

AUM

TEMPLE ENTRY MOVEMENT IN THE NORTH

Published by

**The All Ceylon Saiva (Hindu) Practices and
Observances Protection Society**

JANUARY, 1968.

**ALL CEYLON SAIVA (Hindu) PRACTICES AND
OBSERVANCES PROTECTION SOCIETY**

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PREFACE

The Temple Entry Movement of the panchamar (Minority Tamils) was engineered by certain politicians and the Communists during the latter part of 1966. Fearing that this movement would detrimentally affect the Hindu religion, our Society took various steps to make it ineffective; but the partisan policy of certain sections of the daily press including a local press by giving either distorted versions of our views and activities or by refusing to publish any views opposing the Movement created dissatisfaction and unrest among the Saivites (Hindus) who were anxious to know the pros and cons of this Movement. Therefore, many Saivites who were aware of the activities of our Society relating to this matter were anxious that the views expressed by us on public platforms should be collected and published as a book and copies thereof made available to the public. Consequently, the Executive Committee of our Society resolved that the speeches made by Mr. T. Sivalingam, J. P., President of our Society, at the conferences held at the Jaffna Kachcheri by the Government Agent on the 28th March, 1967, and on the 10th September, 1967, should be collected and published. We have in this publication reproduced his speeches with his assistance. The speeches, besides giving the history of the Movement, cover comprehensively the various aspects of the matter. We hope that this publication, besides giving the Saivites the correct views on the matter based on our Siva Agamas and Puranas and the laws of the country, would also serve as a record of the Movement to posterity.

“Yama Valavu”
Tellippalai, January 1, 1968

T. Arumugaswamy
Secretary

A. CALL TO THE SAIVITES (HINDUS)

The absence of a powerful central organisation for the Saivites (Hindus) to speak with one voice on matters relating to our religion has been the cause of disintegration of our faith. Besides this, the Saiva society has so degenerated that the leadership on religious matters is being conferred, not on erudites on the Vedas, Siva Agamas, Puranas and other Saiva Scriptures, who observe and practise their religion according to such doctrines, but on those who have gained high positions in society through only western education and culture. Consequently, the voice of those, who should be accepted as the real leaders of the Saivites, is only a cry in the wilderness.

A Central Hindu Organisation that was created a few years ago has by its attitude towards the present Temple Entry Movement of the Panchamar in disregarding the Vedas and Siva Agamas appears to have lost the confidence of the majority of the Saivites to be considered as a Central Organisation acceptable to the Hindus.

We, therefore, request all Saivites most humbly in the interest of our religion to render all possible assistance to our Society in its endeavour to preserve our religious observances and practices unaffected by the impact of western civilization and political strategy and also to promote our faith to regain its past glory. With this in view, we passed the following resolutions recently and are persuing them zealously to achieve our objects:-

- (1) No Brahmin or Saiva Priest, who does not wear a lock of hair in accordance with our Saiva Scriptures, should be allowed to officiate in any Saiva Temple as Officiating Priest;

- (2) No Saiva wedding ceremony should be conducted in any part of the Inner Temple, but such weddings may take place in the outer Mandapam ;
- (3) Transfers of Brahmin or Saiva Teachers, who officiate in Saiva Temples as priests, merely as a service to our religion, will be detrimental to the interests of the Saivites and the Saiva religion, particularly because there is a scarcity of Priests at present;
- (4) All Hindus in Public Service should be granted 2 hours leave every Friday either in the morning or in the afternoon for purposes of religious worship on such days;
- (5) For the preservation and advancement of the Hindu culture and religion, a Hindu University is essential, and that the Government be requested to establish such a University in Jaffna for which Hindu endowments and funds are available;
- (6) To prevent cow slaughter in Saiva areas, as a first step, processions of cows should be conducted by the Saivites in all such areas in the Jaffna Peninsula

Saivites! awake, arise, be conscious of your religion, be proud of your religion as it is the most ancient religion of the world. Make up your mind immediately to join as a member of our Society. The membership fee is only Re. 1/- per month or Rs. 10/- per annum, while the life membership fee is only Rs 100/-. We assure you of our best service to the Saivites and the Saiva religion. Every cent that will be collected by the sale of this publication will be utilised for such service.

“Vimalasthan”
Chunnakam, January 1, 1968.

T. Sivalingam
President

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TEMPLE ENTRY MOVEMENT IN THE NORTH

SPEECHES MADE

by

THE PRESIDENT

(Mr. Thambipillai Sivalingam, J. P.)

of

The All Ceylon Saiva (Hindu) Practices
and Observances Protection Society

AT THE TWO CONFERENCES

of Senators, Members of Parliament
of the Jaffna District,
Divisional Revenue Officers,
the Superintendent of Police, N. P.,
Managers of leading Hindu Temples
in the Jaffna District
and the President of the All Ceylon
Saiva (Hindu) Practices and Observances
Protection Society

held on

March 28 and September 10, 1967,

at the Jaffna Kachcheri,

presided over by the

GOVERNMENT AGENT, JAFFNA,

(Mr. Vernon M. Abeyasekera, C. A. S.)

who convened these Conferences
with the object of settling peacefully
the violent agitation

of the Minority Tamils

for entry into Hindu Temples.

PART I

CONFERENCE HELD ON MARCH 28, 1967.

The Government Agent, Jaffna, opened the discussions, informing the assembly of the purpose for which the conference was being held and indicating briefly that the Minority Tamils should be allowed to enter into Hindu Temples as the Prevention of Social Disabilities Act gives them the right to enter into such temples and that India, from where Hinduism originated, had already set an example in the matter and that we should follow her foot steps unhesitatingly and that although the law was there to achieve the desired object, he was reluctant to resort to the law on a religious matter, and, therefore, he earnestly requested the managers of Hindu temples to give deep thought to the matter and to arrive at a satisfactory solution to achieve the object of the Temple Entry Movement peacefully.

Immediately after the Government Agent finished his speech, Mr. T. Sivalingam, J. P., addressed the assembly :

Mr. Chairman and Gentlemen,

May I have your permission to speak in English, and, at the end of my speech, give the substance of it in Tamil for the benefit of those who cannot understand the English language as I am anxious that the Chairman, who will not be able to understand well my speech in Tamil, which is not his mother tongue, should

have direct knowledge of my submissions here without receiving them through an interpreter as it would be helpful to me to drive my submissions profoundly into his mind (*in Tamil*). There was no objection to this request.

Panchamar

Temple entry for the so called Minority Tamils, who are known as Panchamar or Sandalas according to our Saiva Scriptures, is not a new subject to the Saivites or to the Government of Ceylon. I wish to refer to the Minority Tamils as Panchamar avoiding the use of the term Sandalas as it carries a painful stigma by usage. The expression Minority Tamils, which seems to have been coined with much effort to avoid the use of the correct expression low caste Tamils, cannot apply to the panchamar, if it really signifies their numerical strength in the Tamil society, since it is the Brahmins in Ceylon, whose numerical strength is very small and who are really the oppressed and suppressed class of people today economically and who should, therefore be called as Minority Tamils.

History

About eighteen years ago, when the late Hon. Mr. D. S. Senanayake was Prime Minister, certain Saiva Members of Parliament requested him to introduce legislation to prevent animal sacrifice in Saiva temples and also to compel managers of Saiva temples to allow the panchamar to enter into such temples for purposes of worship. The late Prime Minister, without following the undemocratic example set by the Indian Government, acted wisely and democratically by appointing a Commission in order to obtain the views of the Saiva public. The Commission, under the Chairmanship of the late Mr. K. Kanakaratanam, who was the M. P. for Vaddukkoddai

at that time, had several sittings in all parts of the Island, and submitted its report. A Bill was drafted to give effect to the recommendations contained in the report of which temple entry to the panchamar was one. As there was much opposition to the proposed legislation based on sound religious grounds, it did not find a place in the Statute Book, but lies buried in the archives. I understand that some shrewd politicians and westernised Saivites are making frantic efforts to resurrect this Bill. It may not be irrelevant if I say here that the late Mr. Kanakaratnam, who agitated for this Bill lost his seat in Parliament in the subsequent General Election because of his unwise agitation for Saiva religious reforms against the will of the people.

The report of the Commission contains voluminous evidence for and against temple entry to the panchamar, but if you examine the evidence of those who advocated temple entry, it would be seen that they were the evidence of Saivites most of whom had only a superficial knowledge of Saivism and were either self-appointed leaders or assumed leadership because of their high positions in Government service or other public institutions and whose traditional Saiva culture and true religious consciousness have either been submerged in or washed away by the inundation of western civilisation.

Peaceful Entry

After the draft Hindu Temporalities Bill was buried, there was absolute silence on the matter until the Prevention of Social Disabilities Act became law in 1957. This Act was not enforced immediately it became law, but some Saiva social reformers who were in high positions in Government service or other walks of life

were able to influence the managers of a few Saiva temples in or near the Jaffna town and had the doors of certain temples (viz: the Nallur Kandasamy Temple, the Vannarpannai Sivan Temple, etc) opened to admit the panchamar. This was done very peacefully and without much hue and cry, pomp, agitation or threats from the panchamar against the high caste Saivites. Although this act brought dissatisfaction and dismay to the Saivites as it was against their religious doctrines, no one revolted against it or resorted to violence to undo what has been done. Their restraint is praiseworthy and it reveals the noble characteristics of the high caste Saivites.

The Origin of the Movement.

Thereafter, the panchamar did not clamour for their admission into all the other temples in the North; but during the latter part of 1966, some leaders of the panchamar, who are mostly Communists or D. M. K. party followers, assisted by some Christians and Federalists held meetings in Jaffna under the Chairmanship of certain Christians to organise themselves to enter forcibly into the Saiva temples in the North and with this object in view passed resolutions to perform satyagraha first in the premises of the ancient and most venerated Kandasamy Temple at Maviddapuram. If you look deeply for the reasons for this joint action, you will find that it was chiefly for political gains and not for any spiritual attainments. The panchamar have unwittingly made themselves tools in the hands of these political miscreants, each of whom has an axe to grind: the Communists and the D. M. K. party, who had lost their bearings in the South swept by the forceful current of new religious awakening there, found in this movement a fertile soil in the North to sow their seeds of discontent which will

eventually result in disturbances and riots in which they usually thrive with renewed vigour; and the Federalists, who had lost their political battles for the emancipation of the Tamils in all fronts are trying their luck in this movement as the last ditch where if the battle is won, they hope to build up their depleting party strength; the Christians joined this movement because they feared that with the departure of the Englishman from Ceylon after Independence, their religion which is foreign to this country would fade away against the Buddhist and Hindu renaissance which is now shaking the country from its religious slumber, and are, therefore, trying to destroy the vital roots of the Saiva religion through this movement.

**The All Ceylon Hindu Temples Managers Society
and The All Ceylon Saiva (Hindu) Practices and
Observances Protection Society.**

On hearing of this riotous movement, the managers of Hindu temples in the North formed a Society known as the "All Ceylon Hindu Temples Managers Society" and made representations to the proper authorities requesting them to take immediate steps to nip this movement in the bud, as it was feared that it would gradually develop into caste riots all over the country setting the clock back in social matters among the Tamils and thus hinder their social progress that was making its way beautifully, smoothly and unconsciously. At the same time, some of the leading Saivites who got perturbed that the movement would destroy the Saiva religion and open the door for Communism formed themselves into a Society known as the "All Ceylon Saiva (Hindu) Practices and Observances Protection Society" and are holding meetings at various parts of the Peninsula to educate the Saivites on religious matters and thus fortify them, especially the younger

generation, against Communism and its consequences in the Saiva society.

**Panchamar did not accept
Government Agent's suggestion.**

We are aware, Sir, that you acted wisely in this matter by having discussions with the leaders of the panchamar and the managers of the Maviddapuram Kandasamy Temple and certain other temples to settle the matter amicably and finally decided to have propaganda meetings in all parts of the Peninsula to persuade the Saivites to find a way to comply with the request of the panchamar and instructed the Divisional Revenue Officers to hold such meetings. As the panchamar did not accept this peaceful procedure to achieve their object and were growing impatient and restive because you were delaying the enforcement of the provisions of the Prevention of Social Disabilities Act, you have, as the last resort to achieve your object of a peaceful settlement, convened this conference.

Social disabilities among Panchamar.

I have so far given you briefly the history of the Temple Entry Movement from its very inception. Before I proceed further and submit our objections to the admission of the panchamar into our temples from a religious point of view and also prove to you the invalidity of the law that you are trying to enforce, may I know, Sir, whether this movement aims at securing social benefits or spiritual attainments to the panchamar (*no answer*). Well, if it is a social matter, and the movement is intended to raise the social status of the panchamar by enabling them to rub shoulders with the high caste men and women in our temples, I suggest to the

Communists, Christians and Federalists that they should first see that there are no caste distinctions and cruelties among the panchamar. The Nalavas are not allowed to enter into the houses or temples of the Pallas and so are the Pariahs, Thurumpas and Sakkilias treated. They will not interdine or intermarry among themselves. A few months ago, a Sakkilia was belaboured by some Pallas for having drawn water from a well generally used by the Pallas at Thaiyiddy, and, in that connection a case was instituted at the Mallakam Court. First let the panchamar put their houses in order and form themselves into one society without caste distinctions and caste cruelties. So long as there is superiority or inferiority created by birth among themselves in more acute form than among the high caste people, the panchamar should not clamour for equal rights with the high caste people in temples.

Caste distinctions in Churches

Caste distinctions appear among Christians and Buddhists as well. In Christian churches, in certain villages in Jaffna, the low caste Christians cannot enter into the churches of the high caste Christians for purposes of worship, and in other Churches, separate seats are provided for the low caste Christians.

Panchamar have their Temples

Looking from a spiritual point of view, the panchamar have their own temples for purposes of worship and, therefore, the movement cannot be considered to be an endeavour to quench their thirst for spiritual attainments. If they do not have adequate number of temples to meet the requirements of the fast growing population, particularly among them, it is the duty of the Government, which is lavishly spending on Buddhist temples, and

their supporters to build new temples for the panchamar in rural areas. With the ever increasing population, our temples overflow with worshippers on certain special occasions.

In India

At the commencement of this conference you drew our attention Sir, to the example set by India in opening the doors of all Hindu temples for the entry of the depressed classes there. I am glad you made this reference as it gives me an opportunity to dispel from the minds of the people in Ceylon certain misconceptions they have about temple entry in India, and also to point out the circumstances which forced India to sacrifice religion at the altar of politics. India, as you are aware, Sir, is a vast country with a pretty large population of depressed classes. The two Communist countries (viz: Russia and China) on her borders were frantically wooing the depressed classes to set their feet firmly in the Indian soil for political reasons. The Indian Congress, which was the governing political body at that time, as at present, fearing the overtures of the Communists, strained every political nerve to raise the social status of the depressed classes even at the cost of religious doctrines or principle in order to ensure a United Indian Nation. To achieve this object, the Congress found the desired leadership in Mahathma Gandhi, who had been preaching long against untouchability, and also in Mr. Jawaharlal Nehru, who was a socialist with a pro-communist bias; while Dr. Ambedkar, a depressed class person with his threats of embracing Buddhism if the social status of the depressed classes was not raised, was in charge of the drafting of the Indian Constitution, and so the necessary legal provision was made in the Indian Constitution without

any opposition. Consequently, the Indian Government enacted the law necessary to remove social disabilities. The provisions of the law, I understand, were enforced with much pomp only in the case of a few important temples in large cities, while the temples in the rural areas still remain unaffected by the law. From these facts, it will be seen that the Indian Government adopted an undemocratic procedure in that it failed to obtain the views of the Hindus on such an important matter ; and when the law was enforced, the Hindus were taken unawares. In Ceylon, such a political situation does not exist as only a handful of local Communists are trying to create trouble in the country only to show to their foreign principals that they are doing something for the money they are receiving from them.

Vedas and Siva Agamas

Our main objection to the temple entry movement is based on our Vedas and Siva Agamas which are the revelations of God Siva. I do not wish to go into their details to establish this truth beyond any doubt as it will take much of our time and I do not think that it is necessary as every Saivite here including the Members of Parliament will accept this truth. Saiva temples are built in accordance with the rules set out in the Agamas, and our religious practices including worship and religious observances are also in accordance with such Agamas. In the Uththarakarana Agama, which deals with worship in Saiva temples, it is clearly indicated in which different Halls (Mandapams) the four classes of Saivites, viz: the Brahmins, the Shaththiriyas, the Vaisikas and the Suthiras should remain for purposes of worship. Even among the Brahmins, there are three sub-divisions in the allocation of halls. Only the officiating Brahmin can enter the

Holy of Holies (Katpakrakam) and the Brahmin, who reads the Vedas, should remain in the third hall and should not go beyond that. The Suppirabhetha Agama lays down the different forms of purification ceremonies if any panchamar knowingly or otherwise entered or remained in any part of the inner temple. From these facts, it will be seen that the panchamar are precluded by the Siva Agamas from entering into the temple premises beyond the main entrance (Rajakopuram). Even we Suthiras cannot enter into the halls assigned to the Brahmins and we are not clamouring for such entry. Any breach of the Agamas with its attendant evils will shake the foundations of the Saiva religion and open the door for Communism. Kerala, in India, where the temples were thrown open to the depressed classes even before the law for such purpose was enacted, is almost entirely a Communist District today ; and Madras also seems to be shaping up to that end.

Any person who does not accept the Agamic doctrines cannot be considered a Saivite and such a non-Saivite has no right to enter into Saiva temples built for Saiva worshippers and where all religious ceremonies are done in accordance with Siva Agamas.

The Law

Now I will deal with the law on the matter. The Prevention of Social Disabilities Act, No. 21 of 1957, is so defective that you cannot enforce it successfully. Unlike the Indian Act, which is an act to 'remove' social disabilities, our Act is intended only to 'prevent' the imposition of social disabilities. It will be seen that the Indian act was enacted to remove the social disabilities that existed at the time the law was enacted, whereas the Ceylon Act was designed to prevent

the imposition of social disabilities and, therefore, it will apply only to some new social disabilities that are likely to be imposed and not to the disabilities that existed at the time the law came into effect. The word "have" in the last line of section 3 (b) too supports this interpretation. I find the Chairman laughing at my interpretation of the law (*no, I am smiling*) perhaps he thinks that it is highly impertinent on my part to attempt at such interpretation in the presence of such legal luminaries like Mr. Sivasithamparam & others here. I will quote in support of my interpretation the ruling given in 1960 by no less a person than Justice T. S. Fernando in connection with a case instituted against some panchamar for the defilement of a Saiva temple at Chankanai by their entering into that temple where he has said that sections 2 and 3 of the Prevention of Social Disabilities Act, No. 21 of 1957, do not have the effect of conferring on the followers of any religion a right of entering, being present in or worshipping at any place of worship which they did not have before the Act came into force. (*At this stage, some of the Members of Parliament discussed among themselves, and, thereafter Mr. Navaratnam, M. P. for Chavakachcheri, stated that they would have the law amended suitably*). Thank you for this interruption as it takes my mind to section 29 of the Ceylon (Constitution) Order in Council which I would otherwise have overlooked. May I point out that you cannot enact any law affecting our religion without our consent. I will read section 29, sub-sections (1) and (2) only-

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

- (2) No such law shall:-
Prohibit or restrict the free exercise of any religion.

Therefore, Parliament cannot enact any law restricting the free exercise of our religion in that you cannot impose any restriction on our freedom of building temples according to our Agamas and on our system of allocation of halls to persons of various castes for the purpose of worship in such temples by forcing us to allow the panchamar too into such halls. When you make such request, you are arbitrarily imposing your will on us and thereby you are restricting the free exercise of our religion by curbing our freedom of action in our religious matters.

Caste

I also wish to submit very briefly my views on caste. It was not created by man. It was in existence from time immemorial and there is ample evidence in the Puranas to indicate that even our great Saints strictly observed Agamic doctrines in respect of caste, and, therefore, we laymen should consider it an act of impertinence on our part to violate such doctrines of God and render ourselves liable to the charge of blasphemy. The Buddhists and the Hindus who have great faith in the Karma theory and the transmigration of souls cannot accept the view of one uniform class of people in the world without caste or class distinctions whatsoever. The caste of a person depends on his past karma: that is the result of one's good and evil acts in his past life, and it cannot be wiped off in this birth. Our Saiva scriptures Sivappirakasam and Sivagnana Siththiyar clearly stress this. Even if I wear a holy thread which a Brahmin usually wears, I cannot call myself a Brahmin. The caste cruelties introduced by man based on economic

conditions should disappear as there has been rapid progressive changes in modern society. Such cruelties, I am glad to say with pride, have almost disappeared in the North. The Communists are either fighting the shadow of untouchability or are creating a phenomenon to achieve their object in the North.

Caste cruelties in the South

Caste cruelties in their most virulent form exist in the South and may I ask those Sinhalese brethren, who are making periodical social pilgrimages to the North to fight against untouchability here, to remove the caste evils from their midst first. Recently, at Kaduganawa, in consequence of a caste dispute, several houses of the Roddiyas were burnt down. This political game of divide and rule will one day act as a boomerang to the dismay of those who are trying to be veterans in it.

Success of the movement by peaceful persuasion

Already managers of about 20 temples have allowed the panchamar to enter into their temples not under the threat of enforcement of the law by the Government authorities, nor by submission to the threats of violence by the panchamar, but by peaceful persuasion of certain Saiva leaders. This is the only method that will gradually produce the desired results. For this purpose, harmony should prevail among all castes. I, therefore, request you, Sir, to warn the panchamar and their supporters to avoid provoking the high caste Saivites further by their base vituperations in public platforms or through a cheap press controlled and managed by some low caste person whose inner-self has the natural reflection on his writings, so that time may heal the wounds already inflicted on the high caste people and solve the problem peacefully.

Amendment proposed

I guess from certain statements made by some Members of Parliament here today that an attempt will be made to amend the Prevention of Social Disabilities Act. I appeal to you, Sir, lest you become a victim of their design, to act wisely so that it may not be recorded in the annals of Mother Lanka that a Christian Government Agent recommended legislation and that a Buddhist Government enacted law and destroyed Saivism in Sri Lanka.

Social reforms

In conclusion, may I be permitted to point out that because as President of the All Ceylon Saiva Practices and Observances Protection Society, I oppose the temple entry movement of the panchamar based on sound religious doctrines, I should not be misunderstood to be a person belonging to the old school of thoughts denouncing social reforms. I am an ardent supporter of social reforms conferring liberty and equality to every human being irrespective of caste or creed provided such reforms do not contravene our religious doctrines and are carved within the limits set out by such doctrines. I am not merely a platform speaker, but I always put into practice what I preach. In connection with my several duties as a Justice of the Peace, I receive all classes of panchamar into my house cheerfully, offer them expensive chairs to sit, unlike some gentlemen who only shed crocodile tears for the social emancipation of the panchamar, but offer them only benches and that too in their verandhas or outer-houses. I am happy to see that the panchamar, compared with their social and economic conditions as existed about fifty years ago, are now enjoying unfettered liberty and equality in all walks of life, except private

house entry and temple entry which are private matters of each individual or class of persons respectively, and there is no poverty in their midst today.

I am opposed to fraternity as it will completely destroy our much valued social structure built on religious grounds by great Hindu seers and thinkers and create social chaos which will ultimately deprive our religion of its merits. It will also destroy the much envied characteristics peculiar to the Tamil race and open the door for Communism. I mean fraternity leading to intermarriage and interdining among the various castes, will be detrimental to the interests of the Tamils as a race in the world as it will destroy the much valued heredity peculiar to each varna or caste by birth depending on the blood. Mahathma Gandhi in his *Young India* of February 25 1920, has said that in his opinion the idea that interdining or intermarrying is essential for national growth is a superstition borrowed from the west. Thank you all for your patient hearing.

Mr. S. Thiagarajah, Mr. S. Ponnuthurai Iyer, Brama Sri S. Thuraisamy Kurukal, Brama Sri Muthuswamy Kurukal and a few others also expressed their views against the movement.

Conclusion

After this, Senator Nadarajah, certain Members of Parliament and some managers of Temples also spoke in support of the movement. Mr. Thuraiatnam, M. P. for Point Pedro, stated that about 3 hours have been spent without achieving anything. Mr. Sivalingam said that the only democratic method they could adopt was a plebiscite on this question in respect of each temple or each area although it would not be acceptable to his Society; but

the Members of Parliament did not accept this suggestion as they were aware that over 75% of the Saivites were opposed to the admission of the panchamar into Saiva temples. Thereafter, the Chairman thanked the assembly and closed the discussions with the request that the managers should give further consideration to the matter to arrive at a peaceful settlement.

PART II

MARCH TO SEPTEMBER 1967

After the conference of March 28, 1967, the Congress of All Ceylon Hindu Associations intervened to settle the matter by peaceful persuasion of the managers of temples and succeeded in respect of only 3 temples, and there was a lull in the activities of the panchamar and their supporters till judgement was given at the Point Pedro Court in the Selva Sannathy Temple Case in which two Priests who prevented a panchamar from entering into the temple were convicted under the Prevention of Social Disabilities Act and fined. This case is now in appeal.

This judgement gave an impetus to the Movement, and thereafter well organised attempts were made to enter into Saiva Temples forcibly in various parts of the Peninsula. Consequently, there were caste disturbances and riots in certain villages resulting in two deaths and injuries to several persons caused by bombs and firearms. Several temples were closed down without daily poojas and other religious ceremonies. This created panic in the country and curses were levelled on the Federalists and the Communists. The Saivites were unable to perform their worship in temples peacefully, and are still in constant fear of disturbances in temples by the panchamar who are the aggressive party in these disturbances.

It is suspected that they are being financed by Communists of certain countries outside Ceylon.

At this juncture, the New Law Reports Vol. LXIX-Part 18 which contained the opinion of Justice T. S. Fernando on sections 2 and 3 of the Prevention of Social Disabilities Act was out indicating that sections 2 and 3 do not have the effect of conferring on the followers of any religion a right of entering, being present in or worshipping at any place of worship which they did not have before the Act came into force. This damped the enthusiasm of the panchamar and their advocates of temple entry and the panchamar began to ponder over their misdeeds and the attendant results which affected them economically and set back the clock of social progress deplorably and created caste animosity with renewed vigour. The Police were in a dilemma as regards the prosecutions under the Prevention of Social Disabilities Act. This situation necessitated a second Conference which was convened by the Government Agent, Jaffna, and held at the Jaffna Kachcheri on September 10, 1967.

PART III

CONFERENCE HELD ON SEPTEMBER 10, 1967

The Government Agent

The Government Agent, who presided over the Conference, stated that the Conference was convened to assess the progress that has been made in the Temple Entry Movement since the March Conference and to devise ways and means of accelerating the progress and to make Temple Entry a reality all over the Jaffna District. He said further that where any infringement of the law was reported, the Police had taken action

and that this problem was one which confronted the people in Jaffna and that it was their responsibility to solve it satisfactorily by taking the initiative and securing a solution to the problem through good will and good sense. He also stated that since the last Conference, four temples (one in the Islands and three in the Peninsula) had opened their doors and admitted the depressed classes, but there had been some ugly incidents at Achchuvely, Chankanai, and Kodikamam where the troubles were fermented by certain political parties from other parts of Ceylon. In conclusion, he said that the achievements already made indicated a trend towards the definite success of the movement and invited the members of the Assembly to express their views on the matter.

Dr. T. Nallanathan

Dr. T. Nallanathan, Trustee of the Saddanatha Sivan Temple, Jaffna, speaking in support of the Temple Entry Movement said that the Vedas and Siva Agamas were revelations of God, but they had undergone many changes in the hands of interested parties and in support of this view quoted a Puranic story and that we should not, therefore, accept anything repugnant in the Agamas to the admission of the panchamar into Saiva Temples as genuine doctrine revealed by God and deny the panchamar the right to enter into Hindu Temples, and that if we did not allow them, all those who were concerned with such denial would find their places in Hell. He also pointed out that the Holy of Holies (Katpakirakam) in Saiva Temples are not kept clean by the Brahmins and that in a Sivan Temple in Colombo, the droppings of bats which infested the Katpakirakam served as the Apisheka offering to the Idol installed there. When the Holy of Holies in such a temple is kept so unclean by the

Brahmin Priests, who could say boldly that the admission of the depressed classes into such temples would cause defilement of such temples. In conclusion, he said that the Saivites would be great sinners if they did not admit the depressed classes into Hindu Temples and appealed to the Saivities to make up their minds to admit them into Saiva Temples.

Mr. T. Sivalingam, J. P.

Mr. Chairman and Gentlemen,

I was the first speaker against the Temple Entry Movement at the last Conference held here in March, and today I came here with the idea of refraining from making any speech as I did not wish to arrogate to myself a leadership on this opposition to the Temple Entry Movement; but certain remarks made by Dr. Nallanathan affecting our religion had drawn me here like a magnet.

Comment on Dr. Nallanathan's remarks

I am glad that a Saivite of the calibre of Dr Nallanathan is participating in the discussions here today. I held him in high esteem with respect as he is one of the few Saivites who daily perform Siva Poojah and I do not, therefore, wish to say anything that will hurt the feelings of such a Saivite.

We Saivites are grateful to him for having stated here today so boldly the inexorable fact that the Vedas and Siva Agamas are the revelations of God Siva and also for having indicated briefly that Saivaism is the most ancient religion of the world and is over millions of years old and that the assessment of its period of existence begins from each Katpa and innumerable Katpas had already passed; but the so called broad minded Saivites are

reluctant to accept these truths and cry that the Vedas and Siva Agamas require modifications to suit the whims and fancies of modern Social Reformers without realising that Society should be built up and shaped within the framework of religion to ensure a happy life and harmony in the world instead of trying to modify our religious doctrines to suit some of the rabid social changes. Such modifications are possible only in other religions made by great Saints born as human beings at certain times for the salvation of man as the history of each such religion reveals; but Saivism which originated as revelations of God Siva at the beginning of each Katpa had produced during each Katpa period several Saints, Seers and Thinkers who had accepted the Vedas and Siva Agamas and lived in accordance with the doctrines thereof without agitating for any modifications whatsoever; while we laymen who have neither a sound knowledge of the Saiva Scriptures nor any spiritual attainment whatsoever are calling ourselves Religious Reformers and are agitating for the modifications of our doctrines. He, who does not believe in the Vedas and Siva Agamas, is not a Saivite and, therefore, has no right to speak on any matter relating to a Saiva Temple or worship in such temples.

Dr. Nallanathan informed us that although the Agamas are the revelations of God, they had undergone many changes in the passage of time under the hands of interested persons and that the denial of temple entry to the panchamar should be considered as one of such changes in our Scriptures. With due respect to Dr. Nallanathan, may I say that if he or any other person in this assembly proves to me beyond any doubt by whom the modifications or interpolations in question

were made and when and why, I shall without any hesitation accept their views on the Temple Entry Movement and also advise our supporters to withdraw from the field of opposition to the Movement.

The silence of the audience implies that Dr. Nallanathan and his supporters are unable to substantiate their statements and are therefore making false statements regarding our Scriptures. This reminds me of an opinion given by the late Justice Nagalingam on what our so called civilised Saivites and others call superstitions in respect of our religious observances and practices. At a certain funeral when an eminent judicial officer asked him whether he had faith in the practice of singing religious hymns in funerals to bestow certain benefits on the departed soul, he replied that till some competent person well versed in the Vedas and Agamas did some research into our religious observances and practices that are now called superstitions and proved to him beyond any doubt that they were really superstitions, he had great faith in everything our ancestors did and practised. This should be our outlook on all our religious matters and that would be in keeping with the traditions of true Saivites. We should, therefore, refrain from making wild and blasphemous statements about our Scriptures.

Dr. Nallanathan also pointed out that if we did not allow the panchamar to enter into our Saiva Temples, we would be definitely consigned to Hell. I wonder whether all the Saivites who died during the past millions of years are in Hell, and if that is so, I am glad that for want of space we may be shut out from Hell.

I was perturbed and also felt humiliated as a Saivite when Dr. Nallanathan used bat's droppings in relation to Abisheka to God Siva. I do not wish to take him

to task for having made such blasphemous remark ; but I only wish to point out to him that as a Saivite, even if the Holy of Holies (Katpakirakam) in a Saiva Temple was so unclean, he should avoid making such a statement in public ; and that it was his duty as a Saivite to have pointed out that to the Temple Authorities and had the Katpakirakam cleaned, instead of trying to add more droppings and destroy its sanctity further by the condemnation of the Agamas.

Dr. Naganathan — “Withdraw, withdraw.”

Why, I did not use the word droppings in relation to any person or persons. I only indicated that instead of causing further defilement of a temple, we should endeavour to remove the dirt that is already there.

A Voice—Mr. Sivalingam only used the word that Dr. Nallanathan spoke a few minutes ago, and, therefore, there is nothing wrong in using that word.

Very well, if Dr. Naganathan thinks the word droppings used by me implies the panchamar, I withdraw that as I do not wish to hurt the feelings of the panchamar, whom I am always assisting in their social progress.

Caste discrimination in Christian Churches

What surprises me is that Dr. Naganathan, who is a devout Catholic, is taking so much interest in securing the admission of the panchamar into our Saiva Temples while in Catholic churches, the panchamar are provided separate seats in the wings of the churches and they dare not occupy the seats reserved for the high caste Christians.

Dr. Naganathan — “Shame, shame.”

Why do you cry “shame” here Dr. Naganathan, first put these matters to right in the Chirstian religion before you

take the role of a Hindu Reformer. At Sillalai and certain other places, I am informed that the low caste Christians are not allowed to enter into the churches in which the high caste Christians worship. First enforce the Prevention of Social Disabilities Act, if you consider it a valid Act, to admit the panchamar into Christian churches without any discrimination whatsoever. The only difference among the two assignments is that in a Saiva Temple, where there are several Halls (Mandapams), we are assigning different Halls according to caste, whereas the Christians who have only one Hall in their church are assigning different seats in the extreme ends or wings of the Churches for the low caste Christians.

Who is responsible for the enactment of the Prevention of Social Disabilities Act

I have so far commented on certain statements made by Dr. Nallanathan here today, now coming to the main subject under discussion, first let us examine who are the persons really responsible for all the unrest, misery, bloodshed and religious persecutions during the past few months in Jaffna. The Prevention of Social Disabilities Act is the law enacted in 1957 by the late Prime Minister S. W. R. D. Bandaranayake in consequence of a motion brought in Parliament by the late Mr. Rajavarothayam and seconded by the late Mr. Vanniasingam. One lamentable feature relating to this legislation is that all those who were responsible for the enactment thereof had untimely death. I do not think they were given by the people a mandate to introduce any religious reforms. Even if they desired to introduce such reforms, they should have obtained the views of the people through a Commission or in some other democratic manner.

Mr. Amirthalingam — Do you know that Mr. Rajavarothayam was the Trustee of two Hindu Temples at Trincomalee.

I know that well as I lived at Trincomalee for about an year and I consider him a great Saivite so far as the management of the temples was concerned; but do you know Mr. Amirthalingam that the Trincomalee Town Samugam, as in any other, town is a "Samparu" Samugam (Society) — a cosmopolitan society since the population comprises people of different nationalities and religion.

Mr. Amirthalingam—why do you call them a "Samparu Samugam".

I will explain that to you. If you make a curry out of brinjal, it will give its natural taste, so will be plantains or beans when cooked separately, but when they are all cooked together to make a "Samparu", each of such vegetable loses its natural taste and an artificial taste appears in the "Samparu" so prepared. Similarly, in Trincomalee Town where there are citizen of various nationalities and religions, the natural outlook on religion changes to something artificial to befit a cosmopolitan atmosphere; but it is not so in the Jaffna Peninsula, particularly in the rural areas where the individuality of each citizen is zealously preserved and, therefore, we should not consider that what is good for Trincomalee should be acceptable to the people in the Jaffna Peninsula. Despite the impact of foreign religions on the Saivites, there are many great Saivites in Trincomalee.

Puranas

At the last Conference, I based our objection to the admission of the panchamar into Saiva Temples on

our Saiva Agamas and Vedas. Today I wish to draw your attention to our Puranas and Ithikasas. As the time allotted to me today will not permit me to speak at length, I will cite only two instances from the 'Periya Puranam' in support of our objections.

As most of you are aware, we rever Nanthanar as a great Saint although he belongs to the Pulaiya caste. At the Thirupunkur Temple in India, a few days before he attained his Mukthi (Salvation) he stood in the Hall where the panchamar used to remain and worship, and wept over his inability to see clearly the image of Siva in that Temple as the Nanthi was hiding his view. God Siva was aware of the height of Nanthanar's piety and devotion and was anxious to give him the desired "Tharisana". For that purpose, he did not invite Nanthanar into the Temple because his birth in a low caste as a result of his past karma denied him the right to enter into a Saiva Temple; but he made the Nanthi move to a side to grant Nanthanar the desired tharisana. The Nanthi in this position can be seen at Thirupunkur Temple even today. Thereafter, God Siva informed the Thillaimoovayiravar in their dream that Nanthanar would be there on an appointed day to attain Mukthi after going through a process of purification by immersing himself in the fire that the Thillaimoovayiravar should prepare for that purpose. Accordingly, Nanthanar immersed himself in the fire, cast his karmic body and appeared in the body of a Brahmin wearing a thread and attained Mukthi. From this, it is clear that God Siva had shown to the Saiva world that Nanthanar, because of his birth in a low caste as a result of his past Karma, cannot secure admission into a Saiva Temple built and administered according to the Siva Agamas beyond the Hall allotted

to such persons and that no discrimination is made from a caste point of view in the bestowing of spiritual merits on persons who have attained spiritual perfection.

I will also cite another Puranic story in support of our views on this Temple Entry Movement. Saint Thirugnana Sampanthar, who was a Brahmin by birth, was always accompanied in his pilgrimage to the various temples in India by his 'Yarl' player Thiruneelakanda Jalpanar who is said to be of a low caste. While Sampanthar entered into the temples, Jalpanar remained outside the Main Entrance. Does this not show that even Saint Sampanthar, who showed compassion towards all human beings irrespective of caste, strictly observed the Agamic doctrines as such observance was essential to keep those who are born in a low caste family conscious of their degradation in this birth owing to their past evil Karma and to work for the purification of their souls for the attainment of spiritual benefits in the future. These two Puranic stories indicate beyond any doubt that the Panchamar have no right in this birth to enter into a Saiva Temple beyond the Hall allotted to them in each Saiva Temple. They may build temples for purposes of their worship separately.

THE LAW

Justice T. S. Fernando's opinion on sections 2 and 3 of the Act

As regards the law on this matter, I pointed out at the last Conference that the Prevention of Social Disabilities Act is defective and that temple entry for the panchamar cannot be secured by enforcing its provisions as it does not give any new rights to them and in support of this view I cited the opinion of Justice T. S. Fernando on sections 2 and 3 of the Prevention

of Social Disabilities Act given in connection with the Chankanai Temple Entry Case. Some of the supporters of the Temple Entry Movement laughed at my interpretation of the law on that day; but today I have before me N. L. R. XLIX - Part 18 in which the opinion of Justice T. S. Fernando on the provisions of the Prevention of Social Disabilities Act in respect of worship in temples appears as case law.

Mr. Amirthalingam—Supreme Court has not yet accepted it.

Well, Mr. Amirthalingam, you may have studied the law and obtained a certificate to practise as an Advocate in a Court of Law. and thereby you have acquired the right to speak with authority about law. Although I don't possess such a certificate, I may tell you that I also know something of the law and I have published a Book in two volumes on Customs Law and Procedure and I have some knowledge of the Ceylon Law through experience in connection with Customs matters. I repeat again that the Supreme Court has given a ruling on the Prevention of Social Disabilities Act in respect of worship in temples and that ruling has the force of law and would remain as such until it is revised by a bench of two or more Judges; and I may tell you if and when such an occasion arises, we will not fail to take the next step on the matter (see Appendix A for the Prevention of Social Disabilities Act).

Thesawalamai Law

We are not depending on this interpretation alone. We have various provisions in the law of the country, both ancient and modern, giving ample protection to

our religious practices and observances and to our religion in general. I will first read to you section 4 of the Thesawalamai Law (see Appendix B) which clearly indicates that all questions relating to those rights and privileges which exist in the Northern Province between the higher caste, particularly the Velalas on the one hand and the lower caste, particularly the Nalavas and Pallas on the other hand should be decided according to the customs and ancient usage of the Province. The recent persistent request of the panchamar that they should be admitted into the Saiva Temples built by the higher caste Saivites for their worship is contrary to the customs and ancient usage in the Northern Province and, therefore, such demands are precluded by the Thesawalamai law.

Penal Code

I will also read to you sections 290, 290A, 291, 291A, 291B, and 292 of the Penal Code (see Appendix C) which cover offences relating to religion and according to the provisions in these sections if a panchamar enters into a temple beyond the Hall from which he usually worships, he renders himself liable to punishments under those sections for the various offences he commits thereby.

Ceylon (Constitution) Order-in-Council

Besides these provisions, gentlemen, Section 29 of the Ceylon (Constitution) Order-in-Council gives us ample protection in respect of religious worship. With the grant of universal suffrage for the establishment of a democratic government in Ceylon, such a provision was essential to prevent the growth of communism and irreligious activities in a democratic country where most

of the voters are illiterate and Communism finds a fertile soil in illiteracy to spread its roots easily. I will now read section 29 to you (See Appendix D). You will see that sub-section (2) clearly states that no such law shall prohibit or restrict the free exercise of any religion.

Dr. Naganathan - Yes it states "free exercise of any religion."

That is what I am also emphasising in support of my argument. We have not prevented the panchamar from building temples and installing the image of any deity they prefer for the purpose of their worship. We have not protested against their building of a Murugan Temple or Amman Temple stating that their deities according to usage are Annamar, Vairavar or Kali, etc. and that they should not worship Murugan or Amman. They are enjoying full freedom in respect of religious matters, and we are not in any way prohibiting or restricting the free exercise of their religion though section 4 of the Thesawalamai Law prevents them from building Murugan or Amman Temples as the building of such temples will be contrary to the custom and ancient usages of the province. But on the other hand, the so called enlightened Saiva Religious Reformers and Government are restricting the free exercise of our religion in that they are interfering with our freedom of worship which is our fundamental right by imposing on us a condition to the effect that into the temples built by the high caste people for purposes of their worship, the panchamar should also be admitted. Therefore, the provisions of the Prevention of Social Disabilities Act contravene section 29 of the Ceylon (Constitution) Order-in-Council so far as the provisions therein relating to religious worship are concerned.

Privy Council decisions

May I also point out to you that there are various decisions of the Privy Council on Christian and Hindu religious cases wherein they gave great significance to the "Intention with which religious endowments are made" in deciding religious disputes. Our ancestors have built and endowed our Saiva Temples to their descendants with the intention that the religious worship in such temples should be in accordance with the custom and usage that prevailed at the time the temples were built and also in accordance with the Siva Agamas and we cannot do anything contrary to such intentions. I will reserve these cases for a better occasion.

Enhanced Blessings

From what I have stated so far, it is abundantly clear that our Siva Agamas, Puranas and the law preclude the admission of the panchamar into our Saiva Temples beyond the Main Entrance (Rajagopuram). Caste depends on one's past Karma and it cannot be wiped off by entering into Saiva Temples into which the panchamar are not allowed to enter; but if the panchamar as good Saivites observe rigidly the doctrines of the Siva Agamas and worship from the places usually allotted to them in each Temple, they will receive enhanced blessings provided they, as in the case of other devotees, possess other virtues essential as pre-requisites to qualify themselves to receive God's blessings as in the case of Nanthanar.

Law to protect the high caste Saivites

I am very sorry to see Sir, that the Temple Entry Movement which was engineered by the politicians

and the communists has taken the social set up fifty years back and it is very difficult to retrieve the lost social benefits without exercising an extraordinary measure of good will by the high caste Saivites. Time alone can heal the wounds inflicted by the panchamar on the high caste Saivites who, in view of the present social unrest in the North, require protection through some law to be enacted by the Government to protect them from the atrocities and humiliating activities of the panchamar against the high caste people.

God's punishment

I also like to point out with sorrow that certain incidents that occurred at Achchuvely, Chunnakam and certain other places, indicate that those panchamar who tried to enter into the Saiva temples against the will (Agamas) of God had received punishment from the unknown Hand. At Achchuvely, a hand bomb, that was made by a few persons in the shape of a coconut to be given on the car festival day at the Achchuvely Pillaiyar Temple in the hands of the Temple Priest (Siva Sri S. Kumarasamy Kurukkal) as offering with betel and arecanut to the Pillaiyar while in the car, with the intention of destroying the Pillaiyar Image, the car, the Priests and several devotees, killed the chief maker and injured his assistants while giving the last touch to it.

At Chunnakam, a panchamar who tried to enter forcibly on the car festival day into the Mayilani Murugamoorthy Temple was knocked down a few days after this incident by a train and killed at the spot. I can cite several such instances of recent punishments from Heaven but, for want of time, I refrain from doing so.

Agamic and non-Agamic Saivites

I, therefore, submit to you, Sir, that no force or law is required to open the doors of our temples to admit the panchamar therein; but they should earn the goodwill of the high caste Saivites by exercising good sense. The managers of the twenty-four Saiva Temples you mentioned a little while ago admitted them into their temples not as a result of any force or law. In the present Kali Yuga, according to our Puranas and Ithigasas, there will be more Saivites disregarding the doctrines of God and, therefore, the future generation may gradually admit the panchamar into Saiva Temples. Let time alone solve this problem and as a peaceful settlement of this dispute, the present Temple Entry Movement must cease and let there be two sects of Saivites as the Agamic Saivites and the non-Agamic Saivites so that these two sects may live in peace and harmony like the Christians who have several sects among themselves and in course of time the desired changes among the Saivites may take effect depending on the spiritual progress each sect makes. Thank you.

Members of Parliament

After this, Messrs A. Amirthalingam, S. Kathiravetpillai and K. Thurairatnam spoke in support of the Movement.

Mr. C. Mailvaganam

Mr. C. Mailvaganam, President, Kumbalavalai Pillaiyar Kovil Managing Board, Alaveddy, speaking against the Temple Entry Movement said "The Saiva Temples were administered according to Agamas. The Act passed in Parliament is dangerous to the Hindu religion. Those who believe in Agamas should be allowed to continue

their way of worship. Admission of the depressed class persons into temples would be an act against the Agamas and Hindu Shastras. All endowments made before and after founding a temple are made as donations in Trust to the presiding Deity in the particular temple and as such the temple and the temporalities thereof have the status of his private property. His wishes are revealed in the Agamas, and therefore any interference with the temple or the temporalities is like the denial of the rights of private property and a violation of the articles of the Trust. We must be allowed to practise our religion according to our Agamas.”

Messrs. M. Vythilingam and S. Ponnuthurai Iyer also expressed their views against the Movement.

At present, the high caste Saivites are awaiting anxiously the judgement on the Sannathy Temple case appeal while the leaders of the panchamar are merely administering oxygen to the Movement through certain sections of the Press by indulging in untrue reports, distorted news and fictions in respect of the Temple Entry Movement.

Appendix A

Prevention of Social Disabilities Act No. 21 of 1957

AN ACT TO PREVENT THE IMPOSITION OF SOCIAL DISABILITIES ON ANY PERSONS BY REASON OF THEIR CASTE

Date of Assent: April 13, 1957

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Prevention of Social Disabilities Act, No. 21 of 1957.

Short title

2. Any person who imposes any social disability on any other person by reason of such other person's caste shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding six months or to a fine not exceeding one hundred rupees.

Imposition of social disabilities on persons by reason of their caste to be an offence.

3. For the purpose of section 2, a person shall be deemed to impose a social disability on any other person-

Interpretation.

- (a) If he prevents or obstructs such other person from or in-
- (i) being admitted as a student to, or being employed as a teacher in, any educational institution,
 - (ii) entering, or purchasing any article at, any shop, market or fair,
 - (iii) entering, or being served at, any public hotel, resthouse, eating-house, restaurant or any other place where articles of food or drink are sold to the public.
 - (iv) obtaining any room for residence in a public hotel, resthouse or lodging-house,
 - (v) obtaining or using water from any public well, spring, water pipe or any other source of supply of water to the public,
 - (vi) entering, or obtaining the service provided at, a public hair-dressing saloon or laundry
 - (vii) entering any public cemetery and attending or taking part in any burial or cremation therein,
 - (viii) wearing any kind of clothes, head-covering or foot-covering at any place to which the public have access whether on payment or otherwise, or at the place of such other person's employment, or in the course of such other person's trade, business or employment,

- (ix) being carried as a passenger in any public vehicle or vessel,
- (x) entering, or being present in, any place in which the public have access whether on payment or otherwise, other than a temple, devale, kovila, church, mosque or other place of any religious worship, or
- (xi) being engaged in any lawful employment or activity, or
- (b) if he prevents or obstructs such other person, being the follower of any religion, from or in entering, being present in, or worshipping at any place of worship to which followers of that religion have access, or
- (c) if he, being a public officer, does not perform or exercise any duty or power which he is legally bound to perform or exercise for the benefit of such other person, or
- (d) if he, being the proprietor of, or a person having control over, or a person employed as worker in, a place to which the public have access whether on payment or otherwise, subjects such other person to any discrimination.

Appendix B

THE THESAWALAMAI (Cap. 63)

4. All questions that relate to those rights and privileges which subsist in the said province* between the higher castes, particularly the Vellalas on the one hand and the lower castes, particularly the Nallavas and Pallas, on the other shall be decided according to the said customs and the ancient usages of the province*.

Appendix C

Penal Code (Cap. 19)

OF OFFENCES RELATING TO RELIGION

290. Whoever destroys, damages, or defiles any place of worship, or any object held sacred by, any class of persons, with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage, or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

290A. Whoever does any act, in or upon, or in the vicinity of, any place of

*Northern Province

worship or any object which is held, sacred or in veneration by any class of person, with the intention of wounding the religious feelings of any class of persons or with the knowledge that any class of persons is likely to consider such act as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

291. Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremonies shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

291A. Whoever with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

291B. Whoever, with the deliberate, and malicious intention of outraging the religious feelings of any class of persons, by words either spoken or written, or by visible representations, insult or attempt to insult the religion or the religious belief of that class, shall be punished with imprisonment of

either description for a term which may extend to two years, or with fine, or with both.

292. Whoever with the intention of wounding the feelings of any person or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person, is likely to be insulted thereby commits any trespass in any place of worship or in any place of sepulchre or any place set apart for the performance of funeral rites, or as a depository of the remains of the dead or offers any indignity to any human corpse, or causes disturbance to any person assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Appendix D

CEYLON (CONSTITUTION) ORDER IN COUNCIL (Cap. 379)

Legislative Powers and Procedure

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

- (2) No such law shall-
- (a) prohibit or restrict the free exercise of any religion; or
 - (b) make persons of any community or religion liable to disabilities or restrictions to which persons of other communities or religion are not made liable; or
 - (c) confer on persons of any community or religion any privilege or advantage which is not conferred on persons of other communities or religions; or
 - (d) alter the constitution of any religious body except with the consent of the governing authority of that body, so, however, that in any case where a religious body is incorporated by law, no such alteration shall be made except at the request of the governing authority of that body

Provided however that preceeding provision of the sub-section shall not apply to any law making provision for, relating to, or connected with the election of Members

of the House of Representatives, to represent persons registered as citizen of Ceylon under the Indian and Pakistani Residents (Citizenship) Act

This provision shall cease to have effect on a date to be fixed by the Governor General by Proclamation published in the Gazette.

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

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

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

Every certificate of the Speaker under this sub-section shall be conclusive for all purposes and shall not be questioned in any court of law.

Executive Committee:

Brahmasri	A. Anandanadesa Kurukkal
„	V. Sabaratna Kurukkal
„	S. D. Shanmuganatha Kurukkal
„	D. Suntharamoorthy Iyer
Thiru	P. Ambalavana Thesikar
„	K. Nagalingam
„	V. Sivasithambaram
„	P. Thambippillai
„	A. Eliyappah
„	N. Sivaguru
„	A. Thambipillai
„	S. Nagalingam
„	V. Sangarappillai
„	V. Mapanar
„	S. Uruthirapathy
„	A. Maniccam
„	S. Mylvaganam
„	V. K. Chellappah
„	S. Ponnampalam
„	K. V. Kanagaratnam, J. P.
„	A. Kanagasabai
„	A. Thiyagarajah
„	A. Andyaiyah
„	V. K. Vallipuram
„	M. Kasinathar
„	S. Somasekeram
„	K. Sinnathamby
„	V. Subrahmaniyam
„	M. Kulanthaivelu
„	S. Kanapathyppillai
„	S. Kumaraiyah
„	P. Sithamborappillai
„	M. Thillainadarajah



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