituted against the Editor of the *Divaina* and the provincial correspondent. The Editor pleaded guilty. Mr. Tillekeratne who pleaded that he was not guilty argued that

- a) he had merely transmitted the contents of the speech, as his job required him to do, to his superiors in Colombo and he was therefore not responsible for the publication of the newspaper report;
- b) he had no intention to prejudice the outcome of the election petition;
- c) the readers of the report would realise that Mr. Senanayake's speech was one made by an opposition politician at a party meeting and would understand the speech in that context. It would therefore not affect the outcome of the case.

Justices Mark Fernando and A.R.B. Amerasinghe were not impressed by these arguments. In judgements

which seemed to overreact to the facts of the case, they found the hapless Mr. Tillekeratne guilty of contempt of court. Fernando J. declared that

"The public interest requires that the judiciary must discharge its functions free of bias, partiality, force, or other public or private influence, thereby ensuring that every dispute will be resolved by a fair trial according to law.... In that context there is no place for trial by politicians, the media, hoodlums or others, and the law of contempt thus prohibits comments and criticisms which will affect the fairness of a trial or usurp the power of the judiciary..."

Amerasinghe J. stated that **"To permit others to arrogate to themselves the right to adjudicate upon matters that are before a court of law would be to place the very structure of ordered life in jeopardy."**

It is ironic that later, Mr. Senanayake, the person who was alleged to have actually made the improper speech, was found not guilty of contempt of court! But what is more ironic, or rather, manifestly unjust, is that while Mr. Tillekeratne was humbled by the majesty of the law, Messrs. Shelton Nimal Peiris and W.M. Bandula Jayadeva (let us leave aside President D.B. Wijetunga) whose contempt and sheer arrogance far exceeded that (if any) of the *Divaina* reporter, escape untainted with a Presidential absolution.

One can only hope that the Court of Appeal will exercise the powers to deal with contempt and inspect records of lower courts, vested in it by Articles 105 (3) and 145 of the Constitution, to ensure that the contempt of court committed by the two offenders and the Police does not go unpunished.

The Lakshman Seneviratne scandal, coming as it does so soon after the Udugampola fiasco, raises fundamental questions about the function and role of the Attorney-General's Department. Is it meant to be the law enforcing authority of the **State** or the law manipulating

authority of the **Government**? Soon after Mr. Seneviratne joins the UNP dissidents led by Athulathmudali and Dissanayake, the Attorney-General's Department institutes criminal proceedings against him. Soon after he returns to the UNP, the Attorney-General's Department drops charges against him. *Res ipsa loquitur* again?

A sad and profoundly disappointing (at least to me) development in the aftermath to the Presidential pardon scandal, was the vain and futile attempt to justify the Presidential action by Mr. Anura Bandaranaike. One had hoped that one of the few positive features of the rapidly expanding *Ambalama* would be the creation of greater room for diversity and pluralism within it, in contrast to the monolithic structure constructed and controlled by the masterbuilder, President Premadasa. The swift defence of the indefensible by Mr. Bandaranaike suggests otherwise. The price to be paid for entry to the *Ambalama* seems very high.

Mr. Bandaranaike must surely know that attempted culpable homicide is a criminal offence, an offence against society. Therefore, the views of the victim of the attack are irrelevant. They would have been relevant if the victim had instituted a delictual claim for damages against the assailants. Furthermore, Mr. Bandaranaike's "defence" completely ignores the serious issues of contempt of court by the accused and by the Police, and the blatant violation of the Rule of Law, discussed above.

It is vital that Mr. Bandaranaike and those who have decided recently to support the UNP, retain a degree of independence and objectivity by at least refraining from defending the indefensible. It is time also for some of the independent staff of the Attorney-General's Department to assert themselves and restore the integrity of their department. If they fail to do so, not only will their credibility further evaporate, but they will be active participants in the accelerated programme to destroy liberal democratic institutions and the Rule of Law and to entrench the arrogance of power. ■

SLEEPERS AND SLOW COACHES ON THE FAST TRACK

independent press, questions in Parliament, and the Magistrate's Court, that there is nothing that can abate his single minded pursuit for fame and fortune.

Ravaya articles appearing in 8 separate issues from the 15th November 1992 to the 2nd January 1994, keep track of a catalogue of irregular transactions of the CGR from the relative mini projects as in the cancellation of tender SRS/F/4323 for 200,000 timber sleepers, because the successful tenderer Messrs Sumendra & Co., refused to pay him a commission of \$200,000, to the major projects, as in the programme of the phased disposal of old passenger

The lifestyle of the General Manager, Ceylon Government Railways, Mr P W A K Silva has been extravagant, considering his income of Rs 9-12,000 per month. Unable to reconcile this salary to his amassed wealth, the former Bribery Commissioner, Ms Nelum Gamage had collected sufficient evidence to bring charges against him under the Bribery Act, at the Magistrates' Court of Colombo.

On November the 15th 1992, the **Ravaya** carried a headline 'Railway Chief demands callgirls with commission', alleging that Mr Silva had, as condition for authorising a payment due for the supply of concrete sleepers by the Australian company, International Railroad System (pty) Ltd. (IRS), demanded a 25% commission, plus a further Rs 30 per sleeper, on each sleeper manufactured by a proposed joint venture between the CGR and John Holland, a subsidiary company, of IRS. During the initial two years of the agreement 125,000 sleepers were supplied, and according to the contract, between 45,000 - 60,000 were due each year. At Rs 30 each, this involves about Rs 1.3 - 1.5m annually to the paymaster, Mr P WAK Silva.

The more juicy bit of the title referred to the allegation by IRS that not only had they to meet his and his wife's clothes bills, jewellery, but also to do his pimping, and payment thereof too, a total entertainment bill of Rs 200,000. IRS had by this stage become quite alarmed by the General Manager's eager capacity for receiving commissions, particularly when the latter had threatened them with delays in payment if a 25% commission was not paid, and in a fax to their local agents Eastern Agencies, copied in the **Ravaya** of the 22nd November 1992, had expressed the option of making representations to the Sri

Lanka High Commission in Canberra, to the Minister of Transport, and if all else failed, to the President himself.

The external trappings that would have attracted the attention of the Bribery Commissioner must have been his luxurious air conditioned and granite floored house built on 50 perches of land bought by him at nos. 20 & 22 Vajira Road, Colombo 5. Although he had given a value of Rs 12m for the property, its value had been estimated by the Valuation Department at nearer Rs 30m. In addition to the frequent overseas shopping sprees by his wife, he also had a daughter at university in the United States, who was not on a scholarship. There can be little doubt that

these signs of wealth, and perhaps others too, prompted the Bribery Commissioner to press charges, but unfortunately, in a small insert in the same **Ravaya**, the reader was informed that the case had been dropped on the instructions of the Attorney General, Mr Sunil de Silva. This was after several unsuccessful attempts to prevent the case from seeing the light of the day by a senior politician.

Beginning with the report of the 15th November 1992, the **Ravaya** has carried a series of articles on Mr PWAK Silva, leaving the reader with the impression that, a) the GM Railways was fortunate to hold this responsible office during the tenure of this Government, whose members' morals had so much in common with his own, b) that there were hardly any transactions into which the CGR had entered without the knowledge of his greasy fingers, and c) notwithstanding all the adverse publicity in the



P.W.A.K. Silva

carriages as cabin homes, raw material for bridges etc, in order to import 430 steel bodied Rumanian coaches. (A report for the inter ministerial committee for co-ordination and planning for transport, by Louis Berger International finds these coaches unsuitable for the local railroads. The report also states that

there are ample coaches available in the country for future use, and the Engineering Board of the CGR is well capable of repair and refurbishing these for passenger use, at a fraction of the cost.) The coaches are being imported at a cost of Rs 10m each although the listed price is Rs 5m. By the end of 1992, according to the **Ravaya**, 120 such coaches had already been supplied.

Within this range several cases are cited in the **Ravaya** in which tender awards against the recommendations of the Technical Evaluation Committee are made to the financial detriment of the CGR, from the supply of radio transmission equipment, battery chargers for radio communication centres to the supply of a 100 MT crane.

Although the case against the General Manager Railways was brought to an end on the instructions of the then Attorney General, Mr Sunil de Silva, the Minister for Justice

and Higher Education, Mr A C S Hameed in reply to a question in Parliament by the Matara District MP, Mr Nandimitra Ekanayake on the 24th November 1992, stated that new evidence had surfaced, and that the Bribery Commissioner's Department would be taking necessary action soon. On the 3rd June 1993, the Government ordered Mr P W A K Silva to respond to the **Ravaya** allegations within 14 days, or vacate his post, and by the end of the month he brought a case to the Colombo District Court claiming damages of Rs 15m from the **Ravaya**.

During 1993, **Ravaya** reported a decision of the Railways to award a tender for the complete overhaul of 10 W 1 class locomotives, each over 25 years old, whereas the cost of importing 10 new locomotives was less.

In late 1993 a bombshell was dropped: this was the removal of the Bribery Commissioner, Ms Nelum Gamage, and her reappointment as Secretary, Ministry of Justice. Her deputy was also removed in a similar move and placed in another innocuous slot. A retired former Bribery Commissioner Noel Wijenayake was then appointed to this important post. The Government has since tried to justify this high-handed and seemingly irregular appointment by reference to the ARs & FRs of the public service, stating that all appointments are transferable, and that hence these changes are quite routine. However this explanation taxes one's credulity to the extreme, for no other Head of Department has been removed and banished to Siberia, to merely enforce a remote possibility of public sector employment. Rumour has it that this has been done on the direction of the President himself, to stall several investigations and cases close to the bone.

It is not yet known whether the case against Mr Silva is on the shelf, although there are many who believe that he is one of the intended beneficiaries. If this is the case, then it is imperative that the investigation and expose by the press continues, so that Mr Silva and his ilk realise that Bribery can sleep no more. ■

The Brave New World of Land deals

The Ports Authority was authorised to acquire 29 acres of land between Aluthmawatha Road and Prince of Wales Road for a roadway to facilitate container traffic to the Port. The vote passed for compensation to be paid to owner was 25 million rupees based on the Treasury estimate of 18,000/- per perch for private land. This is a generous allocation when you consider that much of the land to be acquired is water-logged, has no access roads and has not been

developed at all. In fact, some plots of land so acquired were compensated to this tune, and some land in better condition was paid for at the rate of 60,000/- per perch. According to a valuation of the Low Lying Areas Reclamation & Development Board, the marshland is valued at around 5,000/- per perch. Yet, H. K. Dharmadasa, better known as Nawaloka Mudalali, was paid compensation for approximately 654 perches of land on K. Cyril Perera Mawatha which was acquired for this same container highway at the staggering rate of 145,000/- per perch! In fact, some parts of the land belonging to this gentleman was valued at the astronomical rate of 225,000/- per perch and other sections at 125,000/.

This is in sharp contrast to monies paid by Mr. Dharmadasa for land leased to him by the state in the vicinity during this same period. The land deals of the Nawaloka Group of Companies are legion, and the following example is fairly typical: 321 perches of prime land in Peliyagoda were given to Mr. Dharmadasa for a total cost of 354,915/- only! Of this land, 268.5 perches were given free of charge because 256.7 perches of his land in Peliyagoda had been acquired in 1980. In a letter to Mr. Dharmadasa dated 3rd March 1989 sent by Urban Development Authority Chairman, M. G. D. Jayawardena, this acquired land was valued at 217,500/-, whereas the new land to be given was valued at 1,812,847/50, a difference of over 1.5 million rupees. This discrepancy vanished in two years, and both pieces of land were deemed equal. The balance 52.58 perches was valued at 578,280/- or 11,000/- per perch. One can only speculate as to what happened in the intervening two years to so drastically change Mr. Dharmadasa's credit rating with the UDA. Perhaps even more telling is another 99-year lease obtained by Mr. Dharmadasa, of 476.41 perches of developed land in Peliyagoda at 14,000/- per perch, in March 1991, hardly 6 months before he received more than 10 times this rate as compensation for undeveloped land.

Mr. Dharmadasa's association with the UNP is legendary. So too are his land deals with the UDA. One doesn't have to belabour the point to see some connection here. In fact, this payment of 95 million rupees came in September 1991 soon after the impeachment motion against the then President was rejected by the Speaker, allegedly for another kind of compensation of similar magnitude. ■



Not only has he landed all the titles in the country, it seems that he is entitled to all the land here as well!

A QUESTION OF PRIVILEGE

Mr Gamini Fonseka is probably still better known in this country as an actor than as a politician, although he has been in politics since 1982. This is perhaps because he has shown greater talent and dedication in his former role than as Deputy Speaker of the House, and Member of Parliament, Matara. Entering politics, he was privileged in a way few others could aspire to, in having a ready made electorate in his vast following of loyal fans, through his years of success as an actor. In this he also had a head start over some of his other colleagues, judging from the MGR experience, of having an ideal character model cast in the minds of the public via celluloid, of being tough, brave, incorruptible and a champion of the exploited.

However, it is a sign of our times that sometimes these privileges are inadequate returns for one's investment, considering the much quoted spiralling cost of living. The **Ravaya** newspaper has shown that Gamini Fonseka sought further privilege through the abuse of power, and when an investigation was called for by the press, brought the debate to an end by citing a breach of privilege.

The known facts are briefly as follows: Mr Fonseka was given a loan of Rs 900,000 in July 1983 to build the Senasuma Hotel in Weerawila. The Hotel Project began in 1972 with a few other shareholders, but Mr Fonseka was the major shareholder and Managing Director. Thereafter, a permanent overdraft facility of Rs 200,000 and a temporary overdraft facility of Rs 150,000 were negotiated in December 1983 and January 1984 respectively. These loans were obtained from the Peoples' Bank, Tissamaharama, by mortgaging the property of Senasuma Holiday Resorts, and also as a condition of the loan insuring it with the National Insurance Corporation.

In the lead report of the **Ravaya** of

24th May 1992 it was alleged that repayments of both capital and interest on the loans ceased after May 1984. Furthermore, it was also reported that the insurance premia payable by the borrower, ie Senasuma Holiday Resorts for the period June 84 - June 91, amounting to Rs 200,874/- was paid by the People's Bank Tissamaharama. In December 1991 the Deputy General Manager (Loans

to be an act of arson committed by the JVP, who were active at the time in the area. The consequent insurance claim of Rs 2.9m was settled in December 1991, a delay of more than a year, out of which the Rs 1,302,786/77 payment was made to the People Bank. In doing so, the Bank waived an interest component due to it of Rs 2,448,365/77 on the loans taken.

In an interview with the cinema tabloid **Geetha** of the 10th June 1992, responding to the **Ravaya** charges of loan defaulting, Mr Gamini Fonseka said that after the race riots of 1983, when for many years tourists avoided Sri Lanka, and consequently many tourist hotels faced bankruptcy, the Banks introduced a relief package on the initiative of the Tourist Board, to waive a portion of interest due in servicing the loans. This relief was given to other hotels as well in a similar plight. However, although he insisted that there was no defaulting in loan settlements, he does admit to a delay.

The distinction between a delay and a default as far as a loan repayment is concerned must surely be so fine that it would require a micron microscope and a sharp lawyer to separate the two.

More so when the delays involved were over 8 years. In fact, whilst Mr Gamini Fonseka mentioned the loan restructuring package, it appears that the very Bank concerned had little idea of this arrangement, for when it sent a notice of loan default to the given address of the Senasuma Resorts, of 25 1st Lane, Minuwangoda Road, Ja-Ela, it was returned to sender unopened, as the occupants had moved to a new address, yet to be notified, 110/10 Wijerama Mawatha, Colombo 7.



Fonseka plays Caesar here, but unlike Caesar he has no Antony to make an honourable man of him and must rely on the dubious camouflage of parliamentary privilege to safeguard his honour.

Recovery, People's Bank) paid out a cheque to its Tissamaharama Branch for Rs 1,302,786/77, which he advised had been paid by Senasuma earlier. This amount was the capital outstanding on the several loans taken, and did not include any interest. In fact, the DGM in his accompanying memo to the Manager, Tissa Branch, specifically instructed him to treat the loan as settled in toto, and that all interest due to be treated as cancelled.

The Hotel was burnt and gutted in a fire in October 1989, and was alleged

The DGM (Loans) in his memo mentioned earlier, does not refer to any Board decision taken by the Bank regarding this interest waiver, and even had that been the case, would only appear to be a ratification of an arbitrary decision expedited through political power. If not, it is difficult to explain the 8 years of default being cleared from the slate, through the repayment of capital only, whilst Mr Fonseka states that the waiver was for part of the interest only. Conveniently, no reference is made of the Rs 200,847 paid as premia to the National Insurance Corporation on his behalf by the Peoples' Bank.

Addressing Parliament on June 9th 1992, the then acting Minister for Foreign Affairs and of Finance, Mr Harold Herath, requested the Chair to note that the **Ravaya** news item was a breach of privilege, and as such should be referred to the Committee on Privileges. He also informed the House that the **Ravaya** news report was based on inaccurate and distorted facts. He mentioned much of what Mr Fonseka stated in the interview with **Geetha**, referring to the package settlement provided by the Banks, in which Senasuma was not an isolated case, and furthermore, that the Bank was also aware of the hardship resulting from the looting and arson in October 1989. Later in August Mr Gamini Fonseka demanded Rs 5m from the **Ravaya** for loss and damage suffered as a result of its articles, which he claimed were false, malicious and defamatory.

Victor Ivan, Chief Editor - **Ravaya**, responding to Mr Fonseka's lawyers, Mather & Ramanathan, in a letter copied in the paper of 30th August 1992, denies that its objective is personal vilification, ridicule or contempt. However, he does say that it has an obligation, its readers and public in general, to expose corruption in seats of public office, and call for accountability and meting of justice. A free and independent media is part and parcel of any democracy, and it appears that the **Ravaya** is doing no more or less than fulfilling its mandate. Luckily for us, Sri Lanka is a five star democracy. Therefore, the country

needs an independent press, just as much as it permits reams of Government sponsored newsprint to report the good that politicians say they do for the country. One need look no further than India, which owes much to the **Hindu** for the investigation of the Bofors affair.

Be that as it may, as a public figure with a reputation higher than others, Mr Fonseka has, instead of inviting an independent commission of inquiry

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Mr Gamini Fonseka's attempt to obtain compensation from REPIA for the fire in October 1989 was rejected in July 1992, based on the evidence of his bodyguard, given to the Tissamaharama Police in December 1989. In his statement, bodyguard T M R B Jayah, indicated that it was clear that the burning of the hotel was done by a section of the hotel security, and other villagers, and directed against the Assistant Manager of the Hotel, Mr Siri de Silva, who had been absent from the hotel since March 1989.

In the final chapter of this saga, Mr Gamini Fonseka received Rs 75m from the Government in early 1992, in payment for the land and property of Senasuma Hotels, Weerawila,

acquired for the establishment of an Army camp. The purchase price was based on a valuation by the Government Valuation Department on the 28th June 1991 of Rs 75m. However, this was the second valuation done on the property, the first being done in October 1990, of Rs 18m. Not satisfied with this first value, Mr Gamini Fonseka requested a second valuation. In the meanwhile the Army had occupied the premises in May 1990, which in the words of Mr Harold Herat was "completely burnt and looted". They spent Rs 937,328/- in making the gutted hotel habitable, for in these hard times as most people know, the phoenix does not rise from the ashes for free; or are we mistaken?

On the 4th June Mr Fonseka wrote to the President, the Late Mr Premadasa, appealing amongst other things, that the Army must pay a monthly rental for occupation of the hotel till the decision to acquire it at a reasonable rate is gazetted. The second valuation materialised on the 28th June 91. The massive discrepancy between the two valuations, clearly an embarrassment, was explained by the fact that at the time of the initial valuation, all that remained was a gutted shell, and hence only the land was valued, whereas at the time of the second, the Army had done its repair work, and therefore this 75 million rupee miracle took place! Mr Fonseka also wrote to the Secretary Defence, on the 4th June, reminding him of the fact that at the time 36 rooms were occupied by the Army, and that rental was hence due from them, although not necessarily at the 1983 room rate for the hotel of Rs 450/- (room only).

For the Secretary Defence, who had spent nearly a million on repairs, one can imagine that this concession from the Deputy Speaker must have moved him so deeply, as to almost choke on his emotions. Furthermore, if on the basis of this million, and a note to the boss, Senasuma can appreciate capitally from Rs 18m to 75m, then one must concede that Senasuma, which incidently can invoke the sense of compensation for loss, has its privileges too. ■

A commitment to clean up the system

CP: What is your mandate as Director General of the SEC?

AW: Basically the Director General of the SEC is the executive officer of the Secretariat of the Commission. As far as policy is concerned it is made at the level of the Commission. It has ten non paid members. The policy is implemented through the Secretariat and the Director General.

CP: Part of your powers include investigating wrong doings in the Stock Exchange by broking companies or investors. What kind powers do you have in that respect?

AW: Section 45 of the SEC act permits us to call for information from any person if we require to investigate anything illegal going on the securities market. No one has really tested the limits of these powers. To give an example, so far when we needed to get at a bank account we have gone to the CID and got them to get a court order and then gone to the bank to get information. I believe we do not need to follow that procedure. I believe that under the powers given to us at present we can ask the bank to give us the information directly and I intend to test that. I have already got informal advice from the Attorney General's department and they tell me again very informally that we could probably try to use those powers. We intend to test the limits, go as far as we can to see how far we can go.

CP: Do you have powers to initiate investigations or do you have to wait till you get a complaint to investigate wrong doing?

Counterpoint interviews
Arittha Wikramanayake,
Director General, Securities
and Exchange Commission,



who appears to be putting his job on the line in order to restore public confidence in the Stock Exchange by bringing to book corrupt elements who have hitherto operated with impunity. We wish Mr. Wikramanayake all power and shall follow his progress with interest. Officials with such idealism are, unfortunately, all too rare at the present juncture, and they don't last long within the system.

AW: No. I don't think the SEC can wait till somebody gives us information to initiate an investigation. But let's look at the practical side of it. To an extent we are distant from the market. The people who know

most about the market are the Brokers, the exchange and the investors. So we welcome any information that the public can give us. I can give a definite guarantee that we will act on every single complaint we receive.

CP: Do you have the manpower and the infrastructure to investigate every compliant thoroughly?

AW: Let, me put it this way: The SEC came into existence in 1987. It was basically three people, the Chairman and two people to help him. There were two Director Generals before me and they were either part timers or they were here for a very short time. So it was very difficult to achieve very much. We started to get people to man the divisions in 1992. The problem is not to find people. We can easily recruit hundreds if we want. Having people is not sufficient. We must train them sufficiently so that they can take effective action. If you have a huge infrastructure and you are powerless to act in a given situation, it is useless. It will become a joke. I don't want that to happen. So we believe in getting people gradually and training them.

CP: In the more developed markets, the United States for instance, they have a system where the computers give you a warning when a share fluctuates unnaturally. Is the SEC thinking on those lines to regulate the market better ?

AW: I Don't think we can compare ourselves with the States because their trading system is completely different. Let's face it. They have hundreds of years of experience. More than that they are totally

electronic systems. When I was there last year for instance, every time a share price moves you find that a warning device goes off. It is only a warning. After that somebody has to take over and analyse the data. In a sense we are disadvantaged because we don't have these warning systems but again it is a question of training people to analyse whatever information we have.

CP: You will have to deal with very complicated methods of fraud in the market. Are you satisfied with the training your staff gets? Do you think it is enough to investigate complicated financial dealings?

AW: Frankly no. I will be very frank about it. We have an enforcement division for example: We have just recruited a manager Investigations. Ideally, I would want them to go out and see other markets and discuss with people how they manage the surveillance and monitoring. The problem is that if we send these people for a long period of time we will not have an investigation and enforcement division. Let's face it, our enforcement manager is the enforcement division. It is basically on the job training. I will be the first to admit it. We have learned a hell of a lot in the last few months. When I first came here I didn't know anything about this market. But by looking at trading records, by having discussions and so on I learned. It is basically first hand experience, nothing else. I just came from a tour of Indonesia, Malaysia and Thailand. In terms of enforcement and sevrivellence we are doing a damn good job.

CP: In recent months there have been a large number of illegal dealings in the stock market that have come to light. What actions have you taken against them?

AW: Our first objective was to get rid of these people from the industry. As soon as we found out what was happening we summoned the directors or those in charge of the firm and asked them to take action internally. What we did was we showed them the evidence we had. They either resigned or the firm asked them not to come in for work. That has worked. Each one of those cases have been examined individually. In the extreme cases we will hand it over to the CID, give it lot of publicity and take action in the

courts. Up to now most of the broking firms have cooperated with us. For instance, two days ago we found cases of short selling and I brought it to the notice of the firm and told them that there are industrial standards that have been established in the last few months and that they should follow suit. Without any hesitation they got rid of those two people. They are out of the industry. So it is a warning first to let people know that they can't manipulate this market.


CP: Aren't there problems with the licensing system? Some of the people who are sacked by broking companies for manipulating the market have got jobs in other broking firms.

AW: No. Nobody has got jobs in other broking firms. This may have happened before we took action against Forbes and Walkers for instance. What happened is that it was brought to our notice that these people were getting jobs in other firms. So what we have done is to write to the exchange and tell them to inform their members that if somebody is being hired from another broking firm they should get a letter of release from the earlier broking firm.

CP: Can you tell me what the charges were against Chandana Edirisinghe, the Director Forbes Stock Brokers, and Adrian Corera, the Director at Allied Brokers and what stage the investigation is at?

AW: As far as Chandana is concerned the matter has now been handed over to the CID because we intend to take whatever action we can to take him before a criminal court. In the case of Adrian we informed the company that he had committed certain irregularities. Adrian immediately sent in his resignation with an undertaking that he will not ever step into

Most of the cases have been front running and nominee accounts. Then recently we started finding several cases of short selling. Short selling is very serious. In one incident we found that in the case of either Kelani Tyres or Vanik brokers have sold a certain quantity of shares in the morning at a very high price at a round 95 rupees and made up the sale later in the day at 80 rupees. The amount involved was 30,000/- rupees.



the broking field again. He has also agreed that he will never come into contact with any client. That is the present stage of it. I hope to bring it before the Complaints Committee of the SEC and formally send out a ruling to that effect. As for the charges against them... our rules do not permit Directors to operate nominee accounts for very good reasons. If you have something to hide you will most likely operate through nominee accounts. In most of these cases we found that people have been operating through nominee accounts and that was basically the allegations against them. They used these nominee accounts to front run the market.

CP: What kind of scams have you come across since you took office as DG?

AW: Most of the cases have been front running and nominee accounts. Then recently we started finding several cases of short selling. Short selling is very serious. In one incident we found that in the case of either Kelani Tyres or Vanik brokers have sold a certain quantity of shares in the morning at a very high price at a round 95 rupees and made up the sale later in the day at 80 rupees. The amount involved was 30,000/- rupees. For a young broker to take 30,000/- rupees a day is a huge amount. So we started detecting several short sells. Then it is not only the brokers. You also find a lot of manipulations by companies. We started investigating into several cases. I can't go into details at this stage but you will find the cases being brought before the court in the very near future. You have my guarantee on that.

CP: Some of the complaints from the brokers are that the BIG Fish are getting away with it as usual. How do you react to

We have not had the time. There is doubt that some are involved. For a day we probably look at three or four transactions. But we investigate nearly all the companies that are in the market. But so far the big fish you referred to have not surfaced. They will take the bait. Don't worry. When they take the bait we will take them out.



that criticism?

AW: I don't think all the cases have been in respect of small fish. We have two cases where we got two chief executive officers of two of the larger broking firms out. If they are not big fish I cannot see who the big fish are. There are several allegations. Various people make various allegations about all sorts of people. In every one of those cases we promise that we will look into them. I don't

care what the personalities are. But you must realise that in our market people make various allegations. Until I have enough evidence to go before a court if necessary I will not take action.

CP: In Your investigations have you come across instances where you have reason to believe that powerful businessmen are involved in manipulating the market?

AW: We have not had the time. There is doubt that some are involved. For a day we probably look at three or four transactions. But we investigate nearly all the companies that are in the market. But so far the big fish you referred to have not surfaced. They will take the bait. Don't worry. When they take the bait we will take them out.

CP: Insider dealing, front running and so on have been going on for years until you started cracking down a few months ago. You are taking on some of the biggest businessmen with lots of influence. Have you come under any pressure directly or indirectly to drop any investigation or go slow?

AW: If anybody tries to get me to stop an investigation I will get up and leave. You have my word on that. I have no vested interest in this market. It does not matter who it is, it can even be a member of the Commission, if I have evidence I will take action against them. You have my word on that and if I can't fulfil that mandate you will see me getting out of this place.

CP: Yes, But have you come under any pressure up to now?

AW: As far as the investigations are concerned nobody has tried to bring pressure on me. I think they know better than that.

CP: Has anyone tried to bribe you?

AW: Not yet.

CP: Another event that sparked off controversy was your decision to ask for the withdrawal of the Kelani Tyres prospectus which did not include the first six months losses. Did you come under pressure to approve it?

AW: There was pressure from several sources in the sense several people in the industry wanted me to let the issue go ahead. For various reasons. As far as I was concerned I did not think all the information was being given to the investors. That was another instance when I was prepared to resign and go home. But let me add this. The pressure was not.... well, when we explained to the company why we had to do this, everyone cooperated at that stage.

CP: I gave you one instance of direct pressure on you. Are there other cases where people have asked, even demanded that you take a soft-line?

AW: Now, there is a little group that has got together and they keep circulating all these letters saying I am taking too hard a stand on brokers for instance. There is one even addressed to the President which I saw. It is a very simple thing. If the brokers get together and say I am being too tough on them and that I should go, I am willing to go tomorrow. I have no problem with that. But while I am here I am not going to turn a blind eye to anybody. I may be too hard but that's fine. If I get any information I will take action. There is no doubt about that. And I think at this stage of the market we have to be very very hard

on the industry if they violate any rules.

CP: What you're saying is that unless you crackdown now it can get out of hand and will more difficult to regulate it later?

AW: If that happens the market loses its integrity, and without that it is nothing.

CP: Private placements of shares has come under strong criticism by small investors saying it gives some people an unfair advantage where they can

make millions overnight. I know it is legal as of now. But isn't there a big problem here?

AW: We looked at private placements very carefully during the last two weeks. The Commission has now taken a decision that there will be restrictions on listing if there have been private placements. The circular will come out in the next two days. Basically, what we will do is that if there has been private placements the company will not be given a

listing for two years because if you take up shares in a private placement you must be there for the long haul. It is a long term commitment. It should not be to make a few people rich. There again, we learned through experience. We saw it happening, we examined the problem and we took a decision. Rightly or wrongly, we took a decision and that will be enforced.

CP: You were a state councillor. Why did you take this hot seat?

AW: As far as I was concerned it was a challenge. I specialised in financial law in the States and when I came back to the department I handled a couple of cases in this area. This job felt vacant. I did not think I will get it when I applied. They wanted someone over 45. I sent in an application for larks. They selected me and I thought it would be a challenge.

CP: Any regrets?

AW: No regrets, no regrets at all. May be few years down the road I will return to the bar. There is no doubt about it. This is not a career for me. let's put lets but it that way. ■

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Wijetunga

-- trying to be too smart by half

Oracle

A year ago, as Premadasa's compromise Prime Minister, Wijetunga was perceived as "Dunnoth Baragannang"-- an ineffectual, mild-mannered, unambitious man. Six months ago, delicately managing the executive presidency that had been thrust upon him following Premadasa's assassination, he was seen as a man who knew his limitations and in that context was "Doing Bloody Well". Today, nearer to the completion of his first year in office, as he opens Pandora's box and plays around with the demonic forces of ethnicity, caste, class and party politics in its crudest sense, we are beginning to realize what a "Deadly Bugger" he is.

Wijetunga, the nation is fast learning, is probably the most complex product yet to

reluctantly assume Prime Ministership, in his eleven month rule went on to expose every possible vulnerable nerve in the Indian body politic, the effects of which are still in play. However, unlike V.P.Singh who was soon exposed, at the end of his eleven months in power, Wijetunga seems well entrenched and his crimes against the nation which are bound to have serious long term consequences, keep mounting.

By simplifying the island's current crisis as a mere "terrorist problem", Wijetunga has not only given the Sinhala chauvinistic bigots much to write home about, he has also negated to a large extent the awakening that was taking place in the minds of the right thinking people in this country, of the realism that Sri

Lanka's future rested in its ability to evolve as a multi-religious, multi-ethnic polity. By the machinations used to cripple the opposition-controlled Provincial Councils, he has not only negated the value of the franchise, he has also sown the seeds of disillusionment among particularly the younger generation as to the meaning and value of democratic institutions and practices, which may well prompt them to take to arms once again. By the scant

have come out of the "Siri Kota" establishment, Sri Lanka's foremost laboratory of political cloning. Not only does he combine the craftiness of a Jayewardene with the bluntness of a Premadasa, he also projects the geniality of a Dudley Sennanayake. The nearest comparison one can find to this complex man is that of V.P.Singh of India, who through a political cocktail ranging from the racist BJP to the Marxist CPI having succeeded in voting out of office a corrupt Rajiv Gandhi administration, and appearing to very

regard shown to public accountability in suppressing investigations and easing out of positions of authority those like the former Bribery Commissioner who refused to tow the line, Wijetunga has instilled fear in the minds of the bureaucracy who were longing to do their duty without fear or favour. And to top it all, now by seeking to change the process of election of the executive president, he is once again defying the overwhelming sentiment expressed in no uncertain terms since the impeachment by the larger section



of this country who have agitated for the abolition of the executive presidency and return to a parliamentary executive.

Wijetunga, it must be noted, is not the first post-independence Sri Lankan leader to play around with these variables. We have not forgotten SWRD's opportunistic 'Sinhala only cry', Mrs. Bandaranaike's ruthless suppression of the JVP in 1971 and resort to political thuggery, Jayewardene's tampering with democratic institutions and exacerbation of ethnic tensions, or Premadasa's brutal suppression of political opponents. However, Wijetunga's crime lies in not just that he said one thing and did another, but the amateurish manner in which he seems to be doing so. Having told the *Counterpoint* of May-June 1993, that his immediate task was "to consolidate unity among the minorities and among the various sections of the people who have diverse ideologies in politics and in other areas", Wijetunga has contributed more to widening these very cleavages than most post-independence leaders. That he should have done so in spite of having had the benefit of hindsight is particularly unpardonable. Further, on assumption of office having claimed that he found the power vested in the executive Presidency excessive and with regards to the opposition demand for a return to the parliamentary system, proclaiming that "the Government was thinking of how to meet their suggestions", today simply talking about tinkering with the system of election of the Executive President and of the PR system, seriously erodes his credibility among the people.

One is not quite sure whether to take Wijetunga's shifts in position as a reflection of those of a diabolical liar or as those of an undecided man. The difference is significant and just as much as one made the mistake of underestimating him and are surprised by what he has done over these past eleven months, we should now not commit the mistake of overestimating his capabilities.

The only known fact is that the President is under tremendous pressure, more from elements within his administration than from those outside. This is evidenced by reported NIB disclosures of plots from within the UNP to jettison him after the Southern PC polls and his hurried strengthening of his arsenal by inducting Gamini Dissanayake, Ronnie de Mel and several others into the UNP. His attempt to appeal directly to the people by adopting populist postures such as "ending the northern war even if he has to go to hell"

and "putting Thondaman in his place in order to prevent minorities holding the majority community to ransom", can also be viewed in this light.

Unlike most of his predecessors who had prepared themselves for considerable lengths of time to take on the 'big job' someday, what Wijetunga lacks is a cohesive framework of reference and a self-consistent implementing strategy. His actions are haphazard and ill-conceived and he offers no vision and no deal. But coming after almost a quarter century of egocentric, authoritarian rulers, he has been able to project himself to the people as a breath of fresh air, at least for the moment. The fact that one is not forced to watch him night after night on the 'idiot box', or to be cautious whether one's conversations on the telephone are being tapped, or fear each time there is a knock on the door at night, is no mean consolation to a population who has been in the throes of violent conflict for many years now. But given the rate at which Wijetunga is changing colour and resorting to cheap gimmicks, it won't be long before the slip starts showing.

It is in this context that the forthcoming local government elections in the North-East and Provincial Council polls in the South gains added significance. Particularly in the South where the UNP is fighting to regain power it lost in May, 1994, the fact that Wijetunga has decided to lead from the front indicates not only his increased effort to be seen as in charge of the party. More so the party strategists belief that his seemingly 'nationalistic' fervor will strike a responsive chord among the traditionally patriotic 'southerner'. However, the southern voter is also long known to be more discerning and harder to be taken for a ride, and in this context the forthcoming PC elections could well be Wijetunga's 'waterloo'.

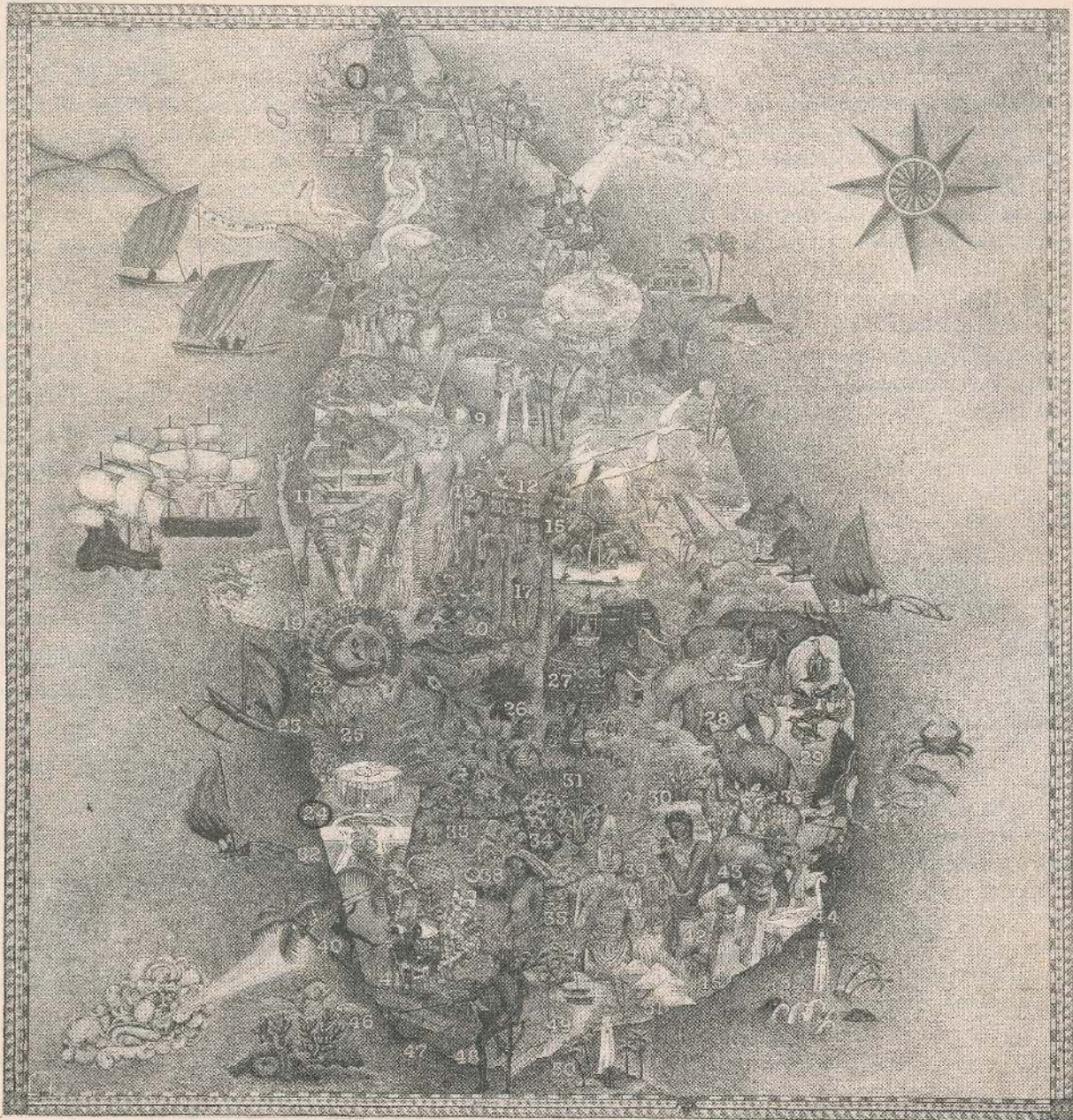
With the DUNF out of the picture and little prospect for wheeling and dealing once the results are announced, this election promises to be a keenly contested affair. While victory for the UNP is likely to embolden Wijetunga and prompt him to crack the whip on his detractors within the party, a defeat may compel the UNP to close ranks and fight to ensure that a similar fate won't befall them in a forthcoming national election. As for the People's Alliance, this election is a last chance to prove itself. The fact that Anura is no longer there to frustrate from within, deprives the SLFP of even a 'scapegoat', in the event that it is unsuccessful in this quest. ■

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Poppycock about Paradise

SRI LANKA

THE PARADISE ISLE





YOUR KEY TO PARADISE

1. **Colombo** The colourful capital of Sri Lanka where the ancient and modern blend in fascinating array. In a short visit you could explore an old Hindu temple, shop for gems and curios in a bustling bazaar, dine European style in a plush restaurant, marvel at art masterpieces in a downtown gallery and still wish you could have done more.
2. **Paranthan** Famous for its glorious coastline with lovely bays and sandy beaches amid groves of lovely palmyrah palms.
3. **Mannar** Flocks of storks, scrub birds, shore birds and pelicans roam free in this tranquil sanctuary where it is believed, Adam and Eve were buried. It's a perfect retreat for a day of quiet sightseeing and before you leave, see the baobab trees and Dutch fort. Nineteen miles north-west of Mannar town is Talaimannar Pier from where there is a ferry service to South India. The landbridge connecting Sri Lanka to the Indian subcontinent is named after Adam, who is believed to have walked across it.
4. **Mantota** Once the centre of Sri Lanka's trade with India, China, Persia and Rome, Mantota became known for its pearl fishing industry.
5. **Kokkilai** Storks, flamingos, pelicans and wild ducks fancy the Kokkilai lagoon for its freshwater and cool shade under the mangroves which thrive on the lagoon's edge. For bird lovers, it's a perfect spot for observation and prized photographic shots.
6. **Vavuniya** Farming communities both chena and dairy found here. Also paddy fields.
7. **Tiriyai** A village where a dagoba, built around the 8th century A.D. on a hill, is the main point of interest. Study the stone screen wall, the pre-Christian inscription in the cave on the hill, and 8th century Sanskrit inscription on a boulder and the remains of an image house.
8. **Nilaveli** Idyllic palm-fringed beaches lure the sun-seekers continuously, but it's the sightseeing attractions in the harbour town of Trincomalee close by that keeps them lingering a little longer, namely the Koneswaran Temple, Hot Spring, Swami Rock and Fort Frederick.
9. **Anuradhapura** An ancient and sacred city, where palace ruins and monastic monuments recall its splendour as the island's first capital and stronghold of the Sinhalese kings. Explore among the remnants of its glorious past, the Brazen Palace, the Ruvanvaliseya Dagoba and the Sacred Bo-tree said to have grown from a sapling of the very tree under which Buddha attained enlightenment.
10. **Kantalai** Nature and animal lovers have found that the island's high mountains thrive in colourful abundance. In its thick forested areas, the leopard and sambur have made their home.

Colombo Rise early in Negombo fishing boats coming in to land their catches, fish, crabs and lobsters. Then after soaking up the sun on any of the many attractive beaches, sample delicious seafood in a restaurant sheltered among coconut palms.

24. Jaffna The beautiful northern city of Sri Lanka, with rolling sand dunes and tall swaying palms, also offers many interesting sights including Hindu temples, Dutch forts, Keerimalai Baths, tidal wells, Chundikulam sanctuary.

25. Gampaha Here in the charming Heneratgoda Botanic Gardens, the first rubber seeds smuggled from the Amazon were successfully grown. These trees, which are still alive are the very ones from which all rubber trees in Sri Lanka and

26. Jaffna is surely one of the furthest places from paradise in today's world. It is symptomatic of Airlanka's phoniness and crass insensitivity that in its "Key to Paradise" contained in this year's diary it describes Jaffna as "The beautiful northern city of Sri Lanka, with rolling sand dunes and tall swaying palms, also offering many interesting sights including Hindu temples, Dutch forts, Keerimalai Baths, tidal wells, Chundikulam sanctuary." Airlanka should have gone the whole hog and followed the reference to the "Dutch forts" with an account of the "magnificent public library", in utter defiance of the truth. Mannar is described as "tranquil" and "a perfect retreat for a day of quiet sightseeing". Nilaveli is "idyllic". In this exercise in naive escapism, Airlanka's solution to the harsh reality of a ten-year war is to wish it away. This "taste of Paradise" is not to be trusted, and in this respect at least Airlanka is playing true to form.

27.

28. When ignorance and insensitivity are so blatant -- all that matters seems to be the phony superficial veneer -- other more glaring mistakes are also bound to surface. The fact that a mythologised, counterfactual Jaffna is interchanged with a strange version of Colombo (where "In a short visit you could explore an old Hindu temple ...") would be a laughable blunder if it were not at the same time symptomatic of utter falseness of this whole endeavour.

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30.

31. No one can confuse the reality of Jaffna with the reality of Colombo because they are worlds apart, but in the fantasy world of Airlanka (is this the taste of LSD in paradise?) there is hardly any difference at all. Who does Airlanka think it's fooling -- the tourists or itself? ■

32.

33.



The UNP's unholy alliance of messiahs

Time when there was nothing the average Sri Lankan (for most of that time he was called a Ceylonese) enjoyed more than an election. It was fun to listen to the speeches, watch the wayside 'orange barley' receptions, see the panjandrums step down from their pedestals, arms folded and permanent toothpaste smiles fixed on their countenances, to make their ritual promises of a land flowing with milk and honey. But, then, politics was more civilised, even if Dudley and Sirima might have traded mild insults in the heat of the hustings. The unknown gunman was literally unknown and nobody imagined that one day ballot boxes would be stuffed and polling agents chased away by goondas.

But then again that is the price

Prospero



Sri Lanka has been called upon to pay for the system of Executive Presidency which, freed as it would be from the whims and fancies of a capricious Parliament as it was argued, was supposed to steer the country to prosperity but instead took it downhill to unprecedented chaos with the country riven by two insurgencies and foreign troops occupying two provinces. In fact, so insidious is the influence of the Executive Presidency that even the once mild-mannered and soft-spoken Mr. Wijetunga has begun to manipulate the system which President Jayewardene installed for his own political aggrandisement with a skill which has made many observers think of the Old Fox himself. The lesson seems to be that once you are in absolute power you have to perpetuate yourself.



Wijetunga appears to be counting on this triumvirate to ensure him both victory in the South and and protection from within the party.

The first real test of the Wijetunga Presidency will be Provincial Council elections in the South. It is paradoxical, of course, that this is a test which the UNP should have inflicted on itself but that is the price it has had to pay for seeking to mobilise power. The UNP would have dearly loved to have crippled the Dodangoda administration in Galle and supplanted it without having recourse to dissolving the Council. But it couldn't and the result is a wholly unnecessary and hugely costly second election in the South in the course of nine months. The UNP is not not unaware of its chicanery in getting the Council dissolved and this is why it put everything into the campaign even getting the meetings of Parliament during the run-up to the election suspended. The UNP hierarchy leading the assault on the South offers a piquant picture. At the head is the pious Mr. Wijetunga, the once reluctant President who even appeared willing to abdicate in favour of Parliament, but now the pugnacious mouth-piece of ultra-Sinhala nationalism who seeks to get himself elected for a new term through Parliament because then the President wouldn't be dependent on the Tamil vote. Then there is Prime Minister Ranil Wickremasinghe who for all his urbanity is carrying the torch of the dead President Premadasa -- a seeming contradiction of an old Royalist pandering to the worst tastes of the lumpen proletariat. They are followed by the celebrated triumvirate of turn coat, double turn coat and prodigal son for whom however no lamb has yet to be slaughtered -- Messrs. Anura Bandaranaike, Ronnie de Mel and Gamini Dissanayake. With his usual nauseating arrogance Mr. de Mel speaks as if single-handedly he can develop the South even though he is not even a member of a gramodaya mandalaya in the area.

In fact, all this braggadocio and arrogance only serve to underline how little has been done for the

South by these flamboyant messiahs. Mr. de Mel was Finance Minister for ten whole years but the only major project he was able to start there was the Lunugamvehera project over which he was constantly locked in combat with Mr. Gamini Dissanayake who is now his bedfellow again. At the Presidential Election in 1982 Mr. de Mel lost his Devinuwara seat and had to be nominated to Bulathsinhala on the strength of the dubious distinction that the estate he had received as a dowry from his bus-mudalali father-in-law was situated there. For Mr. Dissanayake too Lunugamvehera was a prestige project as Minister in charge of irrigation and hence his constant squabbles with Mr. de Mel on this score. It was also Mrs. Mallika de Mel who caused embarrassment to Mr. Dissanayake and Mr. Athulathmudali by suddenly pulling out of the DUNF with dreams of joining the UNP even while Mr. Premadasa was alive. Shortly after, Mr. de Mel returned from his self-imposed exile but the King was in no hurry to reward his errant courtier. A poor man who had no truck with politics was killed when Mr. de Mel's minions clashed with those of the sitting UNP MP, and Mr. de Mel beat it back to his English lair.

So this is the unholy alliance which had combined to woo the South. Of course the UNP and Mr. Dissanayake can not be unmindful of the fact that the Provincial Council result in June was a vote of no confidence on the UNP and the Amarasiri administration which had governed the South since 1988. In spite of UNP Governments since 1977 the South was the worst pocket of the JVP rebellion. Even if this was partly due to the JVP's exploitation of the messianic Sinhala sentiments which are always strong in the Ruhuna, part of the reason certainly was the backwardness and sluggishness in the youth there. Economic backwardness combined with elemental southern militancy was a

particularly potent brew.

The PA-DUNF administration in the South was, of course, never given a chance to do anything about all this. The electorate will not be unmindful of the fact that the UNP provincial administration had singularly failed to do anything at all during its years in office. On the contrary, Amarasiri Dodangoda is an emergent new leader in the South with wide support and a distinctly leftward bias. And now with the defection of Anura Bandaranaike to the UNP the leftwing tendency in the PA will be further augmented. Already the PA is fielding a list which includes Nirupama Rajapakse and Tennyson Edirisuruya both excluded by Bandaranaike previously from the Hambantota district list.

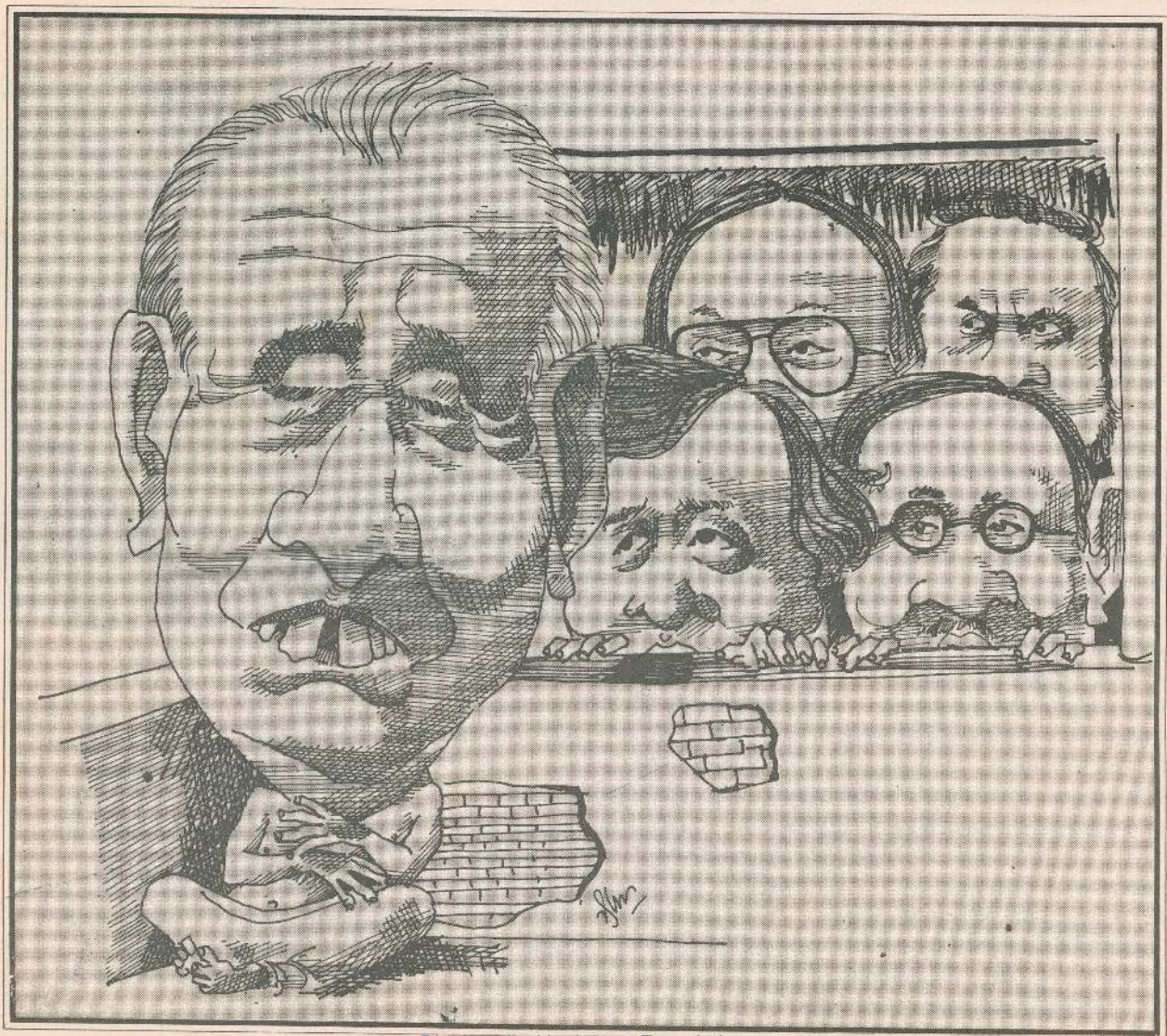
Till the last, of course, it will not be possible to forecast whether conditions would be available for the electorate's will to be registered properly. But all things being equal the Southern elections should prove to be an interesting duel. Just as the UNP has been augmented by the influx of new forces, the PA has been strengthened by the addition of several former DUNF provincial councillors. The issues canvassed will be largely the economic development of the South and the political morality or lack of it which led to the dissolution of the Provincial Council. The UNP will, of course, depend heavily on the fact that it is the ruling party to influence the southern electorate but its team constitutes the same tired and grey old faces the people are only too familiar with. The Government has also launched an economic programme of sorts for the South centred on the Koggala Free Trade Zone but it is a moot point whether macadamising Martin Wickremasinghe's 'Apey Gama' is the answer to southern disenchantment. On the other hand, the PA will have to fight with a greater sense of purpose and cohesion mindful of the forces arraigned against it and the tricks they can pull at the last moment. ■

"Ambalamé Pina...."

Lucien Rajakarunanayake

There is an interesting new twist to the trend of conversion these days. Talk of terrorism or war has been replaced by discussions about ambalamas. Several groups at a single cocktail party can now be seen discussing the merits of the ambalama, and the politics of the ambalama or the wayside rest. With the President's statement that the United National Party was like an ambalama in staying open at all hours to all comers from all streams of politics, it is now likely that some great benefactor will donate all the green paint that Sirikotha needs, to paint all the ambalamas in the country green. For those who may not know it, an ambalama was a wayside shelter, sans doors, which was built by the kings of the past, to ease the burdens of the traveller. Few of them, in very

good repair, are still seen in the Central Province. But over the centuries the ambalamas also began serving as paupers' rests and the homes for the mentally feeble who had no place in the village. An ambalama being a place to which one enters on one's own volition, it is surprising that the UNP had to resort to an abduction to get a member from the Southern Provincial Council to come into it. The folklore of the Sinhalese is rich with stories about ambalamas, and I have no doubt the Tamils must also have a wealth of similar tales about the wayside rest. One of the best known of such stories is that of the "Aandi Tikai Ambalamai". It is about the seven Aandis who cooked gruel at an ambalama. When the time came for them to cook, each one put his hand into his haversack, took out



what appeared to be a fistful of rice and carefully went through the motions of putting the rice into the pot. When the time came for the eating it was found that none of them had put in any rice, expecting to benefit from what the other six contributed. Not a bad moral to keep in mind by any keeper of an ambalama. That we are told is how Aandiambalama got its name. The fact that ambalamas were very common in our country is seen by the many places which have ambalam connections, such as Ambalangoda and Ambalantota. However, what the ambalama is better known today is as a resting place for stray dogs and cattle. It is quite possible that the UNP is taking a cue from this trend making its invitation for all kinds of political strays to come into its fold. What usually happens when an ambalama is taken over by the strays is that decent people tend to give it a wide berth, which could very well be what is happening to the UNP today.

Those who built ambalamas in the past must have had some very good reason for not providing any toilet facilities, attached or detached. Whatever it may have been in the past, the result of this lack of facility today, is that the proximity of an ambalama could be identified by the smells around it, which are not very welcome. Something very much in common with the fetid odours that emanate from the UNP today, with its open encouragement of corruption in every aspect of government. Some of the bigger walauwas in the country are also known to have had their own ambalamas which provided overnight shelter to poor visitors who came from afar. There are no instances, however, where the resident of a walauwa took shelter in an ambalama, which is what Mr. Anura Bandaranaike has obviously done by joining the UNP. I was rather intrigued by Mr. Gamani Jayasuriya's advice to Mr. Wijetunga to be careful about his stewardship of the UNP ambalama, because serpents could also take shelter in such places. With one serpent being able to recognise another, I don't think there is much

The ambalama concept may suit the UNP ideally, caught in the midst of confusing signposts to the future, after 17 years of power which has seen the destruction of everything we have valued in tradition. But one wonders whether such a wayside halt, peopled by crooks, knaves and idiots, strays and castaways, with the stench of corruption all round, is the ideal image for the people of this country.

danger of any serpents from outside taking control of the UNP ambalama. There must be sufficient political serpents there already to keep any others outside. Transactions made at ambalamas are generally the butt of ridicule among our people. One such example is the story of the Raigamaya and Gampolaya, two dim-witted types who met at an ambalama and fell into great difficulty in attempting a barter trade with betel leaves for pepper leaves and arecanut for kitul seeds. With Raigamaya and Gampolaya being the epitome of the local fools, one cannot be surprised at the new interest in ambalamas that is being stirred by the politics of Yatinuwara. "Ambalam Paaluwa" is how our people describe those who hang around an ambalama because they have nothing else in the world to do. Very much like the "catchers" and hangers-on seen around the leading members of the UNP these days. An

ambalam paaluwa is also the beetle that takes shelter in the woodwork of the ambalama and finally causes its complete destruction by boring through the wood. Mr. Wijetunga's open invitation for all and sundry of politics to come into the UNP is bound to bring in many more "ambalam paaluwas" under its shelter than it has already, and the time may not be far when one would hear the green woodwork creaking. The transient service that an ambalama provides, does not give cause for much nostalgia for an ambalama among those who have spent even several nights in such a place. Obviously the UNP ambalama, which is maintained by Mr. Wijetunga must be a different kind of place, to judge from the great nostalgia shown by Mr. Gamini Dissanayake to come into it against all odds.

In one thing there could be some certainty. An ambalama is only a wayside halt. Whatever simple ideas Mr. Wijetunga may have of the UNP ambalama, there could be many taking shelter there at his invitation, who are really on their way to other and better places. If that is the case what Mr. Wijetunga will ultimately be left with is only a "paalu ambalama" which is not the most inviting place, except for the worst of paupers. But why worry, when the invitation to the Wijetunga Ambalama is mainly to the political paupers in our midst, and there is such a surfeit of them on all sides. The ambalama concept may suit the UNP ideally, caught in the midst of confusing signposts to the future, after 17 years of power which has seen the destruction of everything we have valued in tradition. But one wonders whether such a wayside halt, peopled by crooks, knaves and idiots, strays and castaways, with the stench of corruption all round, is the ideal image for the people of this country. Not that it matters, now that the theme song of the UNP has been changed to that lovely old ditty:

**Ambalame pina,
Valang kadak gena
Eka bindapi gona
Ekata mata hina. I**

NO WAY TO TREAT THE PRESIDENT ?

The significance of the Whitewater affair involving President Clinton and Hilary Clinton and the appointment of a Special Prosecutor to investigate it is not just an interesting illustration of contemporary American political culture. Its wider interest lies in its insights into the connection between financial deregulation and politicians on the one hand, and, on the other, the warts and all relationship between the executive and the legislature in a functioning

Paikiasothy Saravamuttu

liberal democracy.

At the centre of the Whitewater affair is the failed Savings and Loans bank (S & L) Madison Guaranty. It was run by former Clinton political assistant and friend James T Mcdougal who was also a partner of the Clintons in a property development scheme for a mountain resort in Arkansas called Whitewater.

As Madison Guaranty was failing, Governor Clinton appointed as regulator a lawyer who had previously represented the S & L. She in turn allowed Mcdougal to proceed with an unconventional stock plan to prolong the life of

Madison Guaranty. This resulted in its liabilities rising to \$125m from \$ 49m and a cost to the taxpayer when Madison Guaranty failed of some \$ 60m. The lawyer who represented the S & L before the regulator to make the case for the stock plan was the current First Lady, then wife of the Governor, Hillary Rodham Clinton. Ms Clinton also tried, albeit unsuccessfully, for power of attorney over Whitewater when it collapsed in 1988.

What has yet to be ascertained is the amount the Clintons sunk into the Whitewater scheme, how much they borrowed from Madison Guaranty and how much was siphoned off from Madison



On the available evidence, Whitewater is no Watergate and it is more a case of Caesar's wife, rather than Caesar himself not being above suspicion. Nevertheless, if the Clinton's handling of the affair continues in the same vein as their handling of Congress' demand for the appointment of a Special Prosecutor, they could raise unnecessary doubts about their bona fides.

Guaranty into Whitewater, as alleged by The Resolution Trust Corporation the federal agency that rescued the S & L industry .

The Clintons claim to have lost \$69,000 of their savings in Whitewater. However, they have not disclosed their investment in the scheme nor entered this loss in their tax returns. Another potentially damaging area of criminal investigation is the payment made by Madison Guaranty to Governor Clinton's campaign funds in 1984 -5. There is also the removal of Whitewater files from the office of Vince Foster on the grounds of attorney - client privilege before those investigating his death could look at them. Foster was a friend of the Clintons and a Presidential aide who committed suicide last month.

Already some answers to these questions have been supplied. According to senior White House aide and Former Arkansas lawyer Bruce Lindsey, Hillary Clinton's power of attorney request was to 'wrap up' Whitewater rather than to get involved in its management. Lindsey also argues that more than half the Clinton's \$69,000 was in mortgage payments which they did write off throughout the 1980s. He also points out that in 1992 when they did sell some of their grossly devalued Whitewater stock at \$1,000, they decided not to sell the rest because accountant's fees involved in the transaction would have exceeded savings. The Foster files too have been returned. The backdrop to the Whitewater affair is the collapse of the S & L industry in the US. Financial regulation that did exist was perverted by the corrupt and cosy relationship between politicians and bankers that is costing the taxpayer billions of dollars. Politicians financially indebted to bankers interfered in the regulatory process to dilute its effect, and in the late 70s and 1980s, financial deregulation swung the doors to deeper conflicts of interest wide open. Both Republican and Democrat

politicians fell victim to the get rich quick and campaign funding possibilities thrown up in the S & L industry. Prominent Democrats included Senator Alan Cranston, Speaker Jim Wright and House Whip Tony Coelho.

Another aspect of the whole affair is that the norms and practices of Little Rock are in retrospect at variance with the code of conduct Washington DC feels constrained to uphold. In Little Rock where influence seems to have been concentrated in a small coterie of yuppies, conflict of

Whilst American democracy has its excesses, legitimate scrutiny of the actions of those occupying public office, however exalted, is not one of them. The President should be above suspicion, not investigation.

interest considerations appear to have been either marginal or plain difficult to abide by. The Rose Law firm involved in the affair and of which Hillary Clinton was a partner, is a case in point.

On the available evidence, Whitewater is no Watergate and it is more a case of Ceasar's wife, rather than Ceasar himself not being above suspicion. Nevertheless, if the Clinton's handling of the affair continues in the same vein as their handling of Congress' demand for the apointment of a Special Prosecutor, they could raise unnecessary doubts about their bona fides.

A **Newsweek** poll shows that only 14% of the public believe the President to be guilty of 'serious offenses' but 70% feel he should be more forthcoming in his management of the affair. Indeed, the eventual appointment of the Special Prosecutor -- delayed apparently by the need to persuade Hillary Clinton that it was unavoidable and in their best interests -- was turned into a political victory for the President's opponents. After all, the availability and use of a mechanism such as the Special Prosecutor is to exonerate the innocent as much as to deal with the guilty. As the investigation proceeds, full disclosure will dispel lingering doubt about the Clintons' conduct.

In this connection, there are complex and fascinating legal issues that can arise from the investigation. Questions have already been raised as to whether Hillary Clinton can claim executive privilege or lawyer-client confidentiality in her dealings with her husband. Can spouses give evidence against each other ?

Unless the investigation reveals otherwise, the question will remain as to whether this is any way to treat a President -- particularly one who is embarked on changing the US and one who can already claim credit in this enterprise on the basis of a unprecedented success rate for legislation through Congress. Is this political skullduggery on the part of his political opponents in Congress and in the media? Or is an investigation into Whitewater a true reflection of the strength and vitality of a liberal democracy where the whiff of scandal can be dispelled by the availability of impartial investigation?

Whilst American democracy has its excesses, legitimate scrutiny of the actions of those occupying public office, however exalted, is not one of them. The President should be above suspicion, not investigation. ■

Is AIRLANKA stifling Katunayake airport ?

Gadfly

One of the few public institutions that function well and are an asset to the nation is Colombo's International Airport. Housed in clean and modern buildings, well equipped and with a good reputation, the airport has come a long way from the very dubious port it was under the SLFP regime. A substantial expenditure on infrastructure and maintenance has resulted in Katunayake airport providing an efficient and profitable service to the increasingly mobile Sri Lankan population as well as all the visitors who stream through it daily. In fact, the airport should be given more

prominence as one of the few institutions that have made a startling transformation due to the policies that began in 1977.

During the dark days of Socialism, Colombo was given the rare dishonour of being awarded a "Black Star" by Aviation Safety groups. With two of the (then) worst air disasters occurring in or around Colombo, and with all the shabby inefficiency of that period it truly was a disgraceful place from which to enter our country. A concerted effort was made to upgrade the facilities though, and within a few years the results were apparent to all. The final major improvements were

completed in the late eighties, with a brand new runway (more of that later) and terminal building part of an extensive aid program by the Japanese, giving it a sharper image. Continual small improvements have been made, with a renewed security threat from suicide squads leading to access being restricted to the immediate vicinity. This work, though proceeding slowly, is nonetheless necessary and does not detract from the efficiency of the airport.

A problem does exist with that lovely new runway, though. Designed to the latest international standards and incorporating modern lighting systems, it has inexplicably wound up being extremely bumpy. A series of undulating waves were easily visible to the naked eye from the first day. Now whether this is due to shoddy construction techniques or to a major flaw in the design is a question that goes unanswered. Since the contract was over years ago and the money (minus kickbacks) paid long since, the problem is likely to go unresolved. It's a great shame that an otherwise excellent airport should be marred by



If Katunayake is to rest on its laurels other airports in the region will soon become more attractive to airlines and passengers alike.

such an obvious flaw. The long-term consequences of this roughness is an unknown and the airport authorities seem to wish that it will go away with time. Even sadder is that this is still the smoothest runway in the country! The Air Force still uses it as a base and operates their F-7 supersonic fighters from Katunayake, as no other field can accommodate them. This is in clear violation of the terms under which Japan grants aid (military projects are taboo) but is being blatantly carried out and there is no alternative runway available for use.

The other aspects of the infrastructure seem to be very well done, however. Aviation circles report no problems with the radio equipment or the quality of Air Traffic Control associated with it. With regular maintenance of the equipment and training of the personnel being quietly undertaken, Colombo is definitely one of the best airports in the area.

Is this sufficient, though? Compared to the Subcontinent, Colombo would probably score the highest, but once placed alongside those glorious NICs that we are trying to emulate, the differences become obvious. From being the best we slide to a very tenuous third grade. Singapore, which is one of the best airports in the world, leads the pack, of course. But Bangkok, Jakarta, Kuala Lumpur and Seoul are far better run. Even Male, Madras and Karachi have undertaken massive improvements and are fast catching up. India has recently allocated \$ 1.6 billion towards improvements in Bombay and Delhi, so we cannot afford to rest on our laurels for too long. Airports are an obviously important first impression to any visitor, the overwhelming majority of whom come in by air. Having a "good enough, machan" attitude is not acceptable. Continual improvements must be undertaken to make sure that the edge we have over our neighbours is maintained in this very crucial area. Even though the immediate environs of the airport score highly, the associated services are still sub-standard. The facilities are terrible, with no rail transport to speak of and taxis being a complicated and

With about a million passengers passing through every year, Colombo is a very small player in comparison to almost any airport in the region except Male. The only way to increase this figure is either by a growth spurt on the part of Airlanka, or else granting of more rights to foreign carriers. An "open skies" policy has long been bitterly opposed by Airlanka, but with fifteen years of experience behind it, isn't it time that UL began to stand on its own two feet?

very questionable "private sector" enterprise. This needs to be regulated and made more efficient soon and, of course, that disgrace of a road to Katunayake must be improved. Whatever the environmentalists and the Catholic church think, an expressway is neither a pollutant nor a blaspheme, but a necessity for development of our transportation systems.

Technical improvements to the airport itself, though not urgent, should be planned carefully. Land must be allocated immediately for future expansion of the runway, before buildings spring up and prevent it. The terminal itself should be eventually upgraded to include "airbridges", that are much more efficient than the buses used presently. Pilots think that an additional Instrument Landing System should be installed for the other runway, and that the radar control equipment be improved to a higher technical standard than is currently in use. These last though are very expensive propositions, which can be deferred for the moment.

Which comes down to the crucial question, who is to pay for all of this? At the moment, the airport generates most of its own recurrent expenses by charging a "departure tax", an accepted practice all over Asia. In addition to this, all aircraft pay landing

fees, which go towards the more expensive infrastructure costs. The third traditional source of revenue is Ground Handling, but this is a monopoly granted to the national carrier Airlanka, and is that company's main source of profit. Any increase in revenue then, can only come about by more use of the airport. At the moment Katunayake operates substantially under maximum capacity, but increased use seems to be an elusive goal. With about a million passengers passing through every year, Colombo is a very small player in comparison to almost any airport in the region except Male. The only way to increase this figure is either by a growth spurt on the part of Airlanka, or else granting of more rights to foreign carriers. An "open skies" policy has long been bitterly opposed by Airlanka, but with fifteen years of experience behind it, isn't it time that UL began to stand on its own two feet? Liberalisation has taken place in the cargo sector and has proven successful. Expansion of the airport could be a large source of revenue and jobs for the nation. If the national carrier is unable to support this, then it should stand aside and take the competition head on, to prove that it too is capable of being a significant player in the international scene and not hiding behind the coattails of protectionism. ■

The military scores a win in the East

The army scored a win with the successful holding of the local government elections in the East and in Vavuniya town. Although Major General Lucky Algama's claim to **Lankapuwath** that it was a victory over the LTTE is no more than an exaggeration, the Chief of Staff along with Brigadiers Lohan Gunewardene and Siri Peris, the Coordinating Officers for Batticaloa and Trincomalee can justifiably claim the credit for not only keeping the Tigers at bay during the run up to the elections and on polling day, but more importantly resisting the temptation to force participation or fix the elections on behalf of the ruling party.

Despite widespread belief among the Tamils in the East and in Colombo that the Army will force people to vote and failing that stuff the ballot boxes to show a high turnout, the Army stuck to its task of providing security during the campaign and on the polling day and stayed far away from the polling booths. For a change, the military hierarchy in the East appear to have realised the danger of playing games with the electoral process to score debating points. General Algama was sensitive or smart enough to realise that the entire credibility of his troops were on the line and if the Army was seen to 'fix' the elections they would have lost whatever faith

the people of all communities in the East had in them. To this end, clear instructions were sent out that if any army personnel were seen inside a polling booth, strict disciplinary action would be taken against them. The 50 percent turn out both in Trincomalee and Batticaloa although lower than what the Army expected added credibility to the process. An unusually high turn out would have been a clear indicator that the Army had put pressure on the people specially the Tamils who at the beginning seemed to be the most reluctant to take part.

At the start it appeared that the Army had made

Waruna Karunatilake

a big mistake in agreeing to hold elections in the area. Both the Army and the STF which had worked hard to win over the people despite routine cordon and search operations and a large number of check points causing immense inconvenience to the people. The election had triggered off a major backlash against the Army which was being accused of, among other things, supporting the ruling party candidates. Most people expected the Army to use strong arm tactics to get them into the polling booths or to stuff the ballot boxes. The doings of the Indian Peace Keeping Force in the 1987 Provincial Council election in the North and East was the analogy used by most people in the East. The Army too made a series of stupid mistakes which helped create this image. Thinking that people scared of a LTTE backlash would not come forward as candidates, the Army forced a number of LTTE surrendees in Batticaloa to sign nomination papers and put forward an independent list. Once it became clear that more than enough were willing to take part, the Army realised the mistake and there was many a red face among the senior officers in the area. Things got worse when the Army issued a leaflet two weeks before the



poll urging the people to vote and at the same time telling them not to vote for independent groups put forward by former militant groups such as PLOTE and TELO because "They are not organised political parties and if elected would be more involved in fighting among themselves and not work for the welfare of the people" -- thereby indirectly asking the people to vote for the UNP or the SLMC. The leaflet prepared by the Psychological Warfare Unit of the Defence Ministry was distributed by the Army in Batticaloa without realising the repercussions. Once the contents of the leaflet were brought to their notice senior officers in Batticaloa were furious and complained to Army Commander General Gerry Silva and Defence Secretary General Wanasinghe. It would be interesting to know what

prompted the PsyOps unit to put out such a leaflet. Is this another example of army officers in their air conditioned offices in Colombo currying favour with the politicians even at the risk of undermining a delicately balanced situation on the ground? Despite these blemishes in the end the Army came out with enhanced credibility.

While the Army appears to be learning from their mistakes, the Police which has now become the campaign arm of the UNP continued to treat elections as a golden opportunity for quick double promotions. The presence of SSP Majid who contested the 1989 General Election under the UNP ticket and lost, quickly gained the reputation as the UNP's top campaign manager in the area. His presense was a clear sign that the UNP was out 'fix' this election as well regardless of the sensitive nature of the elections. Under the supervision of SSP Majid, the Police brought out their now familiar bag of tricks. Opposition posters were taken down in broad daylight while UNP banners, posters and decorations were protected by them. On Polling day their activities in support of the UNP candidates were not different from what happens in any election in this country. Polling staff were asked to hand over polling cards at gun point, ballot boxes were stuffed and all this with the help of the law enforcement officials. It took a strong-minded Brigadier Peris in Trincomalee to tell ballot stuffing politicians and their police catchers to get lost. The Police's high-handed behaviour and corruption even in these sensitive areas is becoming so widespread that it would be a disaster to hand over more areas to the Police until senior police officers with integrity are appointed to this region. The DIG Eastern

Range Chandra Fernando's duplicity became evident on polling day when he flatly denied that any incident had taken place that morning in Eravur where there were reports that the Police had fired into the air near a polling booth to scare the voters away leaving an open field for the UNP candidates to do what they are best at -- stuffing ballot boxes. The denial by the DIG to a group of local and foreign journalists at a news briefing in Batticaloa on polling day was made despite having a two paragraph report in front of him (spotted and quickly read by one of the journalists) from one of his officers giving details of the incident. The DIG's ostrich mentality was matched by SSP Majid's obvious enthusiasm to 'fix' the elections for his party. The

Government has given him the dubious title of being 'in charge of security' in the East -- a blank cheque which he used to the maximum. Once again it was obvious from their behaviour that for the UNP winning is everything. The damage one does to a delicately balanced ground situation such as the one that exists in the East did not restrain the party

Various people will interpret the holding of peaceful elections in the East and its outcome to their advantage but the fact remains that it is only a minor step forward in a long process. The entire exercise would be useless unless the Government now moves fast to provide the necessary finances for the elected bodies to carry out their work. The Government's notoriously short-sighted policies and its reluctance to say the least

to devolve even limited powers to the smaller administrative units will make the entire process counter productive. If this happens those who braved LTTE threats to contest and those who voted will lose whatever little confidence they had and would strengthen the Tigers by default.

For the LTTE its inability to destabilise the East would be a major loss of face. However one can count on the Tigers to come up with a strategy to regain the lost prestige. The most likely scenario is for the LTTE to wait until the large numbers of troops that were brought in for the elections are re-deployed in the North before taking on targets in the East. Another possibility is for them to take advantage of the depleted numbers in the North and attack a major target there. But this they should have done during the election campaign and their failure to do so was reportedly because of the continuing internal divisions following the Mahattaya episode. ■

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The dilemma of the East

The current concern about the fate of the country seems to revolve around two events: the elections to the dissolved Southern Provincial Council and the local elections in the East and Vavuniya. These are also linked to bigger issues in view of well-reported recent developments and what has happened to the institution of elections over the last 13 years. The manner of dissolving the Opposition-held Southern Council raises the question of whether elections are even imperfectly meant to determine the will of the people, or a tool for legitimising shadowy interests who will stop at nothing. The initiation of the Election Commissioner, who as Additional Secretary, accompanied his minister Gamini Dissanayake to Jaffna for the 1981 DDC elections, was unfortunate. Apart from the burning of the Jaffna Public Library, it is reported that boxes were sent for counting with cast ballots rolled up in rubberbands. Techniques, it appears now, are more professional.

The other is the question of devolution seen as a key to resolving the North-East crisis. Shri11 voices from Colombo which are part of the drama of discrediting Provincial Councils and receiving generous publicity in the press, signify alarm among the dominant interests in Colombo. These continue to believe that it is theirs to determine what is best for every nook and village in this country without seeing the mess they have made. Ironically, the notion of a centrally ruled Lanka for which ideological legitimacy is sought in the reign of Parakramabahu I and had some of its grimmest echoes in the South. Parakramabahu sent his Tamil general Rakka to subdue Ruhunu then under its Queen Sugala Devi. The pacification of Ruhunu with hundreds of executions caused Ruhunu and its civilisation to disappear from history. Ruhunu had the misfortune to re-enter history 800 years later in recent times to once more, have its youth

Rajan Hoole

sacrificed in large numbers to uphold political myths of centralised power and their underlying interests in Colombo. These interests have come to mean huge inflow of foreign currency, mega projects, huge dividends in corruption, massive impoverishment and anger at the grassroots. It is against this backdrop that the thorny issues of the East must be seen.

Colonisation and the dominance of Jaffna in the East

Large colonisation projects in the East for impoverished Sinhalese served powerful politicians in two ways. One was to strengthen a relationship of patronage with such a class and enhance their electoral standing or influence. The other was to use this as a means to intimidate and have a grip on restive minorities. Such a policy brought enormous problems to all the communities involved. In Trincomalee, for instance, many local Tamil and Muslim applicants for land in the Kantalai and Allai schemes were not given lands. But in the long run irrigation water to Tamil and Muslim farmers was adversely affected. In Wan Aru (Wan Ela) Muslim farmers were forced off much of their chena fields for an expanding Sinhalese population. Today the Muslim community of that area, like many Tamil and Muslim communities in the region, live under conditions of extreme poverty and neglect. According to their representatives from Ayiliady, 22 families own colony fields as opposed to about 500 families on small encroachments of about half an acre. During the 1977 communal violence, according to a former MP from the

area, about 30 or more Tamils from the old village of Kantalai were killed -- not by the Sinhalese farmers with whom relations are good, but by sundry elements brought into the area by the colonisation scheme. An indication of state policy is reflected in the fact that Trincomalee District with the water resources exhausted, commands a higher population density than the Sinhalese districts of Anuradhapura, Polonnaruwa and Moneragala. The first two are key areas of the Maheweli project. The latter two have become the focus of multi-national agribusiness investment.

In the wake of this policy, both the Muslims and the Tamils in the East began looking to the articulate leadership in Jaffna to take up their grievances and limit the damage. The Federal Party has on several occasions raised land issues concerning Muslims inside and outside the Parliament. When the Sixth Amendment to the Constitution following the 1983 violence forced the Tamil leadership out of Parliament, the Tamil led militant groups which were joined by a sizeable number of Muslims, came to be seen as the guardians of the interests of, both communities -- particularly of territory. Subsequently, the inherent tolerance of Tamil nationalist politics and systematic manipulation by the state brought a rift and patches of violence between the Muslims and the Tamils. Following the war of June 1990, the massacre of thousands of Tamils in the East by Sri Lankan forces, methodical destruction and looting of most villages, massacres of Muslims by the LTTE and its repercussions, created a sense of isolation and helplessness among both communities. The LTTE as it had calculated was rewarded with a windfall of new recruits to become a formidable army.

Through this tragedy, events were such that the communities in the East never had a choice to develop a politics to manage their own affairs. In the meantime, starting from 1983,

thousands of Eastern Tamil youth sacrificed their lives in a struggle led from Jaffna in which the goals seemed to be receding. This created a scene of panic and increased the dependence of Eastern Tamils on Jaffna, whither they vainly looked for a solution. The North-East merger for them became psychologically indispensable -- a minimal, but perhaps illusory, guarantee for what they had suffered. This need of the Tamils is understood by Muslims in general, who for that reason, tend to be accommodative.

Some features of current Government policy

At one level Sinhalese taken to the East through state sponsored colonisation may seem privileged. But for the bulk of them it has meant continuing poverty and degradation. The state has poured resources after them in a bid to maintain its patronage. There are a number of cases of, say, a man receiving colony land in Raja-Ela, his son in Padaviya or Wan-Ela (Aru) and his son's son in Mahadivulweva (Periyavilankulam). This has practically never happened to a Tamil or a Muslim from the area. Indeed, many did not possess land even once in the family. But this did not necessarily help the Sinhalese. Those inheriting original colony lands with access to schools and services achieved some stability. Others, forced to move away into distant or encroached lands, found it financially harder, and removed from schools, services and programmes such as family planning advice, faced deepening frustration.

With the onset of war many of them became victims of Tamil militant massacres. Living under constant fear of attack, families have been driven hither and thither in search of land and refuge. Perhaps, the forces killed a larger number as JVP suspects than the LTTE did in massacres. Sources in the colony of Vendarasanpura said



The reality is that the three communities need to live together and work together. Despite the regrettable trend towards separate schools, post offices, hospitals and even universities for different communities, at more down-to-earth levels they still work together. Tamil agricultural labourers and artisans still go in large numbers to the Amparai District and Kantalai, live in Muslim or Sinhalese houses and do work for them. Regular trade is carried out between Muslims and Tamils, who even at some risk, move about in each others areas, providing a much needed healing touch. Division it seems is more in the minds of intellectuals and politicians whose narrow ends are removed from the interests of ordinary people.

that the number of missing in the first category is over 50.

When the state lacked the means to continue its patronage, the war-machine took over. Every Sinhalese family in Kantalai is said to have on the average a member in the armed forces. The Army sponsored settlements on small dry patches along the main roads -- such as 20 perch plots at Sinhapura and Jayapura in Thampalakuram.

Some representatives of the people said that the Army is doing it for its protection rather than out of love for them, but that was the only way they could get rations and a living. The chronic nature of the situation is one where, according to the locals, in several families one son disappeared as a JVP suspect and another is in the armed forces. They also said that they are not being given colony lands in Mahaweli areas.

It is evident that these Sinhalese too have been ill-used, rendered powerless, and denied the ability to plan their future.

The future of the East

Although the Government has shown itself loath to concede the substance of autonomy to Ruhuna, because of military failures and donor pressure, it needs to show some political movement in the North-East. In this respect the Parliamentary Select Committee seeing it as the first priority to dismember the East from the North showed that it was not interested in trying to understand the problem. The scheduled local elections are widely seen as a dress rehearsal for a referendum on dismemberment. Apart from any unanswered questions of displaced persons and fairness, the political consequences will not bode well.

To go through with such exercises without the Government first facing up to its responsibility for thousands of murders and disappearances which lie uninvestigated, would leave the

Tamils feeling more isolated. It can only reinforce the negative politics of the LTTE.

The other suggestion to leave a merged North-East taking out the areas colonised with Sinhalese and also perhaps the Muslim majority areas, may provide temporary relief. But it carries enormous problems and would soon lead to conflict. Such thinking also implicitly assumes that the LTTE is the natural protector of the Tamils, while the state that of the Sinhalese and the Muslims. Events speak eloquently against such an assumption, which both side have tried to rub in through a politics of division. The reality is that the three communities need to live together and work together. Despite the regrettable trend towards separate schools, post offices, hospitals and even universities for different communities, at more down-to-earth levels they still work together. Tamil agricultural labourers and artisans still go in large numbers to the Amparai District and Kantalai, live in Muslim or Sinhalese houses and do work for them. Regular trade is carried out between Muslims and Tamils, who even at some risk, move about in each others areas, providing a much needed healing touch. Division it seems is more in the minds of intellectuals and politicians whose narrow ends are removed from the interests of ordinary people.

The other important consideration pertains to the huge agricultural schemes, particularly Gal Oya and Kantalai, which, like it or not, have made a lasting impact on the East. The problems pertaining to these are shared between the communities. These include insufficiency of water in the lower reaches during the dry season, and a tendency to excess when rain is plentiful and increasing salinity as a result. To take out the higher reaches which command the water resources where also the Sinhalese have been colonised, would lead to constant friction and would greatly curtail the scope of activity in a devolved unit, again leading to discontentment. Moreover, the acute social problems of all communities

require intervention by the provincial authority. This is an area where the centre, given its economic priorities, has, far from solving the problems, compounded them.

Given these realities, the choice in devolution rests between the North-East as it is, and two separate provinces as they were earlier. I personally do not think that the choice is very critical. It is a matter to be debated. The choice should evolve over time and should not be forced just now. If the Government seeks to be creative, it could concede the merger for the time being and ask the Tamils to prove that they could respect and satisfy the aspirations of the other communities as equal partners. Then the North will have to show that it could make a positive contribution to the life of the whole. This will not happen if the LTTE continues to run the North as a prison house, shackling the spirit and energies of its people. If the preferred choice is to separate the East in the long term, the Government has to move even more carefully to make the merger redundant as a need. This would mean addressing the psychological dependence of its Tamils on the North. The Government would then need to provide basic justice for the actions of its forces with a full-scale inquiry and expedite rehabilitation measures. It will also need to observe strict impartiality, encourage the communities to work together and abjure its politics of division.

The LTTE too has much to gain if it independently chooses to be creative. It must then renounce violence or intimidation against any community as a political weapon, so as to improve the atmosphere and put pressure on the state to respond similarly. Tamils should be then encouraged to talk independently to other communities and reach workable arrangements. The merger could be left open.

It seems unlikely that either the Government or the LTTE could move creatively. One hope seems to lie with democratic groups in the South who could at least get ordinary people from the different communities talking to each other on the deeper issues. ■

Plantation Myths and Realities

Paul Caspersz

There are many myths in circulation about the privileged life of the plantation workers in our country in comparison with peasants in the villages and even with workers in the cities. As myths they are difficult to dislodge: myths are often their own justification and explanation.

In a recent article in an English daily newspaper, reproduced three days ago later in a Tamil daily paper, a "Special Correspondent" (hereafter SC), who also seemed to be a spokesperson for the new Private Managements of plantations, collects several of these myths in one choice paragraph. It is worth quoting in full:

"Plantation workers have certain inbuilt advantages which their counterparts elsewhere do not enjoy; for example -- family employment where three or more members of a family are employed on the same estate, rent free accommodation eliminating the cost and hassle of commuting to work, rice and flour issued almost at the door, schools within walking distance, opportunities for extra income like market gardening, contract work etc., guaranteed daily work and other privileges."

Family Employment

Myth 1: "Family employment where three or more members of a family are employed on the same estate". The myth implies that, since more family members are employed in an estate family than in a non-estate family, not only is employment no problem but also family income is no problem on the estate.

Reality: The most recent "Report on Consumer Finances and Socio

Economic Survey" of the Statistics Department of the Central Bank of Sri Lanka (1986/1987), Part 11 (See Tables 1.4, 1.5, 3.2, 3.3, 3.4), it is true, states that the number of income-receivers per household in the three sections of Sri Lanka's population -- urban, rural and estate -- is 1.78, 1.51 and 2.29 respectively. (The SC characteristically speaks of "three or more" income-receivers per estate family, but may be pardoned for the lapse as precise figures are obviously not SC's strong point.) But the same report gives the mean income per month per income-receiver in the three sectors as Rs. 2914.19, 1674.12 and 804.41 respectively. Now -- if SC is capable of a little arithmetic -- multiply this number by the number of income receivers per household in order to obtain the household income per month. It works out as Rs. 5187.26, 2527.92, 1842.09 per urban, rural and estate household respectively. Since the average size of the household in the three sectors is reported to be 5.17, 5.09 and 4.98 respectively, the household per capita income works out as Rs. 1033.34, 496.64 and 369.90 in the three sectors respectively.

This ought to lay to perpetual rest the ghost of the myth that the estate workers are economically better off than their sisters and brothers in the urban and rural sectors. Neither is it true to say that there is no unemployment on the estates. In fact, estate unemployment is not only an economic but also a social problem of growing dimensions.

Let it however be here clearly and unequivocally affirmed that

it is much less important to decide which sector suffers most or which does least badly in the prevailing social systems -- rural peasants, estate workers or the urban proletariat -- than to work might and main that peasants and workers and the urban poor unite to break the shackles that bind all of them and go forward together to a new society of peace and justice for all. Let us not fall victims to the tactics of the sahib, formerly white, now brown, to Divide and Rule.

Rent-Free Accommodation

Myth 2: "Rent Free accommodation eliminating the cost and hassle of commuting to work".

Reality: Accommodation is hardly the word to use to describe the average 10 x 12 ft room in a rectangular row of rooms, with no ventilation and subh little light that there is darkness even at noon, often back to back and barrack-type, with a filthy and broken drain running around the line, with inadequate water and hopelessly inadequate toilet and bathing facilities. It is also interesting to know the three words for "accommodation used on the estates: "bungalow" for the superintendent, "quarters" for the middle grade staff, and "line-room" for the workers. It would be as unthinkable for the superintendent to ask you to see him in a line-room, as for a worker to invite you to his bungalow.

SC is probably not of the type that consults serious studies such as that of Dr. Ravindra Fernando and others

Sector	House with two rooms or less %	Number of persons per room	Floor area per person (sq.m)
Urban	31	1.5	12.5
Rural	32	1.5	11.5
Estate	76	2.3	04.3

(1989) which gives the following figures for housing in the three sectors of our population:

It must be remembered that this "accommodation" was built for the estate workers by the British plantation owners and companies in the 19th and early 20th centuries not out of concern for the workers but only in order to maintain a captive and plantation-bound labour force. Those companies are the linear parents of the 24 Management Companies to whom the estates have now been surrendered.

Admittedly, no rent was charged for this accommodation, but neither do rabbits in a rabbitry or cattle in a shed pay rent. Their rent is the profit they rake in for their owners from their captive seats.

During the period of nationalisation (1972-1992) various programmes to improve estate housing and education were initiated by the Government with foreign support. Are all these schemes to be rendered nugatory by the new Management Companies with their glib and tongue-in-cheek talk of "rent-free accommodation"?

As for the "cost and hassle" of commuting from line-room to field site is SC aware that the workers, even the women (who are more than 50 percent of the estate work force), are totally at the mercy of the sun, rain and cold sometimes having to climb steep hills with loads of tea leaves on their back or heads or to collect firewood for their family hearth?

The result is a greater incidence of disease and greater malnourishment on the estate than elsewhere.

Rice and Flour

Myth 3: "Rice and Flour issued almost at the door"

Reality: They are issued neither at the door nor are they issued free. They have to be purchased by the workers at the estate shop or co-op store, the dubious advantage being the ability to buy on credit against their pay dues. But if the quality of rice, flour, dhal in the estate shop is unsatisfactory or the price too high, the workers have to walk to the bazaar to buy for cash or credit.

Schools

Myth 4: "Schools within walking distance"

Reality: Surely Mr. SC, what type of schools? Up to which grade? With what furniture and teaching aids? With how many children for how many teachers and how many grades? With what conditions of light and ventilation or protection from the cold winds in the estates of higher elevation? Has SC heard of the Plantation Schools Education Development Programme (running parallel with a programme to develop village schools) funded by SIDA to remedy the sub-human condition of plantation schools? To ask SC to read G.A. Gnanamuttu's seminal work on "Education and

the Indian Plantation Workers in Sri Lanka" is probably asking the SC too much, unaccustomed as SC seems to be to literary activity at this level.

However, he may be open to some enlightenment from the following simple Table taken from the **Report on Consumer Finances** quoted earlier:

Yet, one is afraid that none are so blind as those who will not see!

Opportunities for extra income

Myth 5: "Opportunities for extra income like market gardening, contract work, etc.."

Reality: What opportunities, Mr. SC? How many estate worker families are allowed even a couple of perches of land near their line-room for growing vegetables and fruits for themselves and for the market? It is well known that the price for milk offered to estate workers by local collectors is often lower than that offered to the villagers. And have any arrangements been made to offer a fair price for fruits and vegetables produced by some estate workers despite numerous difficulties?

But SC has one correct intuition at this point. It is that if the estate workers were given the chance to grow rice and vegetables and fruits, as once they were given it to grow coffee and tea on hillsides accessible only to the nimblest goats, they would

Sampled Population by Educational Status and Sectors 1986/87 (percentages)

Educational Status	All Island	Estate	Rural	Urban
No Schooling (illiterate)	19.34	40.20	18.41	13.96
No Schooling (literate)	0.42	0.70	0.41	0.34
Primary	37.49	46.00	38.54	29.46
Secondary	29.12	10.53	30.12	33.44
Passed SSC/OL	10.78	2.37	10.15	17.06
Passed HSC/AL	2.06	0.21	1.82	3.87
Undergraduate	0.21	--	0.18	0.43
Passed Degree	0.54	--	0.38	1.44

Source: Report on Consumer Finances and Socio Economic Survey 1986/87, Statistics Department Central Bank of Sri Lanka, Table 1.63, p. 54

make the country in the space of a few years more than self-sufficient for food. The beneficial results for the foreign exchange budget and for the health of the people of the country would be invaluable. We will do well here to remember Gnanamuttu's anguished plea: "It is also a matter for regret that training in vocational skills is denied to a sector that is likely to take such training more readily than any other" (Op cit. p. X).

Guaranteed Daily Work

Myth 6: "Guaranteed daily work".

Reality: But, isn't this precisely the guarantee which the plantation trade unions are seeking but which Mr. SC appears to be so much against? Mr. SC in fact entitles his piece "Plantation -- the 300 days scandal" If it is a "scandal", it is not one created by Mr. Thondaman in these days of fashionable Thondaman-bashing. It is a scandal that has come down from over one hundred years ago. It began with the Estate Labour (Indian) Ordinance of 1989 and successive enactments up to Act No 22 of 1955 (see "The Legislative Enactments of Ceylon", Revised Edition, 1956, Chapter 133). Section 6(2) of this Ordinance states quite unequivocally:

"Where wages are payable at a daily rate, the monthly rate shall be computed according to the number of days on which the labourer was able and willing to work and actually demanded employment whether the employer was or not able to provide him with work:

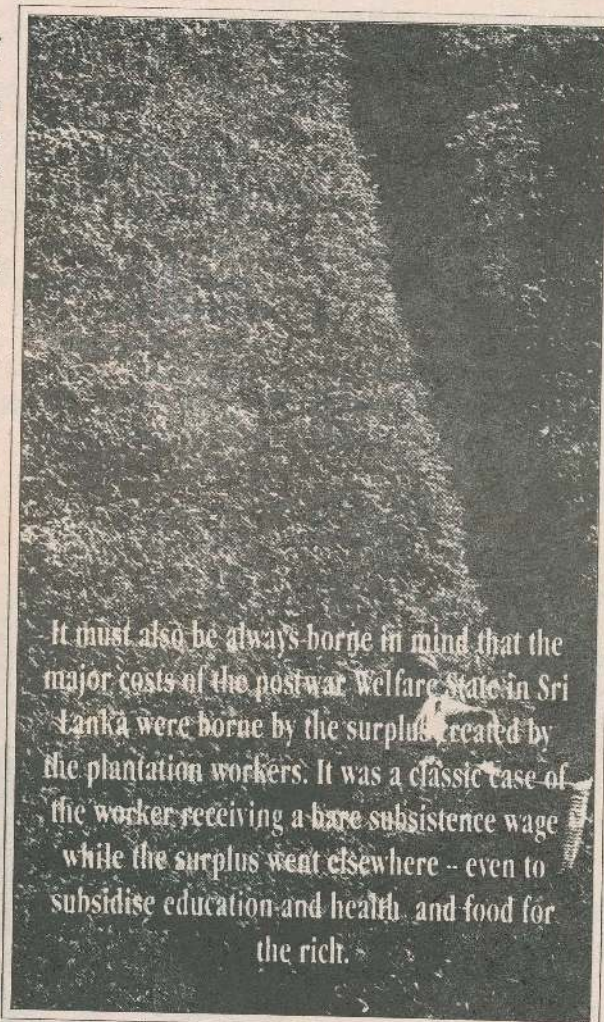
Provided that an employer shall not be bound to provide for any labourer more than six days work in the week".

The 300 days work demand is therefore not a new one.

The SC says that this Ordinance has been "superseded". Would anyone

tell us how, where and when it has been superseded?

Certainly not by a section 8 (i) of Law No 17 of 1978 which guarantees at least 108 pay days every six months but which, according to Justice T.W. Rajaratnam, "Plantation Workers Manual", 1980, p. 13. "does not effect the special rights of the worker for a six day per week work under the Estate Labour (Indian) Ordinance".



It must also be always borne in mind that the major costs of the postwar Welfare State in Sri Lanka were borne by the surplus created by the plantation workers. It was a classic case of the worker receiving a bare subsistence wage while the surplus went elsewhere -- even to subsidise education and health and food for the rich.

Any other privileges

Myth 7: "and other privileges"

What privileges Mr. SC? Please list them for us for we are concerned to know. Or is this the familiar catch-all-or-nothing category indicative of the tendentious slipshodness of the entire article?

To these 7 Myths we may add yet another:

Myth 8: "During the nationalisation

period the Government subsidised the State Management Agencies which ran at a tremendous loss".

Reality: the myth is repeated time and time again, sometimes in high places, but does not seem to have a basis in reality. According to figures carefully collected from the Central Bank Annual Reports 1973-1991, the Government tax revenue from the tea estates was Rs. million 29,038.1 while the total subsidises was Rs. million 2,397.4, or only 8.3

percent of the total tax revenue. If the rubber estates are included the total revenue from tea and rubber was Rs. million 41,740.0 while the transfer to the JEDB, SPC and the Tea Small Holdings Development Authority was Rs. million 2,834.0 or only 6.79 percent of revenue.

If a person earns an income of Rs. 5000/- per month of which direct and indirect taxes of Rs. 1500/- are paid to the State, while a sum of Rs. 500/- is returned by the way of subsidies (now, in any case, on World Bank - IMF orders, on the way out), the net gainer is the State and the net loser the incomer earner.

It must also be always borne in mind that the major costs of the postwar Welfare State in Sri Lanka were borne by the surplus created by the plantation workers. It was a classic case of the worker receiving a bare subsistence wage while the surplus went elsewhere -- even to subsidise education and health and food for the rich.

To know exactly how much the Government earned by way of tax revenue from the new Private Plantation Companies and how much the Government returned by way of subsidies we shall have to await the 1993 Central Bank Annual Report. It may possible be discovered that the State has done the Companies well and in a way that it did not perform towards the State agencies during the period of nationalisation. ■

SRI LANKAN SPORTSCENE - ANOTHER AUGEAN STABLE?

There was a time in the recent past when we Sri Lankans prided ourselves on the fact that we had reached world standards in sports. Was it simply that typical Sri Lankan trait of flattering only to deceive? Or was it just cock-eyed administrators who pushed our sports to the present abysmal depths? Our **cricketers** were trounced by an innings in each of the three tests against India losing all matches by the fourth day. In the one-day series they escaped a total whitewash by scrambling to a hollow win in the last game when India rested its key players and our target was reduced due to rain.

Our Davis Cup **tennis** team were thrashed by Thailand but this was to be expected because players, officials and the Sports Ministry were playing ping-pong with the team selection! The coach resigned, a senior player who had declared himself unavailable due to exams suddenly decided he could play. To cap it all another person who was earlier sidelined was coaxed into accompanying the team as manager cum coach.

Our recently successful **athletes** all started clamouring for houses which had been promised to those who struck gold. No inquiry was held after the SAF games on the overall performance of the team or the official who got into trouble during the Games and on the return flight home.

At least our **netballers** can have some claim to consistency -- they have retained the same squad of players since 1984!

Our **rugby football** selectors must be a very optimistic lot if they expect a "veteran" to deliver the goods when he is about five years past his prime. Our team is just cannon fodder at the annual HongKong Sevens and unless we look sharp we will not be invited next time round. An official sent to London for a seminar promptly sought political asylum!

Our **badminton** and **table tennis** teams spend more time writing petitions than attending practices. Even when the composition of teams appear tight suddenly reputed singles players find themselves playing doubles as what happened to our shuttlers recently.

Half our **weightlifting** team is still missing -- lost in Europe after a recent tour.

Our **soccer** cannot be faulted -- both administrators and players have played "pandu" at every opportunity.

Our sports is in a mess. The need of the hour is administrators with the ability to rise above personal glory and gain. A good start would be to have people whose connections with the sport go beyond photographic "evidence" -- right to the playing fields.

Even Hercules would have hesitated -- Mr Sports Minister -- the Augean stables beckon -- will you take up the challenge? ■

Sri Lanka's pathetic performance on their recent six-week tour of India has exposed several weaknesses in our whole cricketing structure and finally proved that money can buy even our cricketers.

We were soundly thrashed by an innings with a day to spare in all three tests. In the one-day games we escaped another 3-0 whitewash by winning the last game which was already undervalued as India had rested its key players and we had a reduced target.

In the first side game on the tour our team went "missing" and we almost forfeited the game because we forgot the fundamentals of cricket and thought it perfectly all right to go shopping if there was no chance of play!

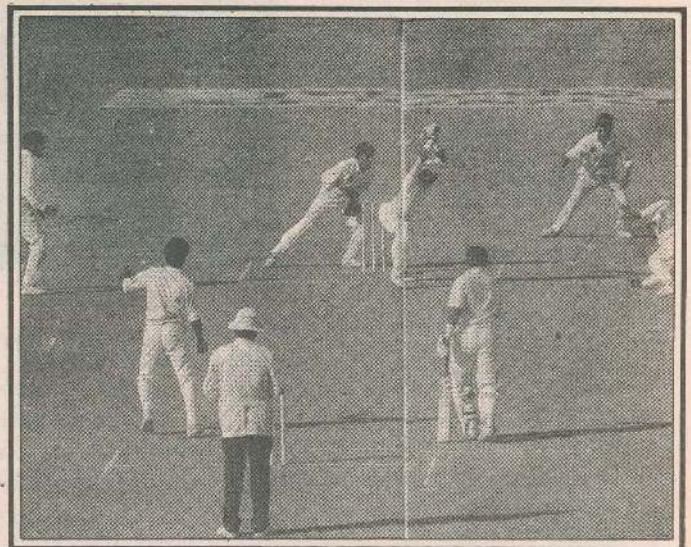
As usual the excuses were plenty -- Indian umpires were biased, we had been playing too much cricket -- the whingeing went on. Our

tour management even went as far as to lodge an official complaint against the Indian umpires -- not cricket is it? Especially from a country whose own umpires and officials are far from straight! To add to the comedy, our own Cricket Board wasn't even aware of the official protest lodged by the tour management.

The Indian umpires -- like their counterparts all over the world -- are known to give the benefit of the doubt ALWAYS to their own teams. Various reasons are attributed to this -- in our part of the world it seems the only way to ensure that one is regularly picked to umpire.

It is perhaps ironical that the last test match where two local umpires officiated together had to involve India and Sri Lanka -- the two countries where bitterness over umpiring has been the worst.

The ICC ruling that a third country umpire will



Left-arm spinner Venkatapathy Raju scores a crucial strike when he gets Tillekeratne caught by the captain.

The Indian Experience -- Sri Lanka's worst ever show!

officialate with a local umpire in all future tests took effect from 1st March this year. This is a welcome move and will now help create a freer atmosphere for all touring teams.

Our cricketers can have no excuses. They are now seasoned professionals and should be able to overcome their emotions over umpiring and get on

'Twixt slip and gully

with the game.

The Indian press was the first to acknowledge that the Sri Lankans did suffer from some umpiring "blunders" but were quick to point out that the gulf between the two sides was so big that the few decisions would not have made that much difference.

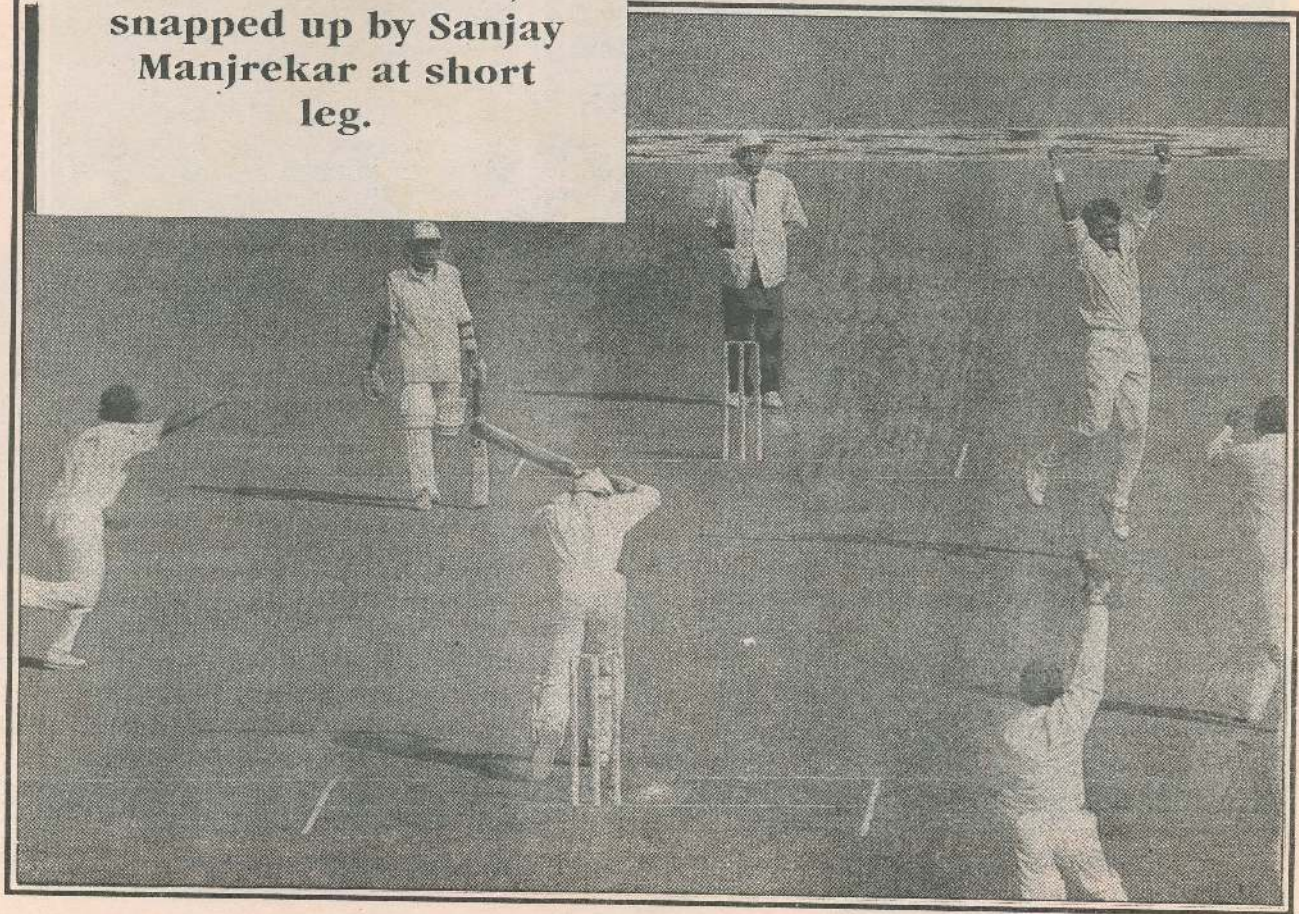
What is really difficult about these umpiring controversies is that most people concentrate on the decisions that resulted in dismissals. What few people realise is that more damage can be caused by a batsman who gets the benefit of the doubt before he scores and then goes on to make a big hundred. Navjot Sidhu did this in the first test!

Prior to this tour our eternal complaint was that our openers do not give us

a good start and it is always the middle order that carries the whole burden of the innings. In India it was our reputed middle order that let us down so badly. In the first test after a superb opening stand of 120 the rest caved in. There was no controversy over most dismissals in the middle order and the question on everyone's lips was that if Roshan Mahanama could score consistently despite the umpires what happened to his illustrious team-mates?

Cricket Manager

Kapil Dev scalps Hashan Tillekeratne, his 432nd victim, snapped up by Sanjay Manjrekar at short leg.



Bandula Warnapura had a strange explanation for this to the press corps. According to Warnapura, our batsmen were encouraged to hit out at every opportunity because they knew before long they would be done in by the umpires! Warnapura was immediately recommended for special inclusion in Ted Dexter's Book of Excuses -- remember Dexter ever blamed the stars!

Marvan Attapattu has become the sacrificial lamb of our cricket selectors. Attapattu should have been selected for the very first test and should have batted at number three. If he was not good enough for the first test there was no logic in playing him in the

third especially in place of Sanath Jayasuriya who had just hit good form in the previous game! Attapattu is still far ahead of his colleagues in talent and reading of the game and must be allowed to bat at a position which suits him -- at three or four. He has a world record of sorts already but let's hope he can translate these setbacks into more tangible achievements.

Our cricketers are really a funny bunch of guys, aren't they? One minute they are crying about the umpiring and hectic schedules and the next minute they are off for a clandestine "benefit match". The Cricket Board must pull up their socks or they may not last even the few months left they have

in office. The Board refused the cricketers permission to stay on in India but the team outwitted them by returning to Sri Lanka only technically -- spending a short while in the airport before returning to India along with the captain's brother and the Moratuwa boy!

To rub salt in the wound four senior cricketers went back for a second time in four days to play in yet another match. Does the Cricket Board know that all these benefit games were contracted three months ago?

The domestic tournament has very little cricket in it and very soon will have no sponsors unless there is a drastic change in the Cricket Board's attitude. The

premier tournament of the country is played sans the cream of our cricketers. The few who are here and able to play are quickly grabbed by their employers who rightly insist that they represent their firms at the local tournaments. Why does the cricket board allow two important tournaments involving our best players to be played simultaneously?

A recent game in the premier local tournament had to be abandoned due to the lack of cricket balls! A national player had the audacity to question an umpire on the issue of overruling a previous decision. This player even brought a lawyer on to the field and is the favourite of another sponsor! ■



Rajesh Chauhan nails Ruwan Kalpage, once again held by Azharuddin.

OUT OF DANGER

Heart be kind and sign the release
 As the trees their loss approve.
 Learn as leaves must learn to fall
 Out of danger, out of love.

What belongs to frost and thaw
 Sullen winter will not harm.
 What belongs to wind and rain
 Is out of danger from the storm.

Jealous passion, cruel need
 Betray the heart they feed upon.
 But what belongs to earth and death
 Is out of danger from the sun.

I was cruel, I was wrong --
 Hard to say and hard to know.
 You do not belong to me.
 You are out of danger now --

Out of danger from the wind,
 Out of danger from the wave,
 Out of danger from the heart
 Falling, falling out of love.

James Fenton, 1993



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