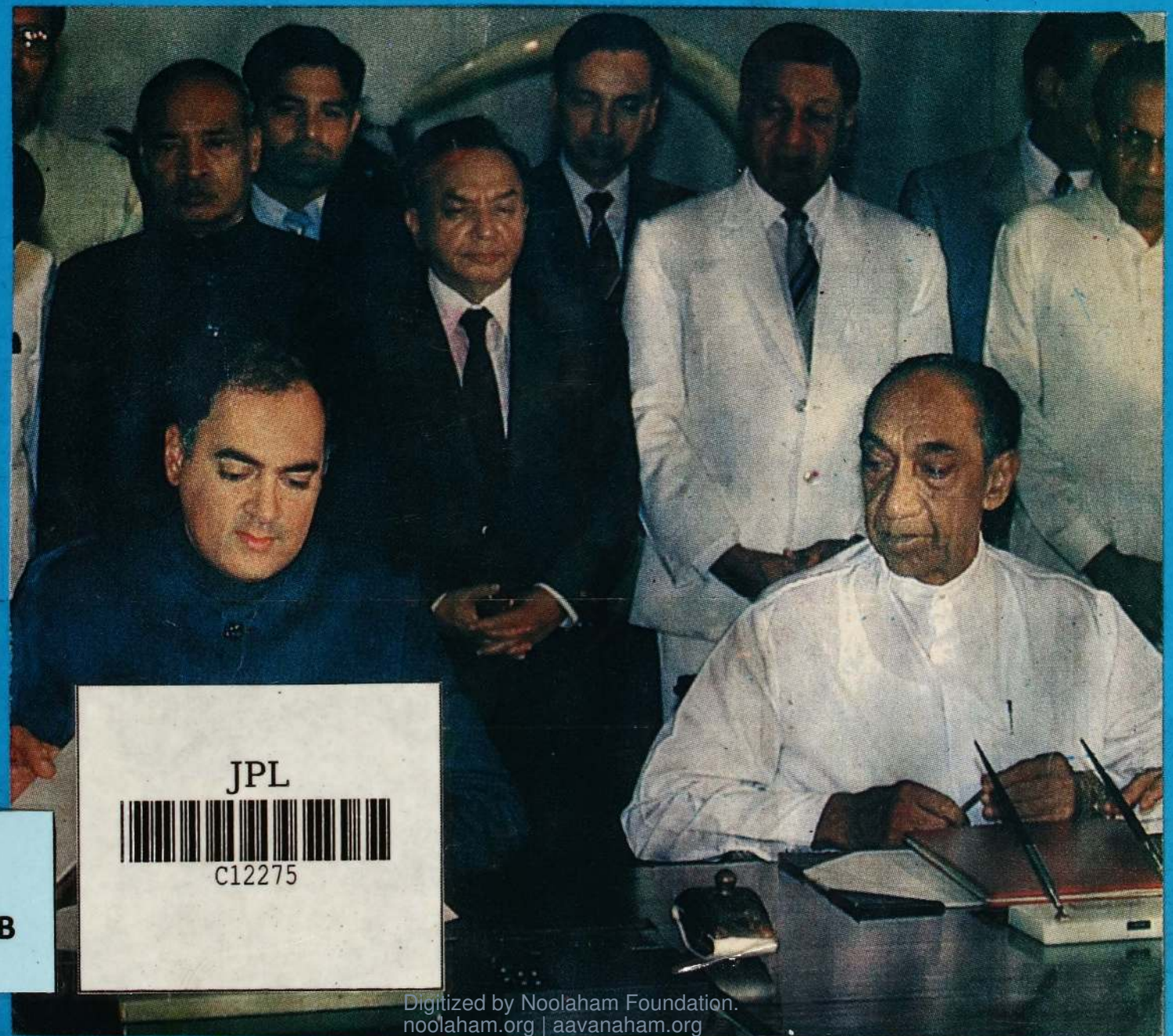


INDO-SRI LANKAN RELATIONS

WITH SPECIAL REFERENCE TO
THE TAMIL PROBLEM

RAVI KANT DUBEY



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The Book

Sri Lanka is a small state, but it has acquired a strategic importance due to its geographical location both in its relation with India and in international politics. Relationship between India and Sri Lanka (formerly Ceylon) has not been very good during the British regime or during post-Independence period.

This timely and up-to-date study analyses causes of conflict on various issues. It traces the origin and cause of the Tamil problem in Sri Lanka right from the beginning upto the signing of Rajiv-Jayawardene Accord and the Post-Accord period. The learned author studies in detail the Sinhala-Tamil relations concerning language, colonisation, education, employment opportunities, devolution of power, etc. A number of appendices and tables have been given to make the book comprehensive and complete.

This outstanding book will be of great use and interest to scholars and students of politics; diplomats, administrators and politicians; and to the general public interested in the study of Indo-Sri Lankan relations.

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PREFACE

Though Shri Lanka is a small state, it has acquired a strategic importance due to its geographical location. Relationship between India and Sri Lanka (then Ceylon) was neither good during British regime nor during post-Independence years. I have tried to highlight this aspect of Sri Lankan political situation in my study.

This book is an attempt to fill the gap in the few literature on the subject. Further, attempts have been made to trace the course of Sinhala-Tamil relation since British period, but emphasis has been made on recent happening in Sri-Lanka which led to the signing of Rajiv-Jayewardene Accord in July 1987.

The work contains detailed analysis of causes of conflict on various issues, concerning language, colonisation, education, employment opportunity and devolution of power etc. A number of appendices and tables have been given along with bibliography at the end.

South Asia has already acquired a special importance in contemporary international politics, and in the book I have attempted to place Indo-Sri Lanka political relations in a proper perspective. I have made an attempt to clear the misunderstanding of Indian role in Sri Lanka.

It is hoped that this book will provide both to the specialist as well as general public with an intelligible account of development in Sri-Lanka and Indian role as a mediator and guarantor of its integrity and security because it concerns her own security.

Today when I am writing this preface in India, I feel extremely pleased because at the same moment in Sri-Lanka Mr. A. Varadharaja Perumal is sworn in as the first Chief Minister

of the United North East province and this was the long-cherished dream of the Tamils of Sri Lanka.

I am sincerely grateful to Prof. K.S. Lal may research Supervisor, who has taken great interest to read the manuscript and to give proper suggestions.

I am also grateful to Prof. Dr. G.P. Singh, Principal, A.N. College, Patna who has given me encouragement, advice and guidance in completing my work.

I cannot forget the contributions of Prof. K.K. Tewary, Minister of State for External affairs, who made it possible for me to contact some eminent personalities like Prime-Minister Sri Rajiv Gandhi, Sri N.D. Tewary, Late Sri M.G. Ramchandran, Late Sri G. Parthasarathi, Sri Bali Ram Bhagat and Sri Romesh Bhandari etc. for my research work.

Specially I want to pay my thanks to H.E. President J.R. Jayewardene, and H.E. Bernard Tilak Ratne, High Commissioner of Sri Lanka in India, for showing their keen interest in my work, and for regular supply of letters, booklets and clarifications.

My father Sri Bharat Dubey became like a beacon light to bring this work from darkness to light.

My wife "Priya" helped me for the preparation of the manuscript of this book. Dr. Umesh Kumar helped me in material collection.

I shall be failing in my duties if I fail to pay my gratitude to the publisher of this book Sri G.S. Bhatia of Deep & Deep Publications for the care and speed with which they have brought this book within a short time.

Patna

RAVI KANT DUBEY

LIST OF ABBREVIATIONS USED

Political Parties

UNP—	The United National Party
SLFP—	The Sri Lankan Freedom Party
LSSP -	The Lanka Sama Samaj Party
FP—	The Federal Party
TC—	The Tamil Congress
CP—	The Communist Party
JVP—	The Janata Vimukti Party
CWC—	Ceylon Workers Congress

Militant Groups

LTTE—	The Liberation Tigers of Tamil Elam
TULF—	The Tamil United Liberation Front
TELO—	The Tamil Elam Liberation Organisation
EROS—	The Elam Revolutionary Organisation of Students.
EPRLF—	The Elam Peoples Revolutionary Liberation Front.
ENLF—	The Elam National Liberation Front
PLOTE—	The People Liberation Organisation for Tamil Elam.
ENDLF—	Elam National Democratic Liberation Front

General

PROTEG—	The Organisation for the Protection of the Tamil Elam from Genocide.
TESO—	Tamil Elam Supporters Organisation
SAARC—	South Asian Association for Regional Co-operation

APC—	All Party Conference
DDC—	District Development Council
REPIA—	Rehabilitation of Property and Industries Authority
CM—	Chief Minister
PM—	Prime Minister
IPKF—	Indian Peace Keeping Force

INTRODUCTION

The Island of Sri Lanka, lies in the Indian Ocean off the southern coast of India. It is a pear shaped compact Island with an area of 65,000 sq. km. It extends between latitude $5^{\circ}55'$ and $9^{\circ}50'$ north and $79^{\circ}42'$ and $81^{\circ}52'$ east. The maximum length of the Island is 353 km. and in its widest point, it measures 183 km. This compact Island is about the size of England and Wales and little over the size of Indian states of Meghalaya and Nagaland except for Mannar Island in the North-West, the Jaffna Peninsula in the north and a few satellite Islands. It is a detached portion of the main land of India. It is separated from the Indian sub-continent, by a strip of shallow water of Palk Strait. "This nearness to India has affected considerably the course of her history as it has opened her to the influence of currents of thought and feeling from that country and has finished her ruling dynasties. Unfortunately she has to pay for this by frequent invasion which greatly damaged her material civilization." Being centrally located in the Indian Ocean, Sri Lanka has for many centuries served as a focal point of sea routes to the Far East and West.

Geologically, the Island forms a southern continuation of the Deccan Plateau in India.

Relief of the Island may generally be said to comprise a mountaineous area in the south. The Central part is surrounded by an upland belt while the Coastal Plain covers the rest of the Island, though narrower on the west, south and east. The coastal plain widens out to a vast tract towards North.

The Central High Land is replete with peaks plateaux, basins, ridges, valley and escarpment. Its innermost part form a narrow north-south trending plateau with an average elevation

of 1800-2000 metre. Most of Sri Lanka highest peaks; Pidurutalagala, 2524 metre, Kirigalpota 2389, rise from these plateau, stretching along with a chain of mountains. It extends for a distance of over 75 metres from Sri Pada (Adam's peak) 2237 metres in the west of Namunukula, 2036 metres in the east, forming itself into an 'anchor'. The East-West arm of the 'anchor' and bounded by a mountain wall parts of which form a vertical precipice of over 1200 metres.

On the other side of the high plateau, are two distinct areas of relatively low elevation. The Hatton Plateau and the Welimade plateau. The former lies in the west and has a northward tilt descending from the elevation of 1200 metre in the south to 1200 mtr. in the north. The other plateau known as Uva Basin on the opposite side of the high plateau is roughly of the same elevation as the Hatton plateau.

There are two other areas of a higher elevation separated from the central massif. The Rakwana Massif which lies on the south west is separated by low lying valleys and has several peaks, rising up to 1200 metres. In the north east of the central massif is the knuckles range with peaks over 1800 metres.

The flatness of the low land is intercepted by a cluster of rock butts and rounded mounds that rise occasionally to an elevation of over 500 metres. A number of rivers that springs from the central high lands flow radially through these low land. Notable river is the Mahaveli. Water falls, Laxapana and Aberdeen are main sources of the Islands hydro-electric power.

Climate

Various factors determine the climate of the Island, such as location within the Tropics, proximity to Indian sub continent, insularity, and the presence of a Central mountain mass etc.

Sri Lanka is within tropics, i.e. it is a tropical country. Yet the Oceanic influence helps mitigate high temperature that would normally be experienced in tropical lands. There is no significant variation in monthly temperature except in the north and the east. In Colombo the maximum temperature is 31.2 C, while the minimum is above 24.1. Temperature recorded in Trincomalee on the east are 32.3°C and 26.1°C, in Nuwara Eliya the temperature is 19.8C and 11.5C.

Rainfall in Sri Lanka is characterised by the pre-monsoon and the monsoon period. In March-April the Island comes under the influence of the doldrums with the bright clear skies followed by afternoon showers. These are more frequent in the south-west. By May, the Island is under the influence of the south west trades' which blow over Sri Lanka as the south west monsoon bringing heavy rain the south west low lands and the windward slopes of the hill area with the retreat of monsoon in late October. Conventional weather prevails. During November, to February, the Island comes under the North East Trades which blow over the Island as North East monsoon. The Island receives heavy rain. Movement of tropical cyclones which originate in the south of the Bay of Bengal account for this type of weather which effect the eastern and north-east part of Sri Lanka.

Forest and Agriculture

Large tracts of Ceylon are covered with equatorial forest. Among the chief products are coconut, palm, rice, valuable timber, tropical fruit, rubber and tea. The entire economy of the Island depends upon her export trade in three main industries i.e., tea, rubber and coconut. These along with rice cultivation, account for approximately over 3 million acres of the total cultivated area. Other important commercial crops are cocoa, cotton and tobacco. Thus, as in India, agriculture is the principal occupation of the people and rice is the main food. Fruits, vegetable, cocoa, cinnama, cardamom, cloves, nutmes etc. are grown here. In the field of mineral it is not very rich. Gems such as sapphire, rubies, cats eye, amethysf, moonstore, however, are found.

Agriculture is main source of livelihood. Salt gathering and fishing and other industries can be classified into mechanised industries and handicraft or cottage industries. The development of mechanised industry is a recent phenomenon of heavy as well as consumer industries. Handicrafts, include wood and ivory carving, silver ware, leather goods, reed and basket making etc.

People

Sri Lanka is a multi-racial country. It has a plural society of several different races. In 1981 its population was about 14.7 million. With a density of 228 persons per sq. mt. The Sinhalese form the main ethnic group with 10.9 million or 74 per cent of the total population. Sinhala which is the official language of the country is also the mother tongue. The majority of the Sinhalese are Buddhists by religion and are mainly concentrated in the south west and central parts of the Island.

The Tamils form the next major ethnic group with a population of 2.7 million or 18 per cent as enumerated in 1981 population census. This ethnic group comprise, Sri Lanka Tamils and Indian Tamils. Both these groups speak Tamil. The Sri Lanka Tamils numbered 1.9 million in 1981, while Indian Tamil 0.8 million in 1981, while Indian Tamil 0.8 million 80 per cent of Tamils are Hindus by religion. There is heavy concentration of Sri Lanka Tamils in the Jaffna District. Heavy concentration of Indian Tamil, whose ancestors worked in Tea and Rubber plantation are concentrated in Kandy, Nuwara Elia, Badulle and Kegalle districts.

Sri Lanka Moors constitute the third major ethnic group with a population of approximately one million or 7% of the total population. The Moors are descendants of early Arabs. A vast majority of Sri Lanka Moors have been concentrated in Colombo, Kandy, Batticaloa, Amparai, Trincomalee, Kalutara, Galle, Kurungele, Puttalam and Kegalle districts. The Indian Moors number over a little over 27,000 are separately scattered with a major concentration in Colombo District. They are muslims by religion.

Distribution of religious community by Ethnic categories in 1946.¹

<i>Community</i>	Percentage			
	<i>Buddhist</i>	<i>Hindus</i>	<i>Muslim</i>	<i>Christian</i>
Sinhala	91.9	0.1	0.01	7.9
Sri-Lankan Tamil	2.6	80.6	0.2	16.5
Indian Tamil	2.3	89.3	0.3	8.1
Sri Lankan Moors	0.7	0.3	97.7	0.3

Language(s) spoken by Sri Lankans of three years of age and above

<i>Language</i>	<i>Number</i>	<i>Percentage</i>
Sinhalee	4,289,957	58.9
Tamil	1,570,084	21.6
English	14,066	0.2
Sinhalese	10,985,666	73.98
Sri Lankan Tamils	1,871,535	12.6
Sri Lanka Moors	1,056,972	7.1
Indian Tamils	825,223	5.6
Malays	43,378	0.3
Burgher	38,230	0.3
Others	28,981	0.2

Sri Lanka's population is pre-dominantly rural with 78.5% in rural area while the balance 21.5% constitutes what could be classified as the urban population.

Sri Lanka has a plural society, a mosaic of self aware communities distinguished from one another, along ethnic, religious or lingual wind loyalty is still directed to the extended family clan, or to the caste, racial, religious or linguistic groups. An Island wide national sense is yet to be effectively evolved. It will thus be realised that in a plural society like that of Sri Lanka, with solidarity pattern based upon divided religious linguistic and ethnic identity, a national concensus on sound basis and political goal is hard to establish.

Sinhalese Buddhists who are politically and socially divided are not sure of their own strength and cohesion. They tend to regard the non-Buddhists minority, particularly the Indian Tamil, as a greater threat than they actually are, in a sense there are two nationalism in Sri Lanka, a Sinhalese nationalism and a Tamil nationalism which vacillates depending on the degree of Sinhalee Buddhist political consciousness either a terminal loyalty to the Tamil nation or an over riding loyalty to a Sri Lankan nation.

Sri Lanka is divided into nine provinces comprising of 24 administrative districts.

(1) The Western Province

The W.P. has a total area of 3709 sq. km. and a population of 3.9 million. Its Component districts are Colombo, 935 km. Gampatia 1399 sq. km. and Kelutara 1615 sq. km. Colombo district with 1.7 million has a bulk concentration of population. Sri Lanka's capital city Colombo, with an area of 37 sq. km. has a population of 5,86,000.

The three districts of W.P. are agriculturally developed with coconut, paddy, rubber and orchard crop, absorbing a large portion of cultivated land. Kalutara district is particularly important for its vast extent of the rubber land. Heavy and small scale industries are found within the metropolis and the Greater Colombo area. The free trade zone and Investment Primatic Zone have been set up recently with the greater colombo Area.

(2) The Southern Province

Comprises District of Galle (1689 sq. km) Matara (1246 sq. km) and Hanbantota (2623 sq. km) with total population of 1.9 millian. Apart from its agriculture and industrial potentials Southern Province., Significant is for its fishing industry. Balapitiya, Ambalan are important fishing centres.

(3) Central Province : (C.P.)

The component districts are Kandy (2157 sq. km)—Matala (1995 sq. km) and Nuwara Eliya (1437 sq. km) with an estimated population of 2.0 million. Kandy is Sri Lanka's Hill capital and treasures the sacred tooth Relic of the Buddhist. The grandeur of an age old pageant in the month of each July unfolds a colourful spectaus which have an international fame, Nuwara Eliya in the heart and the Central mountain have an ideer spring climate tea is the promineul crop in the two districts of Kandy and Nuwara Eliya, while matala has extensive coco plantation.

(4) The Northern Province

Component districts are Jaffna, (2157 sq. km) Mannar (2013 sq. km), Vanuniya (2060 sq. km) which has estimated population of 1.1 million. Agriculture Fishing are important along coastal belt.

(5) *The Eastern Province* : (8397 sq. km)

Component districts are Batticaloa (2633 sq. km) Amparai (3050 sq. km) and Trincomalee (2714 sq. km). This provinces has estimated population of 0.9 million. High land of the 3 districts comprise a vast agriculture area. Paddy is the principal crop. Fishing trade is carried on along the coastal belt.

(6) *The North Central Province*

The two districts of Anuradhapura (7274 sq. km) and Polonnaruwa (3449 sq. km) Cousthus which can be called as the largest province in Sri Lanka, with a total area of 10723 sq. k. with an estimated population of 0.9 million, a comparatively low figure for vast area. Agriculture is most developed paddy is most important field crop.

This is the cradle of the ancient Singhalese civilization where, the Aryan were said to have settled in, about the 5th century B.C. N.E. Province with a wealth of ancient ruins royal treasure reveals a glorious past in Sri Lankan history. The Sri Maha Budhi tree in Auradhapura documented as the world's oldest tree is of a religious and historical significance.

(7) *The North Western Province*

The component districts are Kurunegala (4776 sq. km) and Puttalam Chilaw (3036 sq. km) with a total population of 1 million. It is predominantly an Agriculture area with coconut and paddy accounting for large size of cultivated land. There are scatered coco plantation, Fish industry also forms an important occupation.

(8) *The Province of UVA*

District of Badulla (2822 sq. km) and Moneragals (7214 sq. km) constitute province of UVA totally 10036 sq. km. and as a population of 0.9 million. Nature of terrain, and in accessibly of vast stretch of the Forest land are the reasons why UVA is one of the lesser developed province of Sri Lanka. The leeward side of the mountains zone are dotted with tea garden hills in Bandaza wela, which is an important health resort. Diyalun falls a mile deep gorges, and revins pressers panoramic landscape.

(9) *The Sabaragamuwa Province*

The two districts in the province are Ratanpura (3239 sq. km) and Kegalle (1663 sq. km). This province has a total area of 4902 sq. km. and its population is 1.5 million.

These districts are agriculture developpe with rubber account for large area. Paddy is also growes orchard crop coconut a coffee gave way to other crop.

Ratanpura, as its name implies is famous for its gems industry, ruby sapphire, Aguaman Topaz garnet etc.

Sripada (Adam's peak) the hallowed mountain shrine is Ratanpura, is venerated by Buddhist and Hindus all over the world.

I have taken up the research project on Indo-Sri Lankan Relationship with a special reference to the problem of Indian settlers in Sri Lanka, because, the Indian question has assumed a special significance in Sri Lanka as a result of electoral politics since 1970"., and it was the most irritant factor in Indo-Sri Lankan relation.

Relations between two sovereign countries depend much on sovereign policy one adopts. Before discussing Indian relationship with her neighbour I have to examine the basic principles of our Foreign Policy. There are certain factors that usually determine the Foreign policy of any country, (a) The Geographical location, (b) History, (c) Economic and natural resources (d) Solitary strength and the strategic consideration (e) Culture and civilization and (f) special national interest.

Historically, India is one of the oldest countries. As she has acquired freedom from the British and has suffered imperialist exploitation, so she does not have any design of imperialist expansion. She has no desire to rule over others, she wants, rather to eliminate all traces of Imperialism. She desires to see herself as a partner in a common world order based on age old ideal of Panchasheel founded on such ideals as mutual benefit, equally non-aggressive territorial integrity and sovereignly and peaceful existence for the entire human world. India is against regional military alliance and pays due respect to the U.N.O. India is devoted politically to a policy of non-alignment India does not believe in war as an instrument of policy, on the other

hand it has firm belief in the peaceful settlement of international dispute.

Sri Lanka, being the nearest country from geo-political point of view, she lies within the periphery of India, which stands in relation to her a big power. India has never behaved like a big power in relation with her neighbours. Indo-Sri Lanka relations over the years since Independence stands out as a unique example of the manner in which two neighbouring states in South Asia have succeeded in resolving their disputes and problems, some of which appeared at times to be intractable by taking recourse to political co-operation, discussion, negotiation, diplomatic effort etc.

Though I had started my work on Indo-Sri Lankan relationship, with a special emphasis on the problem of Indian emigrants during British rule, yet in the meantime, the problem took another turn which involved the Tamil speaking Indian as well as Sri Lankan's. A demand of a separate state of Tamils which means partition of Sri Lanka, India was not in favour of this, so she took up the role of a mediator and tried her best to solve the problem of Sri Lanka.

Though I have devoted much time and space in discussing problem, difficulties, disabilities, discrimination of people of Indian origin, yet I had to undertake the problem of indigenous Tamils (Sri Lankan Tamils) because their problem were linked with people of Indian origin, majority of those were Tamils.

I have made historical studies of Sri Lanka with the advent of European powers, particularly after the British took over its administration.

I have tried within my limitation to give a clear idea of the problem which affect Indo-Sri Lankan Relation over last four decades and have given suggestions in my humbleway.

RAVI KANT DUBEY

CHAPTER I

CONSTITUTIONAL AND POLITICAL HISTORY OF SRI LANKA

Modern political history of Sri Lanka along with European power began with beginning of 16th century. The first Europeans to arrive in Ceylon were the Portuguese. Their main object was to trade. They established a trading centre at Colombo in 1505 A.D. When the Portuguese came to Sri Lanka (Ceylon) there were three kingdoms, the Tamil Kingdom of the north; the Kandyan Kingdom of the central highland and the Kingdom of Kotte comprising the low land area of the west and south-west. In 1521, the Kingdom of Kotte was partitioned into three parts to be given to three brothers. Shortly afterwards, the Portuguese were involved in the brothers' quarrel as a result of which they were able to establish their dominion over a large part of Ceylon. By the end of the 16th century two powers were left in Sri Lanka (Ceylon) the Portuguese and the Kandyan.

The Kandyan King Raja Sinha II was able and ambitious. He did not get what he wanted from Portuguese so he invited the Dutch to Ceylon.¹

Coming of the Dutch was followed by a long, prolonged warfare between the Portuguese and the Dutch, who captured Colombo and Jaffna in 1656 and 1658 respectively. By June, 1658 Portuguese had been totally dislodged from their last foothold in the Island by the Dutch. The Dutch were also traders and they ruled in Ceylon by the name of the Dutch East India Company. Thereafter, the Dutch and the King of Kandy were the two political sovereigns. Relation between the two had deteriorated steadily since 1638 when they had signed

a treaty of internal friendship. The Kandyan King was disappointed due to the fact that the Dutch had decided to settle down permanently in maritime Ceylon (Sri Lanka) and was determined to treat them with coldness, if not with hostility. Thus for some years, there was a state of tension across the frontier. The Dutch found it annoying and troublesome to their policy of peaceful trade and exploitation of the resources of the Island. The Kingdom of Kandy was now quite extensive and included some part of the coast in the East and in the West. The land that produced Cinnamon, the main attraction to Europeans, was mainly in the hands of the Dutch.

The Kandyan Kings refused to recognise the legitimacy of the Dutch control of the sea coast of Islands. This posed some problems for them later on. It made their position insecure, especially in relation to other European competition. An attempt by the French in 1672 to establish a trading station at Kotiyar with the consent of the king, scared the Dutch. This feeling of insecurity influenced them to make further inroads into Kandyan territory and to base their rights more firmly on actual territorial possession. In the first 15 years by a process of gradual penetration they expanded their control upto more defensible frontiers. It was more important that they annexed the remaining posts of the Kingdom and brought the whole trade of Ceylon under their control. All this was done with superior naval and military power at their command.

The Kandyan took to other means and retaliation carried on. They made marauding raids into Dutch territory and harassed the Dutch at every turn. This kind of pressure could not be kept up continuously. Dutch also could not put up with it for long. Various attempts were made for a new and definite treaty of friendship, but all these failed. Succeeding kings of Kandy blew hot and cold alternately according to their interest. The Kandyan were very keen to have some posts from where they could carry on their commerce, uncontrolled by the Dutch and the Dutch wanted to prevent this at any cost. There was no basis for lasting peace.

The first half of the 18th century was characterised by the unsatisfactory rebellious state of affairs in some parts of the country. Some Dutch governors particularly Baron Van Inhoff (1736-40) tried to solve this problem and bring about a solution but their efforts failed.

Some changes took place in the house of Kandy in the 18th century. It had been a regular practice for male members of the Kandyan royal family to seek brides from the South Indian Royalty. In the 18th century they generally came from Nayakkar dynasty of Madura and their influence in Kandy was growing. In 1747, the direct Sinhalese line became extinct and Nayakkar Kirti Sri ascended the throne. Thereafter policy in Kandy became more anti-Dutch. This was purely due to Nayakkar had trading connection with the Indian coast and they resented the restrictive policies of the Dutch even more than Sinhalese had done. Matters came to a head in the 1760 and open hostilities began. A treaty was signed in 1766 which gave the Dutch all that they had aspired for a long time. It recognised Dutch rule over the maritime areas and in addition to the land they already held, gave them sovereignty over the entire length of the coast of Ceylon to the depth of one mile. It set the seal on isolation of the Kandyan Kingdom which was to exist as an enclosed state, deprived of its contact with the outside world. It gave the Dutch a secure title over their entry into and exit from the Island and put them in a strong position *vis-a-vis* any foreign power.

The political development in Europe affected the Ceylon's political history. The British power in India increased and it showed interest in Ceylon. The conflict between British and French sea power had ended in the victory of the British, who were supreme power in the Indian Ocean. This change in balance of power in India and the surrounding sea, was bound to effect Ceylon. The English made a few attempts to come to a treaty with the Kandyan kings but nothing substantive came out of it. After the French Revolution in 1789, the French began an expansion plan in Europe and brought the Netherland under its influence. The British and the French found themselves at war. The Dutch Prince of Orange fled to Britain and refused to recognise the new Government in Holland, which was a puppet

of France. The British attacked Ceylon on behalf of the Prince of Orange to prevent it from falling into the hands of the French. It was in the later part of 18th century that the Dutch surrendered before the troops of the East India Company. In March, 1796, the Chief of the British troops was vested by the Government of Madras with a discretionary authority civil as well as military in the Island of Ceylon. Military rule continued for more than 2 years, during which period the Government of Madras was responsible for the Government of Ceylon. With the peace of Amiens of 1802, Ceylon became a part of the British empire and Ceylon was made a Crown Colony. The first phase of British rule in Ceylon ended with the appointment by the Crown of a Governor of Ceylon. The administration of Ceylon was carried on by the Governor, advised by the Council, which consisted of the Commander of the troop, the Colonial Secretary and the Chief Justice.

Lt. General Sir Robert Browning took over in 1812. Kingdom of Kandy was annexed to the Crown during his regime making it possible for Ceylon to develop as a single country. In January, 1814, the Governor justifying his action on the general growth of request from the people of Kandy and on the particular ground of atrocities committed against British subjects invaded the Kingdom with a strong army reinforced by a detachment from India. He proclaimed to the people that he was doing this "for securing permanent peace of these settlements and in vindication of the British name for the deliverance of the Kandyan people from their oppressor and so forth." The Kandyan king was captured and an act of settlement was entered into with the Chief and proclaimed on March 2, 1815. Thus, Kandyan Kingdom was subjugal in 1815.

Thus, the whole Island was now under the control of the British Government. The Act of Settlement provided a sort of "Indirect rule" under which the Kandyan Chief would keep up their privileges and authority. In practice, the Chiefs found that their position was less favourable than they had hoped, so they rebelled but were brutally suppressed and their power transferred to the British Civil Servants.

The first Legislative Council which consisted of nominated members was established in 1833. Its composition was based on

communal representation; 9 officials, 6 non-officials were to be nominated by the Governor. First nominees comprised of 3 British merchants, one each representative of the Sinhalese, Tamil, and Burgher communities. Administrative distinction between Kandyan and the coastal provinces were abolished. The courts were also reorganised. Ceylon at last became one country. The Governor was provided with an Executive Council of Senior Officers which he was bound to consult but not bound to act according to its advice.

From 1833 to 1912, the most significant constitution development was the gradual increase in legislative and financial powers of the Legislative Council on the lines of settlement colonies in other parts of the empire, e.g., Australia. In 1859, unofficial members were given right to introduce bills. In 1889, the number of unofficials was raised from six to eight. Thus, additional seats went to Kandyan, Sinhalese and Muslim, but the official majority was retained. It has to be noted that all these developments were mostly due to the effort of the European population and not of the local people.

As the century drew to its close, an entirely new element began to appear in the political life of Ceylon. The expansion of educational system and the general development of the country resulted in creation of new middle class drawn from the Tamil and the Sinhalese people. The different professions, commerce and industry came to be increasingly staffed by the local people. The Sinhalese and Tamils leaders began to demand an effective voice in the conduct of public affairs. Sinhalese and Tamils lived amicably and fought for constitutional reforms. The first President of the Ceylon Reforms League was Sir Poornabalam Ramanatham, a Tamil, who with other Sinhala leaders was moving for the formation of a Ceylon National Congress on the lines of the Indian National Congress. Ethnicity was not a problem when the Ceylon National Congress was founded in 1919. Ramanatham's leadership was unquestionably accepted.²

The Sinhalese and Tamils did not merely want to be represented in the Legislative Council. They insisted on doing away with the whole system of communal representation. They

wanted that member of the Council be chosen through national election on the basis of territorial constituency. The then Governor, Sir Henry MacCallun (1907-1913) was sympathetic to the desire of the middle class elite to be represented in the Legislative Council. He was of the view that this could be done by increasing the number of seats to be filled by nomination. He was not in favour of introducing election on the basis of common roll.

The Colonial Office in U.K. approved his proposal under the Constitution of 1912. The number of European members were reduced to two and those added to Legislative Council were an elected Burgher and elected members to represent educated Ceylonese and additional member for low country Sinhalese, additional Tamil member. Last two members were to be nominated. However, officials continued to be in majority. The power of Legislative Council was strengthened by the appointment of Standing Finance Committee, consisting of all unofficial members. This meant that unofficial members had an effective voice, regarding supplementary expenditure as well as regarding the annual budget. Naturally the reform of 1912 did not satisfy the political aspiration of the Ceylonese middle class, which continued to grow in strength and pressed for more substantial recognition of its claim.

As stated earlier, the Ceylon Reform League was started in 1917 and Ceylon National Congress was formed at the end of 1919. The war was over, the idea of self-determination was the common current of political thought. There were interminate rivals between the Tamils and Sinhala elite. Their differences were exploited, heightened, fostered and used for his own advantage by the Governor Manning. Manning looked upon the Ceylon National Congress as a challenge to his authority and set about destroying the ethnic unity evident in the Congress.³

The demand of representation of the people of Ceylon could not be brushed aside. But, this was not so simple in a plural society. The Ceylon National Congress demanded a legislative council of about 50 members 80 per cent of whom were to be elected on territorial basis on a wide franchise of men and women. It also wanted to have 3 Ceylonese Ministers in the Governor's Executive Council and at least 2 to be nominated

from the elected members of the Legislative Council. It wanted to have full financial control through the Legislative Council. These proposals which seem to have given principal political power to low country Sinhalee, were strongly opposed by the minority. They (minorities) represented to the Secretary of State for Colonies.

The Colonial Office was not in a hurry. Transfer of power would be a breach of trust, until the communities of Ceylon had learned to live together under common citizenship and to organise their party on political basis rather than religion or racial line. The whole matter was considered by the colonial office in U.K. in consultation with the Governor Sir William Manning. The Council of 1920 introduced a number of new features into the Ceylonese Constitution. 3 officials were added to the Executive Council, though not a Minister with portfolio. The Legislative Council was given an unofficial majority—23 unofficial against 14 official. 11 were to be elected on the basis of territorial constituency, 5 by special constituency, i.e., 2 from amongst any European, one each for Burgher, Chamber of Commerce and Low Country Producers' Association.

Thus, 1920 changes aiming at a compromise were not well received in Ceylon. The concession of an unofficial majority looked attractive, but the power which was given to the Legislative Council was only negative. The number of elected members were only 16 out of 37. The Ceylon National Congress condemned the whole scheme and proposed to boycott the new Legislative Council. They were only induced to co-operate reluctantly, when Governor Manning promised that any recommendation for further constitutional reform would be considered sympathetically. Eventually, elections were held and the newly constituted Council met in June 1921, with all the omens against its proving a success.

The unofficial members of 1921 Legislative Council consisted of 11 low country Sinhalese, 3 Tamils, 3 Europeans, 2 Burghers, 2 Kandyans, one Muslim and one Indian. The unofficial majority was split by internal disagreement. Some of the Tamils, particularly belonging to the educated class wanted equal representation. Another demand of the educated Tamils living in Colombo at that time was for an exclusively Tamil seat in the

Western Province (Colombo). The ageing Tamil leaders who had been doggedly fighting for national unity were either dead or were too feeble to stick to the stand they had originally taken. The Tamils who had at first supported the Ceylon National Congress broke away, considering that they were entitled to a higher proportion of seats. The Sinhalese tried to regain support of Tamils, but without success.

The seeds of discussion based on the concept of equal representation for Tamils and a seat for them in Western Province (Colombo) had carefully been sown by the Governor Manning and others for disrupting the Ceylon National Congress.⁴ The suffrage was limited to those who had specific English Education and requisite property qualifications. The educated Tamils who asked for equal representation and for a seat in the Western Province were making such a demand, because there were more highly educated Tamils with necessary qualifications, vying with one another for representation in the Legislature than the number of seats available. The existing system of communal representation and territorial representation based on education and property, benefited the highly educated Jaffna Tamils living in Colombo and Jaffna. It discriminated against the educationally less privileged Tamil people living in areas outside Colombo and Jaffna specially Tamils of Indian origin.

This system of representation was obviously therefore not a solution to the ethnic problem but an attempt to create more problems willingly or unwillingly to put the multi-ethnic Ceylon National Congress into disarray.

A new constitution was enforced in the year 1924. It provided a Legislative Council of 12 official members and 37 non-official members, out of whom only 3 were nominated by the Governor to represent special interest and remaining 34 were to be elected on the basis of territorial constituency. Europeans—3, Burghers—2, Tamils—2, Muslims—3, Ceylon Indians—1, and rest 23 by general constitution. The Governor remained its President. This Constitution remained in operation till 1931.

The Constitution of 1924 had provided for an unofficial majority in the Legislative Council but the majority had not given any real and positive responsibility or powers. It

was aimed at increasing Sinhala majority, from 11 to 21 in territorial constituencies. The Sinhalese who professed opposition to the communal electorate as being detrimental to Ceylon interests, changed the territorial electoral into communal one. All territorial constituencies were transferred into Sinhalese one. Since one of the qualification was that voters should have known either English or Sinhala, large number of Indians were deprived of their franchise.

The Constitution of 1924 provided a partially representative Government but not a responsible government. The Ceylonese began to agitate for further privileges and responsible government. Going back to purely colonial type of government was not possible and power had to be shared with the leaders of Ceylon in some measures. The British government appointed the Donoughmore Commission under the Chairmanship of Earl of Donoughmore. The Commission was sent to Ceylon by the British Colonial office in 1927 to examine the existing constitution and recommend whether, any radical revision of the existing constitution was necessary. It was also entrusted to frame a new constitution.

The Donoughmore Commission framed a constitution which granted a large measure of responsible government, but with certain reservation. The Commission on the point of communal representation suggested that—

“It is our opinion that only by its abolition (Communal representation) will it be possible for the diverse communities to develop together a true national unity. Communal representation in Ceylon has no great antiquity to recommend it, and its introduction into the constitution with good intention has had unfortunate result.”⁵

The Donoughmore proposals were finally approved and incorporated in order in Council of 1931. It was a unique one, so it granted to Ceylon a peculiar type of ‘Dyarchical Government’. The former Executive Council and the Legislature Council were abolished. They were replaced by a new body called the State Council. The State Council was vested with both types of functions, legislative and executive. It sat as Legislative and Executive sessions, thus, the Legislative and Executive functions were fused into a single body called the

State Council. The work of the Government was divided into ten Departments. Seven Departments were placed under the charge of Executive Committee of the State Council. The Chairman of these committees elected by the Committee were designated as Minister. The three Departments were placed under the charge of three high officials who were styled as 'Officer of the State'. Finance, the key Department remained in the hands of the British Secretary.⁶

It did not provide full self-government and the Governor's power of supervision, protection of interests, and veto were retained. Some subjects like finance, law etc. remained in his hand, to be administered by the Officers of the State. It was intended to be a big step on the road to self-Government.⁷

The function of the officers of the state were mainly advisory. They were in practice the political, financial and legal advisers to the State Council and the government rather than Executive Officers in the sense of the seven Chairmen of the committees of the State Council. The Executive Committee system provided an invaluable training in administrative matter to the Ceylonese member of the State Council.

One feature of the Donoughmore Constitution other than that of not granting full independence to diverse sections of the communities was Universal franchise on a solely territorial basis without 'balance' communal representation. Franchise restricted by educational qualifications and a special seat in Colombo for Tamils, caused the educated Tamil elite to have a smaller share in the State Council than before. This irked the Tamils, and the grant of franchise to thousands of Indian emigrant labour, alarmed some of up country Sinhalese leaders who thought that massive number of these electorate would swamp the Electoral Register. So the Tamils reacted against the Donoughmore Constitution.⁸

But the leader of the nation belonging to all communities led by D.S. Senanayake had accepted the Donoughmore Constitution.

In the Board of Ministers in the Second State Council, all ministers were Sinhala by ethnicity and were elected representative, chosen from amongst the members of various executive committees.⁹ Naturally, some sections of the Tamil elite, who

did not have the same high privileges enjoyed by their forefathers in the former Legislative Councils began to speak of a Pan Sinhala Board of Minister. Communal tensions were exuberated during the period of the Donoughmore Constitution, (1931-47) because Sinhala leaders desired further change and utilised the existing power, to improve the condition of Sinhalese electorate. Minority group of Tamils felt neglected and demanded safeguards.¹⁰ These demands were construed by the Sinhalese an impediment to the path of self-Government. It served only to further worsen inter-communal relationship and the worsening situation reached its peak with the formation of the Sinhala Mahasabha by S.W.R.D. Bandaranaike in 1937 and All Ceylon Tamil Congress in 1944. Whatever the defect in Donoughmore Constitution may be, but it was as I.D.S. Weera Wardana put it "Novelty was the hallmark of the Donoughmore Constitution. Nowhere was it better illustrated than in creation of a body with legislative and executive function."¹¹

During the working of Donoughmore Constitution rather since the inception of the State Council, the Ceylonese leaders agitated for further constitutional concessions. They demanded the grant of Dominion status. During the Second World War 1941, the Secretary of State for Colonies gave an assurance that the question of constitutional reform would be taken up after the war. But agitation for reform leading to eventual self-government continued. On 26th May, 1943, His Majesty's Government declared that the question of re-examination of Ceylonese Constitution for reform after the war would be directed towards the grant to Ceylon full responsible government under the Crown in all matters of civil administration. A Commission under the Chairmanship of Lord Soulbury (who later on became first Governor-General of Independent Ceylon) was appointed.¹² The Soulbury Commission came to Ceylon and stayed for four months. The State Council as an official body kept aloof claiming that the British Government did not keep its earlier promise in drafting the term of reference and other matters concerning the reform of the Constitution. The Commission made contact with various political, social, religious and other minorities association.¹³

The Soulbury Commission submitted its report on 11th July 1945, and the British government issued a white paper on 30th October, embodying decision on the Soulbury Commission's report.¹⁴

This was debated upon in the State Council and D.S. Senanayake moved the following motion on 8th November, 1945.¹⁵

“The House expresses disappointment that His Majesty's Government has deferred the admission of Ceylon to a full Dominion status in view of the assurance contained in the White Paper of October 31, 1945, that H.M.G. will co-operate with the people of Ceylon so that such status may be attained by this country in a comparatively short time. This House resolves that the constitution offered in the said white paper be accepted during the interim period.”¹⁶

The motion was adopted by the State Council by 51 votes to 3. Two Tamil members Mr. V. Nalliah and A. Mahadevan supported the motion. Mr. N. Natesam claimed that the community to which he belongs could take pride in the fact that it had made the largest contribution towards the evolution of self-government in Ceylon. The Tamils, he said, “had a sense of grievance. They had worked for balanced representation not because it was something that came out of their brain but because, it was the pledge given to them by the British administrators. The Commission had given its award which had given scant consideration to the claim of the Tamil community. But they had to face the future with equanimity”.¹⁷

The three members who voted against the motion were a Sinhalese, Mr. D.W. Dahanayake and two Indian Members, who feared for the future of Indian immigrant labour. They were I.X. Percira and S. Natesam Iyer.¹⁸

The new Soulbury Constitution of 1946, provided :

(i) A Cabinet possessing full collective responsibility in all matters of internal administration.

(ii) A bi-cameral Legislature consisting of a House of Representative with 95 elected members on the basis of universal adult suffrage and 6 nominated members; and a Senate of 30 members—15 elected by the Members of the House of

Representative and 15 appointed by the Governor acting in his 'discretion'.

(iii) The Constitution narrowly defined Governor's power.

(iv) It also made reserve subjects like, Defence, External Affairs, Currency, Transport, Communication. Bill relating to these reserved subjects were to be reserved for assent by the His Majesty Government. But even in these spheres extensive autonomy was provided, e.g., the Prime Minister will also be Minister for Defence and External Affairs.

While the election for the first House of Representative was under way in February, 1947, D.S. Senanayake wrote a letter to Mr. Arthur Creech Jones who was the Secretary of State for Colonies in the Labour Government, and asked Sir Goonetilleke to conduct negotiation. Sir Charles, who was closely associated with negotiation set out British difficulty in his book.¹⁹ He writes, "Every one was prepared to trust Senanayake. An independent Ceylon might well at future time come under the control of a government which was not friendly to. What safeguard could then be against that?"

Meanwhile the Governor Sir Henry Moore and several officials of the Colonial Office in London were prepared to take a chance with Ceylon. In 1947, another announcement was made in the House of Commons by the Secretary of State; the Governor, in the State Council, that soon negotiation would be entered into for making an agreement by which full self-government status could be conferred on Ceylon. Ultimately, the following announcement in the House of Common was made on 18th June 1947:

"In 1945, His Majesty Government affirmed their willingness to co-operate with the people of Ceylon in their advance to Dominion status and expressed the hope that within a comparative short space of time such a status would be evolved. His Majesty's Government recognised that the people of Ceylon are anxious to see this aim realised as quickly as possible and are eager to know how soon they may expect this to come about. After the election, immediate steps will be taken to amend the constitution so as to confer fully responsible status within the British Common Wealth of Nations."²⁰

Ultimately, three agreements were signed :

(i) A Defence Agreement between the British Government and the Government of Ceylon to regulate the relation between the two Government in respect of defence,

(ii) An External Affair Agreement to regulate between the two countries in respect of external affair, and

(iii) A Public Officer Agreement transferring to the Government of Ceylon the responsibility of the Government of the United Kingdom in respect of officer in the public service appointed by the Secretary of State for the Colonies.

The Ceylon House of Representative approved these Agreements. After this the Ceylon Independent Act received the Royal Assent on 10th December, 1947.²¹ Ceylon Independent Order in council was issued to remove all limitations on Ceylon Government contained in 1946 Soulbury Constitution. Finally, Ceylon ceased to be a Crown Colony at midnight of 3rd February 1948 and Parliament of Independent Ceylon was formally opened by His Royal Highness Duke of Gloucester as representative of his brother His Majesty, the King George VI.

This constitution of independent Ceylon was unitary. The Central Government was all powerful; it could abolish old territorial division—Provinces and districts and create new ones in their place. It could make any change in regard to them, without limitation. Thus all authority flowed from the Central Government, so far as the provinces and local areas were concerned. It also established parliaments and this feature continued till 1972.

Ceylon was still a dominion like Canada, Australia and New Zealand. So the Head, was still the British Monarch. The Parliament consisted of the Monarch and the two houses. Monarch was represented by the Ceylon's Governor General, who was appointed on the advice of the Cabinet in Ceylon.

This Constitution follows British pattern and does not embody fundamental rights of the citizen, but it aims at preventive discrimination, on the ground of race or religion. It stated that Parliament could not pass any law which could (a) Prohibit or restrict the full exercise of any religion; (b) make person of any community pre-religion liable to disabilities or restriction to which person of other communities or religion were not liable

or (c) confer on person of any community or religion any privilege or advantages, which had not been conferred on person of other community or religion, (d) alter the constitution of any religious body except with the consent of the governing authority of that body.²² It was circumvented by the Ceylon Citizenship Act, 1948, as it was not discriminating against any group.

The interest of religion and racial minority was sought to be safeguarded by a special system of representation. In respect of each 75,000 of the members, the Delimitation Commission was to allot one electoral district, to the Province and add a further number of electoral district (based on the number of Sq. miles in the province) at the rate of one additional electoral district for each 1000 sq. miles of area calculated to the nearest 1000. By combining population and area of representation, it was possible for large minorities to secure better representation in the House of Representative. The creation of multi-member constituencies in thickly populated areas and the introduction of the cumulative voting system were intended to help the minority in electing representative of its own choice.

The Tamil Congress placed before the Soulbury Commission the need for balanced representation on 50 : 50 basis as it was called. On this question the Soulbury Commission in its Report—said that “we are not inclined to agree that the system of representation recommended by the Ceylon Tamil Congress contains the germ of development and we do not regard it as a natural evolution from the Constitutions of 1921 and 1924. On the contrary, we should describe a system, which purported to re-impose communal representation. In the rigid form contemplated as static rather than dynamic and we should not expect to find in its seeds of a healthy and progressive advance towards parliamentary self-government.”²³

So the Commission devised above-mentioned method of election.

THE CONSTITUTION OF 1972

The theory that the country needs a home made constitution attract considerable political support from the very inception

of the Soulbury Constitution. S.W.R.D. Bandaranaike's speech in July, 1945 stated in the Legislature Council, that "The Legislative Council, must be given the right to frame, to discuss and determine the constitution which they considered to be best suited to their needs".²⁴

The Trotsky Lanka Samaj Party adopted the position that "the Soulbury Constitution was reactionary limitation on the freedom of the country".²⁵

In the first manifesto of S.L.F.P. 1956 S.W.R.D. Bandaranaike launching the election programme said :

"Constitutionally we stand for a new constitution, framed with the approval of the people that will give full effect to both the concept and freedom as well as democracies."

In 1956, S.W.R.D. Bandaranaike and his party came into power. He introduced a resolution in Parliament for appointment of a Joint Parliamentary Committee of the House of Representative and Senate to consider revision of the Constitution. This Committee though appointed in 1960, never met to discuss the revision due to sudden assassination of the Prime Minister. S.W.R.D. Bandaranaike had taken the preliminary step to change this status of Dominion status to Republican status, within Common Wealth like India. He got the permission in 1956 at the Common Wealth Prime Minister's Conference, but it had to be postponed till 1972. The reason was that during the period (1956-1972), no Government had sufficient majority to change the constitution.

The United Front had asked for a mandate from electorate to frame a new constitution in the General Election held in May, 1970. The members of the newly elected Parliament were to function as members of Constituent Assembly and frame a new constitution. The proposed constitution would declare Ceylon to be free, sovereign and independent republic. It would also secure fundamental right and freedom to all citizens.

The ruling party won the election with more than 2/3 majority under the leadership of Mrs. Bandaranaike, wife of S.W.R.D. Bandaranaike. Finally, a new constitution was framed and Sri Lanka became a Republic on 22nd May 1972 and broke its 157 year old link with the British Crown.²⁷

During 1965-70, S.L.F.P. and L.S.S.P. and C.P. coalition government decided that the country does not need piecemeal revision of the Soulbury Constitution. They decided to dissociate themselves from Select Committee appointed in 1965 by D. Senanaike and proposed an alternative line of action. The UF Government appointed a three-party Committee under the Chairmanship of Dr. Colvin R. de-Silva. The Committee had 32 members. It proposed alternate future constitution and in 1970 election manifesto included the historic clause.

“Seek the mandate of the people to permit members of the Parliament to function, simultaneously as a Constituent Assembly”.²⁸

The 1972 Constitution was a somewhat lengthy document running into fifty-four pages with two short schedules. It was divided into 16 chapters and 134 sections. Chapter I of the Constitution in particular set out its principles in clear terms and provided a key to the understanding of its entire framework.

The Constitution of 1972 was opposed by the United National Party, whose leader before the final vote said that his party was unable to give its approval to the document. He criticised specifically the system of nomination of the Head of State by the Prime Minister, investing all powers to the Prime Minister; subordination of judiciary to the National Assembly and taking away the power to determine the constitutionality or otherwise of Legislation from the courts. He also criticised the fundamental rights.

The Constitution was also opposed by the Tamil Federal Party which complained that the status of the Tamil language and of the Tamil-speaking community had received insufficient recognition. Tamils observed the day when the constitution was put in force as a ‘day of mourning’ on account of the raw deal given to them.

The Constitution led to a worsening of the relations between the two major communities of the Island. Tamil community which had all along stood for regional autonomy under a federal constitution, began to demand the establishment of a separate Tamil State.¹⁹

The 1972 Constitution failed to click. The United National Party was opposed to the Constitution of 1972. In December 1975 the U.N.P. formed main Parliamentary opposition, gave a call for the repeal of the 3½ years old republic Constitution, because it enabled the Government to deprive the people of their fundamental rights. A resolution adopted at its 21st annual convention said that the party would replace the existing constitution with another, which would "restore to the people their sovereignty and freedom". The party also promised to guarantee freedom of press and repeal all legislations which had adversely affected the political and democratic rights of the people. There were apprehensions that Mrs. Sirimavo Bandaranaike would postpone election, but the general election was held on 21-7-1971. The result of the election was that U.N.P., the major opposition party, led by J.R. Jaywardane secured unprecedented landslide victory by winning, 135 seats more than 2/3rd of majority of the 168-State National Assembly. Large section of votes alienated for two reasons Mrs. Bandaranaike extended the period of State National Assembly from 5 to 7 years and by the S.L.F.P.'s political authority system under which the member of Parliament had virtually become commissars in their constituency. They controlled distribution of land, recruitment to the public scale industry. No wonder this system gave rise to favouritism, corruption and nepotism on a wide scale.

What the S.L.F.P. had embarked on was a course of self-destruction, Jaywardane was shrewdly given the U.N.P. a socialist orientation to wipe out its damaging image as a pro-feudal and pro-capitalist party. This yielded much electoral dividend. It had said that its political philosophy was democratic socialism. It belonged to that democracy without which socialism was a democracy exploiter.

Some political observers felt that with the S.L.F.P. seriously weakened by its electoral rout, the U.N.P. once again became the country's main party. The U.N.P. could be tempted to use its massive majority to stifle the opposition, which it might seek to do with its enormous legislative authority. This was the reasoning behind the misgivings widely expressed on the P.M.'s

keenness to amend the constitution and instal a presidential government on the model of the constitution of the 5th Republic of France. People were worried over the reports of a proposed amendment, providing that the present P.M. would be the first President.³⁰

On the other hand M. Sivasithan Param, Dy. Leader of the Tamil United Liberation Front (T.U.L.F) declared in the National Assembly on 19 August, 1977 that the Sinhalese people had no legal or moral right to rule over the Tamil minority community of the Island.³¹ The Tamils will to preserve their separate identity and live together as a separate nation had been amply demonstrated at the last general election. He added that Tamils of Sri Lanka were a separate nation by all international accepted standards. They traditionally occupy a separate and well-defined territory in the north and eastern part of the Island.

A controversial bill on Sri Lanka's new constitution was passed by Parliament on 9th August, 1978, with the required 2/3rd majority, 137 voting in favour and 7 against it. The former P.M. Mrs. Srimavo Bandaranaike and a member of her Sri Lanka Freedom Party (S.L.F.P.) the majority opposition party, voted against the bill. While the minority Tamil United Liberation Front (T.U.L.F.) boycotted the voting, Mr. S. Jhondaman, the leader of the Ceylon Workers Congress (a constituent of T.U.L.F.) and sole representative of the people of Indian origin in parliament voted with the government.

T.U.L.F. boycotted the debate, protesting that the proposed constitution did not redress the grievances of minority Tamils. Government spokesmen replying to the T.U.L.F. criticism said that for the first time Tamil would be given the status of a national language. The Constitution also gave other concessions to the Tamils. A new constitution, the third since Sri Lanka became independent in 1948 was adopted by the National State Assembly on August 16, 1978 which came into force on September 7, 1978.³²

The existing constitution establishes a presidential form of government, being an amended form of the constitution of the Fifth Republic of France.

Its main features are :

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- (i) The Republic of Sri Lanka has been renamed as Democratic Socialist Republic of Sri Lanka.
- (ii) Sinhala and Tamil were recognised as National Languages, but Sinhala was retained as official language.³³
- (iii) The new constitution has given Buddhism the foremost place. It is the duty of the state to protect and foster the Buddha Sasana. It also assures all persons the right to freedom of religion and belief in worship, observance, practice and teaching.
- (iv) It establishes a unitary presidential form of government with combination of Parliamentary and Presidential form of Government. It provides for a very strong President and a weak Prime Minister.
- (v) The President is the Commander-in-Chief as well as the Head of the Government. He might submit constitutional amendment, bill for referendum, on matters of national importance.
- (vi) The Constitution also provides for fundamental right and Directive Principles of State Policy.
- (vii) The Constitution also provides for independent judiciary and a Supreme Court.
- (viii) The Parliament is to be elected on proportionate representation system. There will be no bye-election, vacate seats are to be filled in by the nominee of the party.
- (ix) Voting age has been reduced to 18 years.

The Constitution has also provided for Public Service Commission, Parliamentary Commission for Administration, Auditor General, Delimitation Commission and Commissioner for Election.

The T.U.L.F. boycotted the new constitution as M. Amirthalingam, the General Secretary of T.U.L.F. said that "the new constitution did not satisfy the national aspiration of the Tamil-speaking people, and Tamil language was given second place. . . all the agreement that has been entered into have become dead letter. The two nations had come to the stage where they could not live together."³⁴ But Mr. S. Thondarman, the President of the Ceylon Workers Congress welcomed the concession made in

the constitution to the plantation workers of the Indian origin and said that although it was not perfect, yet it was definitely a step forward.³⁵

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7. Charles Collins, "Public Administration in Ceylon", p. 128.
8. For detail on the point see Chapter 2.
9. In the first State Council one Indian Tamil, Mr. Peri Sundaram was elected Minister for Labour, Industry and Commerce.
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11. I.D.S. Weera Wardana, "The Government of Politics of Ceylon" pp. 66.
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CHAPTER II

HISTORY OF IMMIGRATION AND DISCRIMINATION

The Indo-Sri Lanka problem over people of Indian origin started with the future of over nine lacs of person of Indian origin. Their indentification with the political, economic and social life of the Island, constitutes the central issue with her big neighbour India.

The problem of Indian settlers, majority of them are of Tamil ethnic group cannot be fully appreciated if we do not have a historical background of the Indian settlers, i.e., why, and when these settlers went to Sri Lanka or Ceylon as it was known then? Are they supporting the claim of a separate state of Tamils? How do they expect the Tamils in India in particular and Government of India in general should support their cause? Why this conflict between Tamils and Sinhalee? All these can be fully understood if we have a clear idea of history of Indian emigration to Sri Lanka (then called Ceylon).

Dr. R.C. Majumdar states that the history of Indian emigration is "as old as Indian maritime enterprise. Indian Colonia and Camera were extended in Burma, Malaya, Indonesia, Lanka etc.¹ Early Indian emigration was mainly cultural and commercial. Unfortunately, the modern emigration is of an uneducated labourer, setting out of his motherland to be exploited and live on an alien estate.

The European settlers of Ceylon, wanted to establish plantations all over the country, rubber, tea, coffee etc. They were in urgent need of cheap labour. They succeeded in persuasion and inducing Government of India to allow Indian

emigration. Famine had occurred in 1770, 1877 and 1897. The European planters and government made rosy promises at a most opportune, psychological hour, which proved beneficial to them. Organised emigration of Indian labour to British colonies began under the supervision and direction of the Government of India. The Indian labour went to far off places like West Indies, Mauritius, Fiji, Surinam, Malaya, Burma and Ceylon.

We are concerned with the Indian labour emigration to Ceylon only. Here, the conditions of emigration were quite different from emigration of Indian labour to far off countries like, Fiji, Mauritius, S. Africa etc. In Ceylon, emigration was mostly temporary due to nearness, season and crop condition the both sides of the sea. It is also a fact that large number had tended to be permanently settled.²

The system of recruitment was different in Ceylon. The system of recruitment of Indian labour was known as the Kangany or Headman system. Under this system, the Headman known as Kangany, used to be an Indian emigrant. He was a gang leader, the gang consisted of 25 to 30 labourers, he had to supervise the work of his gang. All such gangs used on an plantation estate would be under a Head Kangany. The Head Kangany acted as an intermediary between the Estate Superintendent and the labour force in regard to the payment of wages. He was also incharge of all other financial matters of the estate in relation to the labour. He also controlled the domestic affairs of all labourers under him. He used to get fixed monthly pay and a commission for every labourer that presented himself to work. The commission were called 'Head money'. All advances to labourer were made through him, so he was the sole debtor to the estate. The Head Kangany was also paid by the State a commission of 3 to 4 ca. a day for every labourer of his gang going to work. This was known as 'Pence money'.

Whenever the estate needed additional labourers to work it was the duty of the Kangany to arrange for additional labourers. He was provided with ample fund for payment of advance to intending emigrants in India, travelling and other expenses till they reached the estate. These expenses were shown

as 'Debt Account' and a charge against the Kanganey and his recruited labour. This meant that every emigrant to Indian labour with Debt account, which would close at the end of season or contract with payment of wages after deducting the amount paid in advance. Some estate would reward the recruiter Kanganey with bonus of Rs. 5 to Rs. 10 per recruited labourer who has worked for six months.

Though this system remained in force since 1837 but there had been definite change in the control of recruitment. Between 1837 to 1904, the employer secured the Indian labourers through individual efforts uncontrolled by Government of India. Though Government of India passed an Act in 1837, which prohibited contract by labour outside India, but there is nothing to show that it was enforced against Ceylon. The labourers were exploited like slaves.

In 1847, Government of Ceylon proposed an ordinance to protect the Indian 'coolies' as they were called at that time. Surprisingly Government of India replied that such emigration to Ceylon is illegal, but asked for an assurance that such labourer may not emigrate to other countries. The Government of Ceylon accepted and gave an assurance. The Government of India passed an Act which lifted the ban on the emigration of Indian labourer to Ceylon.³ The Government of Ceylon also passed an ordinance in 1847⁴ which prohibited any Indian to enter into contracts to work outside Ceylon. Later on, it became a law and emigration of Indian labourer to Ceylon began.

Most of the labourers were from the province of Madras, when the recruiter moved to Ganjam district. The D.M. objected and refused to allow recruitment. The Governor General Lord Elgin intervened and recruitment was allowed.⁵

Later on, Tea and Rubber plantation estates were started. This created unprecedented demand for Indian labour. The Kanganis began to demand more and higher advance. The Government of Ceylon also entered into the field of recruitment of Indian Labourer for P.W.D. works. The demand of Indian labourer increased the employers were not in favour of giving large amount as advance to Kanganis, without guarantee of obtaining labourer. The Kanganis mis-appropriated the advanced amount, but the labourer were forced to work and

owe responsibility though they had received part of the advance. Their conditions were pitiable.

There was another prevalent system concerning movement and employment of labourer; this system was known as Tundu System. This system can be explained in this way—Labourer worked in a particular plantation, whenever the Superintendent of that particular plantation found either before the expiry of the contract or at the end of contract that there was excess labour force on his estate, he issued a TUNDU, i.e., written notice to discharge so many labourers, on the condition that they paid outstanding advance. The Kangany armed with their Tundu, would seek employment in other estate and may ask higher advance. With this advance he paid off the old Superintendent and moved with the gang to new estate. Thus, transferred debt and labour became essence of Tundu Transaction. This system was in favour of Kangany for whenever he was refused advance to his satisfaction, he would ask for Tundies from the employer for himself and his gang and seek employment at some other place. The effect was increase in the debt of labourer, invariably various efforts failed to give any relief to labourer from indebtedness. Other attempts were made to free the labour from the debt but their position remained the same owing to the continuation of the Kangany system. The debt which practically every worker owed to his Kangany or his employer prevented him from leaving except for a short visit to India with permission of his employer.⁶

In 1921, Tundu system was abolished. The Ceylon Recruiting Organisation was established as in Malaya. A Licensing system was introduced, authorising normally recruitment of 20 labourers. In actual practice the number received 70 persons. The ordinance also compelled the employees to issue discharge certificate on request of the labourer after a months' notice, whether they paid the debt or not. This enabled the Kangany to exact their money from the labour within 30 days. This system led further exploitation and oppression by the Kangany. The labourers were forced to borrow from the prospective employer.

Meanwhile agitation started in India. Indian leaders like Gokhale, Mahatma Gandhi, F.C. Andrews decried recruitment

of labour and their condition as semislavery. The Indian Emigration Act, 1922 was passed to control immigration and safeguard Indian interest. Emigration will be allowed on specific term and condition as the Governor-General in Council may specify and it must be approved by the both Chambers.

This led to the issue of Ceylon Labour Ordinance.⁷ These two measures removed some of the objectionable features of Indian emigration to Ceylan. The ordinance cancelled all debts. The cost of transportation and subsistence on journey should be borne out of the Immigration fund. An assisted emigrant was also entitled to be repatriated free of cost within a year.

The Act also defined emigrant labour those who came at their own initiative had no special place. There was no legally established organisation to assist their immigration into Ceylon. This emigration gradually declined. In 1937, the Planters insisted and urged Government of Ceylon to permit the entry of 5000 Indian workers. The Government of Ceylon agreed but the Government of India refused recruitment by licence. It allowed limited entry by assisted passage to person of non-immigration status. This meant that person who had worked in a estate to return to same estate and then close relation, or to person who were actually employed in an estate. But the term 'close relation' was interpreted in such a way to allow more Indian labour by the Immigration Commissioner.

The Government of Ceylon dismissed daily paid staff and the Government of India imposed a total ban with effect from 1st August 1939. In spite of ban Indian labourer emigrated to Ceylon. I shall come again to the problem of labour of Indian origin, but there were other classes of Indians, i.e., the Indian Trading Class.

The problem of the Indian Trading Class in the country, i.e., Ceylon was of a different character from what exists in other British colonies. In Ceylon, there were two classes of Indian traders : (1) the small trading class, and (2) big Chettiar, financiers and bankers. The competition of the Indian small traders was mostly from the newly emerging native community. The problem of Chettiar was related to largely to land

ownership.⁸ As there were no Legislative restriction on these business except some irritating regulations.

In Ceylon, pawn broking was done both by the Ceylonese and Chettiar. Other Indian specially Gujratis, were doing business as estate suppliers, piece goods merchants, retail shop-keepers, grocery, mill owners etc. 90 per cent of rice import was in the hand of Indians, rest was controlled by the European. Even distribution system was also in the hands of Indians.⁹

The various measures were taken which were to affect adversely the Indian trades in Ceylon. The Agriculture Quota Ordinance was promulgated under this ordinance every importer was required to take a licence. He had to give an undertaking that he would by certain proportion of local produce at a fixed price. Thus, the Indian import of rice, textile etc. came under this ordinance.

Then Agriculture Dealer Ordinance was promulgated to affect adversely the small Indian traders in villages. They were also required to take licences for the purchase of local product and to show a bank balance to their credit, so they might be in a position to pay in cash to purchase agriculture produce.¹⁰ The Ceylon ordinance was intended to prevent the facilities the Indian small traders enjoyed in purchase and trading in the local produce in return for their supply to the village the food requirement throughout the year. The ordinance was intended to reduce the number of Indian boutique keeper in the up-country plantation area.

The Up-country Traders Association proposed that :

- (a) there should be no boutique in estate;
- (b) there should be no more addition to the boutique already in existence at the time of formation of Association;
- (c) that even the formation of co-operative store the estate labour should not be allowed.

On the basis of this representation the Director of Commerce proposed that new boutique keeper should furnish certain particular to the effect that a boutique was necessary in a particular area. The Kangany boutique in estate should go

and they should not be allowed to start a new boutique outside the estate in village where Indian boutique owners do business with the Indian immigrants as their customer. Thus, in future, no enterprising Indian labour can start a small business of his own except when he is allowed to do so in the plantation area.

The European bankers and merchants avoided dealing directly with the Ceylonese unless they offered substantive security for the credit allowed. The European trusted Indians and imported goods were distributed through them. They also purchased through the Indians.

The Government imposed special tax for non-Ceylonese employers and fixed quota to secure employment of Ceylonese by the Indian merchant. This adversely affected the small Indian businessmen.¹¹

The Shop Regulation Ordinance had been framed in such a way as to impose hardship on the Indian shopowners. Income Tax Ordinance of 1942 operated to harm Indian trade.

The Essential Commodities Reserve Ordinance of 1939 affected the Indian Trade in rice, textile as they constituted 90 per cent of the wholesale trade, 60 per cent of medium and 40 per cent of the retail trade in the Island.

Similarly, restrictions were imposed on cash remittance by the Indians in Ceylon to their dependents in India. They were deprived of the benefit of their employer and serve in the country of their own intending to confirm transfer of capital which could adversely have affected the Ceylonese economy. The British were allowed to remit without any restriction when the Government of India protested then it was withdrawn and Indians were allowed to remit Rs. 25 after following vecatious terms and conditions.

Consequent upon these measures many Indians wound up their business and left for India in 1941-42.¹²

The Indian trade and finance had contributed to a very great extent to the economic development of Ceylon under the new scheme, in regard to import trade, import license were granted to a citizen of Ceylon and Government required that 75 per cent of the staff should be Ceylonese citizens.

The Indians suffered many disabilities in regard to fishing, transport, daily wages, work, etc. but even then, large number

of people of Indian origin remained in the country. It is not possible to discuss all aspects of their condition. I shall concentrate on political status of the people of Indian origin only. This has resulted in the present conflict between the Sinhalese and the Tamils.

An order in council of 1920 reconstituted the Ceylon Legislative Council with 14 officials and 23 unofficial members. The Governor presided. Indians were allotted one seat. Though they constituted 1/6 of the total population, they demanded 14 elected members. The Sinhalese were ambitious to capture political power. They demanded certain changes in preparation of electoral roll. They demanded that residential qualification be incorporated in Order-in-Council of 1920 be abolished, qualifying period for a voter be reduced from one year to six months, and extension of franchise by the lowering of property and income ceilings. They knew that these changes would not favour people of Indian origin, who were to be nominated on communal basis. The Sinhalese also demanded re-distribution of territorial seats to increase the low country seats, and reduction of seats of other provinces. A resolution was moved in the Legislative Council in March, 1923 to provide for 3 non-official members in the Governor's Executive Council, to be selected from the elected members of the Legislative Council and they must be ministers with portfolio.

The Government of Ceylon issued the Ceylon (Legislative Council) Order-in-Council in December, 1923. It provided for 37 unofficial members, out of this 34 were to be elected, but only 2 Indians were to be elected. Here again discrimination was made against Indians.

The Donoughmore Commission was appointed for constitutional reform in Ceylon in 1927. The Commission held the view that the extension of franchise was more urgent than the formation of responsible government.¹⁴ The adult franchise was to be subject to five years residential qualification and registration should be restricted to those who applied for it. The method of application being definitely laid and widely published.¹⁵

Regarding the Indian seat on communal basis the Commission felt that it was unnecessary to retain them for which they

advanced two arguments : (1) should Indian be represented, the British planter would naturally regard them mainly from the industrial point of view, while the Ceylonese members would not feel any responsibility for Indian who have their own representation.¹⁶

Secondly, consideration that weighed with the Commission was the considerable diversity of opinion expressed on the question, whether the two Indian representatives had been able to secure improvement in the condition of workers on the estate ? The Commission felt that with changes in respect of franchise, large number of Indian labour would be entitled to vote and have a voice in the election of a territorial representative. They assumed that this would secure a more effective expression of grievance in the Legislative Council. So they recommended that the two communal seats for Indians be abolished.

The Sinhalese were opposed to this because this would enfranchise a large number of Indian workers. So the unofficial Sinhalese members of the Legislative Council passed a resolution to introduce literacy test.¹⁷ The Sinhalese at first wanted to reject the Donoughmore proposals, but seeing that the grant of adult suffrage would give more power to majority community accepted it by a majority of only two. At the same time they protested against the grant of universal franchise to people of Indian Origin.

They made some more proposals to the Governor in order to reduce the strength of Indian voting. The Governor also supported the Sinhalese and agreed that some additional restriction of Indian enfranchisement was necessary, besides the five-year residential requirement. They also feared that this would embitter the relationship between the Indians and the Ceylonese so the Government stated that, for undomiciled, including those whose domicile might be in doubt the government would substitute a choice between the two alternative qualifications in lieu of domicile : (1) compliance with the franchise qualification of the constitution then in force in respect of literacy, property or income as specified in Order-in-Council, 1923,¹⁸ (2) the production of a certificate of permanent settlement granted by some duly appointed officer, the condition

for grant being five years residence and intention to settle down there and renounce special protection by any other government¹⁹

So the Donoughmore proposal, in regard to franchise was modified by the Ceylon (State Council Election) Order-in-Council, 1931. Under this order the Indian Franchise was of three types :

- (i) One was to be determined by an income and literacy qualification;
- (ii) A Ceylon domicile, and in a case of acquired domicile, residence in Ceylon for a minimum period of 5 years; and
- (iii) By the possession of a certificate of permanent settlement condition on residence in the Island for a minimum period of five years. Further, to secure voting right, they had either to declare themselves as Ceylonese domiciled, or obtain a certificate of permanent settlement. To obtain this, there were certain difficulties. Then 75 per cent of Indians were debarred from being enrolled as voters.²⁰

Over and above these, when constituencies were being delimited in 1931, a deliberate attempt was made to reduce the enmassed strength of the Indian community in provinces like Central and Sabargamuwa.

Further obstacles were placed against Indians from getting registered even under the Draconian domicile test. The Ceylonese ministry demanded that Indian should pay poll tax or road tax and then Indians who were on the state council register should be compelled to pay village committee tax. This was later on withdrawn as it was opposed by the Ministry of Agriculture. They argued that if the Indians pay village committee tax, then they would advance to the claim right of lands in the village.

Naturally, all these measures led to bitterness of feeling between the two communities. The Indians objected to further reform unless adequate guarantee for protection of their rights were given.

In 1938, the Governor made certain proposals for reforming the Ceylonese Constitution. An amendment was moved by an Indian member that prescribed qualification for voter based on complex and unworkable domicile test should be replaced by a simple test of 5 years residence, as recommended by the Donoughmore Commission. It was rejected by 26 votes to 7.²¹ Above all, a resolution was passed to appoint a committee to consider and advise changes in electoral areas to accommodate more candidates of minority community and to secure adequate representation of Kandyan rural interests. Indians contended that interest of Indian labour never in fact clashed with Kandyan rural interest, for out of 21 constituencies in Kandyan area only 2 Indian candidates were elected.²² The Indians moved an amendment to reserve 8 seats out of 68 for Indians which was rejected by 37 to 5 votes.

On the other side the Indo-Ceylon Exploratory Conference was held in Delhi in November, 1940. It failed to reach any agreement, due to rigid attitude of the Ceylonese delegates. They could not modify their attitude in regard to principles governing the status of the people of Indian origin, with the result that no other question was discussed and the talks terminated without any settlement.

When the paper relating to the conference were tabled before the Ceylon State Council, the Governor sent a message to the Council explaining the meaning of the undertaking given in the past by the Government of Ceylon to the Government of India in regard to Indian emigrants. He also added that he was to withhold approval, ratification or assents in respect of any Act, Regulation or measures likely to have the affect of depriving Indians of the benefit of any understanding mentioned to which Government of India had not agreed.

As a protest against the Governor's message the State Council adjourned to enable the Minister to prepare and introduce two bills, one to restrict immigration to Ceylon, and the other to register non-Ceylonese residents in Ceylon.

After the failure of Indo-Ceylon Exploratory Conference and Governor's message, the Minister prepared bills, which were not based strictly on proposals in the memorandum presented to the Government of India. On restriction of immigrant

and registration of non-Ceylonese, the Government of India objected to the first bill on ground of principles, viz. that it would interfere with freedom of movement of Indians between India and Ceylon. This would be against the previous understanding between the two Governments. In regard to the draft Registration Ordinance, Government of India felt that the definition of non-Ceylonese prejudiced the whole issue between the two Governments as to what classes of Indian now in Ceylon should be treated as Ceylonese. The Government of India also commented that the question of immigration, should form part of the General settlement of all outstanding issues and should not in view of past assurance be decided by Ceylon unilaterally and in isolation from other questions.

In spite of Government of India's objection, the two bills were introduced on 4th of March 1941²³ to control and regulate the entry of non-Ceylonese and to provide for registration of a person, who did not possess Ceylon domicile of origin certificate. It was referred to a standing committee, which expressed a willingness to hear all parties, which wanted to present their view before the bills were passed. As Indians were wholly opposed to the principles underlying the bills, no representation were made on their behalf.

In August, 1941, the Government of Ceylon proposed to the Government of India that a conclusive talk should be resumed.²⁴ The Government of India agreed and a conference was held in Colombo from 5th to 21st September, 1941 in which agreement were reached which were published in a joint report on 16th October 1941. These proposals were strongly criticised by Indians in Ceylon.

An Indo-Ceylon Draft Agreement of 21-9-1941 was prepared. The Indian Central Assembly unanimously passed a motion on 17-9-1941, that "Indians in Ceylon on the prescribed date of agreement and those who had been resident within a specified period prior to the date of agreement, should have freedom of entry into Ceylon and no regional or occupational restriction should be imposed on them." "They should be entitled to full right of citizenship on the completion of the prescribed period and that for the future, provision should be made to protect Indian interest."²⁵

Negotiations were going on the draft agreement, when the Second World War broke out in the east and it was felt that it was inconsistent with war efforts. It was suggested that further consideration of the proposal be suspended and the question be re-examined in the light of post-war development. It was agreed to maintain *status quo ante* introduction to immigration ordinance to be maintained but it should apply to continuation of ban of unskilled labour to Ceylon.

The continuation of ban was causing a great hardship to Indian labourer in Ceylon, i.e., difficulty in visiting family members, separation of family etc., so the Government of India informed the Government of Ceylon of 29th August 1942,²⁶ that relaxation is being made. The Government of Ceylon, replied that any relaxation would change *status quo*, and it might endanger economics and other problems in Ceylon, and they would be free to take any action they might be compelled to take in the interest of war efforts, which might change the *status quo*.

During the war, Malaya and Burma were lost. So export of tea and rubber from Ceylon greatly increased which required more production, planters needed more labour force. The Government of Ceylon sent a telegram to Government of India on December 8, 1942, to allow special recruitments, ignoring the ban, to meet war requirements on two conditions:²⁷ Equal pay as to others and labour to be repatriated to India at the end of war. Government of India refused to accept the conditions and said that Ceylon Government must agree on some fundamental principles which should constitute the basis of future post-war Indo-Ceylonese negotiations. The Government of India sent a draft, which was rejected by the Ceylon Government.

I need not go into details regarding discrimination in wages, welfare etc. I shall confine myself to the question of land settlement to the Indian emigrants.

Land settlement has always been the natural basis of settlement all over the world. The Indians were regarded as a daily wage earner and not as a settler. In Ceylon, all attempts were made to prevent permanent settlement of Indians. The planters did not interfere in favour of Indian labour, planters had given

estate lands to the labour to keep them in the estate. The Government issued a Land Development Ordinance and about 400 Indian work on Knavesmere estate in Kegalle district were served notice to vacate the land by 30th April 1946. They had been living there for over 30 years. They had no connection with India. This attitude of the Government to treat the people of Indian origin as mere chattels and creatures of convenience and to exclude them from selection of allottees inspite of their abiding interest in Ceylon by virtue of their long residence in Ceylon roused widespread resentment. This was taken as a part of the plan to liquidate Indians as and when convenient.

Ceylon Indian Congress represented to the Government that if the Government agreed to allot land to Indians on the qualification of five years residence in estate, rest of the Indians would be advised to vacate the estate land. This notice on masses eviction struck them with fear that in the absence of villages for Indian worker to settle. They might be forced to become vagarant on the street of various cities of Ceylon, to be repatriated to India. They demanded that instead of up-rooting them from their homes and transplanting them elsewhere Government should reserve land for Indians.

The Government took the stand that under land development scheme, only those with a Ceylon domicile of origin and permanent residence in one of prescribed villages were eligible and the resident estate workers, whether Indian or Ceylonese who had no permanent residence are not eligible for allotment under the scheme.

On 1st June 1946, the workers were paid their wages and discharge certificate.²⁸ Indian workers refused to receive their discharge certificate and refused to leave the estate. The Ceylon Government initiated legal proceeding for criminal trespass against all workers and served them with notice. The Indians declared hartal and a strike was observed. The Government of India protested against the issuing of discharge certificate through their representative.²⁹

The Government of India conveyed to the Government of Ceylon their earnest desire to have amicable settlement with Ceylon on all outstanding issues and urged that no ejection of

Indian worker from Knavesmere estate should take place until negotiations were resumed.

After five months of negotiation between the two Governments, the dispute was settled. The Government of Ceylon agreed to give active assistance to Indian labour to shift to neighbouring estate and to grant pardon to those convicted for criminal trespass after the completion of transfer. The Ceylon Prime Minister also agreed, there would be no need to evict estate labour during the period which are likely to elapse between the negotiation between the two Governments were resumed. He thus attempted to meet the apprehensions of Indian estate workers that rapid execution would lead to large number of them being deprived of home and employment. He announced his decision to take over, in future, only those estates, whose owner's gave vacant possession. The Ceylon Pime Minister also agreed that quitting of estate by Indians would be without prejudice to their claim in Ceylon, to share in the benefit of scheme of village expansion. The estate workers agreed to these assurances and left the estate.

As a result of the Agreement, an ordinance was prepared to evict estate labour after expiry of contract of their service. The objective was to provide a simple and expeditious machinery to deal with incidents like the Knavesmere estate incident.

Another step in the constitutional development was His Majesty's Government acceptance of the request for constitutional reform. H.M. Government announced on 5-7-44 its decision to send a commission,³⁰ before the end of the year, to examine the Ministry proposal and to provide full opportunity for consultation with various communities.

The Soulbury Commission arrived in Ceylon in December, 1944. In the meantime, responsible Ceylonese leaders began to spread the impression that the Government of India wanted the problem regarding Indians to be postponed till war is over, therefore, the Commission need not consider the question of the States of India. But the Government of India conveyed to the Government of Ceylon their readiness to resume negotiation any time.

On 9th March of 1945³¹ the Ceylon Indian Congress

submitted a memorandum to the Soulbury Commission with five-fold demand on the franchise, citizenship, representation, re-entry and immigration questions. They demanded that adult franchise should be extended to them on par with the rest of the people of Ceylon. Every British adult subject, as they were at that time, resident in an electoral district for six months should have the right to vote. They also demanded in the memorandum, that equal citizenship rights should be given to those who had resided in Ceylon for five years and would give a declaration of his intention of adopting Ceylon as their home. They further demanded that the constituencies should be so delimited as to ensure the return of 15 Indians to the Legislature as they constituted 16 p.c. of the population. They favoured joint electorate. The executive, i.e., the Council of Minister should be composite so that distribution of the executive powers might neutralise any attempt of communal domination.

The Soulbury Commission didn't pay much attention to the memorandum submitted to it by the Ceylon Indian Congress; naturally five demands were also not given due consideration. The report of the Commission was released for publication on 9th October 1945. The White Paper announced on 31st October 1945 contained the decisions of the Secretary of State for Colonies, which were based on the Soulbury Commission recommendation. The Ceylon State Council accepted the decision by 51 Votes to 3; two Indian members voted against it. Why did the State Council accept the decision of the Secretary of State for Colonies, and why was it not favoured by the Indian members of the State Council will be made clear from the following facts.³²

While dealing with the question of 'Franchise' which was one of the demands of the Ceylon Indian Congress, the commission expressed the opinion that it should be within the competence of the Government of Ceylon to determine the conditions under which the inhabitant of Ceylon may acquire franchise.³³ This is what the Minister of the State Council wanted. Though the Commission stated that the number of Indians registered as Voters under the existing rigorous test had dwindled from 225,000 in 1939 to 168,000 in 1943 yet the Commission ignored the Indians demand regarding citizenship.

The Commission had also left the question of citizenship to the future Ceylonese Government. Even with regard to delimitation of constituency the Commission expressed the hope that through delimitation of constituency, Indians could be facilitated to return in the proportion of their population, i.e., 14 Indian representatives to the proposed House of Representatives of 101 members. Achievement of this hope was dependent on the work of the Delimitation Commission. On 1st July 1946, Indians submitted their case before the Delimitation Commission for multiple constituencies which would return at least 12 Indians to the House of Representation as proposed by the Soulbury Commission. To express their dissatisfaction with the new Constitution, the Ceylon Indian Congress declared a Hartal on 12th February 1947.³⁴

The First General Election was held under the new constitution in September 1947. The United National Party of the Sinhala emerged as the single largest party with 42 members in the house of 101 members. Only seven Indians were returned. The Senanayake Ministry was sworn in on 26th September. No Indian was included in the new cabinet.³⁵

The political status of the Indians suffered gradually with the stipulation for progressively drastic qualifications. The Donoughmore Commission recommendations for a qualification of five years residence in Ceylon for Indians, who did not come under the Literacy-cum-property or income qualification was also accepted by Indians as a practical test of abiding interest, though it created a fresh hardship.

The subsequent political manoeuvres led further to restriction of the qualification with the result that besides the literacy and property qualification, the other qualifications demanded were Ceylonese domicile or the production of certificates of permanent settlement in Ceylon both based on five years residence.

These restrictions were further tightened under the Indo-Ceylon joint Report of October 1941. According to this, the provisions of the 1931 Order-in-Council should be amended so as to provide for the suggested alteration in various classes of Indians to be created for the purpose of franchise.

The practical difficulties in the application of clause 7 of

the Order-in-Council mentioning domicile origin therein was often subject of consideration of the Government of Ceylon. Mr. F.C. Gimson, while reported on the general election to the State Council of 1936 stated, "There are roughly a million Indian labourers in Ceylon and it is clearly impossible for the domicile of every one of those over 21 years of age to be made subject of inquiry. Government, therefore, will have to consider seriously its attitude towards the Registration of this large Indian Population."³⁶

Similarly, a Select Committee of the State Council on election law and procedure reported in 1938 as follows: "The inquiry into the domicile of any person involves investigation into his future intention as regard his place of residence. In view of the very large number of Indian estate labourer, such an enquiry in their case is almost an impossible task".³⁷

The Registering Offices themselves were to be tutored in the procedure and law relating to domicile on the Interim report on the revision of Electoral Register, 1940 with a particular reference to first Registration of Indians under the domicile qualification, the legal secretary had drawn attention to the main features which distinguished the procedure prescribed from 1940 for registration of Indians under the domicile qualification from the procedure followed in the previous year and the instruction given to the Registry Officer.³⁸ The report shows that out of 62,000 Indians in the preliminary list, when 43,000 were orally examined it transpired that only 19,900 were finally registered.³⁹ The Legal Secretary reported that of the Indians in electoral districts except Colombo where name appeared in the preliminary list 41 per cent of the males, and 42.5 per cent of the females did not appear before a Registering Officer's oral examination.⁴⁰ The Registry Officers gave following reasons for non-appearance: (a) lack of interest, (b) lack of knowledge of the purpose of the inquiry and fear of consequences of attendance, (c) journey involved, and (d) loss of one days' pay where attendance involves absence from work. Even out of the number of Indians orally examined only 42 per cent of males and 52 per cent of females were registered; rest were refused registration, on the ground that in cases of majority the qualification of intention to make Ceylon a permanent home

was not established. In Colombo 82 per cent of refusal to register related to men whose family lived abroad (India) and whom they visited at fairly regular interval. All of them stated their intention to settle indefinitely in Ceylon but even then registration was refused.

Some Registration Officers in electoral district other than Colombo reported that the number of Indians in the preliminary list who were born in Ceylon was in their opinion surprisingly large; it is probably safe to say that at least 80 per cent of them whose name appeared in the preliminary list of electoral district other than Colombo, were either born in Ceylon or had resided in Ceylon for at least 10 years.⁴¹

Apart from the complexity and uncertainty of the domicile test, another important point is that the question of domicile of origin would arise after a lapse of 21 years. To expect an Indian to prove this that either or both of his parents were born in Ceylon is unjust, for it is quite probable that the father might be dead, it would be impossible to find out whether he regards India or Ceylon as his home at the time of birth. The evidence might not satisfy the Registry Officer. It is quite likely that then investigation might extend to weeks, for which labourers dependent on their wages could not offer to wait.

If, thus the domicile of origin is difficult to prove, it is more difficult to secure through a court according to rules of English law. It must be noted that most of those who were entitled to obtain either the domicile of origin or domicile by choice were Indian labourers who had lived there for more than one or two generations or even more. In most cases they were born in Ceylon or had resided in Ceylon for at least 10 years. If there were difficulties as mentioned above to appear for oral examination, then it is easy to imagine the difficulties in establishing domicile in a court of law. Only a microscopic percentage of those entitled to be regarded as possessing domicile of choice would really be able to establish in the prescribed manner. So, administration arrangement should be made to facilitate the establishment of such domicile as cheaply and quickly as possible.

The Report of the Select Committee on Election Law and Procedure, which investigated the question of qualification for

Indian voters says "There can possibly be no difference between permanent settlement and domicile and a person who possess a certificate of permanent settlement must necessarily be a person domiciled in Ceylon, thus every person who is entitled to registration under Art. 9 is also qualified for registration under Article 7."⁴⁴

The Committee also states that Art. 7 applied to all those who have a domicile certificate as well as those who have acquired a domicile of choice, provided that no person shall be regarded as qualified for registration on the ground of an acquired domicile unless he has resided in the Island atleast for 5 years.⁴³

It was the theoretical defect in the law as also the practical difficulty of its application that compelled Selection Committee to recommend that Art. 7 be amended so as to apply only to those who had a domicile of origin.

The Indian Agent submitted a Memorandum to the Delimitation Commission affirming that out of every 100 Indian residents in Ceylon only 20 were registered in the electoral register. At the same time, a similar group of 100 of the non-estate Ceylon population, 45 were registered as Voters. Thus, a group of non-Indian population had roughly $2\frac{1}{4}$ time the voting strength for an equal group of Indian. Hence, for fairness sake, any review of the number of seats be purely on numerical basis. The claim of Indians should rest on voting strength and not on numerical strength. The Delimitation. Commission rejected this view-point. The Commission agreed to take into account, in connection with the demarcation of electoral district, not merely the population figure then calculated but their calculated voting strength also. The Commission stated that demarcation made by them would secure majority of votes to Indians in 7 districts and a fair chance of return of one member in 3-member-constituency.

The Minister's draft proposal for Constitution report had earlier stated before the Commission, that the scheme of territorial representation with weightage of area proposed by the Minister would result in 58 seats for Sinhalese, 15 for Ceylon Tamils, 14 for Indians and 8 for the Muslims. The

Soulbury Commission was not convinced and sounded a warning in these words :

“If anything in the nature of a harsh or restrictive policy regarding the enfranchisement of the Indian unskilled labour, were pursued on the basis of minority representation in the new legislature would be materially affected and the number of representatives to protect the interests of Indian Labour Seriously diminished.”⁴⁴

As the Soulbury Commission had left the question of Indian Voters to the Government, the Ceylon (Election Register) Special Provisions Order-in-Council, 1946, was published on 17th May, 1946. This Order-in-Council introduced no change in existing qualification of voter. This means that Indians in Ceylon of either sex and over 21 of years all could become voters : (a) If they could satisfy the Registering Officer that they were British subjects domiciled in Ceylon, or (b) if they were literate and possessed some property or income qualification, or (c) If they possessed a certificate of permanent settlement duly obtained. Indians in Ceylon did not favour obtaining Certificate of permanent settlement and very few among the labourers were eligible under literacy-cum-property qualification. Hence, the names of Indians, specially, estate workers whose names were registered in election register were not registered under the domicile qualification.

Strongly, the Order-in-Council advanced the commencement of the usual annual revisions of electoral register from 1st August to May 22 and to further arrest the progress of revision at the stages of the preliminary register. The Ceylon (Parliamentary Election) Order-in-Council, 1946 laid down the same qualification for election in the earlier Order-in-Council. The Ceylon Prime Minister paid an official visit in December, 1947 for discussion with the Indian Prime Minister. This was followed with protracted correspondence on the citizenship right for Indians. Finally, the Indian and Pakistan Resident (Citizenship) Act was passed in August 1948. The purpose of the Act was to make provision for granting citizenship of Ceylon by Registration to Indians, who have the qualification of past residence in Ceylon for a certain minimum period. This

Act abandons the usual test of citizenship, like birth, and domicile. It provides for two classes of citizenship by descent and by registration. A person might acquire citizenship by descent of his father, or his paternal grandfather or paternal great-grandfather who were born in Ceylon. Besides he must have been born before the appointed date to be fixed later. Only Sinhalese can acquire citizenship by descent, though Indians had spent their lifetime in Ceylon. They had been debarred. In regard to the citizenship by registration, the Bill provided that unmarried Indian Resident who have lived in Ceylon for 10 years and married persons who have lived in Ceylon for seven years immediately prior to January 1946 will be given the status of citizenship. Those who acquire citizenship by registration constitute an inferior class as it did not confer full citizenship rights to them. Register, thus is granted to 25 persons for service rendered in any one year. In this respect the decision of the Minister concerned is final and shall not be challenged in a court of law. Ceylon rejected the Indian suggestion that period of seven years be fixed for married and unmarried persons. Further, a person asking for citizenship will have to prove that he has such means of livelihood that he can maintain himself and his family. Hence, the Indians who went thereafter 1936 or 1939, will not be able to acquire citizenship, whatever the period of their stay there. Absence from Ceylon if exceeds one year will also mean a break in continuous residence. The Government of India suggested that no person employed, though temporarily unemployed, but employment, should be left out from claiming citizenship on the condition that the applicant should have adequate means of livelihood to support himself and his family. This may be interpreted as to prevent Indian workers on the estate, however, long their residence from acquiring citizenship. The Government of Ceylon stuck to the provision and argued that as the application for acquiring citizenship should be made within first two years than those who are unemployed for temporary period will not be affected. This test of means of livelihood also excludes those persons who had retired from active work but continuation to live in Ceylon their minor children could not acquire citizenship.

The Act did not stop here. The Act further stipulated that a

person wishing to acquire citizenship should be able to show that he has lived in Ceylon with his wife and minor children and even if one of the minor children lived outside Ceylon, he cannot claim citizenship. Over and above this, the candidate must show that he has capacity to conform to the laws of Ceylon. According to the laws of Ceylon one cannot marry sister's daughter but in South India it is permitted. According to Ceylon law, one cannot have more than one wife, there were many Indians who had more than one wives. Indians were afraid and felt that their application might be rejected on the pretext of their social custom.

The Government of India made it clear that it was not their intention to advocate polygamy among those admitted to Ceylon citizenship. The Government of India also agreed that it was within the competence of Government of Ceylon to regulate their social matters of citizenship of Ceylon in future, but it felt constrained to add that it would be unfair to consider past marriages as disqualification for citizenship on the ground, that it is prohibited according to the laws of Ceylon. The Government of Ceylon could not accept it and expressed their inability to agree to any compromise on the question of marriage which were unlawful to Ceylon law.

Prime Minister Nehru had asked for an assurance from the Government of Ceylon, that there would be no discrimination of either legislature or administrative before the citizens by descent and citizen by Registration, yet the Act, makes a distinction between the two classes, harmful to the Indian. First section 11(1)(b)(iii) makes no provision for the wife of a citizen by registration to become a citizen although the Act provides for registration of the wife of a citizen by descent. Second, section 20(1) required the minor children of registered citizen to take certain steps to retain citizenship while the children of a citizen by descent are not subjected to any such requirement. The Act also makes a senseless distinction between the children born of same parent, born before and after the appointed date, i.e., the date on which the Act will come into force, and also between the children born before one becomes a citizen, and those born thereafter. Also in respect of distribution of land, under Land Development Ordinance Act.

Indians were to suffer from legislature and administrative discrimination. It was also agreed that the procedure for registration of citizens of Indian origin should be simple and inexpensive. But the Government introduced an elaborate procedure, involving the production of affidavit and certified copies of document, and inquiries by investigating officers, though it was relaxed by not making them obligatory.

Registration of all Indians will have to be complete within 2 years from the date the Act comes into operation. During that period, there will be only two classes of people Ceylonese and non-Ceylonese. It was estimated that more than one lakh of Indians would be able to acquire citizenship under this Act.

The Ceylon Indian Congress gave a call for a boycott of registration, due to inferior status attached to citizens by registration, yet the disturbing fact remains that unless a workable settlement is reached, Indians will be disqualified by the Act. After 2 years of period for registration is over the Government of Ceylon will have to instruct that only Ceylonese will be entitled to vote and staired the condition as Ceylonese are not the British subject.

The Ceylon Parliament Election Amendment Act was passed in October, 1948. It was feared that the Act would deprive many Indians of voting right as its effect would be to give franchise only to the Ceylonese citizen, while till now all the 'British subjects' enjoyed Franchise. It was described as an anti-adult suffrage measure a bulk of Indians have not acquired and cannot qualify for Ceylon citizenship, that would be disenfranchised.

The Government of Ceylon, from the beginning adopted the attitude that the person rejected were to be repatriated to India, as they were *ab initio* its citizen. The Indian Government on the other hand held that they were all Ceylonese citizens because they had lived there for generations and many of there were born there. However, Government of India was willing to confer Indian Citizenship to these people provided they satisfied conditions.⁴⁶

This conflict in view point results in number of stateless persons of Indian origin and they become subject of intense discussion and bilateral talk between these two states.

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4. Ordinance III of 1847, Government of Ceylon.
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6. Report on Indian Labour Emigrant into Ceylon & Malaya (1917).
7. The Ceylon Labour Ordinance I of 1923.
8. The Banking Commission in 1939 in its report stated that out of 1,200,000 acre, 50,000 acre were in the hand of Indian Chettians and of the remaining areas large part was mortgaged to Indian money-lenders.
9. It was estimated in 1945, that there were 745 Chettian firms with aggregate capital of 7½ million sterling in banking and commerce.
10. It was similar to Secs. 20 and 23 of the traders licence ordinance of 1932 in Tanganyika and sec. 15 of Uganda which required that in certain events all purchases of local produce should be paid in cash.
11. The Industrial Efficiency Act.
12. According to census of 1881, the total Indian population which was 276,787 composed of 157,455 agricultural labour, 24,617 general labour, 5,133 domestic sewab, 1,571 house keeper, 3,852 Railway workers, 2,551 road labour, 2,510 boutique keeper, small vendor and 28,970 petty traders.
13. For previous constitution development, see Chapter I.
14. Report of the Special Commission on the Ceylon Constitution (Donoughmore Commission Report) 1928, p. 83.
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16. Donoughmore Commission Report, 1928, p. 96.
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20. Majority of Estate Labourers did not have an income of rent Rs. 200 to 400, Rs. 600 per year or ownership of property worth Rs. 15,000 or paid.
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35. Hindu 27-2-1947. This is for the first time that no Tamil was included in the Government.
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CHAPTER III

PROBLEM OF THE STATELESS PERSONS

The most irritant factor in the Indo-Sri Lanka relation is the question of Stateless persons of Indian origin. This means the future of about nine lacs of persons of Indian origin, their identification with the political, economical and social life of the Island. This constitutes Sri Lanka's central issue in relation to her big neighbour India and till the bigger issues of a separate Tamil State camp up.

The efforts that had been made in the last 3 to 4 decades, to resolve this tangle proved incapable of solution, because of the basic difference in their approach to the problem. India maintains that only those persons who are already in the possession of Indian passport or those who have acquired citizenship under Art. 8 of the Indian Constitution are her nationals whereas Sri Lanka contends that all persons who have failed to qualify as citizen under her laws, are alien. Thus, there were nine lacs of men and women marooned in the political no man's land, disowned by the land of their ancestors and also by the country of their adoption. Their presence has become a source of irritation to Sri Lanka. Strangely enough some politicians and their parties have thrived on this problem for it has the quality to lend itself as a stepping stone to politics and with emergence and exit of Government in Sri Lanka, it has grown into a baffling proportion. After both India and Sri Lanka emerged as independent sovereign states, the problem of the stateless persons appeared to have assumed a strategic importance. The countries, not favourable to India, use their influence to exaggerate, they project it as a potential South Indian colony in the Central Hills of Ceylon.¹

The Sinhalese people appear to feel that if Hill country Tamils of Indian origin can combine with Tamils in the Northern-Eastern province, they would form an invisible link with South India. This link would be detrimental to their sovereignty and national regeneration. Therefore, they have begun to think in terms of a single nation with a common language and religion. It is not a passing phenomenon, but a long and deep-seated urge for self-preservation. The various acts and ordinances enacted by the Ceylon Government are in conformity with that philosophy.²

The British merchants with assistance of the British Government confiscated the Kandyan land under waste land ordinance to build up plantation industry and settled Indian labourers on the estate. It is a harsh fact and a humiliating memory, which has been kept up by certain forces within the country. Ceylonese leaders and politicians, therefore, cannot be fully blamed for if they are in no mood to own the legacy left behind by the British.

As they have no abiding interest in the Island settlers of Indian origin they say "If we are here it is not our fault. We have been victim of circumstances. But we have given our life, blood, for the well-being of the Island." It is a fact that the immigrants made possible an economic and general advance which could not have taken place without them and in the progress of which the great majority of the population share.³

But it is also a fact that lakhs of people of Indian origin do not have home outside the estate. It is a reality that India and Sri Lanka and for that matter the world community cannot ignore their problem. In this chapter we will deal with the various efforts made to tackle and solve the issue.

It has already been mentioned in the previous chapter that Government of India was willing to confer Indian citizenship to these people, if they fulfilled the condition in Art. 8 of the Indian Constitution. Between 1948-1953, 1,82,272, from amongst those persons who applied 1,55,292 were granted Indian citizenship. Another of 27,000 cases were pending. Besides, 8,24,480 applicants applied for Ceylon citizenship, only 8,087 applicants were granted citizenship, 10,319 were totally rejected and action were pending against the rest.⁴

The status of these stateless persons of Indian origin turned to be the subject of internal discussion and bilateral official talks between these two states. In June, 1953 the Indian Prime Minister Pt. Jawaharlal Nehru and Ceylonese Premier Dudley Senanayake met in London and discussion took place on the basis of a proposal put forward by the Ceylonese Premier D. Senanayake.

The proposals were :

- (a) 4,00,000 Indian residents in Ceylon were expected to be registered under the Citizenship Act, 1949.
- (b) An additional number of 2,50,000 persons of Indian origin would be granted permanent resident permit, whose future would be reviewed after 10 years, and during this period any of them may desire to return to India. The Government of India would not raise objections.
- (c) The permissible number of persons to be granted citizenship by Registration and permanent residence permit is in case to exceed, 6,50,000.
- (d) The balance of the Indian residents about 3,00,000 were to be accepted as Indian citizen by the Government of India and to be compulsorily repatriated to India.⁵ Nehru could not accept the principles of compulsory repatriation as it might create a precedent for other African and Asian countries.

The next attempt was made in 1954. Though Kotelawala considered the Acts of 1948 and 1949 as the utmost concession that Government of Ceylon was willing to make. Yet he was determined to succeed where Mr. Senanayake failed. His effort resulted in an agreement and signing of the Nehru-Kotelawala Pact on January 1954.⁶ According to the pact, both Governments agreed to suppress illicit immigration with determination. The Government of Ceylon proposed to prepare an up-to-date register of all residents who were not on the electoral register; this was to be done with a view to checking the illicit immigration. Both Governments agreed that after the register was completed any person having an Indian language as

mother-tongue would be taken as illicit immigration and was liable for deportation, for which the Indian High Commission would extend all facilities.

Regarding the grant of citizenship to the people of Indian origin, both Governments agreed that such person registered as citizen were to be placed on a separate electoral register for an initial period of ten years. They were entitled to elect certain members of Parliament. The number was to be decided later, in consultation with the Indian Prime Minister. Indians not registered were allowed to register themselves as one under Art. 8 of the Indian Constitution, if they so desired Ceylon agreed to offer other inducement for this. India also promised facility.⁷

Unfortunately, the Nehru-Kotelawala Pact ran into rough weather, even before it was ratified. It was not implemented honestly either by the Government of Ceylon or by the Indian High Commissioner in Colombo. The Government of Ceylon wanted that out of 9,84,327 Indians in Ceylon, majority of them should opt for Indian citizenship. The Ceylonese Premier argued that the Ceylonese citizenship could not be granted to a person who merely desired it.⁸ The Ceylonese Government argued that the Agreement envisaged only two classes of Indians : (i) Indian National, and (ii) Ceylon National. On the other hand, Government of India envisaged a third category of "Stateless person". C.C. Desai then High Commissioner, and who had participated in Delhi talk said, "the understanding was that there would be a stateless class, whose cases should be re-examined after 10 years and till then the *status quo* should remain."⁹

Following these differences, another conference was held in October 1954 in New Delhi.¹⁰ This was to iron out the difference between the two countries over the interpretation of the January Agreement. As there was basic difference in the approval to the problem of the status of a person of Indian origin in Ceylon, it was decided to recognise the difference and to proceed as rapidly as possible with two processes of registration as a Ceylon citizen or as an Indian citizen and thus to reduce the number of stateless persons. Ceylon agreed to simplify the

procedure for registration as citizens of Ceylon and to review the case of stateless persons.

Even this the implementation of the agreement was not smoothly done. The main point of criticism against the Government of Ceylon was that the applications for citizenships were rejected on flimsy grounds. It amended her Constitution to make provision for return of four Indian members for a special all Island electorate.¹¹ Without making any consultation with the Government of India, as provided in the agreement and lastly, the provision relating to special representation of the registered Indians were never implemented. Indian community remained unrepresented in the Ceylonese Parliament.

Ceylon's presumption was that India would grant her citizenship liberally and number of Indians would be reduced, but the Government of India refused to do so. Thus, the agreement becomes meaningless for Ceylon. So much so that the U.N.P. leader began to advocate that the agreement be abrogated, as the Indian High Commissioner was obstructing smooth sailing for the Pact.

The Government of Ceylon also retraced her step. It had pledged to announce scheme of inducement but it took harsh and coercive measures like, the refusal to extend ration card, denial of employment, refusal to extend temporary residence permit, dismissal from the job on account of failure to provide nationality certificate within a time limit, withholding accumulation under the National Provident Fund Scheme, denial of right to join trade etc.¹²

Kotelawala Government offered facility to American and British residents to take out their dividend and profit but Indian residents were denied from taking away their major earnings.

The Government of Ceylon, stopped issuing temporary residence permit and identity card to the persons of Indian origin, thus exposing them to rigorous immigrant Emigration Amendment Act.

The Government of India also reached to these measures and introduced Visa System for travel between Ceylon and India. Both Governments blamed each other.

The slow process of registration in Ceylon provoked public

criticism in India that the "real objective of Ceylon Government was to limit the number of Indians acceptable to pre-determined figure".¹³

Nehru suggested the mode of arbitration for the settlement of the problem regarding the interpretation of the agreement. But Kotelawala did not agree.

In a policy statement of the Sri Lanka Freedom Party, which was published in its journal *Free Lanka* on 16th February 1955 S.W.R.D. Bandaranaike suggested that the wiser course would be to abrogate to 1954 Agreement by friendly discussion, to go on register Indians who have applied for our citizenship, and when task is completed, then to take up the question of those, who have failed to obtain our citizenship, with India on a fresh basis.¹⁴

This attitude was a clear shift from earlier stand of Sri Lanka Freedom Party on the Indian question. Earlier, Bandaranaike had stated that he saw—

"No point in a deputation, official or unofficial, going to Delhi to discuss Indo-Ceylon problem which is in fact a problem of Ceylon citizenship. It is not possible for Mr. Nehru or the Indian Government to solve the question of our citizenship for us, nor indeed it is desirable for us to expect them to do so."¹⁵

In 1956 General Election, Bandaranaike's S.L.F. party came to power. In his bid to capture power, Bandaranaike rallied and enlisted the support of communal and religion extremist forces. This saw the emergence of "Sinhala only" banner. He was assassinated by a Buddhist fanatic. After a shortwhile, his widow Srimati Bandaranaike became the Prime Minister of Ceylon.¹⁶

By October, 1964, 1,34,188 persons had been given citizenship by Ceylon and 2,34,488 by India. The number of stateless persons was estimated to be at 9,71,073 of whom 9,04,838 were on the estates and 66,235, resided outside the estates.¹⁷

The pressure of over a million stateless persons of Indian origin indicates the incapacity of the existing legal provision to solve the citizenship issue of this category of persons. Nehru, viewed this problem in a global perspective, because the Indian settlers were spread all over British even Dutch colonies. This attitude did not facilitate the solution of the problem. The

proximity of the Island and other thing called for a special formula to sort out the issue, which was not an easy task.

In the meantime, certain new changes took place in international scene. Sri Lanka's relation with China had been very close and our relation with China was very strained particularly after Indo-China border conflict in October 1962. Her relation with neighbours was also not very friendly. India felt the desperate need to have good relations with her neighbours.

In Burma, landed property and industries were nationalised and Indians were forced to leave the country almost penniless. So it was desirable to have friendly and fruitful negotiations facilitating an agreement with Sri Lanka, so that Indians were not hit economically.

Above all, President Ayub Khan of Pakistan offered to take back all Pakistani nationals from India. It marked a contrast between the attitude of India and Pakistan. Pakistan also played up a symbol of India's big brother complacent attitude towards small neighbours to solve this problem.¹⁸ This was an attempt to embarrass India and to exploit the situation in its favour.

Against such a setting India felt a grim need to remove as far as possible the major irritants in Indo-Ceylon relations.

The political observers, journalists, public opinion felt that an early settlement of problem of stateless was necessary.¹⁹ Moreover, India had to accept above eight lakhs of refugees from East Bengal, and above one lakh of Burma had strengthened the Ceylon demand for an Indian initiative on the future of Indian workers in Ceylon.

Above all, the attitude of Lal Bahadur Shastri, the Indian Prime Minister, played a key role. He was very anxious to find out a solution to the problem and his posture was mild, conciliatory and accommodating. Mrs. Bandarnaike said that the accord was possible because Mr. Shastri used a fresh approach and was determined to get this irritant removed.²⁰

The Indian policy shifted from being adamant to flexibility and from idealism to realism. It was essential to rectify the mistakes made by the previous Indian Government and its representative in Colombo, with regard to problem of statelessness of persons of Indian origin and to save Indians from facing

the ordeal they faced in Burma. 'The Statesman' reported that 'It is a matter of some satisfaction that more attention had been devoted to our relation with our neighbour during the past 17 weeks than during the preceding 17 years.'²¹

From Ceylonese point of view, it was also important to remove irritant in Indo-Ceylon relations. The presence of such large number of non-citizens not only impinged on her every strained economic resources, but also led to the continued atmosphere of political uncertainty. So far as the attitude to the major political parties was concerned; any party interested in their political future, gained political benefit as much from the Sinhalese electorate as from the stateless person.

It was in this background that inter-governmental negotiations at official level were held followed by the meeting of the two Prime Ministers in October 1964 at New Delhi.

Mrs. Srimavo Bandaranaike, the Ceylon Prime Minister before coming for talk, consulted all the important leaders of political parties and sought their opinions. She also invited Mr. Dudley Senanayake who was the leader of opposition to join the Ceylonese delegation. Though he did not join the delegation, but he was kept in constant touch and was informed of all developments in New Delhi.

The Ceylonese delegation also included one Minister Shri T.B. Illangratne, to represent the Kandyan Sinhalese view. It also included many officials and legal experts.

The Indian side included Prime Minister Shri Lal Bahadur Shastri, the Madras Minister of Works, V. Ramaiah to represent Madras State, the original home of majority of people of Indian origin. Mr. Kamraj was also consulted. Shri Shastri also consulted political leaders of Madras and sought co-operation from various other State Governments for future rehabilitation of the repatriates from Ceylon. Indian delegation also included officials and legal experts.

The negotiation which began on 22 October 1964²² was not a smooth affair. Mrs. Sirimavo Bandaranaike had to extend her stay twice and talks continued for six days. The major issue of deadlock was the quantitative formula. The Ceylon Prime Minister was willing to accept only 2.5 lakh to be absorbed for Ceylon citizenship the figure she sought and got approval of

Mr. Dudley Senanayake. The Indian Prime Minister desired that it should be put to 4.7 lakhs. He had based his figure on the advice of his officials. He had assessed this on the basis of their talks with leader of Indian origin in Ceylon. Finally, after a mutual give and take attitude, he agreed to take 3,00,000 persons to be granted Ceylon citizenship. She had obtained the concurrence of Dudley Senanayake.

The Shastri-Srimavo Pact was signed on 30th October 1964.²³

The Pact made provisions on the following disputed questions :

- (i) The Pact provided that out of total number of 9,75,000 stateless persons; the Ceylonese citizenship would be granted to 3,00,000 persons along with their natural increase (i.e., sons and daughters) India would repatriate 5,25,000 persons along with their children and grant Indian citizenship. This imposed obligation on both Governments to confer citizenship on their nationals even if the prevalent laws did not permit it. In the 1954, no binding obligations had been created. The present agreement imposed obligation on the two Governments under international law to confer citizenship. "On a specific number of people even and they have to change their nationality law."²⁴
- (ii) The remaining 1,50,000 stateless persons' future was to be negotiated later on. The acceptance of the numerical formula by Mr. Shastri was a clear deviation from earlier attitude of Government of India. Nehru conceded that even the number 2,50,000 was more than what India could absorb, now Shastri agreed to take back more than double, the number conceded by Mr. Nehru.
The Government of Ceylon changed her stand on absorption number of 50,000 agreed by D.S. Senanayake, to 3,00,000.
- (iii) The repatriated to India and grant of citizenship of Ceylon were to keep pace with each other in proportion to the relative number in the ratio of 7 : 4.²⁵

- (iv) The Government of Ceylon agreed to provide all the facilities enjoyed by citizens of other states to the persons repatriated to India.
- (v) The Ceylon Government also undertook that such persons who are to be repatriated and are engaged in gainful employment would continue to remain employed until they attained the age of 55 years.
- (vi) It was also agreed upon that the repatriates would be permitted, subject to the exchange control all their assets, including their provident fund and gratuity amount when they finally leave from India, was not to be reduced to less than Rs. 4,000.
- (vii) There will be two registers—one will contain the names of the persons to be repatriated to India and the other the names of persons to be granted Ceylon citizenship. The officials of both countries were to establish Joint machinery to formulate procedures for the implementation of the Pact.

Mr. Bandaranaike, stated that the agreement was an advance over the agreement concluded in 1954 because of the following reasons :

- (i) The Indian Government had recognised its obligation to persons of Indian origin in Ceylon by undertaking to confer citizenship on those who were to be repatriated and by accepting the principle of compulsory repatriation,
- (ii) No inducement were to be paid nor were there any need to hold up repatriates under a person after the age of 55 years, and finally
- (iii) The concept of Stateless would not stand in the way of the solution of the problem.²⁷

The Shastri-Sirimavo Pact was not well received in both countries. In India, the Pact was criticised by no less an eminent person than Mr. C. Raja Gopalachari. He asked :

“Why should nearly a million children and grandchildren born in Ceylon of persons who had gone there from South

India and settled down in the plantation be disentitled to be the citizens of Ceylon.”²⁸

He insisted on that the whole issue of the stateless persons of Indian origin should be referred to the U.N.O. as it involved the question of “human rights”. J.B. Kripalani said that the pact was not an achievement at all on the part of the Government of India.²⁹ Prof. N.G. Ranga called it a shameful agreement.

In Ceylon, it was welcomed “The agreement represent a personal victory of the Prime Minister. She had achieved what five other Prime Ministers including her husband had failed.”³⁰ The Ceylon Pact, the U.N.P. could not go against it as it was continuously consulted during negotiations. The L.S.P. had joined the Government. The Tamil opposition parties, as expected condemned it. The Ceylon Workers Congress, represented the estate works rejected the pact by a unanimous resolution and took a non-cooperative attitude towards its implementation.³¹ They took the plea that it involved denial of human right. The Ceylon Worker’s Congress rejected the agreement on the following grounds :

- (1) The agreement had been made without opportunity being given to representative organisation of affected people.
- (2) It is not the final solution of the problem. It left the fate of 1,80,000 stateless persons undecided.
- (3) The agreement did not provide for the immediate grant of citizenship by both countries.³²

The Ceylon Democratic Workers Congress also denounced the Pact and charged the authority with treating Indians settled as ‘commodity’ rather than human beings in an effort to solve a political tangle. The Democratic Workers Congress pointed out the three defects :

- (1) It contained a provision of compulsory repatriation, which denied to the peoples their right to choose between the Ceylonese and Indian nationality.
- (2) The aim of full and final settlement had not been

achieved as future of 1,50,000 and our people were left in lurch.

- (3) Even the future of 8,25,000 people which it claimed to have settled was left in suspense for 15 years and they were denied their fundamental right the to children employed during stay in Ceylon.³³

Further, it was criticised as many things were left vague, e.g. reasonable remittance, assets of repatriates etc.

The pertinent question was as to which part of the population should be repatriated and how? How to phase the process of repatriation? If the requisite number of Indians were not repatriated within time limit what Ceylon would do? Would it indulge in forced repatriation? These questions remained unanswered.

Soon after the agreement was signed different interpretations arose. On the issue of separate electorate, Mrs. Bandaranaike, announced on 10 November 1964 that a person who has been granted Ceylon citizenship would be placed on a separate electoral register.³⁴ Her argument was that it would be possible for them to select their representation to safeguard their political interests.

Indian officials were taken by surprise by this volte face of Srimavo Bandaranaike. It is stated that it violated the understanding reached between the two Prime Ministers in October, 1964. The spirit of the fact was that these people would not be subjected to any kind of discrimination in the Island. The Indian Prime Minister wrote a secret letter. In the letter, P.M. Shastri stated :

“Despite the heavy burden falling on us under the agreement, the agreement’s main attraction for us was the consideration that those accepted as Ceylon citizens would become full-fledged Ceylon citizens and join the main stream of Ceylon’s civil life. The announcement of Ceylon’s Government intention would however mean, that citizen of Indian origin would be unassimilable with the rest of the population and unlike other Ceylon citizen, entitled to influence only a very limited spectrum of Ceylon political

life. During the talk in Delhi, the question as to whether person accepted as Ceylon citizen would be placed on a separate or common electoral roll was not discussed.”³⁵

International law favours the force of truthfulness, good faith and doctrine of *pacts sunt sarvanda* behind every pact. It means that if one party to an agreement violates provisions of a pact arrived at between two governments, the other party is free to denounce the agreement. Mrs. Sirimavo Bandaranaike proposals were against the 1964 Pact. This was an unfortunate start and its future become more uncertain due to defeat of Mrs. Bandaranaike's Government in the Parliament, on 3 December 1964.³⁶

On the Governor General speech, the Parliament was dissolved and observer began to speculate regard the prospect of the Shastri-Sirimavo Pact. Above all, the Mrs. Bandaranaike party was defeated in 1965 election. The implementing of the pact, became the responsibility of successor Government of the U.N.P. It had also concurred with the agreement. One of the factors in the election was that Ceylon Worker Congress favoured the U.N.P. instead of the leftists coalition of Sirimavo Bandaranaike.

Soon after election, Mr. Dudley Senanayake arrived at an understanding with both parties of Tamils, i.e., the Federal Party and the Tamil Congress and a national Government was formed, with the participation of the United National Party, the Federal Party and the Tamil Congress.

The Tamils were not in favour of Sirimavo-Shastri Pact. Now they were partners in the Government. Dudley Senanayake had to depend on their support and the estate workers' union. He had to placate the Tamil elements in Ceylon for the political survival. He had once said that he might be able to bring the communities together. The task of implementing of Shastri-Sirimano Pact fell on him, but he moved very slowly and cautiously for its implementation, as he was aware of the repercussion of speedy implementation on the Ceylonese economy.

Before the election was held, both Governments had agreed to set up a Joint Machinery for implementation of the Pact. The proposed Joint Committee was to consist of one representative of each country assisted by an alternate member from

either side. The Joint Committee was to set up in Colombo and will be regular in its working. Any differences or disagreement would arise, then it might be referred to permanent Secretary of Ceylon's Minister of External Affairs and Common Wealth Secretary of the Indian Ministry of External Affairs. The joint committee was to meet once every six month alternately in Delhi and Colombo to review the agreement and sort out differences or difficulties standing in the way of the implementation of agreement.³⁷

The Agreement left many issues unsolved, and question of these issues were to play a decisive role in bringing about the final solution of the issue. The first question was whether both Governments will do away with legal, technical and other objections, for grant of citizenship and they will not be placed on separate electoral register. Second, the Joint Committee to be set up under the agreement would permit the two Governments to apply on their own. This was important from the point of view of the target of 6,25,000 persons for grant of Indian citizenship was not voluntarily achieved, then the question of compulsory repatriation will arise or not? Further, whether the Government of Ceylon will allow all declared assets and legitimately acquired property to be repatriated to India? The other important factor was the new Government promise to give recognition to Tamil Language and giving it proper place in Tamil areas.

The new national Government had to deal with these questions cautiously to keep the Ceylon Tamils on their side and put the Indo-Ceylonese relation on a better plane.

The National Government assumed office and the Governor General in his address to the New Parliament announced that the Senanayake Government would resume negotiation with the Indian Government with a view to remove difficulties which have arisen in regard to the implementation of the Indo-Ceylon Pact of 1964.³⁸

In the debate that followed the Prime Minister Dudley Senanayake explained that these difficulties were the principle of compulsory repatriation, the provision of separate electoral register and condition of employment. He also announced that

he was opposed to the introduction of separate electoral register and compulsory repatriation.³⁹

The Government asked the law department to draft required legislation to enable the government to implement the Agreement. The Indo-Ceylon Agreement (Implementation) Bill was introduced in 1966, and was passed in 1967 and the process started in 1968. The Bill did not provide for compulsory repatriation. The Government had assumed earlier that there would be no separate election register for time being.

So the progress in implementation was slow. Senanayake needed the support of the Tamils for his political survival, because of his thin majority in parliament. Besides there were other reasons for 'go slow' process. Doubts were raised in certain sections whether the repatriation of 5,25,000 workers to be harmful to the estates? Whether it will be able to sustain production. Whether Sinhalese labour be available for this? Besides these points, repatriation will also create another problem. Whether the Ceylon Government could afford to spend about Rs. 500 million foreign exchange needed as repatriates were permitted to carry their assets.

Due to these in pragmatic problem the P.M. of Ceylon practically shelved the 15-year Programme of phased repatriation to India.

On the Indian side the Indian High Commissioner in Colombo began to make arrangement to deal with increase in application for Indian citizenship. Active steps were taken in India particularly in southern states, for rehabilitational programme. The Government of Madras, Andhra Pradesh, Haryana and Punjab offered assistance and incentive. The then Labour Minister Mr. Jayasukh Lal Hathi, declared that Government of India had a plan to rehabilitate some of them in Andaman.⁴⁰

The repatriates were given special facilities, and applicant had to indicate the type of work he wanted after repatriation. The question of the recognition of degrees of professors, lawyers, engineers etc., would be given sympathetic consideration. Indian Government also gave assurance for their transport and reception. But many applicants were not forthcoming. From

August, 1964 to December 1969 only 61,231 applied out of which 13,245 had already returned to India.⁴¹ So from Indian point of view implementation was satisfactory.

In 1970 election, Mrs. Bandaranaike and her left partners were returned to power by a sweeping majority. Her United Front comprising the Sri Lanka Freedom Party, the Lanka Same Samaj Party and the Communist Party secured a landslide victory capturing 116 seats in the House of Representatives out of 151 elected and 6 nominated members.

Soon after assumption of the office by the U.F. Government under the leadership of Mrs. Sirimavo Bandaranaike the Governor General declared the Indo-Ceylon Pact of 1964 would be implemented soon. The slow implementing by previous Government had already been mentioned. In contrast to the first 2½ years of Mr. Bandaranaike, Prime Minister, witnessed a sharp rise of persons registered and repatriated to India as is evident from the following Table :

	<i>Registered as Indian Citizen</i>	<i>Repatriated to India</i>	<i>Granted Ceylon Citizenship</i>
From June 1970 From July, 1970 to end of Dec. 1973	70,879	13,733	8,519
	1,15,062	92,690	82,294

This was also due to various measures taken by the Government for economic nationalisation and policy aiming at reducing alien control in the private sector of economy. Such as imposition of visa tax, and curbs on the export-import by the non-Ceylonese. Such measures adversely affected large number of Indians. The Government abolished temporary residence permit. This also hit the people of Indian origin. Import of magazines from India were cut to save foreign exchange. This also hit the people of Indian origin.

Meanwhile, the Indian High Commissioner put forward a plan to expedite the speed of repatriation which is popularly known as Puri Plan. According to this plan, people of Indian

origin who had *bonafide* claim to be an Indian citizen might be allowed to go to India and his claim to be decided on the recommendation of the Indian High Commissioner. The Government of Ceylon discussed the plan on November 15, 1970 but didn't get favourable response from Mrs. Bandaranaike.⁴²

Mrs. Bandaranaike introduced an amendment to Indo-Ceylon Agreement, (Implementation Act of 1967) which was adopted by the House of Representatives on 20 June, 1971. The purpose of the amendment was that the number to be granted Ceylon citizenship would be in proportion to be repatriated to India.⁴³ She regreted delay in implementation.

The Government of India was criticised in the Lok Sabha. Mr. Kalyansundaran criticised the provision of severe punishment to be given to the employers if they continue to employ persons who has accepted Indian citizenship. He asked how can Government of India overlook the implication of amendments and said that it is another departure and makes condition more stringer for the stateless people.⁴⁴

Government of India defended their stand that amendment in Ceylon domestic legislation or it does not come into conflict with 1964 Agreement. This was stated by Surendra Pal Singh, Minister of State for External Affairs.⁴⁵

Mrs. Bandaranaike's efforts were to repatriate 35,000 persons of Indian origin to India every year, but she could not succeed in this. This table will indicate:⁴⁶

<i>Years</i>	<i>Number of Persons Repatriated to India</i>
1970	8,733
1971	21,867
1972	27,575
1973	33,172

On the other hand, there was excess applications for Sri Lankan citizenship. Mrs. Bandaranaike requested Mrs. Gandhi, the Indian Prime Minister, to send a delegation to discuss the matter. A delegation arrived under Mr. Kewal Singh the Foreign Secretary. On February 13, 1973. The talk ended in a dead-

lock on two issues.⁴⁷ (1) The Ceylonese proposal to India to re-open the list, and (2) The increased rate of annual repatriation.

The Indian Prime Minister visited the Island from 27 to 29 April, 1973 and had discussion with Mrs. Srimao Bandaranaike. Indian Government agreed to absorb the increased number of people of Indian origin who had opted for Indian citizenship phased over 8 to 9 years and intake would be double the number agreed upon i.e., 70,000 per year. The duration of agreement extended to 1982 but declined to re-open the register for the registration of the repatriation.⁴⁸ India also took the stand that application of 40,000 persons who had applied for citizenship would be disposed of only then fresh application will be considered.

Mrs. Bandaranaike did not raise the issue of residence stateless persons left over 1964 Pact.

Mrs. Badaranaike came to New Delhi on 22 January 1977 for week long discussion to solve this issue. India and Sri Lanka pledged to share equally remaining 1,50,000 (75,000 Sri Lanka, 75,000 India) persons of Indian origin. Ceylonese P.M. assured Indian P.M. that people of Indian origin will enjoy all existing facilities till their repatriation. The term was extended till 1981.⁴⁹ This generated as expected cordial relation between India and Sri Lanka and at least in principle this vexatious problem was closed. Mrs. Bandaranaike and Mr. Gandhi tried their best to solve the problem of stateless persons of Indian origin. In her speech in the National State Assembly on February 21, 1974, Mrs. Bandaranaike claimed that Indo-Sri Lanka problem which had dragged for forty years was solved during the tenure of her Government. Her claim was idealist there were many ifs and buts.⁵⁰

Implementation of the Agreement has been very tardy due to various political and administrative difficulties. Till the end of October, 1981, only 2,55,425 plus natural increase making a total of 3,30,463 persons had been granted Indian citizenship and repatriated to India. On the other hand, Ceylon citizenship to the people of Indian origin was granted to 1,45,956 plus natural increase total being 1,86,800 persons.⁵¹ Delay was due to various interpretations of various clauses of 1964 Agreement and this led to delay in framing the enablement laws to implement

the agreement. Sinhalese opposition also stood in the way. Similarly, administrative causes were also responsible for tardy and slow implementation of agreement, i.e., payment of gratuity, pension, exchange control etc. The Indian High Commission also took a long time to clear applications for repatriation. The Agreement had stipulated a ratio of 4 : 7, so slow repatriation from Indian side. Slowed down the process on the other side Mrs. Bandaranaike strictly struck to the letter of "Agreement", i.e., Sri Lanka citizenship to be granted to four persons for every seven persons repatriated to India. When S.L.F.P. party lost election in 1965 and Dudley Senanayke came to power, it also struck to the term but allowed Indian Citizenship to stay in Sri Lanka on a residential permit. But again when Mrs. Bandaranaike was voted back to power, she changed the order of temporary residence and she framed the rule that the person holding residence permit their employment and overstay as an offence. The leader of Tamils of Indian origin and president of Ceylon Worker Congress, S. Jhondaman was a supporter of D. Senanayke in 1965, 1970.

But this created difficulties as there was bound to be delay in getting his dues for the employer so she also provided for temporary residence permit for 2 years later reduced to 1 year.

In September, 1980, Sri Lanka Controller of Immigration to Emigration Publicly alleged that 67,307 persons who had been given their Indian passport had still not left for India. The Indian High Commissioner challenged it and asked whether Controller could locate such person and whether such persons have received their dues.⁵²

The demand for Tamil Elam adds new dimension to this problem. In the beginning, Tamils of Indian origin were not very much interested in this. Even now they are not as vocal in support as the Sri Lanka Tamil. Their leader Jhondaman is a member of Sri Jayawardene Government. He insisted on that problem of stateless should be solved by granting Sri Lanka citizenship to all stateless persons.

Mr. Jhondaman met the Indian Prime Minister and urged him to solve the issue and the matter brooked no delay.⁵³ This matter was also discussed in the A.P.C. meeting. The A.P.C. agreed to grant Sri Lanka citizenship to the stateless persons.

This understanding on their long standing bilateral issue was reached following the discussion before the Indian High Commissioner Mr. J.N. Dixit, Mr. Lalit Athulamudali, Sri Lanka Minister of National Security and Mr. Jhondaman, Minister for Rural Industries Development on Colombo between January 11 to 14.⁵⁴

An understanding was reached between the two countries. According to an official announcement, India would proceed to process the application of 85,000 Tamils of Indian origin, who applied for Indian Citizenship prior to 30th October, 1981.

The Sri Lanka Government would simultaneously take action through Legislation to execution to grant citizenship to all remaining stateless Tamils of Indian origin. The Sri Lanka Government also issued a statement announcing its decision to confer Sri Lanka citizenship on resident number of stateless Tamil of Indian origin.⁵⁵

This decision to grant citizenship to 94,000 estate workers of Indian origin and their natural increase, invited adverse and critical reaction from the Buddhist clergy led by the chauvinistic Mahanayke of the Asgiriya Chapter in Sri Lanka, Ven. Palipana Chandananda. He said the Government decision is illegal. He also claimed that 9,000 Buddhist monks had protested to the President Jayawardene, but their protest had been ignored.⁵⁶ He also demanded that this decision be submitted to the people for approval through a referendum.⁵⁷

The Mahajane Eksath Peramene leader also supported Mahanayke's demand. But Government received support from the press and the TULF leaders. Ceylon Daily News said the Mahasangh had supported at APC meeting.

Mrs. Bandaranaike kept silent at the time of announcement but came out against it later on. She called upon the Sinhalese to get ready to wage war on the plantation workers who were to be given Sri Lanka citizenship in the next month.⁵⁸

Addressing a public rally and referring to turmoil in Jaffna, she said that "we are being attacked from the north and if we get attacked from the Hill country also then the Sinhalese will have no alternative but to jump into the sea."⁵⁹

Her intention was clear, she wanted to arouse communal passion as well as age old Sinhala fear of Tamil domination.

As a first step, "The grant of citizenship bill was passed on January 30, 1986⁶⁰ and it received overwhelming support of the majority. 129 voting for and one against it. Earlier the member of the S.L.F. party walk out in protest against the speakers refusal to allow to move amendment that sought to delete all clauses of the Bill.

The only ruling party member to vote against the bill was the former minister for industry and Sinhala hard liner Mr. Gyril Mathew.⁶¹

The Act proves the way to end the longstanding problem of the stateless Tamils of Indian origin by granting citizenship to 94,000. People and the residual member, not covered by the Indo-Sri Lankan Pact.

While replying to the debates, on the Bill Mr. Lalith Alhulathmudali, the Minister for National Security denied the opposition charges that granting of citizenship would create a population imbalance in the Hill country, that would upset the Sinhala representation in Parliament. He said that under the election of the basis of proportional representation such a situation does not arise.⁶²

Inspite of this Government struck to its decision. Thus, the vexing problem of stateless people of Indian origin has been solved which will be completed within next 18 months. We have to wait and see.

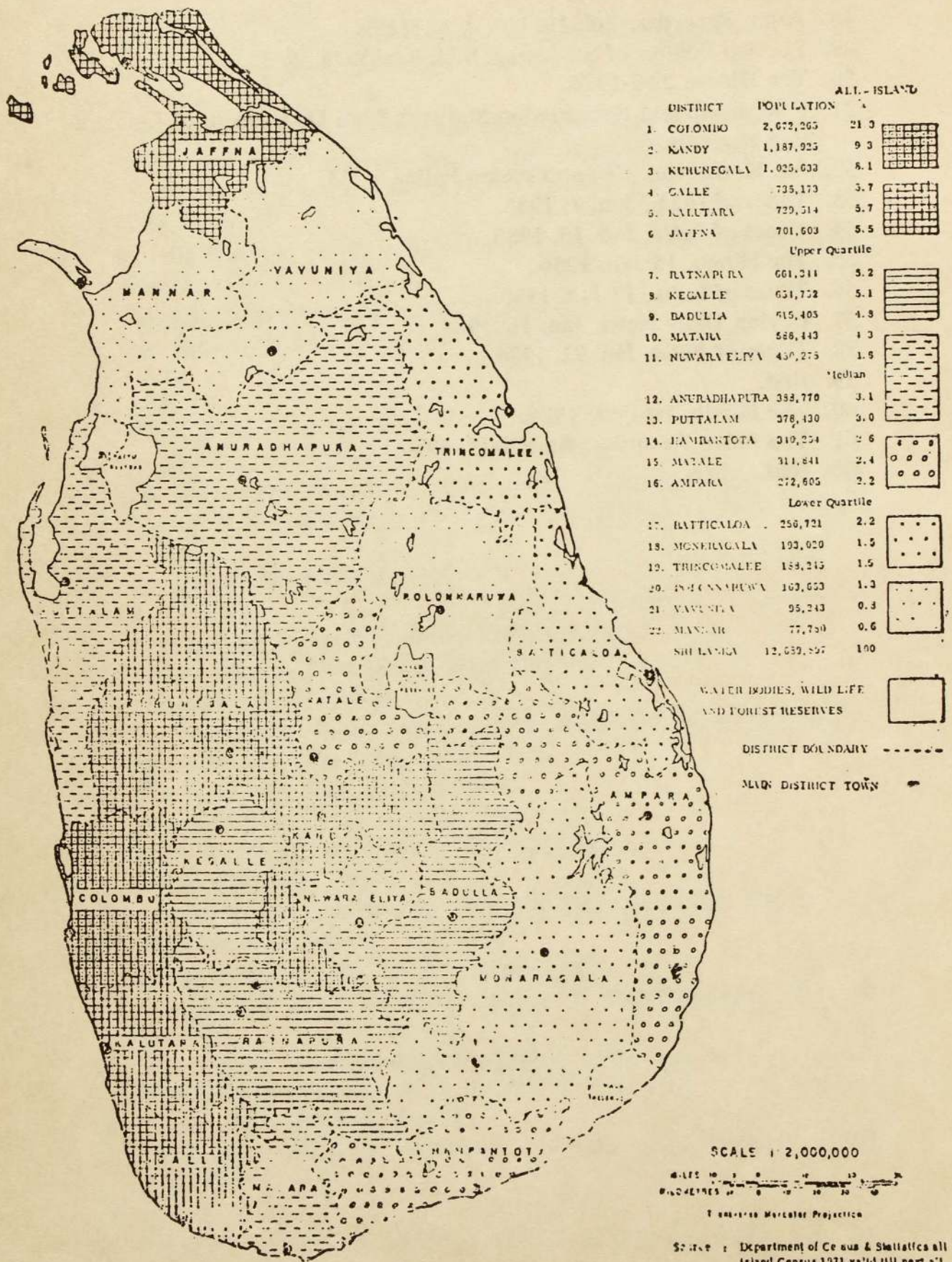
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Population Distribution Map of Sri Lanka



CHAPTER IV

ISSUES THAT DIVIDES TAMIL AND SINHALA

One of the irritant factors in Indo-Sri Lanka relations was the question of persons of Indian origin, which was solved at least on paper, after protracted negotiations, conferences etc.

In the meantime, certain developments were taking place in Sri Lanka, which were not affecting the relationship between the two countries, as it was taken as Ceylon's internal matter. Gradually, these developments took a bad turn vitiating Indo-Sri Lankas' relations. The issue was discrimination between Tamils and Sinhala. It started with language problem and later on spread over other aspects of administration, education, employment, land-holding etc.

As we know that Sri Lanka is a multi-racial, multi-lingual, and multi-religious country, i.e., it is a plural society. The northern and eastern parts of the country are inhabited by the Tamils (Ceylon Tamils and Tamils of Indian origin) in South who are distinctly different Sinhalese from the inhabiting the rest of the country.¹ Whereas most of the Tamils are Hindus, the Sinhalese are Buddhist. Both the communities have been rivals in establishing their cultural superiority and administrative hegemony over the other. During the British regime, Tamils had obtained influence in administrative job and other fields also. After independence, the difference between the two groups which had remained dormant during the British rule came to the forefront.

In the post-independence period, the language issue had become an important factor in the body politic of the country.

Language as a factor in the politics of the country appeared for the first time on May 29, 1944, when Mr. J.R. Jayawardene, a member of the State Council moved a resolution for making Sinhalese the official language in a reasonable number of years. The then Education Minister Mr. C.W.W. Kannangaru moved the amendment to include Tamil also, which was accepted by 29 votes to 8.²

Tamils wanted not only equal status for their language, but also representation in the legislative council on the principle of 50 : 50 ratio. They placed their demand when the Soulbury Commission was formulating new constitutional reform. This was resented by the Sinhalese.

Unfortunately the Ceylonese Tamils were not sympathetic towards Indian Tamils. When six persons of Indian origin were elected from the Kandyan region the Kandyan became apprehensive that they might be swamped by the Indians, so they demanded the disenfranchisement of these Indian labourers. This demand was a boon to the ruling United National Party. It took the opportunity to extend its influence among the Kandyan Sinhali. This led to the passing of the Citizenship Act of 1948 and the Indian & Pakistan Resident (Citizenship) Act, 3 of 1949.³

Those who could not obtain citizenship automatically lost their right to vote, in accordance with the Ceylon Parliamentary Act No. 48 of 1949. Tamil representative except S.J.V. Chelvanayakan and two of his colleagues did not oppose the bill very seriously. Sinhali politicians succeeded in dividing Tamils into two groups, Sri Lankan Tamils and the Indian Tamils.

The Tamil Congress split and the Federal Party was formed in 1949, under the leadership of Chelvanayakan, who claimed that he represents all the Tamils, living in Sri Lanka. But the Ceylonese Tamils supported the Tamil Congress and even Chelvanakan was defeated. Sri Lankan Tamils did not bother about Tamils of Indian origin in the estates, and supported a party which promised official patronage, as a Junior Partner of Sinhalese.

But soon Ceylon Tamils were disappointed. U.N.P. Tamil Congress alliance broke when Poonambalan resigned from the

Cabinet. The Federal Party posed a challenge to the Tamil Congress to represent Tamilian interest.

Mr. S.W.R.D. Bandaranaike resigned from the U.N.P. Government in 1951 and sat in the opposition. In his speech made on July 23, 1951, he criticised the Government for dilly dallying attitude in making definite policy about official and national language,⁴ and also pleaded for just treatment for Buddhism.

Although the official position of the Sri Lanka Freedom Party on the question of language was to give near parity to Tamil, yet it is this party which first raised the slogan of "Sinhala in 24 hours in 1952 election."⁵ This demand started picking up its momentum in 1954 when preparation of the 25th centenary of Buddha Jayanti were going on in full swing. All Ceylon Buddhist Congress influenced public opinion so greatly that the party had to change its stand on language problem and promised to make Sinhala sole official language with due recognition for Tamil in legislative administration and education.⁶ Thus, movement of Swabhasa which was aimed at English found Tamil as its ultimate target.

Naturally, Tamils reacted very strongly. Tamils under the Federal party raised the demand for 'Tamil only.' They advocated for the total boycott of Sinhala in the Tamil areas and asked for full official status for the Tamil Language.

This controversial question became the focal point in the 1956 election. The S.L.F.O. adopted the 'Sinhala only' resolution in December 1955. The U.N.P. followed it on February 1956 reversing its earlier resolution.

The resolution no longer included any reference to give due place to Tamil.⁷ The results of 1956 election were a clear indication of the cleavages between the two communities, the Sinhalese and the Tamils. The election roused the aspiration of the Sinhali on a ground scale.⁸

On the other side was the landslide victory of the Federal Party of Tamil. The Tamil Congress dare not set up any candidate except one.⁹ The Federal party announced its intention to fight for a federal system, and rejection of all kinds of domination by the Sinhala. The Federal party armed with the mass Tamil backing placed four demands on the Bandaranaike

Government at its convention at Trincomalee in August 1956. These demands were :

- (1) Replacement of the Soulbury Constitution by one which guaranteed federal system;
- (2) Parity in status between the Sinhala and Tamil language;
- (3) Restoration of citizenship to the Indian Tamils; and
- (4) Immediate cessation of the colonisation of traditional Tamil Home Land with Sinhalas.

This convention of Trincomalee also threatened to launch direct action by non-violent means, if above demands were not met within a year.¹⁰

These protests and threats of direct action and even riots in the month of May and June, 1956 did not deter the Government of S.W.R.D. Bandaranaike.¹¹ The Official Language Bill was introduced. In the House of Representative on 5th June, 1956 to fulfil the promise made to the people, the members of the Federal party staged a demonstration. The Bill was enacted as the Official Language Act No. 33 of 1956, on July 7, 1956.¹² It declared that the Sinhala language shall be the one official language of Ceylon. Personally, Bandaranaike wanted to provide for some definite guarantee for the official use of the Tamil in the Act, itself, but Sinhala Buddhist pressure forced him to give up all these. The Bill was supported by all except the Tamils and a few Leftist members. Voting was clearly on the ethnic line.

The linguistic feud reinforced by the racial myth further divided the Tamils and Sinhala. Both started to boycott the other's language, this created greater bitterness in mixed populated area.

After passing of the Act of Sinhala only, the Government decided to implement it with a great speed, to appear the racial and religious element. English was replaced by Sinhala in Government business.

In Parliament speeches were made in Sinhala for Sinhalese. The Minister of Education went a step further and pleaded for abolition of all English medium schools and admission to

Teacher Training Colleges be restricted to Sinhala only. Government instituted 500 scholarships to be allotted in the ratio of six to one that is six scholarships to the Sinhala and one to Tamil. The Federal party took it as adding insult to injury. It seems as if the Sinhala had started to throw crumbs to the hungry Tamils.

Over and above these, an elementary knowledge of Sinhala would be a pre-requisite for recruitment in Government and Semi-Government undertakings. The Tamils and other English-speaking minority took it as a direct threat to their privileged position in Government service.

To crown all these, it was made compulsory to inscribe Sri (a Sinhala auspicious word) on all number plates of vehicles. This was resented by the Tamils and some vehicles were burnt with Sri number plate. This anti-Sri campaign was taken by the Buddhist Bhikkhu as a threat to the Sinhala itself.

The tension between the two ethnic groups was rising. Prime Minister Bandaranaike had a discussion with leader of the Federal Party Mr. Chelvanayakan and they signed a pact on July 27, 1957, which is known as Bandaranaike-Chelvanakayan Pact.¹³ According to the Pact following facts emerged :

- (i) The Prime Minister not to discuss anything about setting up of a Federal constitution or regional autonomy or to abrogate Official Language Act.
- (ii) He agreed to recognise Tamil as the language of a national minority of Ceylon and it be made the language of administration in the Northern and Eastern provinces.
- (iii) He also assured that the question of citizenship to the people of Indian origin would be given early consideration.
- (iv) The Prime Minister also conceded the Tamil demand for establishing Regional Council in the North and the East provinces. Such council would have powers over subjects like agriculture, co-operative, lands and development, colonisation, education, health, industries, fishery, housing, social server, electricity, water scheme

and road. The power of taxation was also to be devolved to such regional council.

- (v) It was agreed regarding colonisation scheme that the Regional Council would have power to select allottees to whom lands within their area of jurisdiction be alienated and power to select persons be employed for work on such scheme.

Though the pact was not accepted by the Tamils as the final solution, but took it as a temporary adjustment, as it granted concessions to Tamil.¹⁴

Some people believe that had the Pact been turned into an Act of Parliament the story of Sinhala-Tamil relation would have been quite different. But leaders of the right wing Sinhala politics and some Tamil leaders, put obstacles in implementing the Pact.

The U.N.P. leaders under the leadership of S.R. Jayawardene organised a march from Colombo to Kandy to protest against the Pact. Various Buddhist groups brought pressure on the Prime Minister Bandaranaike against the pact. They termed it as an act of treach against the Sinhala nation and as the first step towards setting up of a separate state.

Tamil leaders who were defeated in 1956 criticised the Federal party for surrendering to the Sinhala. The Tamil leaders who were co-operating with Sinhala also began to demand federal form and regional autonomy. The Federal party called off its plan to agitate. Now, it is turn of Sinhala to agitate for abrogation of the Pact. They staged a sit in demonstration in front of the P.M. residence. Even his cabinet colleagues pressurised him. Finally, he abrogated the Pact unilaterally.

An ethnic riots followed, the Government was forced to declare an emergency and the riots were quelled within a week. Leaders of both sides were put under house arrest. The Government under the cover of emergency, passed an Act in September 1958, providing many concessions to the Tamils, such as, reasonable use of Tamil for prescribed purposes, right of the Tamil people to be taught in Tamil language at all levels, right to take public service examination in Tamil language with sufficient knowledge of Sinhala. Tamils to correspond with any

Government official in Tamil, or of any local authority in the Northern and Eastern province. They will not prejudice the use of official language in respect of prescribed purpose.¹⁵

The Tamils complained that 1958 Act has clearly side tracked the major issue of forming Regional Council and the stopping of Sinhala Colonisation of the Tamil Area.¹⁶

I need not go into details of discriminating acts and policies followed by Bandaranaike (both Mr. & Mrs.) even military action were taken against Tamilians in 1961.

It is believed that policies of Bandaranaike specially of Srimavo spelled disaster for the future cordial and amicable relationship between the Sinhala and the Tamils. One Sinhala diplomat wrote "... In the Srimavo Bandaranaike administration such discrimination was even more pronounced. This resulted in the Tamil community suffering from an acute sense of insecurity and made to feel unwanted in the land of their birth. The human reaction to the naked discrimination directed against the Tamil people was indeed tragic from the view point of Sri Lanka."¹⁷

The old practice of sharing political power with Tamils was given up. For the first time, Tamils were not included in the Cabinet between 1956-1964. In 1965, no single party got clear majority. The U.N.P. had to secure support of the Federal party of Tamils,¹⁸ to form a coalition Government. Naturally, another agreement between Dudley Senanaike and Chelvanykan was signed. It was on the basis of earlier Bandaranaike-Chelvanykan agreement.¹⁹ The Pact was signed on 24 March 1965 a day before D.S. Senanaike was sworn in as Prime Minister. The Pact did not mention anything about provincial or Regional Council, but Tamils were assured about formation of District Council giving Tamil language a special position and restrict colonisation of Tamil areas by Sinhala.²⁰

As expected the S.L.F.P. denounced the agreement. The Communist Party and the Lanka Sama Samaj Party joined S.L.F.P. in starting strong ethnic campaign against the Tamil.²¹

A regulation was passed on January 11, 1966 to grant a special status to Tamil.²² The Federal party for the first time in ten years celebrated the Independence Day of Sri Lanka on 4th

February 1966. This regulation made Tamil virtually the official language in the Northern and Eastern provinces. The continuing tension between the Sinhala and Tamils was easing. Though the Federal Party came out of the coalition in April, 1969 yet it supported D.S. Senanaike Government. Tamils and Sinhala collaborative politics continued and the overall atmosphere of ethnic goodwill prevailed.

In 1970 election, U.N.P. was defeated and S.L.F.P and its leftist allies came back to power. In this election, ethnic question was not given prominence as it was done in 1956. The Tamils were sincerely in a conciliatory mood. Both parties of Tamils, i.e., the Federal Party and the Tamil Congress had voted in favour of the plan and for a Constituent Assembly to frame a new constitution.²³

Then again in 1971, language issue was raised in the Constituent Assembly. The Constituent Assembly debated the issue for four days. The Federal party leader, Novaratnam made an appeal that this issue be discussed in a Round Table Conference of leaders of all the political parties.

He was of the view that the Constituent Assembly was not the proper place, where amicable solution to the language problem could be solved. They, i.e., the Federal party, also placed certain demand to be incorporated in the constitution.

The constitution framer ignored all these demands and when the 1972 constitution was put into effect the Tamils observed this day as a day of mourning.²⁴

The constitution did not contain adequate provision for safeguarding the interest and language of the Tamil minority. The constitution led to the worsening of the relation between two major communities of the land. Tamil community which had all along stood for regional autonomy under a Federal constitution began to demand the establishment of a separate Tamil State. Opposition to the new constitution brought all the Tamil parties together. The Federal party, the Tamil Congress, the Ceylon Workers Congress and the United Front of Tamil Elam joined together and formed Tamil United Front (TUF). TUF resolved to fight for the freedom, dignity and right of the Tamil people.

The Tamils took the provision of the new constitution as a means to turn them into a second class citizen in their own land. Hinduism have also been relegated to second place in Sri Lanka. Tamils of Indian origin who were citizen of Sri Lanka by registration were discriminated against from the citizen of Sri Lanka by descent. The new constitution also omitted the special provision for protection of minority, which were provided in the Soulbury Constitution.²⁵

The whole constitution was challenged by the Tamil United Front.²⁶ It placed six demands before the Government and gave three-month notice to fulfil these demands. These demands related to the status of Tamils, secularism, citizenship to the people of Indian origin, guarantee of fundamental rights, abolition of caste system, and democratic decentralisation. The Sri Lanka Prime Minister declined even to acknowledge the letter sent by Chelvanayakan on behalf of all Tamils of Sri Lanka. In protest he resigned his seat on Mahatma Gandhi's birthday of 2nd October, 1972 and threw up a challenge to hold a bye-election to prove whether the constitution enjoyed a popular support. The government delayed bye-election for 3 years and bye-election was held in 1975. The candidate supported by the Government was badly defeated by Chelvayakan. He re-entered Parliament. He placed a bill seeking the right of self-determination for the Tamils. The government did not allow it as it was expected. Tamils were forced to look for other means to realise their goal.

The Tamils in their struggle for preservation of their religion, culture and language called upon Tamils to make supreme sacrifice in the fight for Federal set up in Sri Lanka. Unfortunately S.L.F.P. Prime Minister took rather drastic measures to meet the situation created by the Tamil agitation or demand. On May 14, 1976 at the conference at Vaddukodai, The Tamil United Front passed the following Resolution :

“We are hereby committed to the restoration and re-constitution of the Free, Sovereign Secular Socialist State of Tamil Elam based on the right of self-determination inherent in every nation. This has become inevitable to safeguard the very existence of the Tamil people in Sri Lanka”,²⁷

The Tamil United Front changed to the Tamil United Liberation Front. The demand for a separate nation state enjoyed popular support, but plantation workers were not interested so the Ceylon Workers Congress did not support this. The proud Tamils of Jaffna who considered themselves repository of Tamil culture, started looking up to their Indian brothers of Tamil Nadu.

This demand was not new. Though C. Suntheralingam, had been advocating this since 1956, but due attention was not given. Later on, people began to demand this and the TULF leader had to put in resolution.

Now the question arises as to what were the factors or issues which forced the Tamils to ask for a separate state? The knowledge of these issues are essential to us, because these issues have figured in almost all talks for mediation undertaken by the Government of India. These issues are mainly five, i.e., language, education, employment, distribution, land settlement and evolution of power.

The foremost and important issue was the question of language. We have already discussed this. After the enactment of 1978 Constitution, Tamil attained the status of National Language but it was far from reality. However, it was getting the official status as a language of administration in Tamil region. The difficulty was faced by Tamil residents in Sinhala areas, they did not receive Government communication in their own language.²⁸

There is absence of a link language. Both refuse to learn other's language. Solution to this lies in making at least, the elite bilingual, but the present political atmosphere is not suited for this. In 1978 Constitution Tamil has been granted status of a National Language but not status of an official language. This is still a factor which stands in the way of better ethnic relations.

Another issue which has created bitterness between the Sinhala and the Tamils is the policy followed by Mrs. Bandaranaike Government with regard to admission to students to the universities. The number of Tamil students in the universities had always been much higher. The S.F.L.P. Government in 1970 introduced a new policy for admission for equitable

distribution of educational opportunities. So that Sinhala students and students coming from backward districts, got admission. The students from backward districts were given preference over those students who came from Jaffna and Colombo. Though there were no apparent ethnic discrimination yet the net result was that the Tamil student became a victim. Meritorious students from advanced areas mostly Tamils were not admitted.

Over and above this another policy of weightage was introduced in 1972. According to this, special marking procedures were adopted subject-wise and media-wise. As a result of these two policies the number of Tamil students had a steep fall. Thus, they were at a great disadvantage.

This policy created a sense of frustration and discrimination in the Tamil Youth and deep resentment among their parents, because the denial of admission to the higher education also meant denial of opportunities for employment.

The U.N.P. Government replaced this with quota system. According to this system, 30 per cent of the seats were to be filled by merit on the whole Island basis. 55 per cent of the seats were to be allotted to the 24 administrative districts in proportion to the ratio of the population of the district. This should be also on merit on district basis or district-wise. 15 per cent seats were reserved for the 13 educationally backward districts. Here again, seats will be distributed in proportion to the population.

Even this arrangement did not provide opportunity to the Tamil medium students from advanced districts. This arrangement failed to satisfy the Tamils. It left the Tamil youth frustrated and disgranted. They were attracted to the Tamil militant movement.

Moreover, Tamils contended that all Sinhala are not interested in higher education as their main occupation is agriculture. So the competition for admission is not between the total population of Sinhala and total population of Tamils, it is between the minority of Sinhala and the majority of Tamils. Ceylon Government instead of expanding and strengthening the education to accommodate Tamils aspiration and expectation apportioned less and less fund for education in their budget

TABLE
The following table will illustrate seats allotment

	1981			1983		
	Sinhala	Tamil	Other	Sinhala	Tamil	Other
Arts	82.8	13.3	3.9	77.1	14.4	6.6
Physical Science	63.5	31.8	4.7	73.4	23.1	3.6
Biological Science	72.5	24.3	3.2	70.3	23.1	3.6
Engineering	67.2	28.1	4.1	66.4	28.1	5.5
Medicals	72.1	23.1	4.3	72.8	22.1	5.1
Law	73.0	16.2	10.0	78.5	11.5	10.5
Total	76.4	19.4	4.4	75.0	19.3	5.7

Source : UGC Research Division.

biased by ethnic consideration and the action provided ammunition for the militant among Tamil by reducing job opportunity to them.

The third issue which is also a cause of strained relation between the Tamils and the Sinhala is the problem of employment. The Tamils had an edge over Sinhala in Government jobs before independence and even after that. The recruitment policy of the Sri Lanka Government during last 35 years has been such that the Tamils have lost their dominant position in several fields. Not only that, they have been relegated to a position, where they hold 1/5 of the Government jobs in some departments, they hold even less than this.

In the public sector and other corporate sectors the situation is even worse. Ratio of Tamil employment is much lower than

TABLE
Ethnic Distribution in the Corporate Sector

	<i>Sinhala</i>		<i>Tamil</i>	
	<i>No.</i>	<i>Percentage</i>	<i>No.</i>	<i>Percentage</i>
1. Profession Technical related Works	8155	75.5	2304	21.33
2. Administrative and Management	4539	83.31	682	12.51
3. Clerical Job	62526	86.55	7175	9.92
4. Sales Worker	892	87.28	85	8.32
5. Service Worker	11602	87.60	1111	8.39
6. Agriculture, Animal Husbandry, Forestry, Fisheries etc.	4541	60.88	2671	35.81
7. Production and related work including transport equipment operation	101884	88.00	9687	8.36
8. Worker not classified by any occupation	1746	69.72	658	26.27
Total	195955	85.70	24,373	10.66

ratio of their population.³⁰ The chart (on p. 93) will give a clear picture of ethnic distribution in the corporate sector. This is based on census of public and corporate sector employment, 1980 in Sri Lanka.

The Sinhala supporters are hardly concerned with the decline of employment of Tamils in Government job. They argue that the Government wants to serve common man through its own language, so naturally it could not employ such persons who refuse to learn the language of common man, amongst whom he has to work.

The Sinhala ignore Tamils complaint of inadequate appointment. They say Tamils still have high percentage in professional field, 47.28 in medical profession, 48.15 per cent in water engineering. Similarly in Law, Civil Engineering, Tamils still have domination. Moreover, they still hold, dominant position in various trades and industries. This flourishing business of Tamils created heart burning among Sinhala business community.

Another issue which is a focal point of difference began two ethnic groups is the Government policy of colonisation of Tamil areas by Sinhala peasants. This is taken by Tamils as a conspiracy to swamp their homeland with Sinhala settlers and reduce them to minority at a later date. The Tamils believe that the colonisation scheme to settle Sinhala in Tamil district is to ensure enblock voting for the ruling party, and to threaten the unarmed Tamil population. The Sinhala settlers are followed by the Buddhist monks and the Army. The Tamils look upon this as a sign of espionage and conspiracy against them. They do not accept the Government plea that landless labourers are being provided with land. The Tamils take it as systematic subversion of their sovereignty. They take it as a measure to counter the demand for a Tamil Elam.

Last but not the least issue of conflicts between the Tamils and the Sinhala is the question of devolution of powers. Which the Government did not concede. Tamils demand for provincial or regional council was changed into the formation of District Development Council. The District Development Council consists of elected members. The member of the Parliament representing the district is also a member of the D.D.C. The D.D.C. elects its own Chairman, but he is not the Head of the

Executive Committee. The Executive Committee is headed by a District Minister, who is nominated by the President of Sri Lanka. He may be from any part of the country. He may not belong to the majority party in the D.D.C. He appoints the Executive Committee (District Cabinet). It consists of three members including the elected Chairman. Though the elected Chairman is consulted in constitution of the Executive Committee, but the final choice rests with the nominated District Minister. The elected District Council cannot remove the District Minister and his Executive Committee. They are responsible to the Sri Lanka President. The President and the Minister of Local Government can dismiss the Executive Committee and remove all elected members of the D.D.C.

The fund to run the D.D.C. or its plan were also to come from the Central Government plan prepared by the D.D.C. could be rejected by the District Minister. The council did not enjoy any autonomy.

The three years of working of D.D.C. have disillusioned even the most moderate among the Tamils, who were keen to reach a negotiated settlement with the Jayawardene Government. The D.D.C. was an exercise in deception. The decentralisation turned out to be more of a facade. The D.D.C. have been puppets in the hands of the President.

The Ceylon Government also realised that D.D.C. as a mean of devolving power is not satisfactory. So the Government came out with a proposal for establishing a second Chamber. The proposal is too vague. It is more like the anachronistic House of Lords of U.K. It has been described as a 'Lion without teeth'. It does not open any possibility of judicious treatment for the Tamils in regard to disputed issues of language, university admission, employment, colonisation and devolution of power, so it could not be expected to bridge the difference between the ethnically torn Sinhala and the Tamil people.

The resolutions and other efforts paid little dividend to the Tamils. Discriminatory policies, or Government with regard to recruitment to Government jobs and Sinhala settlement in Tamil areas, resulted in large number of frustrated and unemployed Tamil youngmen. In 1977 election, T.U.L.F. won 14 seats in the North and four in the East and emerged as largest opposition

party. It was interpreted as a clear-cut mandate for Tamil Elam. This was disposed by the Government. The Government point of view was that "Tamil constitute 41 per cent of population of Eastern province but Tamil received only 26 per cent of votes." But the fact is that out of 1.36 million Tamil, one million voted for the T.U.L.F. was a clear-cut mandate for Tamil Elam.

In spite of this T.U.L.F. did not confined the struggle to attain it, though it had promised in the election manifesto which stated that "Tamil speaking representative, who get elected through the votes, which being a part of the National Assembly of Ceylon, will also form themselves into the National Assembly of Tamil Elam which will draft a constitution for the State of Elam to establish the independence of Tamil Elam by bring the constitution into operation either by peaceful means or by direct action or struggle".³¹

The T.U.L.F. leaders were not very serious on this. They used it to start a prolonged negotiation with the Sinhala and to blunt the criticism of Terrorist who called the T.U.L.F. leaders as important "deceitful".

Disillusioned by non-violent and parliamentary approach of Tamil leader, the Tamil youth chose their own way and began to resort to open violence. It is difficult to measure the popularity of the violent activities of Tamil youth, but it is an established fact, that their popularity is rising among the average Tamil. The T.U.L.F. could not condemn them outright and due to pressure of public opinion, the T.U.L.F. leader had to express their sympathies with the Tamil militant.

The Tamil terrorist acted strongly by making attempt on the lives of some pro-Government politicians from June 1972. On one hand demand for Elam was spreading at various levels, with popular support on the other. Police brutality was also increasing day by day. On 10th January 1974, large number of people attended Fourth International Conference of Tamil Research, police killed eight young men in it. This police brutality helped alienate public opinion for Government and emboldened elements advocating separate Tamil State. By mid-seventy the Tamil guerilla movement started to take shape; on 5th May 1976, Vellupillai Prabhakaran organisation named itself as Liberation

Tigers of Tamil Elam. By 1980, almost half a dozen separate guerilla organisations had sprung up, beside the Liberation Tigers of Tamil Elam (LTTE) which was led by V. Prabhakaran—The Peoples Liberation Organisation of Tamil Elam (PLOTE) led by Uma Maheshwara, The Tamil Elam Liberation Organisation (TELO) led by Thangadoral and Kutti Mani, The Elam Revolutionary Organisation of Students (EROS) was led by Eliathamba Ratnasabhpathi.

At this juncture no one knows in which direction Sri Lanka is moving, will it break up Island into two parts or will it survive the stress and strain of an multi-ethnic society.

NOTES AND REFERENCES

1. See Chapter I for detail.
2. The Hindu, May, 30, 1944.
3. See relevant Act.
4. The Hindu, 24-7-1951.
5. The Hindu.
6. Urmila Phadnis, "Religion & Politics in Sri Lanka", 1976, pp. 262-72.
7. Wriggins, H.W., Ceylon Dilemma of a New Nation (1960), p. 258.
8. The Buddhist Bikhun support brought a windfall of votes for the S.L.F.P. which was 51 out of 60 contested. The U.N.P. fought 76 but won 8 seat only.
9. The Federal Party won 10 out of 14 it contested with 42 per cent of votes.
10. Quoted from Wriggins (Ibid.), pp. 261-62.
11. The Hindu, 23-5-1956.
12. Ibid., 8-7-1956.
13. For the text of the Pact see Appendix-I.
14. The Hindu, 28-7-1957.
15. S.V. Kodikara, The Separatist Elam movement in Sri Lanka, India Quaterly, Vol. 37, No. 2, April-June, 81, p. 197.
16. See Wriggins, H.W., "Ceylon—Dilemma of a New Nation", p. 289.
17. T.D.S.A. Dissanayake, The Agony of Sri Lanka.
18. The U.N.P. secured 66 seats the S.L.F.P. got 41 seats, the Federal Party got 14.
19. See Appendix No. II.
20. The Hindu, 25-3-1965.
21. The Hindu, 28-3-1961.
22. The Hindu, 12-1-1966.

23. Soul Rose, Sri Lanka at the turning point, Round Table No. 256, Oct. 1974, p. 412.
24. The Hindu, 23-5-1972.
25. Section 29 of the Soulbury Constitution.
26. The Hindu, 1-7-1972.
27. The Hindu, 15-5-1976.
28. Tamils are found in all the 23 districts of Sri Lanka.
29. 1971—Tamil students at University percentage was 40.7 in Engineering, 40.8 in Medical & 31.1 in Science faculty. It was reduced to 14.1, 17.4, 21.1 in the faculty in 1975 due to the policy mentioned above.
30. One illustration is more than enough to illustrate the point between 1972 and 1980, 45,131 new government jobs were created out of which Tamil got only 966, Marg Institute No. 1, p. 36.
31. The T.U.L.F. Manifesto in 1971 Election.

CHAPTER V

INDO-SRI LANKAN RELATIONS

In the introductory chapter, I have discussed the strategic importance of Sri Lanka and, specially, its importance from the point of view of India's security. K.M. Pannikar had advocated the strategic unity of India, Burma and Sri Lanka (Ceylon) which is one of the pre-requisites to a realistic policy of Indian defence.¹ Pannikar writings were objected to by the Ceylonese. Sri Kotelavala, P.M. in 1954, asserted that Pannikar's statement is Monarace Doctrine in Asia. Another specialists and expert writer on Indian Naval defence stated :

“The first and primary consideration is that both Burma and Ceylon must form with India basic federation for mutual defence, whether they like it or not. It is necessary for their security.”²

This strategic location of Sri Lanka influences the Indo-Sri Lankan relation. Other factors which influences Indo-Sri Lanka relation, are location factor. Sri Lanka is located at the southern tip of the Indian peninsula. A narrow stretch of water separates them, i.e., Palk Strait which is not wider than 20 miles in certain places. Disparity of size—India is 50 times of Ceylon in size and in population 43 times—and power between the two countries. The statement of Dr. Pattabhi Sitaramaya, the then President of the Indian National Congress echoed the same sentiment as stated by Baidya. Pandit Nehru as early as 1945 had pointed out to the ethnic, linguistic and cultural unity of India and Sri Lanka and supported the formation of a close union as an autonomous unit of the Indian federation.³

All these had created some misgivings in Sri Lanka. Later on, Pt. Nehru himself in a special message to the Sri Lanka

Government repudiated any such suggestion and said that India did not wish to interfere with the Island's sovereignty and assured them of Indian goodwill and peaceful intention, towards Sri Lanka. Since then, almost all the Prime Ministers, have assured Sri Lanka that India had no intention to harm her sovereignty and territorial integrity, yet Sri Lankan politicians always create the fear psychosis of the danger from the big neighbour.

India and Sri Lanka have been members of the Common Wealth and also been members of the Non-Aligned movement, South Asian State Conference. Both of them took a common view on many international issues, i.e., the question of Indonesian Independence; when Britain and France attacked Egypt, Suez Canal in 1956, and when U.S.S.R.s intervention in Hungary. They also shared common view on national liberation of colonies, disarmament and resistance to regional military pacts. Both were members of the Colombo Powers, which in 1954 considered Indo-Chinese problem, and also sponsored the Bandung Conference, where the policy of five principles (Panchsheel) was adopted.

This does not mean that there were no difference on various issues between the two countries. Even during the Bandung Conference, Pt. Nehru differed from Kotelawala on the question of 'Communist Colonialism'.

Apart from the question of people of Indian origin, the first issue which cropped up between the two countries was the question of possession of the Island of Kachcha Thivu in Palk Strait.

In March, 1956, India extended her territorial waters boundary from the conventional three miles to six miles and later on extended to 100 nautical miles. This was done specifically with the object of protecting fishing and other living resources. This proclamation would have covered Sri Lanka's area also. Sri Lanka also issued proclamation extending her territorial water to six nautical miles and claiming fishing rights over a contiguous area of 100 miles of her territorial water. In 1967, both countries extended their territorial areas upto 12 miles. The dispute over the possession of the Kachcha Thivu, an uninhabited coral Island with 1 sq. mile area existed before

1967. The Government of Madras claimed the Island as it belonged to Ramanathpuram Samasthan which was taken over by the Madras Government under the Zamindari Abolition Act.

Government of Sri Lanka claimed it as it fell under the jurisdiction of the Roman Catholic Church of Jaffna and it was used as naval bombardment range under Ceylon defence regulation during Second World War. Extension of territorial waters by both countries led to overlapping of territorial water both in Palk Straits and Palk Bay.⁴

After protracted talks and negotiation an agreement was signed demarcating their maritime boundary in Palk Strait on June 26, and its effectiveness from 9th July 1974. Though Kachcha Thivu was not mentioned, but it fell on the Sri Lanka side of the boundary agreed upon by the two countries. The agreement demarcated a boundary in the sea from a point about 18 nautical miles north of Point Pedro in Straits of Palk to Adam's Bridge, which accounted for a distance of approximately 86 nautical miles. The agreement accepted each country's sovereignty and exclusive jurisdiction over the land and water on its side of boundary line. The vessels of each country were to enjoy in each others water the right of navigation as they had traditionally enjoyed. This agreement also resolved the question of overlapping of jurisdiction created by the extension by both countries of their limits of territorial jurisdiction in 1967.⁵

Another maritime boundary agreement of 1976 affecting the boundary in the Gulf of Mannar and the Bay of Bengal was signed. The agreement defined marine area in the Gulf of Mannar by latitude and longitude at 13 points which were equidistant from the coast of the two countries. The line connecting their point constituted maritime boundary in Gulf of Mannar. Under this agreement each party was also required to respect rights of navigation through its territorial sea and exclusive economic zone in accordance with the laws and regulations and rules of international law.

This delimitation of the international boundary is considered as a landmark in Indo-Sri Lankan relation and culmination of many years of negotiation between the two countries.

Indo-Sri Lankan relation got strained when China attacked

India in October, 1962 and Ceylon did not criticise the attack and failed to brand China as an aggressor. Prime Minister Srimavo Bandaranaike resisted the pressure to do so, but she took initiative in summoning the Colombo Conference of six non-aligned nations, to explore ways and means of bringing India and China to meet at a conference to settle their boundary dispute. The Colombo conference made some proposals to solve the border dispute between India and China. The Sri Lanka's Prime Minister Bandaranaike along with the Indonesian Foreign Minister Dr. Subandrio went to the Peking to explain the proposals and persuade China to accept these proposals, China accepted these proposals. In January 1963, Mrs. Bandaranaike and representative of United Arab Republic and China came to India with these proposals. India accepted Colombo proposal in its totality.⁶

Though the mediation by non-aligned powers did not lead to solution of conflict, but it provided time to the disputants during their conflicts claims could be subjected to a calm and dispassionate solution by a body of impartial opinion. Sri Lanka's role as a peace-maker in the Sino-Indian conflict was motivated by her sincere desire to prevent the continuation of hostilities between the two countries.

Following this Sri Lanka entered into a maritime agreement with China. Sri Lanka gave China the most favoured nation status and provided facility to Chinese warships, knowing fully that it is against the Indian interests. Its significance had been stated by Ravi Kaul, a former Commander of the Indian Navy. He stated "Sri Lanka is as important strategically to India as Eire is to the United Kingdom or Taiwan to China. As long as Sri Lanka is friendly or even neutral, India has nothing to worry, but if there be any danger of the Island falling under the domination of a power hostile to India, India cannot tolerate such a situation endangering her territorial integrity."⁷

So this agreement with China, when Indo-China relations were at low ebb became a subject of grave concern to India.

Again the two countries came closer when Egypt nationalised the Suez Canal. Sri Lanka strongly supported the measure. India also supported Egypt. A plan was put forward by the United States Secretary, J.F. Dulles for International Operating

Board.⁸ It was opposed both by India, Sri Lanka along with Soviet Union and Indonesia. Another proposal to set up a Suez Canal Users Association was also condemned by Sri Lanka, as well as by India. It was described by Mrs. Bandaranaike, as a grand step towards war.⁹

Throughout this period, i.e., July to October, when the crisis in the middle-east was developing, Mrs. Bandaranaike kept herself in close touch with India. On September 15, Nehru conferred with representatives of Pakistan, Indonesia, Burma and Sri Lanka in New Delhi and requested these powers to keep in close contact. Finally, when Israel invasion of Sinai Peninsula took place in October and Joint action by France and Britain, against Egypt in the Suez Canal Zone, it created hostile reaction in India and Ceylon on 31-10-56. Pt. Nehru issued a strong worded statement, denouncing Britain, France and Israel and also gave a warning that the uncalled attack would have far reaching result in Asia and Africa.¹⁰ On the same day Pt. Nehru called the representatives of Egypt, Britain, France, the U.S.S.R. and Sri Lanka to discuss the situation in the Middle-East. In Sri Lanka, political circles strongly expressed disappointment.

A meeting of the Prime Ministers of Colombo Powers was held in New Delhi on November 12-14, 1956 and issued a Joint Communique with other Asian Prime Ministers which strongly disapproved and felt distressed at the aggression of and intervention of great powers against weaker countries.¹¹ Ceylon fully co-operated with India. The result of the Suez crisis was that Sri Lanka's Common Wealth Association had undergone a significant change. Sri Lanka strongly opposed the policy of Senior members of the Commonwealth. Sri Lanka moved closer to India during the period before and after the invasion of Egypt. Similarly in 1967 when war broke out over the rights of passage in the Gulf of Aquaba and the Strait of Taiwan, India and Sri Lanka supported Arab countries.

In March 1971, insurgency occurred almost all over the Sri Lanka. American Embassy was attacked, 1/4 of police was killed. Emergency was declared on 16 March, 1971.¹² Mrs. Bandaranaike in a broadcast to the nation stated that certain parties were engaged in movement known as The Guevara

movement aiming at overthrowing a democratically elected Government. She also appealed to many countries, including India for help. India responded favourably.

Indo-Sri Lankan relation suffered another set back during Bangla Desh War. During Indo-Pakistan war in December 1971, Sri Lanka Government granted air facilities through Colombo from West Pakistan to East Bengal (now Bangla Desh). The Government of India stopped Pakistani overflight as it was believed that Pakistani troops were being transported in disguise of civilians. Sri Lankan plea was that she wanted to observe neutrality in conflict between the two countries and maintain friendly relations with Pakistan. Another reason was given out by political analysis that if integrity of Pakistan is endangered then integrity of Sri Lanka might be threatened, so Sri Lanka abetted in the ruthless suppression of Bangla Desh. She considered it as internal matter of Pakistan. Even Sri Lanka did not recognise Bangla Desh, upto March, 1971. These events did affect Indo-Sri Lankan relations but not very seriously.

In this process, Sri Lanka offended Indian susceptibilities. Reputed Indian defence analyst R. Subrahmanyam writing in the *Indian and Foreign Review* stated "There is no reciprocity commitment between India and its neighbour in regard to each other's security. Mrs. Bandaranaike got Indian help when Sri Lanka was in deep trouble during the J.V.P. insurgency, but repaid her debt by permitting the ferrying of Pakistani troops to Bangla Desh to continue their genocide."¹³

India and Sri Lanka share common outlook on various issues like non-alignment and declaration of Indian ocean as Zone of peace. India and Sri Lanka were much concerned to preserve the Indian Ocean as an area of peace. Both countries realise the Great Powers' activity as a threat to the peace and integrity of littoral, hinterland and Island state in the area. India strongly supported Sri Lanka move to make the Indian Ocean a Zone of peace in the Lusaka Summit in 1970 as well as in the United Nations. The U.N. adopted a resolution to the effect in 26th Session in 1971.

Then another difference cropped up over events in Afghanistan. Whereas Sri Lanka had condemned outright the Soviet

intervention in Afganistan, the Indian reaction on the subject has been non-committal and non-critical.

But, everything changed as the question of Tamil demand for Elam came up and it has created a big gulf in the cordial relationship between the two countries. In 1950's, there was hardly any problem between India and Sri Lanka except the question of granting of citizenship to the people of Indian origin, mostly Tamils. India remained aloof from domestic development in Sri Lanka over Tamil ethnic issue. Many ethnic riots had taken place between the Sinhala and the Tamils since 1956. Sometimes Indian Tamils and Indians suffered a lot, yet Government of India did nothing beyond issuing a curtly statement expressing its concern at happenings in Sri Lanka. Though the Sinhala-Tamil conflict in Sri Lanka was going on for the last 30 years, yet India was not directly involved in it. On the other hand, during Janata regime, Prime Minister Morarji Desai publicly criticised those who were demanding for a separate state for Tamils.¹⁴

In 1978, Indian Prime Minister Morarji Desai responding to a Sri Lankan Tamil who sought the opinion about a 'Growing movement in Sri Lanka to press for federation with India' declared.

"I do not encourage them. They should not do this. They are Ceylonese and not Tamilian."¹⁵

July, 1983, riots for the first time involved India in Sinhala-Tamil conflict. Tamils of Indian origin, Indian Passport holders, were seriously affected by July riots. The Prime Minister expressed her concern over Sinhala-Tamil riots, the then Foreign Minister went to Colombo on 28th July 1983, he was not advised to visit refugee camp. He had discussion with the President Jayawardene and his counterpart A.C.S. Hameed.

On one hand after return of Foreign Minister, Indira Gandhi gave her Government's assessment of the situation in Sri Lanka and on the other hand, she told the Sri Lankan President that the problem of Tamils was a matter, in which India could not be treated, just another country. It is a matter which concerns both India and Sri Lanka.¹⁶ She made it clear that India supported the territorial integrity of its neighbour, Sri Lanka and believed in the policy of non-intervention in its domestic affairs.¹⁷

Since the July, 1983 riots, Sri Lanka Foreign policy has been taking shape which cannot be called friendly towards India. The Indian Foreign Minister visited Sri Lanka after July riots and within 3 days of his return Sri Lanka Government made request for military assistance to the U.S.A., the U.K., Pakistan and Bangla Desh. This report was contradicted by the Sri Lanka Foreign Minister who was in Delhi to attend meeting of S.A.A.R.C. The President of Sri Lanka also rebutted the report. Though the Foreign Minister of Pakistan and Bangla Desh denied about such request, but the British Foreign Office confirmed that such requests have been made by Sri Lanka Government.¹⁸ This embittered India towards Sri Lanka yet Mrs. Indira Gandhi assured that no outside power should meddle in the Sri Lanka.

Sri Lanka Government has adopted such a line in Foreign Policy, which directly affects security in this area and particularly security of India. The Revival of Defence treaty with U.K., The Trincomalee Tank Farm Deal, expansion of scope of the Voice of America, Sri Lanka Collaboration with Israil of S.A.S. and many such steps are creating disharmonious relationship between India and Sri Lanka.

On one hand Sri Lanka supports Indian plea of making the Indian Ocean 'a zone of Peace' yet during the Non-Aligned Conference in March, 1983, she pleaded to delink the proposal for the restoration of Diego Garcia to Mauritius, from the demand to demilitarise the Indian ocean.¹⁹ This was directly opposed to the Indian view on it. This shows soft corner on part of Sri Lanka for the American base in the vicinity of India. The U.S. Defence Secretary Casper Weinberger made an unscheduled, unplanned visit to Sri Lanka. This created certain misgivings as he was the first Foreign dignitary to visit Sri Lanka after July 1983 ethnic riot. President Reagan's ambassador at large visited Sri Lanka to talk with President Jayawardene on matter of mutual interest on international situation.²⁰ The request by Sri Lanka Government for military aid was conceded by the U.S. Government. It was announced in Colombo by the Chairman of the Defence Appropriation Committee Mr. J. Abdabbo.²¹ Mr. Abdabbo also stated that his delegation visited Sri Lanka 'Specially aimed at assuring the Sri Lanka Government of the U.S. support for democracy in the Island.'²²

Jayawardene went to U.S.A. and met President Reagan. It is reported that Jayawardene sought Reagan's support in curbing terrorism. Though he got Reagan's full support yet President Reagan pleaded for a peaceful solution and appreciation of India's effort in this regard.²³

These policies of Sri Lanka cannot be said to be in confirmation with the non-alignment. She is clearly moving into western power block.

Over and above Jayawardene Government lifted nine-year old ban on Foreignship using facility at Trincomalee Harbour. Several U.S. Navy ships came to Trincomalee. Leader of S.L.F. Party Sirimavo Bandaranaike had also warned Government against turning Trincomalee as a U.S. Naval base.²⁴ The Indian Foreign Minister Narasimha Rao also expressed concern of the Government of India in a guarded language by stating that it considered the existence of any Foreign Military or naval base in the region as a threat to peace and tranquility and work to have adverse effect on our security arrangement.²⁵

The Sri Lankan Government was shaken by the activities of Tamil militants and feels her army is not competent to fight these militants. After 1983 July riot, Jayawardene was making frantic appeal to several countries including China, Pakistan, Britain and Israel. We know China and Pakistani attitude towards India. Specially hired mercenaries from the Britain Commands Organisation Special Air Services (S.A.S.) had been hired, they came *via* Sultanate of Oman to train Sri Lanka soldiers to fight the Tamil Tigers.²⁶ A delegation of Chinese Air Force Officers paid a visit to Colombo in July, 1984. Sri Lankan Naval Chief and the Foreign Minister visited Pakistan. The Pakistan Foreign Minister also went to Colombo, while he was returning from the S.A.A.R.C. Conference in the Maldives.

Though Sri Lanka professes to follow a policy of non-alignment, but her policy clearly indicates a tilt towards western powers. It also reflects, her anti-Indian attitude. As the military might of the Sri Lanka army increased the Sri Lanka Government laid emphasis on military solution to the Tamil problem.

In an interview with John Mills of the Australian Broadcasting Corporation which was broadcast on April 18, 1986,

Jayawardene was asked whether a military solution was possible to a political problem. Jayawardene replied we must have a military solution what Rajiv is doing in Punjab.²⁷

Again before recent military campaign he insisted on military solution.

Now we will come to the question of Tamil Elam which exercises considerable weight in Indo-Sri Lankan relations. It is an issue which stands in the way of friendly relations between the two countries. Sri Lanka Tamil leaders wanted to internationalise their cause and in this attempt sought the support of political parties of Tamil Nadu in India. The D.M.K. under Karunanidhi was very sympathetic towards the cause of Sri Lanka Tamils. He organised public meetings in honour of Cheonayakam and also welcomed other party leaders of the Federal Party of Sri Lanka. Dr. R. Janarthanan who was President of World Tamil Congress took active and supportive role in favour of Tamils of Sri Lanka. Though the Government in Tamil Nadu changed after 1977 election but sympathy of Tamils is still found with Sri Lanka Tamils. Sri Lanka Government believes that terrorists and other criminals take shelter in South India. In such a situation attitude of the Government of India and the Government of Tamil Nadu to the Tamil question of Sri Lanka especially the demand of Elam has become a matter of fundamental concern for Sri Lanka Government.

I have already stated that earlier Prime Ministers Mr. Morarji Desai and Indira Gandhi had flatly declined to intervene on behalf of the Tamils. Apart from the P.M. others also expressed similar view. The Indian High Commissioner in Sri Lanka Mr. Thomas Abraham told a meeting in Jaffna on 24 June, 1979, "Thereby Government had changed in India and Sri Lanka from time to time friendly relation had always existed between the two countries. He said that India would never support the demand of the T.U.L.F. for a separate state in Sri Lanka."²⁸

Similarly, when the Fifth Tamil Language Conference was held at Madurai in 1981. The T.U.L.F. leader and politician attempted to exploit the occasion to enlist sympathy and support for Elam. M.G. Ramachandran, C.M. of Tamil Nadu objected to this and declared that the Conference would not be allowed to

be used as a platform for any one to propagate political ideology. He also declared that Tamil Nadu Government would not interfere in the internal matter of any country.²⁹

On the other hand, T.U.L.F. leader Amirthalingam while addressing the Madras Tamil Friendship Association after the Conference, is reported to have said that just as India helped in the struggle of Bangla Desh, it should come forward to help Tamils of Sri Lanka in their struggle.³⁰

There was a sharp reaction in Sri Lanka, a no-confidence motion was moved against Amirthalingam who was also leader of opposition in Sri Lanka. When this motion was being debated, most outrageous statements were made by the Treasury Benches. A member went as far as to suggest that there should be public whipping of the leader of opposition and dumping of his body in the sea.³¹

This bitter and utter irresponsible speech in Parliament provided new vigour to Sinhalese rioters who let loose a reign of terror against Tamil Settlement. The Indian Tamils settled in Eastern province were the worst victims.

This 1981 riots proved to be cementing force between the Jaffna Tamils and the plantation Tamils. Communal violence afterwards increased. Sinhalese mob attacked and set fire to T.U.L.F. Offices, shops, the Jaffna M.P. residence and public library in Jaffna.³² The communal disturbances in Sri Lanka led to adverse reaction in Tamil Nadu. It led to a series of protest in Tamil Nadu, in which all political parties were associated. All-party meeting was organised by the Sheriff of Madras. While condemning the violence in Sri Lanka against Tamils, the meeting urged the Government of India to raise the issue in the U.N.O.³³ The Chief Minister stuck to his earlier stand that it is a foreign issue in which the state government cannot do anything. He met the Prime Minister and Home Minister in Delhi and made a request for security of Tamils in Sri Lanka. A peaceful hartal was observed in Madras on 12th June, 1981. The State Government also passed a resolution condemning the incident. Till then, there was no talk of any intervention or use of good offices by India.

In Sri Lanka itself the Government approached to subdue the Tamils by the militaristic approach failed or rather recoiled

on the Government itself. The Government was alienated from the Tamil peoples. The army and police were hated. Tamil militant gained enormous sympathy and the popularity and the moderate T.U.L.F. went down in the public eye. A new emotional link was formed between the Sri Lankan Tamils and Tamils of Indian origin.

T.U.L.F. leadership participated in the talk initiated by the Sri Lankan President to solve ethnic issue, which failed to achieve anything. The militants were disillusioned with T.U.L.F. Politicians and mounted attack on these Tamil leaders who collaborated with the Government. They looted and burned Government property and disrupted local elections. Army also took action and wiped out some of hard core militants. The Gandhian society was attacked because in their view it aided and abetted terrorism.

23 July 1983 communal riot which was provoked by the killing of 13 soldiers, brought total breakdown of the political dialogue between the Sinhala and Tamil people in Sri Lanka. The death toll set at 387 according to Government of Sri Lanka may still be higher. The rioters were organised and instigated to attack on Tamils, their property, believed to be carried out by employees of a Government Minister and had support of the national cabinet. This reflected a struggle for power within the governing U.N.P.³⁴

After July 1983 riot, T.U.L.F. ruled out any possibility of participation in All Party Conference (A.P.C.) on the other hand, the T.U.L.F. Conference in Mannar, decided that all T.U.L.F. M.P.'s should resign. Before the T.U.L.F., M.P.'s could resign, the Government passed an amendment that those who advocated secession would forfeit Civic rights.³⁵ All doors for dialogue between T.U.L.F. and other Tamils and the Government were closed.

Since July 1983 riots, all unofficial efforts to start negotiation between the Sinhala and Tamil leaders, so that their viewpoint comes closer to each other, failed. The initiative taken by A.R. Ariya Ratne, a Sarvodaya leader in October, 1983 and again by Shri Balasuriye, a Christian Priest in June, 1984 to start a dialogue between the different communities, didn't make much headway. A seminar was held under the auspices of the Lanka

Government which was attended by Sinhala intellectual as well as Tamils. The Seminar suggested that prevention of Terrorism Act may be withdrawn and the armed forces should be withdrawn from Tamil area; an amnesty for militant Tamil political leader be granted and a special tribunal should be set up to enquire into violation of human rights. These bold suggestions which had the support of many Sinhala intellectuals inspite of anti-Tamil sentiment wave was prevailing, but it did not evoke any positive response in the ethnically torn Island.

Negotiations were going on between the Government of India, Government of Ceylon and the T.U.L.F. and the militants, but it was not progressing. The Indian Prime Minister and Shri Dinesh Singh, Foreign Minister, met without any success. Another bomb blast in crowded Colombo market killed many civilians. L.T.T.E. disowned this. It was said that Israeli expert had done this to make it an excuse for retaliation against the Tamils, whatever the truth might be, this incident was followed by protest by Sinhala. The Jayawardene Government was asked to resign. Jayawardene opted for military solution and military action was initiated in Jaffna Peninsula to wipe out terrorist element in May, 1987.³⁶

The Prime Minister of India regretted that Sri Lanka Government has abandoned its own committed position to find a negotiated settlement to the ethnic issue of the Island. He issued an appeal to the International community urging to bring pressure on the Jayawardene Government to end military attack on innocent Tamil civilians.

Earlier, the Government had imposed imbargo for movement of goods supply to Jaffna Peninsula. As the L.T.T.E. had declared its intention to announce its independence unilaterally.

Government of India also conveyed to Sri Lanka Government that fierce attack on Jaffna would have a far reaching consequences for its unity.

Tamil Nadu Government also feared that this assault would force refugees to flee to India.

Jayawardene had protested against grant of Rupees 4 crores to L.T.T.E. and E.R.O.S. by the Tamil Nadu Government. He said that fund would be utilised by the militants to buy arms.

Mr. Gandhi was most hurt because India was patiently

working for a political solution to the ethnic problem.³⁷ He described it the military action as "Calculated and cold-blooded slaughter of thousands of the civilians."³⁸

On the other hand, Jayawardene described the army operation as 'war' while addressing a public meeting.

Tamils in Sri Lanka and India were hoping that Government of India would step in and use her good offices to save the situation.

Mr. Jayawardene rejected the Prime Minister Gandhi's appeal for restraint and directed the Prime Minister to restrain L.T.T.E. and E.R.O.S. Minister for Internal Security Mr. Lalit Athulathmudali confirmed that the present military offensive has been launched to bring the L.T.T.E and E.R.O.S. to negotiating table. The Government of India cannot remain passive spectator to the mass killing of innocent Tamils. Tamils in India were watching Government of India's lack of action with anxiety.

Inspite of Government of India's request, the military operation continued, thousands of civilians were killed. Bombers helicoptery gunship were used to bomb the area, besides mortar and artillery of infantry. Tamil militant also killed 32 Buddhist priests on June 1, 1987.³⁹

The Government of India decided to send aid to the civilians in Jaffna on humanitarian grounds.

Emergent session of the Sri Lanka Parliament was called and the Sri Lanka Prime Minister stated that infringement on Sri Lanka territorial waters will not be tolerated.⁴⁰

This indicated that the mood of Colombo was tough and when Indian ship crossed the territorial water they might be shot at. Inspite of the hostile reaction of Sri Lanka to the Indian announcement, Government of India made preparations in consultation with the Red Cross officials.

The Government of India warned the Sri Lanka Government that India would not remain an indifferent spectator to the plight of Tamils in Jaffna. 19 boats sailed but had to return to Rameshwaran faced by the implicit threat held out by the Sri Lankan Navy on June 2, 1983. The humanitarian reason had prompted India to send relief goods. The Members of the Security Council of the U.N. were also informed. Sri Lanka

diplomats met the Secretary General and members of the Security Council and told the meeting may be called off, India does not show restraint.⁴¹

Next day, Government of India transported planes, escorted by fighter planes air dropped food and other supplies to the belonged Tamil population of Jaffna.

Sri Lanka Government had suggested consultation to work out detail for Indian relief material, but later on backed out of it.

This air dropping received unfavourable comment from the U.S.A. and the British press. The U.S.A. Government conveyed its regret over it through diplomatic channel. The press complained it with American's coming to aid to Irish in Ulster. British Government didn't express any comment.⁴²

As a result of air dropping and violation of air space of Sri Lanka, Lanka Government decided to boycott S.A.A.R.C. Conference, New Delhi on June 18,⁴³ but offered to discuss any future aid to Tamils.

The Government of Lanka also declared that military action will not be carried out to capture Jaffna and expressed its willingness to have negotiations on ethnic problem.

At the same time, it appealed to other nations for a suitable air defence system for Sri Lanka.

These incidents had soured relations between the two, but India was still willing to mediate and bring about political solution of the problem.

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CHAPTER VI

INDIA'S ROLE AS MEDIATOR

The dialogue between the Sinhala and Tamils was re-opened due to the mediatory role played by India. Mr. G. Parthasarthy was deputed as the special representative of Indian Prime Minister. He visited Sri Lanka twice, first visit was in the month of August and second in the month of November, 1983. At first, the T.U.L.F. leaders were not very keen to negotiate, but latter on the T.U.L.F. Party leaders were unwilling to have a talk with Sri Lanka Government. They wanted two fundamental guarantees, one to secure, the safety of the lives and properties of Tamils in the Island and other to maintain the integrity of our territory.¹ On the other hand, the Sri Lankan President Mr. Jayawardene came out with his own formula to solve Tamil's problem. He wanted that the T.U.L.F. should renounce its demand for a separate state. He further assured them that power would be devolved to Zonal council which would be constituted by merger of D.D.C. into provincial council. His scheme will be subject to approval by referendum in the entire Island. He also wanted that Trincomalee to be administered by the Central Government.²

During the Commonwealth Conference in November 1983, the Indian Prime Minister and Sri Lankan President met twice and Jayawardene revised his entire proposal and expressed his willingness to invite T.U.L.F. leaders to the All-Party Conference.³

The T.U.L.F. leader Amirthalingam also responded and appreciated the acceptance of good offices of Government of India by the Sri Lanka Government. It was due to this India factor which brought about a fundamental change in the whole

situation and he said that T.U.L.F. had decided to enter into negotiation with Colombo Government.⁴

In January, 1984, Mr. G. Parthasarathi made his third visit by which remaining obstacles were cleared. Almost all the major political parties and other influential organisations attended the All-Party Conference which was held on 10th January, 1984 in Colombo.⁵ Alongwith parties like U.N.P., T.U.L.F. and S.L.F.P. representation of Hindus, Muslims, Christians and Buddhist Mahasangh attended the Conference.

An agreed document was produced after consultation between Jayawardene, Parthasarathi and Amirthalingam.

Unfortunately, before the All-Party Conference began, Anti-Tamil propaganda with unusual ferocity by the Sinhala fundamentalists and Buddhist was launched. They threatened the Government that if anything other than existing DDC were considered, dire consequences will follow. The five Mahanayakas in a letter to Jayawardene also rejected the idea of Regional Council.⁶

During the first meeting of APC even before the document was placed, a wordy duel took place between the representative of the T.U.L.F. and the Mahasangha. The S.L.F.P. denounced the proposals as 'Foreign-based formula' through which the T.U.L.F. was trying to invite South Indian intervention in the internal affairs of our country.⁷ The S.L.F.P. and the Mahajan Eksath Peramune (M.E.P.) walked out of the meeting. The A.P.C. in January, met for six days under the Chairmanship of the President himself. Next meeting of A.P.C. was held on 6th February at which it was decided to set up two committees. One committee would be constituted to examine the grievances presented on behalf of all communities and to consider and recommend appropriate solution therefore and second committee would be constituted to examine the causes of ethnic violence and all forms of terrorism in all parts of the country and the means to eradicate this. Participant delegates were asked to prepare and submit papers expressing their point of view to be submitted to the committee.

In the meantime, anti-India propaganda got into full swing. The Indian effort of mediation was called as obvious Indian intervention by influential Colombo daily Island.⁸ Even the

Prime Minister Premadasa alleged in the Sri Lanka Parliament on 22 March, 1984 that India was training the Tamil terrorists. He also stated, "we will stand to any challenges. We don't let India bully us. I make this statement on behalf of the Government of Sri Lanka."⁹ Mr. Amirthalingam's frequent moving between Colombo, Madras and New Delhi for consultation aroused suspicion among Sinhala lobbies, and another attack by Sri Lanka Army on Tamils of Jaffna resurrected the spectre of holocaust among the Tamils.

The next meeting of the A.P.C. was held on 20th March, 1984. The President stated that consensus had been reached in the following areas :¹⁰

(i) There has been general consensus on the need for devolution of Central power to enable the people's participation in Government at all levels, but no final understanding had been reached as to the form of Government by which devolution of powers can be exercised. All delegations except T.U.L.F. have supported a revival of an elected local Government system at grassroot level with more power. The Government proposal was that the Gramodaya Mandalayas (which are voluntary organisations at Grama Sevaka level) be assigned duties at village level by an elected authority, i.e., Pradesheeya Mandalaya which should be at the A.G.A. level. They will have more powers including more delegated power and function from the Central Government and more finances.

With regard to the stateless persons of the Indian origin, the Mahasangha favoured granting of citizenship to people of Indian origin, "we should not have a category of person who call themselves as Indians. They should be sent back to India. Resc should be granted citizenship even if their number exceed the agreed number." All participants agreed with Mahasangha proposals.

In the A.P.C. meeting of 9th May 1984, the President announced his proposal to set up two committees : (i) to work out detail of structure, powers and functions of the unit of devolution of power under the Chairmanship of Hon'ble R. Premadasa, the Prime Minister, and (ii) to consider steps, that needed to be implemented with regard to equalisation in education,

employment, exercise of language rights, under the Chairmanship of Hon'ble Devanayagan, the Home Minister.

The T.U.L.F., the All Ceylon Tamil Congress and the Communist Party declined to participate in the working of these two committees and rejoined the A.P.C. when it met to consider the report of the committee.¹¹

In Delhi, both Jayawardene and Athulathmudali had lengthy talk with Indian leaders in which they reiterated their determination to find out a political solution to the tangle. At the same time they defended Colombo decision to seek help from Mossad, the Israeli intelligence organisation, and from the retired members of the Special Air Service (S.A.S.) stating that they needed an intelligence network to combat terrorism. Athulathamudali insisted that they were confined to giving lecture to Sri Lanka's intelligence to plug loopholes. They were not used against Tamil Militants.¹²

The Sri Lanka Minister of National Security, Lalith Athulathamudali in April, and President Jayawardene visit in June and July to New Delhi and their discussion with Indian Prime Minister led to formulation of a new proposal in place of old proposals. He offered to have a second chamber. He declined to give details as it was in formative stage and it had to be discussed at the A.P.C. meeting.¹³

Unfortunately, his statement at a press conference gave a mild jolt to Sri Lanka-India relation. He said, "The Tamil problem is not a problem, it is a national disaster as you have in India of Kashmir, Punjab and of Ulster in Britain. You have to live with it for decades to come. He further stated that the scope of further Indian initiative is limited."¹⁴

On the President's return from his visit to China, Japan, Korea, the U.S.A., Britain and India, the A.P. Conference was held on 23rd July, 1984. He said that discussions were getting dead-locked because of two irreconcilable position on the one hand, there were those who advocated 'District Council and no more' and on the other, there were others who asked for "Regional Council and no less". He submitted a proposal for a second chamber. The proposal contended, that a second chamber would consist of members representing the 25 districts, but its function and powers and composition would be decided

by the A.P.C. The nomination of its cabinet minister from proposed second chamber would be done by the President. Each district would send two members and 25 members would be nominated by the President. Its jurisdiction would not include the power in relation to constitutional amendment. Money bill, public security, foreign relation and any other sensitive issue. The second chamber would not be able to kill bill, but delay them.¹⁵

There is no doubt that it was a consideration achievement on the part of the President to have been able to get so many political parties, religious and racial groups round a table to discuss such sensitive emotional and inflammable question like ethnic issue, changes in system of government, terrorism dispassionately. Completely opposed views were expressed in APC. The proposal of second Chamber was rejected by almost all opposition parties. Only the ruling U.N.P. and its partner the C.W.C. was inclined to have it. President disregarded the view and claimed to have found consenses in private discussion, so he would go ahead and establish the second chamber.¹⁶

Amirthalingam rejected the proposal of second chamber and said to representative of 'India Today' that "what we want is not more Tamil representation at the Centre but real regional power". T.U.L.F. President Shivashi Param that said the second chamber concept does not touch the fringe of the ethnic problem.¹⁷

The T.U.L.F. and the Tamil Congress, denounced the concept of consensus and latter on refused to participate in the A.P.C. Though T.U.L.F. rejected the idea of second chamber, yet agreed to participate in A.P.C. due to persuasion of Government of India.¹⁸ The T.U.L.F. was not willing to participate in A.P.C. because of merciless bombing of village Velvettiturse in Manner district in 1st & 2nd week of August. This retaliatory measure killed several hundreds of Tamil in nothern district and left the Tamils all over the country terror stricken.¹⁹

Another development took place, Mrs. Bandaranaike, the leader of the S.L.F.P. expressed her views in support of provincial council.²⁰

Her support of the proposal came after her meeting with

T.U.L.F. Secretary General, Amirthalingam. Her unsolicited offer to support took Jayawardene and his U.N.P. by surprise. Jayawardene who was opposed to the idea, quickly responded to consider the idea. The idea was less than for regional council as viable alternative to a separate Elam, which was worked out by Gopalaswami Parthasarathi during his shuttle diplomacy. T.U.L.F. had also agreed to consider it as a viable alternative. Though Jayawardene had agreed to the idea, but later on was forced to oppose it due to pressure from his party-men and Sinhalese group.

Naturally, Jayawardene also supported the idea of Provincial Council but it should be done gradually.²¹ It was considered at the A.P.C. held in August-September 1984 which was attended by T.U.L.F. leaders, but no concrete suggestion above it came out of the conference. The T.U.L.F. leader Amirthalingam declared that the T.U.L.F. was not asking for any council, regional or provincial, it was looking for a viable alternative to the mandate for a separate state at the 1977 election. It is the responsibility of Sri Lanka Government and the Sinhala leadership to discuss this alternative seriously otherwise Cyprus-like situation would develop, if talks dragged on indefinitely.

By the middle of 1984, the militants had become a political force to be reckoned with. The popularity of the T.U.L.F. leaders sharply declined during the period of negotiation. Thus, political standing also declined. Though militants were not associated with any Sinhala. Tamil negotiation, yet they were in a position to decide the fate of any solution from outside.

There is no doubt that the problem of terrorism had affected and continued to affect the Sinhala-Tamil relationship. This has been tacitly accepted by the Sri Lanka Minister of the National Security. Mr. Lalith Athulathmudali, on his return from a talk with Indian official at New Delhi. While reporting to the Parliament he said :

“In dealing with a security problem created in Jaffna, we must not forget the Tamil people, who live elsewhere. The terrorist would like this to be forgotten and his course of action is in total disregard of the fate of these Tamils who live amongst us.”²²

It was also a warning to the terrorist as well as Tamils living in Sinhala area, but Srimavo Bandaranaike proposed that the Tamil terrorist should be brought to the negotiating table.²³ Unfortunately, militant were not willing to negotiate with Sinhala except on the idea of Tamil Elam.²⁴

Asked whether Tamil extremist will be invited to A.P.C. Athulathmudali said, "If they give up violence we will certainly consider involving them in the negotiation."²⁵

The A.P.C. is working in name only inspite of 3/4 majority in the Parliament, President Jayawardene finds himself helpless in negotiation peace with Tamils. The Buddhist monks treat any talk of autonomy federation and regional council as an act of treason. On the other side, the militants charge the leader of the T.U.L.F. that they are leading comfortable life in Madras whereas Tamils in Jaffna and other places are left to be killed by the Sri Lankan Army.

President Jayawardene asked one of his colleagues Mr. Cysil Mathew to resign. He was totally opposed to change in D.D.C. and introduction of provincial council. He was dead against Indian good office and his views were openly expressed as anti-Indian. Latter on he also surrendered to the mounting pressure from the majority Sinhala Buddhist whose Champion Mathew was, to drop the draft bill on D.D.C., Provincial Council. The Government blamed the T.U.L.F. that there had been negative response of T.U.L.F. On the other hand, T.U.L.F. General Secretary Mr. Appapillai Amirthalingam protested "This is preposterous certainty we felt that the proposal left a lot to be desired. But that does not mean we are not prepared to talk."²⁶

Mrs. Bandaranaike who had offended unsolicited support to the proposal of provincial council, changed her stand and criticised the proposal, to please Buddhist moves, who had threatened to head a protest march against the proposal. It is said that the President also did not expect much from the draft proposal, but he would be able to say with perfect sincerity that he did attempt a political solution but it was not acceptable to Tamils.

This gave another weapon to the militants to blame. They said that "The Sinhala Government has shown itself in its true

colour. All Tamils will now see beyond doubt that there is no alternative for a separate state. We are more determined than ever to fight for a separate Tamil state.”²⁷ But T.U.L.F. General Secretary warned against this, he said that for every handful of Sinhala soldier or policemen, who fall a victim to terrorist attack, hundreds of innocent Tamils are killed in return. Amrithalingam further stated that “I had a hunch that this was going to happen. Our only hope is now India we entered into negotiation with Sri Lanka Government only because of India.”²⁸

In India, political changes took place. P.M. Rajiv Gandhi appointed Mr. Romesh Bhandari as Secretary to the Foreign Affairs Ministry. P.M. was also heading External Affairs Ministry. He sent him to neighbouring countries for establishing cordial relations with neighbours. Mr. Bhandari visited Sri Lanka and met President Jayawardene. Earlier Sri Lanka Government had made it clear that Indian Government mediatory on ethnic problem, Mr. Parthasarathi, was person non-grata. On the ground, that he being a Tamil, he has a biased approach, so his replacement by Mr. Bhandari was most welcome and Sri Lanka Government announced some concessions which showed dramatic change in Sri Lanka Government’s stand on the vexatious Tamil issue. It is the most significant thaw in relation between India and Sri Lanka. Even the Indian delegation was surprised at the climb down by the Jayawardene Government. It announced the movement, his talks with Mr. Bhandari ended. These announcements were :

- (i) A General amnesty to the Tamil Militants if they laid down their arms;
- (ii) a revision of the controversial 6th Amendment of the Constitution which disqualified membership of T.U.L.F. leader from Sri Lankan Parliament;
- (iii) release of detenus, jailed under the Prevention of Terrorism Act;
- (iv) Sri Lanka Army to be confined to barracks in Tamil majority area with relaxation of emergency regulation;
- (v) Government to re-evaluate the controversial policy of settlement of non-Tamils in Tamil area;
- (vi) Change in DDC with possibility of setting up provincial council;

- (vii) Relaxation of fishing restriction in the prohibitive Zone from Mannar to Mallativu districts and resumption of stalled negotiation for final settlement of the ethnic problem.

All these announcements were meant to be a part of a packaged deal discussed in Colombo with a view to ending the ethnic issue and to draw the Tamils back into the main stream of Sri Lanka life. The D.D.C. will be more representative body elected on proportional representation system and will have more real powers. Elected Minister will be equal to cabinet minister in status.

Whole proposals as announced will depend upon the response from the Tamil group and willingness of the T.U.L.F. to contest D.D.C. election in Tamil area. Their agreement to a ceasefire and start negotiations, Government also sent three Tamil leaders, a Tamil M.P. and Editor of a weekly paper of Jaffna to have a dialogue with Tamils militants.

Mr. Bhandari's mission returned convinced that there had been a marked change in anti-India atmosphere in Colombo. The mission impressed on the Sri Lanka Government that what India could do was limited and it will supplement to what Sri Lanka Government did. The mission told the Sri Lanka Government that Government of India was doing whatever was possible on her part and that the rest the Government of Sri Lanka had to do.

The Tamil militant reaction was not favourable. They felt that Government of India had shifted her stand on Tamil issue which was not favourable in their continuing struggle for Tamil Elam. A.S. Balasingham spokesman of the Liberation Tigers of Tamil Elam (L.T.T.E.) said "we are not happy in the wording of the statement which has confused between senseless army violence against innocent Tamil civilians and the resistance we are putting up against army violence". Some people perceive it as a "shift in India's policy as regards Sri Lanka".²⁹

Mr. M.S. Gurupadaswamy, a member of Rajya Sabha said, "The Indian Government seems to have accepted Sri Lanka's position that violence must cease before political negotiation can begin".³⁰

Following this Indian Coast Guard intercepted a speed boat heading for Sri Lanka which was loaded with machine guns, 9 mm rifles, grenades etc. Two crew in battle uniform were arrested, they were members of E.P.R.L.F. (Elam People's Revolution Liberation Front). This was the first time the Indian vessel intercepted a Tamil gunboat. Port custom officials seized a container containing 1400 automatic rifles, 300 sten gun, Japanese wireless set etc. Tamil group dissolved the consignment.

This sudden shift in Government of India stand and seizures for liberation group had resulted in one advantageous result. Four of five major groups finally managed to come together under one banner. The Elam National Liberation Front (E.N.L.F.) embracing E.P.R.L., L.T.E.E., head by Sri V. Parabhakaran, T.E.L.O. headed by Sri Sabaratnam and E.R.O.S. headed by Balkumar. The fifth group P.L.O.T. under the leadership of Uma Maheshwaram had been left out of the front. The unity will be both political and military.³¹

On the other hand, TULF General Secretary asserted that "I do not think that India has changed its policy on Sri Lanka".³²

There is no doubt, that situation has changed but precisely what will eventually emerge is not certain.

This was followed by a summit meeting between the Sri Lanka President, Jayawardene and Indian Prime Minister, Shri Rajiv Gandhi on 1st to 3rd June, 1985. The President came on the invitation of Rajiv Gandhi. The President had several meetings with the P.M. and also accompanied him to Bangla Desh to see the cyclone devastation. The two leaders discussed the ethnic issue and its impact on bilateral relation.

Both sides agreed that immediate steps should be taken to defuse the situation and create a proper climate which will be acceptable to all concerned within the framework of unity and integrity of Sri Lanka.

Two sides further agreed that all formal violence should abate and finally cease. Every effort will be made for speedy restoration of normalcy in the Northern and Eastern provinces. This will conducive to the early return of Sri Lankan citizens in India to Sri Lanka.

They reaffirmed the traditional friendship between India and

Sri Lanka and two leaders decided to remain in close touch with each other".³³

The communique is important from two points of view : one, it refers to the need to defuse the situation and create a proper climate acceptable to all, and second, the solution must be within the framework of the unity and integrity of Sri Lanka. This meant that in no case there should be separate Tamil state. On June 4, 1985, the Indian Prime Minister, Rajiv Gandhi in an interview to the world press also said, "India was determined not to allow its territory to be used as channel for arms to Tamil guerillas for separate state in Sri Lanka".³⁴

This was followed by a conference at Thimpu, the capital of Bhutan which is generally referred as the Thimpu talk, on 13-7-85. The Sri Lankan delegation consisting of 10 members was led by the President's brother, Mr. Hector Jayawardene. The 13-member Tamil delegation comprised of two members from each of the five Tamil Liberation Groups.³⁵ 3 representatives from the Tamil United Liberation Front (T.U.L.F.), the moderate Tamil Group and the 5 Indian officials.

The talks for the first time in recent Sri Lanka history, the official representative of Sri Lanka Government were sitting at the same negotiating table with some of the most wanted Tamil militants, who have been waging decades old armed struggle for a separate Tamil Elam.

Though they were reluctant to join the talks but they were forced to do so by the Government of India, they had little choice in the matter. Prof. Balasingha, their spokesmen said, "India has supported the cause of the Tamils and its support is crucial to us".³⁶

Before the conference was due to begin, the Tamil Group had announced that they would boycott the talk and they claimed that Sri Lankan security forces are violating the unilateral 12-week cease fire declaration announced by the Sri Lanka Government last month. They also demanded certain conditions for the talk which were not forthcoming.³⁷ When Tamil leader came to New Delhi to explain their stand they were told by the official of RAW and the Defence and External Affairs Minister that they had no option but to attend the Thimpu talks.³⁸ The officials didn't agree to postpone Thimpu talk as requested by

militants to chalk out common plan of action. They were also against inclusion of representation of T.U.L.F. and P.L.O.T. the conference this was also rejected.

Thimpu talks were found to fail, militants sent 2nd rank leaders, Sri Lanka had no ministerial representation. The militants were to discuss cease fire and would listen to the Sri Lanka proposals, to settle the ethnic issue. It is said that the proposals were not much different from the proposal put forward at the meeting of A.P.C. in Colombo last year.

These were rejected even by the moderate T.U.L.F. Militants objected to the presence of persons of military intelligence in the Sri Lanka delegates and also restriction on Indian newspaper men. They didn't accept the proposals of D.D.C. and threatened to walk out of the conference. Indian officials persuaded them to stay on.

Meanwhile, four days after the Thimpu talk began, an attempt was made to assassinate President Jayawardene. It was alleged to be an attempt by the militant. Two persons were arrested who belonged to E.R.O.S. It was intended to disrupt talk at Thimpu. Mr. Bhandari was sent to Thimpu to see that talk went on and the militants agree at some kind of settlement.

Inspite of the Government of India zeal and determination, the Thimpu talks were clouded in uncertainty. Militant and T.U.L.F. leaders forwarded their own proposals which included acceptance of Tamil Homeland, right of self-determination and full right of citizenship to all Tamils living in Sri Lanka.

At Thimpu II Conference on 12 August 1985, Sri Hector Jayawardene rejected first three demands and gave his reason regarding the fourth one, he said negotiation had taken place between two Governments and in the A.P.C. meeting Government has already announced its intention to grant Sri Lanka citizenship to all stateless persons.

He said that implementation of any agreement reached at these talks require as a pre-condition, the pre-renunciation of all form of militant action. All militant groups must surrender their arms and equipment. All training camps inside Sri Lanka and abroad must be closed. Refugees must be permitted to return, unmolested to area in which they resided. An amensty for all violation of criminal law persuance to agitation and the

militant group will only be granted after the Government is satisfied that their pre-conditions have been observed.³⁹

These pre-conditions were tall orders to any one of the militant group to submit. While talks were going on, reports came that Tamils were brutally massacred in Vavuniya in the north. As a result six Tamil organisations walked out in protest. Tamil group also called off cease fire which was the operation from June 18 after Rajiv-Jayawardene submit talk. The Tamils were from the very beginning saying that Sri Lanka Government is not sincere in Thimpu talk and cease fire. They are gaining time. Colombo has been playing a stalling game resurrendering old proposals that had long ago failed to find favour and not coming up with any new one allowing for conference of some substantive autonomy on the Tamils.

In between the Thimpu I and II talks cease fire arrangements were blatantly violated both by Sri Lankan security forces as well as by the Tamil militants. The T.U.L.F. had organised on its own Gandhian method of prayer and protest fast to mourn and honour the innocent Tamils killed. But Tamil militant group mocked this and disturbed such meeting and forced them to break their fast.

The ruling U.N.P. spokesmen claimed that "The T.U.L.F. is finished. Even T.U.L.F. stalwart like Sambandam, a former M.P. admitted "The Leadership of the Tamil resistance lies in the hands of Tamil Youth". Obviously the young militants had wrested the initiative from the T.U.L.F. which had lost its moral authority over Jaffna Tamils. Government of India still considers T.U.L.F. as the authentic representation of the Tamils and as an instrument of New Delhi policy on the Tamil issue.

When talks at Thimpu failed, as militant walked out of the Conference, the Tamil delegate ignored Prime Minister's invitation to New Delhi for further discussions and returned to Madras. This led to deportation of three Tamil militant leaders. Though one had left earlier.⁴⁰ It raised a series of protest all over India. This was an erratic behaviour, it was also a bad downright policy. It plays straight into Colombo's hand confirming in its eyes the wisdom. Its strategy of pitting the guerillas against New Delhi and getting the Government of India to exert pressure on militant to make more and more concession.⁴¹

After Thimpu talk failed, Government of India prevailed upon the Sri Lanka Government to grant some basic concessions. A working paper was prepared during discussion between the Chief Negotiator, H. Jayawardene and an Indian official, agreed to examine the new working paper. President Jayawardene placed these proposals at political parties conference, which was attended by 24 delegates. It retained the unitary character of the Constitution and did not provide for merger of northern and eastern provinces. He claimed that the proposals were the result of a series of consultation between the Government of Sri Lanka and Mr. Parthasarathy, at all parties Conference of 1984 as well as Thimpu I and II talks and Delhi accord on the working paper.⁴²

The proposals provided for directly elected provincial council with power to deal in the subject like law and order, education, land settlement, agriculture, industry, language and re-settlement. There will be no central land settlement scheme which will effect demographic structure.

The Provincial Council will be headed by the Chief Executive, which ensures regional autonomy. Proposal clearly rejected the idea of linkage between Northern and Eastern Provinces.

It was also reported in Sri Lanka papers that Sri Lankan Government will enter into agreement with T.U.L.F. and P.L.O.T. on September 18 at New Delhi which was denied by T.U.L.F. General Secretary Amrithalingam that "an accord would be reached only on the basis of a consensus among the six militant groups which participated in the Thimpu talk".⁴³

The Government of India sent it to the Sri Lankan Tamil leader in Madras to elicit their reaction, and thrash out the issue among themselves. Then meet Romesh Bhandari at New Delhi or Madras. Finally come to New Delhi and meet the Prime Minister.⁴⁴

Tamil Nadu Chief Minister M.G. Ramchandran lent his good offices. He acted as a conduit between Madras based group of Sri Lanka Tamils and Government of India. There were glaring gaps in the papers but Delhi argued that these can be filled by further negotiation.⁴⁵

The President of Sri Lanka, Jayawardene said to the 'Times of India News Service' that Sri Lanka would not go beyond

provincial council and if it is accepted then he will order immediate election for this".⁴⁶

The talk between the Foreign Secretary Mr. Romesh Bhandari and Sri Lankan Tamil Group was going on and adjourned on November 8, 1985 without finding way for resuming the dialogue between the militant and Sri Lankan Government. Tamil Group made it clear that four cardinal principles should form the basis for any direct talk with Sri Lanka Government. These cardinal principles are inalienable rights of the Tamil, and creation of a separate homeland. They said that in Sri Lanka field situation is explosive which is not conducive for talks with Sri Lanka.⁴⁷

T.U.L.F. presented their own proposal to Mr. Bhandari who took them to Bahama where both the P.M. and the President were attend by Commonwealth conference.⁴⁸ Mr. Jayawardene also offered some concessions which were described as vague.

The E.N.L.F. spokesman Mr. V. Balakumar said that "India's initiation for a negotiated settlement and the E.N.L.F. participation in peace offer had been set at nought by the Sri Lanka Government. It saw little hope of direct negotiation and it had not given up its armed struggle." The statement presented to the Government of India said that "only a just and permanent solution would provide the base from which we could further our political struggle through the bullet within the existing constitutioned framework". Sri Lanka while engaged in peace talk, was not only undermining Government of India initiative but intensifying military operation. The E.N.L.F. in the statement requested the Government of India to "understand that it cannot be a party to any process which would lead to the annihilation of the Tamil Elam Liberation movement".⁴⁹

Moderate wing of Tamils led by T.U.L.F. put forward a set of new alternative proposal, to be discussed by the Indian Prime Minister with Jayawardene at Dhaka, where he will be coming at S.A.A.R.C. Conference. He declined to disclose the detail. Mr. Bhandari also declined to give detail, he simply said that "there had been gap between government officials as Tamils denied, we are trying to bridge it".⁵⁰ P.M. and the Lanka President discussed the issue at S.A.A.R.C. Summit meet. President Jayawardene said that "I do not know what T.U.L.F.

General Secretary wants and I also told this to the Indian Prime Minister".⁵²

Meanwhile violence between the Sri Lanka security forces and Tamil militants assumed alarming dimension. Sri Lanka forces were using newly acquired sophisticated weapons for raid on military camps in Jaffna. Militants were giving suitable reply. It seemed that Colombo official believe that if they show military superiority and able to strike better bargaining position. This might stiffen the militant attitude as well.

The Sri Lankan Government described the refusal of the Tamil front to put forward its alternative solution as a sign that it will not settle for anything less than Elam and it is totally committed to armed struggle. This is a wrong assumption and unfair to Tamil front. It is but natural, that the Tamil group cannot be expected to commit themselves in writing to anything which would deprive the use of Tamil Elam demand as a bargaining counter. They have not given up their hope for compromise solution. They still want Indian participation in the negotiation process.

At the heart of problem lies the collapse of any kind of trust between the Tamil militants and the Sri Lankan Government. India may persuade Sri Lanka to draw a more appropriate proposal for discussion but with the bitterness between the two sides growing every day, the possibility of any compromise settlement is becoming even more remote, but it has not been given up. Intensely behind the scene efforts are being made to bring the two sides once again on negotiation table, with some South Indian leaders and the President of Sri Lankan Ceylon Workers Congress, Mrs. Thomes Thondaman. He is a Tamil Minister in the U.N.P. Government at the same time the Government made it clear that if the Tamil leaders are not willing to come to a negotiated settlement, it would push on military operation against Tamil militant in two provinces. Mr. Jayawardene said that he is ready for peace or war.⁵³

Negotiation and hostilities were continuing. Mr. Thondaman came to New Delhi and met Mr. Gandhi, the Prime Minister of India. He said that he has suggested the setting up a "Committee for National Reconciliation" comprising of nominees of the Government and the Tamil parties in Sri Lanka. He was

confident that this would go a long way in the pursuit of peace at National level.⁵⁴

Sri Lanka Government later on offered to split the present Eastern province into 3 provinces include a Tamil majority Baiticaloa. It was conveyed to Mr. V. Prabhakaran, leader of the L.T.T.E. who is considered key player in any move that might bring about a political solution.⁵⁵

Jayawardene and his Foreign Minister Mr. S. Hameed had come to Bangalore to attend meeting of S.A.A.R.C. Indian Prime Minister had a meeting with Mr. Prabhakaran. A. Balasurya and M.L. Thilagar were flown to Bangalore for a talk.

Preliminary indications were that Mr. Prabhakaran's response was negative as the offer made was inadequate. They had hinted to the C.M. of Tamil Nadu that political settlement would have to be based on recognition of an indivisual Tamil Homeland—comparing of the entire Northern and Eastern provinces. The Government talk about Trincomalee and Baiticaloa, but were silent over Amparai. Mr. Tilagar said "we see North and East as a whole indivisual. So we could not accept the proposition".⁵⁶

The Government of India representative told the L.T.T.E. that Sri Lanka Government was not willing to offer more than the latest proposition. Hence, the Government of India tried to exercise pressure on them to accept the proposition and participate in negotiation with Sri Lanka Government and get more but Mr. Tilagar said that on acceptance of the Tamil homeland we will consider participation in talk. This is not a pre-condition. This is the fundamental position of the Tamils. In discussion most time was devoted to quest of Tamil homeland. There was no meeting point.⁵⁷

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CHAPTER VII

INDO-SRI LANKA AGREEMENT—1987

(Changing Role from a Mediator to Guarantor)

I have given details upto the dropping of relief supplies by the Indian Air Force planes to Jaffna's beleaguered population.¹ Sri Lankan Government forces had launched an offensive against Tamil militants. This believed hopes that Sri Lankan Government would suspend military operation and return to negotiation table under Indian mediation. Anti-India hysteria was being whipped up in the press and open encouragement was given to the Buddhist clergymen to demonstrate in front of the Indian High Commission Office. Sri Lanka sought assistance from Pakistan to strengthen her air defence and Pakistan might be willing to extend such assistance. Pakistan in the past had always supported military action against Tamil militants.

On the other hand, Mr. Hamid, the Foreign Minister of Sri Lanka, had justified Indian mediatory role and hoped that she would continue to do so.

India made it clear that military action would complicate matter. India was waiting to see what choice Sri Lanka would adopt to solve the ethnic problems. The Indian High Commissioner made it clear that it was entirely for Sri Lanka Government to decide on the course of action which it wishes to take to resolve the problem taking into careful consideration, the implication of one course or other.²

Mr. J.N. Dixit, the Indian High Commissioner in Sri Lanka, met separately Mr. Lalit Athulathmudali, the National Security Minister, and Mr. Gamini Dassanaika, the Law Minister, on possibility of resumption of negotiation and to know whether

Sri Lanka Government was willing to modify and to agree to any change of December 19 proposal.

On the other hand state owned paper 'the Sunday Observer', quoting informed sources reported that it was unlikely that the Government would make any new proposal that would be an advancement on December 19, 1986 proposal as Sri Lanka had gone as far as it would conceivably go.³

In the meantime, certain developments took place. First the Tamil group expressed its intention to make Tamil State a constituent unit of Indian Federation. This would have upset calculation of the Government of Sri Lanka and Government of India. Government of India is committed to unity and integrity of Sri Lanka, but if the Tamils opt for a unity of Indian Federation, what would Government of India do? Could it decline the offer? It would have raised indignation all over India not only in Tamil Nadu. Government of India wanted to avoid this situation.

Secondly, Pakistan Foreign Minister declared in Tokyo that Pakistan was quite willing to enter into the discussion to solve ethnic problem in Sri Lanka.⁴ Government of India never intended to internationalise the issue; she wanted to settle the issue between Sri Lanka Government and Government of India. So something had to be done quickly.

Third factor which hastened Indian positive action was publication of a document by the prestigious Heritage Foundation of Washington saying that the establishment of a marxist state in the north-eastern province in Sri Lanka would not be in the U.S.A. interest. The Heritage Foundation Study further stated that the Tigers had made no secrets of their intention to establish one party socialist State. The study quotes Mr. C.L. Thilakar, a Tiger Politbureau member as having stated that "Our basic principles are based on marxism".

The Heritage Foundation blamed U.S.A. Government for not paying much attention to events in Sri Lanka. The threat to Sri Lanka national integrity should receive higher priority from U.S.A. policy-makers.

It further says that policy-makers must realise that Sri Lanka had been considered as a friend of the U.S.A. Port facilities were allowed to U.S. Naval vessel, providing valuation stop

between Singapore and Diego Garcia. In spite of Indian opposition Sri Lanka signed agreement with U.S.A. U.S.A. should take a number of steps to help Sri Lanka Government to put enough military presence on the insurgents to facilitate political solution.

As a diplomatic support U.S.A. should make it clear that it would not accept the subversion of a friendly democratic state by Marxist force. All banners should be received so the Sri Lanka Government could abandon it.

It was clear indication of U.S. interest in Sri Lanka if need arise. Besides economic compulsions were there.

All these factors made the Government of India to take positive and firm steps to solve the blood letting ethnic problem in Sri Lanka. Behind the scene negotiations were going on diplomatic level.

In July, 1987 Sri Lankan President Jayawardene took an extraordinary step and invited Sri Dixit, the Indian High Commissioner to meet his 12 senior ministers and discuss proposals to solve the ethnic problem. Prior to this the Indian High Commissioner had met the President, Mr. Athulathmudali and Dissanayaker many times. In the meeting with Cabinet Minister, the Indian High Commissioner was asked to clarify certain demands of the Tamils.⁵

He declined to give any details of the proposals being considered.

Things began to move swiftly, High placed sources in Sri Lanka informed 'The Hindu' by telephone that agreement was finalised between two Governments as a political solution to the Sri Lankan ethnic conflict,⁶ and that the Indian Prime Minister would come to Colombo to sign the agreement. It was confirmed later, on the news bulletin that Government Parliamentary group had approved President Jayawardene's proposal to solve the ethnic problem.

The Government of India in consultation with T.U.L.F. and other militant groups also accepted the plan and agreed to sign. The L.T.T.E. had not been agreeable and there were signs of opposition in Sri Lanka. Meanwhile efforts were made to convince the L.T.T.E. leader, Mr. V. Prabhakaran to give consent to the proposed agreement.

The important provisions of the agreement are :

- (1) The Northern and Eastern provinces would form one administration unit. It will have one provincial Council, one Governor and one Board of Ministers.
- (2) A referendum would be conducted before December 31 this year to enable the people in Eastern Province to decide whether they want one administrative unit or two. This date may be extended by the President.
- (3) All persons displaced due to ethnic violence will have right to vote in referendum.
- (4) Sri Lanka would recognise that the ethnic groups have a distinct cultural and linguistic identity.
- (5) Sri Lanka would recognize that the Northern and Eastern provinces are areas of habitual habitation of Sri Lanka Tamil speaking people and also their right to live with other ethnic groups.
- (6) Army would be confined to barracks.
- (7) Cease fire will prevail in both the Northern and Eastern provinces.
- (8) Sri Lanka Government would grant amnesty to political prisoners.
- (9) Devolution of powers to provincial council will be negotiated within six months of signing of agreement.
- (10) Sinhala, Tamil and English would be official languages of the Island.

Finally, the historic, bilateral agreement was signed on 29th July 1987 in Colombo. Sri Jayawardene and Rajiv Gandhi signed the agreement on behalf of their respective Governments.⁷

The agreement of accord has not been well received either by L.T.T.E. or by Sri Lanka opposition parties as also by some of the Ministers of Jayawardene Government.

Sri Lalith Athulathmudali, the Sri Lankan Minister for National Security said that peace finally seems to be knocking at the door.⁸

Sri Lanka President Jayawardene declared that the accord aimed at to resolve the ethnic policy would bring violence to an end.⁹

Before signing of the accord violence protest and anti-Government Demonstration were held in Colombo. The protest march was led by the Buddhist clergy and addressed by the opposition party leader of S.L.F.P. Mrs. Srimavo Bandaranaike.

L.T.T.E. later on agreed to lay down arms on certain assurance given by the Indian Prime Minister.

There is no doubt that both the leaders have shown courage and determination to solve the ethnic issue, which had claimed more than 14,000 lives in the last 4 years. India had to send Peace-keeping force. India had taken the risk of alienating Buddhist Sinhalese, but it has to take these steps for her security before other power entered the area. The accord has been welcomed by all sections of Indian people.

Doubts are being raised about the success of the agreement and different point of views have been expressed.

Mr. Prabhakaran, Commander-in-Chief of the Liberation Tigers of Elam (L.T.T.E.) had rejected the agreement, but later on agreed on the basis of some assurance, given by the Indian P.M. Shri Rajiv Gandhi. He had objections on various points, like the question of Tamil homeland has not been clearly explained and Tamils have not been described as a 'nation' but have been described as one of the ethnic groups. The merger of Northern and the Eastern provinces are conditional, temporary and an interim arrangement, merger will be decided through a referendum by a simple majority and not 2/3rd majority. Sinhalese and Tamil Muslim comprise 60 per cent of the population in the Eastern province and if we surrender arms the Tamil people will become defenders.

When asked by a reporter that if he had so many objections why did he come to New Delhi he said that he was not shown the copy of the agreement at Jaffna. He was told by Mr. Puri that December 19, 1986 proposals should be thrown into dustbin, and a new set of proposals have been sent by President Jayawardene and he was asked to come to New Delhi and meet Rajiv Gandhi to pave its way for solution. In spite of these objections and apprehension V. Prabhakaran and his associates have gone along with India and stood by the Rajiv-Jayawardene agreement and voluntarily offered to surrender arms. It was supposed to be greatest stumbling block in implementation of

Rajiv-Jayawardene agreement but it has been removed. Prabhakaran has shown wisdom, statesmanship and moral courage on par with Rajiv Gandhi and Jayawardene.

So far India was playing the role of a mediator, between the Tamil Elam group and the Government of Sri Lanka, India tried her best to bring the two parties to the ethnic conflict together, narrow the misunderstanding and communication gap and to make them negotiate a peaceful political settlement. This role of a mediator and offering good offices, India played for the most period since August, 1983.

This role as a mediator suddenly changed. India could no longer afford to ignore a final settlement of the conflict. India's role changed from a promoter to party to the settlement, with a direct involvement in guaranteeing and underwriting its structure and framework and in co-operating in its implementation. This is a major political decision taken by the Indian Prime Minister. It made all the difference to what appears to be infractable problem.

There is no doubt that every major and reasonable demand of Tamils has been met. Now Tamils in Sri Lanka can live as they had lived there for hundred of years as honoured and respected citizens enjoy all political and civil rights on a footing of equality with all other Sri Lankans. They have achieved everything they had demanded except for the division of the Sri Lanka.

From the security point of view, this agreement has been welcomed. In the exchange of letter it has been stated "we have seen the security problem in our region. We will see that such hostile forces are not allowed to come to our region. This exchange of letter ensures that forces prejudicial to Indian interest will not be present on Sri Lankan Soil".¹¹

The mood in India, official as well as independent, intellectual and popular seem deeply in favour of the agreement and thus in favour of President Jayawardene and his Sinhala supporters, particularly after his acceptance of his mistake. "That was a lack of intelligence on my part. There was lack of courage on my part. There was lack of foresight on my part."¹² But in Sri Lanka the reaction is rather too hostile, important Ministers including the Prime Minister were against them. The

main opposition party S.L.F.P. led by Mrs. Srimavo Bandaranaike is opposed to this. The Buddhist clergy Rev. Maduluwawe Sobitha is an open enemy of Rajiv-Jayawardene agreement. J.V.P., a banned left orientated party is also dead against the agreement and led a violent movement against it, which led to Island under curfew. In spite of all these hostile reactions amongst the Sinhalese, the agreement has been hailed "Triumph of statesmanship and courage under the most trying and tragic circumstances."¹³

Other countries also welcomed this agreement. President Jayawardene himself had admitted that he had sought military aid from the U.S.A., Pakistan and China. U.S.A. responded by telling President Jayawardene that India was the guardian of democrats in the region and Sri Lanka Government would have to deal with India. The U.S.A. Government have welcomed this agreement with enthusiasm. The E.E.C. member countries have also given their support to the agreement.

British Press generally welcomed the agreement but the Times of London called it a surrender of Sri Lankan Sovereignty.¹⁴ Pakistan press had also chosen to interpret this agreement as "Surrender of Sri Lankan Sovereignty".¹⁵ They also interpreted it as an evidence of India's hegemonistic ambition. Pakistan had tried to drive a permanent wedge between India and Sri Lanka over the ethnic conflict. Pakistan had tried to show itself as an ally of Sri Lanka against India. Now at one stroke that opportunity has been done away with, naturally Pakistan should feel frustrated due to the agreement.

The agreement testifies to the ability of the South Asian countries to resolve their difficulties, conflict and problem without any external interference. The agreement reinforces the principles to which members country of S.A.A.R.C. are committed, i.e., the region's problem are best sorted out bi-laterally or collectively by the countries within it.

In spite of certain problems and difficulties posed to the implementation from both sides of the ethnic dispute in the Island, the solid progress has been made. First of all peace has been restored in violence torn peninsula. Both L.T.T.E. and E.R.O.S. have surrendered their arms. Tamil detenus are being freed. Presence of over 14,000 Indian armed personal inspire

confidence among the Tamils. Arrangement for interim administration in merged North and Eastern provinces are being worked out. Mr. Prabhakaran who wanted that his organisation played a dominant role in the interim administration feels dissatisfied. Yet he has also made it clear that his decisions will not come in conflict with any course Government of India determines to take. He has full confidence and trust in Indian Prime Minister. India does not approve of the Tamil Elam, but it is firmly committed to secure a substantive measure of autonomy for Sri Lankan Tamils.

Unfortunately, the ratification of agreement which was to be ratified by the Sri Lankan Parliament on 18th August, 1987 has been postponed till October, 1987. This ratification is a component part of the whole peace proposal. President Jayawardene had support of some important ministers like Ronnie Demel, Finance Minister, Mr. Gamini Dissanayake, the Lands Minister, who stood firmly by the side of the President, in face of various kinds of efforts and pressures in Sri Lanka to scuttle the agreement.

Prime Minister, Mr. Premdasa, who is said to be a hawk in the President Jayawardene cabinet, is anti-Indian like Mr. Cyril Mathew, who had to resign due to his bitter anti-Indian attitude. When an attempt was made on the life of little President Jayawardene, P.M. Premdasa was with him. Another important Minister Mr. Lalithathmudali, Minister of National Security was against this agreement whether these two ministers veered round the President or not has been made clear as yet. This abortive attempt also brings to light the grim resentment among Sinhalese against the agreement. It will be a great task before U.N.P. leaders to convince the Sinhalese of the benefits of the agreement. Implementation of the plan should not be assailed by too many doubts whether this can be made to work in light of bitter and sour relationship between the Sinhala and Tamil in the Island over past four decades.

Another favourable change has developed that sensible Buddhist priests are also supporting peace plan. Sri Lanka Broadcasting Corporation quoted the Sanghanayake (Buddhist high priest) of Vavuniya, the venerable Siyambalagaswene, Wimal Sara as saying that the harmony following the

agreement did not endanger the status of unitary state, and "all were united under one flag". He appealed to the people to eschew misgivings about peace agreement and extend co-operation in achieving objectives.¹⁶

Some of the possible consequences of the agreement will be discussed in the concluding chapter. There is no doubt that the agreement is a landmark in the history of Indo-Sri Lankan relation, Mr. Dissanayake has aptly described it "not evolutionary but revolutionary". He has also expressed his doubt and said that there are anarchic forces of the left and right who do not want any honourable settlement. According to him, the President now faces the task of achieving normalcy as spelt out in the agreement. For this he has to neutralise these extremists. The agreement has neutralised the L.T.T.E. The new challenge is to neutralise their counterpart within the political structure of Sri Lanka.¹⁷

Tamils are making complaint of harassment by a few Sinhala, but it is minimal and the plan is working smoothly, except for the ratification, what will happen if Sri Lankan Parliament refuses to ratify the agreement is quite uncertain.

Government of India has changed its role from neutral mediator to exerting guarantor of peace and security to Sri Lanka Government in general and the Tamils in particular. Doubts are being raised about the success of Indian role as a guarantor. Different point of views have been expressed, nothing can be said definitely about this.

POST-SCRIPT

The Rajiv-Jayawardene Agreement concluded in Colombo on July 29th 1987 is a triumph of statesmanship and courage under the most trying and tangled circumstances. The Indo-Sri Lanka agreement is certainly a very major development for the Sri Lankan Tamils, for the Sri Lankan people as a whole for the Jayawardene administration, for India and for the health of region¹⁸ Indian Prime Minister Rajiv Gandhi was not exaggerating when he told that the "agreement was unique" unprecedented in the history of the world, at least in this country".¹⁹ Nor was he sounding a formal note while he was

extolling President Jayawardene's wisdom, statesmanship and moral courage. According to the supporters of this agreement every reasonable demand has been met and this is the time to stop fighting, stop the violence and stop the conflict.

The Rajiv Jayawardene accord was signed but it has been a very rough, very aggressive challenge to face up its implementation, due to a combination of opposing forces. The main opposition party of Sri Lanka, the S.L.F.P. led by Srimavo Banderanaiké, a fanatical and influential section of the Buddhist clergy and the most important and powerful force within the ruling party led by no less than the Prime Minister, R. Premadasa, all these conspired to scuttle the agreement. The Sinhalese militant Janata Vimukti Peranuma also was dead against it. Anti-Indian sentiments were whipped up and it was stated by the critics of the agreement that President Jayawardene was initiating the process of 'selling out' Sri Lanka to India and that Sri Lanka was in danger of becoming an Indian colony.

In spite of all these provocations the credit goes to the President Jayawardene and some of his cabinet colleagues who stood by the agreement and tried to implement the points of agreement on their side. In November 1987 the Sri Lanka Parliament adopted a series of measures devolving power from the centre to the provinces within a unitary framework. Legislations were passed that enjoining election to be held under the new scheme of devolution approved in January, 1988 were passed. The provincial council election laws were also passed. Legislative process aimed at devolution of power and meeting obligations as envisaged in the Indo-Sri Lanka Agreement were put through.

As a step further provincial council election were held in two phases. Election in the first phase was held on 28th April 1988 in four of nine provinces, i.e., north western province, north central province, V.V.A. province and Sabaragamuwa province. S.L.P.F. party boycotted election. J.V.P. threatened voters not to participate in the process as it was being held also to affirm faith in the U.N.P. and Indo-Sri Lanka accord.

In spite of all these large number of voters turned up. The parties who participated are the ruling United National Party

(U.N.P.), United Socialist Alliance (U.S.A.) and Sri Lanka Muslim Congress (S.M.C.).

The results in brief are as follows :

	<i>Total</i>	<i>U.N.P.</i>	<i>U.S.A.</i>	<i>S.L.M.C.</i>
	<i>No. of Seats</i>			
North Western Province	50	29	19	2
North Central Province	31	19	12	—
U.V.A. Province	32	18	13	1
Sabaragamuwa Province	42	22	20	—
Total	155	88	64	3

Abbreviations : U.N.P.—United National Party
 U.S.A.—United Social Alliance
 S.L.M.C.—Sri Lanka Muslim Congress

His excellency, the President J.R. Jayawardene appointed four Governors to these provinces on 30-4-1988. They are :

North Western Province —Hon'ble D.B. Wijetunge
 North Central Province —Hon'ble D.B. Welegedera
 U.V.A. Province —Hon'able P.C. Imbulana
 Sabaragamuwa province —Hon'ble N. Wimalasena

Following were appointed as the Chief Ministers :

North Western Province —Hon'ble Gamini Jayawickreme Perera.
 North Central Province —Hon'ble G.D. Mahindasoma
 U.V.A. Province —Hon'ble P. Samaraweera
 Sabargamuwa Province —Hon'ble G.V. Punchinilame.

Second phase of election was held and again UNP won majority in 3 other provincial councils in western province, southern province and central province.

Completion of elections to the provincial council within 10 months of signing the much maligned Accord raised the hope that it would work. Provincial elections were held in the Sinhala areas. In spite of death threat and killing of nine candidates by J.V.P., 62 per cent voters turned up. It was a slap on the face of J.V.P. and S.L.F.P. as Jayawardene said that "The first political task has been accomplished. The result has proved that Rajiv-

Jayawardene Accord was not at issue with them. Though U.S.A., won 64 seats against the U.N.P. winning 88, it has been interpreted that people of Sri Lanka supported the Accord as U.S.A. was also not against the accord. In second phase of election also U.N.P. won in remaining 3 provincial councils.

Apart from these elections, Government of Sri Lanka released from custody to those who eschewed violence and opted to participate in the political process. All other groups except L.T.T.E. had laid down arms and are willing to contest election if held in north and eastern province.

But this is not so in Northern and Eastern provinces though there is a marked reduction in cases of violence, but it has not ended. In the north, normalcy has been established, but I.P.K.F. is attempting to bring the same in the Eastern province. Why has this happened? It is result of many failures on the part of India's handling of the situation.

Tension between the L.T.T.E. and the I.P.K.F. has been mounting since early September, 1987. First L.T.T.E. did not surrender all its arms and secondly when I.P.K.F. failed to retrieve 17 L.T.T.E. men from Sri Lankan forces, who took cyanide capsule to escape from going to Colombo, L.T.T.E. quietly killed 5 I.P.K.F. people by putting burning tyres round their necks and next they ambushed C.P.R.P.F. Patrol. Government of India wanted a quick end to all these so I.P.K.F. launched a five-pronged attack. In the beginning as it was not expected that L.T.T.E. would back on track and a full scale war again would have to be launched, so Indian Army was not prepared. Initially it suffered a set back but gradually reinforcement came and L.T.T.E. had to run. We need not go into detail of military encounters. There is no doubt that L.T.T.E. is a most battle conditioned of the militant groups. It has fought a similar guerrilla war for the last four years against Sri Lankan forces. It has a near total support of local Tamil population amongst whom it can mix without detection. In the beginning, the I.P.K.F. ignored the conflict between militant faction to get out of control and failed to stop the mass killings. It did nothing to ensure that the Tigers surrendered all their arms.

The Jayawardene and members of his Government charged that while Sri Lanka Government had fulfilled its commitment

under the accord, i.e., phased release of Tamil detenus in production of the provincial council devolution of power. But Indian soldiers had failed to satisfy the pre-requisite of achieving total arms surrendered by the L.T.T.E.

Any way our troops fanned out to seize all arms in the possession of the L.T.T.E. militant. It was not confined to Sri Lanka, but simultaneously raids were made on L.T.T.E. offices in Tamil Nadu. Now the situation is that I.P.K.F. has total control in north province and also on the eastern province. L.T.T.E. cadre are on the run. They tried to get time offering for those and a cease fire once, but they utilised this time for their consolidation, we need not go into detail of various military operations, Chach, Trishul, Pawan, Check mate it.

We will concentrate our study on political aspect of the whole issue.

In the Rajiv-Jayawardene agreement it was stipulated that there would be temporary merger of the Northern and Eastern Provinces and there will be an Interim Administrative Council (I.A.C.) for the North and Eastern provinces. L.T.T.E. wanted a dominant position in this government which on the persuasion of Dixit went out of way to give greater weight to L.T.T.E. in 12 member I.A.C. He selected C.V.K. Sivagnanam from the panel of three names submitted by the L.T.T.E. itself. Six members were selected from a panel of nine names, seven from the North and four from the East. The Government also conceded that no other Tamil militant group would find a place in the council. It was also conceded that two Muslims would also be L.T.T.E. nominee with all these concessions, the L.T.T.E. recognised under the pretext that the President created the impression that this represent only the North in the names he had selected. The panel of names submitted by L.T.T.E. was itself biased in favour of the north. Mr. Sivagnanam backed out of the Chairmanship, the L.T.T.E. insisted that N. Pathmanabha only a government official of the east should replace him.

Faced with this L.T.T.E. intransigence, consultation between Government of India and Sri Lanka took place and when Defence Minister, Mr. K.C. Pant visited Sri Lanka, President Jayawardene announced that the L.T.T.E. had been out-lawed again and there would be another interim council without

L.T.T.E. and would give more representation to other militant groups which have supported the accord.¹⁹ But substantial section of Sri Lanka Tamil population were of the opinion that no settlement that excluded the tigers would work.

There were sign for settlement in November 1987 when L.T.T.E. proposed to release 18 Indian prisoners and requested for 48 hours cease fire to facilitate surrender of Arms. In a letter dated November 14 to Brigadier Kahloon Town Administrator and Commandant of Jaffna to by Dy. Leader Mahattaya made the following points for conciliation talk :

- (i) On declaration of cease fire by the I.P.K.F. the L.T.T.E. will lay down arms immediately.
- (ii) The I.P.K.F. should move back to its position prior to October 10, 1987 and patrolling and search operation should be stopped. Later on L.T.T.E. said that this is negotiable.
- (iii) The function of hospitals, food supply and transport should be handed over to civil authorities.
- (iv) Amnesty to be invoked and ban of the L.T.T.E. be lifted. The Rs. 1 million prize on Prabhakaran's Head to be cancelled.
- (v) The L.T.T.E. is prepared for resumption of negotiation immediately.
- (vi) L.T.T.E. members be allowed to live a normal life in dignity and the rights of the Tamil people to be resorted.
- (vii) The L.T.T.E. looks to India for a solution of the problem of the Tamils.
- (viii) Establishment of a Tamil police force for the northern and eastern province .
- (ix) L.T.T.E. is not against the accord as long as it guard the right and interest of the Tamil people.²⁰

Mahattya also wrote a second letter which has not been published. Government of India insisted that intention of surrender must come for Prabhanatam himself.

As far as L.T.T.E. is concerned I.P.K.F. has broken the backbone of the L.T.T.E. What Sri Lankan Army could not do

in a decade, the I.P.K.F. had managed to do so within a few months clearly L.T.T.E. is on run.

Today Militants of L.T.T.E. does not run. I.P.K.F. also claims that they have a plan to stay by Sinhalese in the eastern province, one of the main fears of Tamils.

Secret move for direct talk between Sri Lanka Government and the L.T.T.E. are now being made. G.G. Ponnambalan, leader of the All Ceylon Tamil Congress tried to arrange a meeting between the L.T.T.E. and Gamini Dissonayak in Madras. It was stated that avenue through India have dried-up so first avenue have to be opened. Government of India also confirmed this. It has been alleged that Government of India sabotaged it. If L.T.T.E. was offered control of Jaffna with Sri Lankan Army taking position as was on July 28, 1987—greater devolution of power without merger with east will be granted whether L.T.T.E. would have accepted it and not was a debatable point.

Though cease fire was unilaterally declared by India yet the L.T.T.E. did not surrender any arms; on the other hand, they consolidated their position.

President Jayawardene's proposal for a separate friendship treaty with India for salvaging his position at home and counter the charges of 'Sellout'. Trinomalle or other parts in Sri Lanka will not be made available for military use by any country in the manner prejudicted to Indian interest. Sinhalese opinion feel that India should make an equivalent commitment return, i.e., no help to militant in Indian Government. India has not given a definite reply. India Government wants to take its own time for unexplained reasons.

Negotiations were going on but L.T.T.E. attitude remained the same. India's High Commissioner in Sri Lanka, Sri J.N. Dixit revealed that L.T.T.E. was paid a huge sum of 50 lakhs in Indian currency and of 1 crore in Sri Lankan currency as a part of secure deal before the signing of the Indo-Sri Lanka Accord in July, 1987. Why was it disclosed it remains a puzzle. The LTTE leaders have charged Dixit with playing a dubious game. They say Dixit's statement is a malicious distortion of truth calculated to discredit their image. He has tried to give the impression that the money was paid to purchase our loyalty. This time

they have openly asked for money in a lieu of surrendering arms.

The success of the I.P.K.F. hitherto has been its ability to reverence L.T.T.E's position from defending its strong holds to guerilla warfare to one of individual elimination. Athulathmudali said "There is a military factor in tacking guerilla warfare. But this is no military solution. This only final solution is to get the L.T.T.E. join the political mainstream".²²

Even though military operation against L.T.T.E. continue, but door for political negotiations have not been closed.

As informal talk for settlement began as early as February 1988. It was reported at that time that the L.T.T.E. had agreed to laydown arms, support the accord and join the political process and prepare for talk.

It was also reported that the L.T.T.E has conveyed to India the condition on which it would join the political process and contest the election. Setting up of interim administrative council for six months while Tamil refugees return. They also wanted the majority control it was offered to them earlier in the beginning of the accord.

Both New Delhi and Colombo agreed to rule out formation of interim council. They also rejected the second demand that powers to be devolved to the provincial council be renegotiated. India Government said that it should be renegotiated by the Tamils after they would win provincial council election.

Whereas L.T.T.E. claims to have only 300, heavy arms, but it is believed that over 3,000 heavy arms are still with the L.T.T.E. Again they would surrender part of their arms.

Under pressure from the Government of India President Jayawardene announced a lot of concession to meet the L.T.T.E terms for surrendering arms. President Jayawardene has issued a communique announcing his intention of allowing merger of north and eastern provinces and forming a single provincial council after the election, establishing a single high court, granting Tamils equal status as Sinhala and general amnesty to all those who took up arms against the State provided the L.T.T.E. agreed to surrender arms and abide by Indo-Sri Lanka agreement.²³

By assuring the Tamil minority which comprise 12 per cent

of the population, that he is willing to grant them equal status as the majority community. Mr. Jayawardene has decided to discuss for resolving current impasses in the talks between the Government of India and the L.T.T.E. in Madras.

The new peace plan also provides for setting up of two committees which will be liberally funded by the Government of India. One of the committee will have representation of the L.T.T.E. Government of Sri Lanka will disburse fund to the tune of 50 crores in Indian currency. Government declined to give the money to the L.T.T.E. as demanded by them.

But the whole scheme failed as the L.T.T.E. went back on its Commitment and said that L.T.T.E would surrender its arms as soon as President Jayewardene would proclaim merger of northern and eastern provinces. Government of Sri Lanka under pressure from Government of India had agreed to almost all demands of L.T.T.E. including the demand that elections were to be held on the basis of 1982 voter list and not of 1987 list for the provincial council election.

While negotiation of surrender and L.T.T.E term was carried out by RAW, the Indian High Commissioner J.N. Dixit was kept out of this exercise as LITTE consider him as a hard liner so he became virtually *persona non grata* with the L.T.T.E, but it was his responsibility to ensure that President Jayewardene accept this. This shows that even RAW failed to convince the LTTE. It clearly offered L.T.T.E. its last chance to play a legitimate political role in Sri Lanka. President Jayewardene has shown his uncommon courage and sagacity. He had gone as far as he could to face the opposition of various shades of Sinhala fanatics. He had not hesitated to place his own political fortune at risk.

The L.T.T.E. violated the Indian negotiations very badly. On the other hands, the L.T.T.E. superimo Mr. V. Prabhakaran has issued order to all L.T.T.E district commanders in the north and east provinces to launch all out attack on IPKF as Government of India did not agree to its demands of total cease fire for five days before a surrender of arms. They say that L.T.T.E needed the total cease fire to contact field officer and personal discussion with his representation in Madras. Government of India followed the discussion once beaten twice shy. On previous

occasion of cease fire L.T.T.E. had consolidated its position. So, Government of India was not in position to concede this demand.

Now L.T.T.E. has asked for all out attack not only in Sri Lanka, but also on Indian cities. There is no option other than to intensify its military pressure of the beleaguered L.T.T.E. cadre.

North and Eastern provinces were merged. The JVP had threatened to kill and murder of candidates while other provincial election's candidates stood for election. Candidates show, voter in large number turned up in other provinces. Similarly inspite of L.T.T.E threat—Sri Lanka Government announced the election for provincial council for north and east provinces. Elections were called for. Nomination forms were filled up between 3rd and 10th October 1988 and elections were held peacefully on 19th November 1988. L.T.T.E. could not disrupt and people gave up the fear psychosis or turned up which was beyond expectation.

Though the last and overwhelming elected popular Party Tamil United Liberation Front, in face of L.T.T.E. threat expressed its inability to participate in the election, yet the former militants groups the Elam People's Revolutionary Libration Front (EPRLF) and the Elam National Democratic Libration Front (ENDLF), now transferred into political parties agreed to contest election, along with the UNP and Muslim United Liberation Front. In the absence of serious contest and mutual understanding, these parties have secured 53 out of 71 members of North-East Provincial Council. Though EPRLF has secured 41 seats a clear majority.

Mr. A. Varadharaja Perumal, the 35 year-old Central Committee member of the Elam Peoples Revolutionary Libration Front (EPRLF), became the first Chief Minister of the North-East Provincial Council. At a press conference he announced that besides himself a Sinhalese, a Muslim, a ENDLF representative Mr. Priyathambi Krubakaran, which has an electoral understanding with the EPRLF, and other two will be the EPKLF member in his five member ministry. Trincomallee is the capital city of North-East province and Mr. Nalisena Viratne is the governor of the newly formed N.E. province.

Whether they will be able to form viable Government, or not, only time will prove.

This election has clearly given a rebuff to L.T.T.E. It has exposed the hallowness of their claim to be the sole spokesman of Tamils. The leadership must be feeling sorry for missing the bus, when L.T.T.E. was offered dominant role in the previously proposed N.E. Council. The turn of Muslim and non-Tamil voters was un-expectedly high. This goes to show the strength of the belief that non-Sinhala in the provinces have expressed their faith in a peaceful negotiated settlement of the long drawn ethnic conflict in the country. Further it is a progressive step rather a big step forward in the implementation of Rajiv-Jayewardene Accord.

The L.T.T.E. had decided not to participate in the N.E. Provincial election and criticised the election as it is thrust upon people. They have criticised the role of the IPKF and denounced the winners as 'questing'. These outburst of the LTTE can easily be explained as they had expected to frighten away the voter by act of terrorism, but their attempt was foiled by good arrangement by IPKF for polling in peaceful condition. The people have also turned out in unexpectedly large number ignoring the threat of L.T.T.E. The Government of Sri Lanka took a risk and the gamble succeed.

In the light of these experiences and the irredeemable loss of a generation it is now very essential that all the Tamils of Sri Lanka should remain united to win their rights, honour self-respect and further devolution of power.²⁴ It is only India which could give recourse to the Tamils of Sri Lanka and hence they should all stay united to help India achieve what they want. Any shortcomings could always be brought out with India, because the Tamils trust India and know that it is sincere in its effort. The Tamils will not care who becomes the President or the Prime Minister of the Island because it will not make any difference to them. Whether Rama Rules or Ravna rules, the Tamil concern is their homeland and their determination, to run their own affairs. However, they should always remember the slogan "united we stand".

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CHAPTER VIII

CONCLUSION

There is no doubt that the relations between the two countries were never cordial. Sri Lanka had repeatedly accused India of aiding the Tamil rebels. There had been several incidents involving Indian Tamils Fishermen and Sri Lanka Patrol Boat. Recently India tried to send relief goods to Sri Lanka which was flouted by the Sri Lanka Navy. India had to violate Sri Lanka air space on humanitarian ground. Though later on Sri Lanka agreed to receive Indian Cargo ship with relief goods yet air-dropping left a very sad taste. Over and above the Indian Prime Minister had accused Sri Lankan forces of indiscriminate bombing and killing of innocent Tamil civilians on many occasions. Sri Lanka Government considered these statements as inflammatory and encouragement to the rebels.

Though Indo-Sri Lankan relations are not even on keel, yet it is imperative that there should be cordial relations between the two countries. There are various reasons for this among them the most important reason is the security.

I have already mentioned the importance of Sri Lanka from the point of view of Indian security. Though we face direct threat from Pakistan, China, there may be coercive moves directed against us by intervention and extending support of violence to the dissident element. Here come the contingency plan prepared to ensure security of our smaller neighbours against both outright invasion as well as the real intervention. Since our heartland lies adjacent to these neighbours, we cannot allow vulnerability to develop in respect of our heartland. Protecting their as well as our interest include all form of assistance, when

requested by them as it happened in case of Sri Lanka in 1971. The Government of India had undertaken the role of a mediator on request and acceptance by the Government of Sri Lanka.

After ethnic riot of July 1983 Indian ships assisted in the evacuation of Sri Lanka Tamils as refugees. Medical supply was also sent, but leaders of Tamil Nadu put pressure on Government of India for more direct intervention.¹ Mrs. Indira Gandhi, the Prime Minister of India, asked her Foreign Minister Shri Narasimha Rao to visit Sri Lanka to discuss the matter. A delegation led by Sri Ramchandran, the Chief Minister of Tamil Nadu met and asked Mrs. Gandhi to intervene to restore order in Sri Lanka. One-day strike was organised in Tamil Nadu as a protest. Following these developments Sri Lanka special envoy, Mr. Hector Jayewardene visited New Delhi and met Indian Prime Minister. She offered Indian assistance in resolving the Sri Lankan Tamil issue. On 12th December 1983, Mrs. Gandhi reported to the Lok Sabha and Rajya Sabha, separately that Sri Lanka Government had accepted offers of Indian assistance aspiration and assure their security. She said that she had conveyed India's concern and proposed that solution be sought at the conference table.²

The TULF General Secretary met Indian Prime Minister, and stated that while they welcome proposals for India's mediation, and discussed it as a possible factor in changing situation to allow meaningful discussion, before the TULF and Sri Lanka Government provided latter set no precondition. He affirmed that Tamils would never renounce the aspiration of creation of a separate state in Sri Lanka.

On the other hand, President Jayewardene told Mr. Parthasarathy that TULF must renounce the demand for separate state before the party could be invited to any round-table conference on the Tamil issue.

India started with these two extreme stands taken by the contending parties. In the previous Chapter I have discussed various efforts made by the Government of India to settle the dispute and at last it had imposed some sort of solution on both the parties, i.e., the Tamils and Sri Lanka Government.

Before I draw my conclusion I must explain various factors which led India to play the role of a mediator. India does not

think of ensured supply of raw material to herself for her industry by using threat of forces. We are a liberal democracy and our policy is to ensure that we do not want to get into an adversarial position, *vis-a-vis* to the few super powers. Our relations with U.S.A. and U.S.S.R. are quite good. There is no direct conflict of interest between U.S.A. and U.S.A. action in respect of other countries in our neighbourhood. In spite of stress and strain there is basic stability in our relation with U.S.A. P.R. Jayewardene when appealed for assistance from U.S.A., he was told to abide by Indian decision as U.S. believes that India is guardian of democracy in the region.

Unfortunately our defence programme has no impact on any of our neighbour in practical term except Pakistan. We have no planned policy framework in regard to each of our neighbour. Our policy-makers have been subject to enormous adhocism and personality fluctuation at both bureaucratic and political level. There is very little policy planning involving the Minister of External Affairs, Defence and security agency. There is no doubt that leadership failed both at political as well as bureaucratic level. That is why it took almost four years for Indian Government for bringing a political solution acceptable to both contending parties. Even now it is not likely, we shall be able to formulate a viable security policy *vis-a-vis* our neighbour which includes Sri Lanka.

In the beginning, Government of India backed TULF to the hilt and ignoring the militant in any talk for settlement between the Sri Lanka Government and the Tamils. It ignored the militant, Mr. P. Prabhakaran, leader of LTTE said, "If the Government of India was really mediator in the issue, it should be remembered while militants are treated as criminals—Jayewardene was given a red carpet welcome. This is not the gesture of goodwill."³ Gradually, Government of India realised that no solution was possible without assistance of militant particular of LTTE. So they participated in a direct dialouge with Sri Lanka Government and the devolution package without prejudice to the publicly stated posture. The militant assured Government of India that they had no objection to meet Sri Lanka President Jayewardene or his colleague while reserving their demand for Tamil Linguist unit.

Various proposals had been suggested to India as a mediator to solve the issue, but Government of India did not follow these suggestions. I shall examine these suggestions and see why was it not acted upon by the Government of India.

Military Intervention

In the beginning, Amirthalingam, the Secretary General of TULF, while addressing a meeting at Madras, asked for Bangla Desh type of military operation.⁴ Later on, other leaders of DMK also made similar plea. Apparently it looked very easy solution since it would not be a difficult task for Indian armed forces. Sri Lankan army, ill-trained and undisciplined would surrender within no time in the face of Indian military intervention. But the Government of India ruled out to take any such action.⁵ There were apparent following reasons for this :

In case of Bangla Desh, there was a struggle of the people against a military dictatorship to be replaced by a popularly elected leader Mujib who was denied his rightful place.

Moreover there was one organised force, under the banner of Mukti Vahini, there was no splinter militant groups. Government of India had given full support to Mukti Vahini in its struggle for independence and to give Mujib and his party, Awami League, a rightful place.

In Sri Lanka, the struggle was against a democratically elected Government and the militants and others demanded partition of a small country on linguistic basis. Thus, there was no comparison between the two.

Above all, there were over 10 million refugees from the East Bengal, living in India which was putting a heavy burden financially and was creating law and order problem in the neighbouring states of Assam, Bengal, Tripura etc. In case of Sri Lanka, the total number of refugees is above 1.5 million.⁶

So there is no ground of comparison between Indian military intervention in East Bengal and Sri Lanka.

Even if we presume that Indian military intervention had taken place, then it would create more problems than it would solve the ethnic crisis. Suppose Indian army intervenes where

will it stop after taking control of North and Eastern Provinces? The Tamils claim it as Tamil Homeland, or will it occupy the whole island? The real crux is over the definition of a 'Tamil Homeland'. Where will Indian army stop? If the Indian army occupies only the so-called Tamil homeland, it could do so because resistance in Sri Lanka would be nominal. But, what will happen to more than a million Tamil people who are of recent Indian Origin, for whom Government of India is more concerned, what will happen to them. They will be surrounded by a hostile Sinhala population. Their lives and property would be in constant danger.

Even if Indian forces occupies the entire Island and imposes its own dictates even then the lives of Tamils in Sinhala majority area will not be safeguarded. Thus, very purpose of military intervention would be defeated.

Moreover, Sri Lankan nationalism, over-emphasised by the Sinhala Buddhist ethos would be motivated by leaders to fight against occupation forces. Four decades of independence and democracy have made Sri Lankans to love their country and democratic institution. They will not surrender sovereignty without a fight. It will alienate even those Sinhala who are sympathetic towards Tamils' reasonable demand and having friendly feeling for India. Such Sinhala feeling would be outraged by the Indian armed occupation.

Above all, there is no one in Sri Lanka of the status of Awami League Leader Mujib to mobilise forces in favour of intervention. In Bangla Desh, Indian forces withdrew very quickly. Here it would not be possible due to various dissident groups even amongst the Tamil militant.

Lastly, an armed invasion would be politically indefensible for India in the International forum. India was criticised when it took over Goa and again when army entered into the then East Pakistan—U.S.A. and China had threatend India with dire consequences. India is not willing to face this sort of criticism. India is a founder member of the non-Alignment movement, SAARC—how can she take armed action against one of the members? Naturally her action will be looked upon with suspicion. Neighbouring countries like Pakistan, Bangla Desh, Nepal etc. would raise hue and cry over such an action.

Military invasion will not and cannot solve the Tamil problem, on the other hand, it will complicate matter. That is why Mr. Natwar Singh, Minister of State in the External Affairs Ministry of the floor of the Lok Sabha turned down the suggestion of military intervention by India as a measure to secure life and property of suffering Tamils minority in Sri Lanka. He said "It would have very serious repercussions and grave consequences".⁷

So the question of taking military action on lines of Bangla Desh does not arise.

Second, alternative suggestion was to solve the issue on lines of Cyprus, whose ethnic problem between Greeks and Turks are more or less similar to the problem between Tamils and Sinhala.

Cyprus type Solution

Cyprus was a British colony and is a Island like Sri Lanka. It is situated in the Mediterranean Sea. It is inhabited by Turks and Greeks, 4/5 are Greek-speaking and belong to Cypriot branch of Greek Orthodox Church. Like Buddhist monks in Sri Lanka, Christian Church Bishops take active interest in politics in Cyprus. Church leaders, since 19th century led anti-Muslim movement and wanted union with Greece. Arch Bishop Makarios united the two parties; Greek Government also supported this though Greek Cypriots demanded Enosis (Union with Greece). Turkish Government concerned with protection of rights of Turkish minority, announced that there should be *status quo* and that if any change occurred in the status of Island, it should be referred to Turkey. A tripartite talk between the U.K., Greece and Turkey Government was held in London from 29th August to 7 September 1955.⁸ Britain announced a proposal for a new constitution. They endorsed the principle of self-Government and made provision for representation of the Turkish minority in Government and Assembly. It must be noted that in Ceylon (present Sri Lanka) British Government did not provide any protection to Tamil minorities. On the other hand, they had rejected such demand. After much struggle, Cyprus was granted independence.

I need not go into details of happenings after independence. The Turkish Cypriot established a separate Government of

Turkish Federation State of Cyprus, in the north, seek recognition of another state and open talk in with its southern state of Greek Cypriot. This was done inspite of the U.N. Peace-keeping force and U.N. effort to solve the issue. The Turkish Government sent armed forces in support of Turkish State of Cyprus. It was against the four power treaty, i.e., U.K., Cyprus, Greece and Turkey before independence that Cyprus will not join either Greece or Turkey and will not be partitioned.

Turkish leaders like Mr. Denklast said that Turkish Cypriot were willing to negotiate to establish bizonel, federal system. Though the Security Council declared Turkish declaration to be inconsistent with 1960 treaty.⁹

Inspite of these Turkish State of Cyprus exists with the support of Turkish Army. Turkey is the only Government which has given recognition to the Government.

The Tamil leader and others also suggested that "Cyprus solution" should be made in Sri Lanka also.

This means that the Tamil militant and TULF should be permitted to declare Tamil Elam and India should give her arm support and recognise it as a separate state.

This solution is also not feasible, because India has assured Sri Lanka Government that it recognises her sovereignty and integrity of territory. So the question of partition of the State does not arise. Due to this, India cannot send her troops to support Tamil Elam as Turkey had send her troops in Cyprus.

This will amount to military intervention and I have already discussed, why India does not favour military intervention. So the Cyprus type solution is not possible to solve the ethnic problems of Sri Lanka.

Third suggestion had been made that the whole issue be referred to the United Nations as it involved violation of human rights. Here again, Government of India rejected the suggestion on two grounds—One, India does not intend to internationalise the issue. Pakistan had offered to help. The Common Wealth Secretary had also hinted that it should be brought before Common Wealth countries. India outrightly rejected these moves.

Secondly, the experiences of United Nations dealing with

such issues are not very encouraging. Dispute between the Israel and Palestine, Cyprus issue has been taken to the United Nations and the United Nations formed a U.N. Commission on Cyprus, a peace-keeping force is also there for last 25 years. Despite it the issue has not been settled and Turkish Cypriot have established their own state.

International Forum

Government of India also rejected the suggestion taking the ethnic issue to international forum. Mr. Natwar Singh said its past experience is any guide, such steps would only complicate the issue with outside factor creeping in.¹⁰

On the other hand, Sri Lanka tried to internationalise issue. Sri Lanka Government asked Pakistan to send its Air Force pilot to run sorties against Tamil militant in North-East province, which indicated that Sri Lanka is trying to give the Island ethnic dispute an extra regional dimension. Premdasa visited Pakistan twice within two months. This have been purely goodwill visit.

Pakistan diplomatic mission member visited Muslim majority area in Sri Lanka and called upon them to seek their own identity. This gave an instrument in the hands of Sri Lanka Government to divide Tamil-speaking Muslims from Hindu Tamils and proposed to Trifurcate Eastern province and create a Tamil Muslim majority province of Amparai. Fortunately, Tamil Muslims saw the game and asserted that they could prefer to stay with Tamil Majority province.¹¹ The Government of India insisted that after prolonged negotiation, December 19, 1987 proposals are quite satisfactory. India playing role of mediator cannot afford to be mere ring side observer. Its mediatory role on December 19 proposal having been rapidly frustrated by both the militant guerillas were carrying out sorties and damaged Government property. President, who was willing to overcome domestic opposition his pursuant to a reconciliatory policy, gave in to domestic pressure. He also withdrew his support to December 19 proposal. The LTTE and Sri Lanka forces are facing each other. LTTE took over many administrative duties in Jaffna peninsula. Sri Lanka Government apprehends, unilateral declaration of peninsula and secession,

government took military action imposed economic blockade, on supplies of oil and essential goods. These actions changed the situation. These actions were meant for side lining Government of India, not only as a mediator but also as that one external force both Sri Lanka and the militant had to reckon with until December 19. Government of India protracted intercessions gave every part of fructifying of the plan hammered out by themselves.

The question of Eastern province including Amparai was a point of difference between Sri Lanka and the militants. The speed of Indian mediation was no doubt, slow. A section of British press more than once referred to the failure of Indian mediatory effort and suggested the role of Common Wealth instead Government and people. Tamil Nadu has been exerting pressure on Government of India for playing definite and major role in trying to find out solution, due to flow of refugees in that State. The U.S. interest in Trincomalee base is quite known. Any solution of Sri Lanka conflict with force would raise U.S.A attention. The Sri Lanka Government had launched all out war against the militants, Government of India would not allow full scale war against the militants and anti-India propoganda.

Government of India, till air dropping of relief material was doing nothing beyond wringing its hand and wagging its fingers accusing Sri Lanka Government of using foreign support to put down guerillas. Government of India had not done anything. If it wanted to play it self back, it will have to take some tough decision. It must tell the Sri Lanka Government to call off economic blockade and bombing of Jaffna and wars in unequivocal term of the consequences of and not doing so. On the other hand, must tell the militants particularly LTTE with equal emphasis that defying Sri Lanka Government in trying to run Jaffna a separate administration is out of question, if they do so they will incur Government of India wrath. December 19 proposal must be re-examined by both LTTE and Government of Sri Lanka, and to give in a little from both sides in order to effect a settlement.

Till now, Government of India was acting with restraint in the ethnic issue, because of its role as mediator and both Sri

Lanka Government and the militants were taking undue advantage for pursuance of their goal. Government of India urged President Jayewardene to declare publicly that he stands by December 1986 proposal, retains Eastern province as Tamil majority area after slicing Sinhala sediment from it. If he makes such statement, followed by a termination of economic blockade of Jaffna Peninsula and suspends military operation, then Government of India will get into touch with LTTE and prevail upon them to accept December 19 proposal as a sound basis for negotiated settlement of the Island ethnic conflict. The impression was that President will not agree to unilateral suspension of military operation. He may ask for assurance from the militant to desist from any activity which will upset the present position.

But his own minister led by the Prime Minister Premadasa and Minister of National Security and other Buddhist monk, opposition leaders were bound to oppose December 19 proposal because it would place Trincomalee port in Eastern province dominated by the Tamil. This is partly due to this that President Jayewardene has been shifting his stand on December 19 proposal insisting in effect that if Government of India is able to persuade the LTTE or other militant group to accept the proposal then he would be in strong position to mobilise support for it for Sinhala and Muslim section of the population.

Sri Lanka Government knew that there could not be a military solution which is essentially a political solution. It is for this reason that President Jayewardene kept in bringing new approach with the help of Indian good-offices without weakening his own bargaining position.

It was imperative for Government of India to act quickly and decisively as it could not allow full scale war on Jaffna. If it does so, Tamil sentiment will erupt Government of India had to take hard decision and prepared to implement. It had no choice but to undertake and carry it through bitter end if necessary.

So, the Government of India decided on to take some definite and hard decision, negotiations were carried out at Columbo, Madras and New Delhi. It is almost certain that both

militants and Sri Lanka Government were forced to accept the decision made after negotiations. All these resulted the signing of Rajiv-Jayewardene Agreement on July 29, 1987 under tight security and curfew in Colombo.

I have already given details of the agreement and some of reactions on it. It is my personal opinion that this agreement will also not bring lasting peace in the Island and ethnic trouble will re-start. I base my finding on the following reasons :

This is not a negotiated settlement, it is a decision made by the Government of India and accepted by the Sri Lankan Government and the Moderate Tamils, TULF and some of the militants. The LTTE leader in his interview with Anita Pratap, Principal Correspondent of *India Today* has clearly indicated that "if we had been shown this agreement in Jaffna, we would not have come to India at all. It was a calculated plan to persuade me to come so as to give an impression that I am a party to it".

He further said that until a satisfactory agreement has been worked out, we will have Elam on fundamental principle we have been told that there will not be any more talks, regarding the actual powers to be devolved to the administration unit. Puri said that the power to be devolved have already been discussed by TULF, Natwar Singh and Chidambaram in June, 1988. I had written about Provincial Council to Mr. Ramchandran, C.M. of Tamil Nadu. I have my objection to it. Now if in this agreement further problem crops up, it will be discussed by Sri Lanka and India and not the Tamils.

Finally, he said that I do not think that this accord will bring lasting peace.¹²

Secondly, important Ministers within the ruling party U.N.P. are opposed to this agreement. Prime Minister Premadasa was out of Sri Lanka, he is known to be anti-India against the agreement. Mr. Athulanudemali, the Minister for Internal Security is also opposed to it. Gradually, they have been brought around to support this agreement, but they may change their stand and can stand with the Buddhist monks and other opposition parties.

Third, the leader of the main opposition party, and a former

Prime Minister Srimavo Bandaranaike is an important political figure, she is also raged against the agreement.

Lastly, the Sinhalese are not in favour of this agreement. It will take time for Jayewardene and his colleagues to convince Sinhala people that it is not a sell out of Sri Lankan sovereignty. This agreement was a must for cessation of hostilities.

The Buddhist monk, the Rev. Madulwani Sobithe is a monk with political ambition. He is regarded by many as a future political star of the *Khomieni Type*. He leads an organisation named *Maubima Sureskime Vyaparaya* (Protection of Motherland). He is an open enemy of the Rajiv-Jayewardene agreement.

Lastly, Jayewardene is already 82, will he live long to see the full implementation of the agreement? Now that Premadasa has been elected as President of Sri Lanka, we have to see what will happen.

The agreement was to be notified by the Sri Lankan Parliament on 18th August 1987 but had to be postponed due to murderous attack on President Jayewardene by extremist Sinhalese group. It will be taken up after a few months. If Sri Lankan Parliament fails to ratify this agreement, then what will happen. Will Sri Lankan Government will go back on its commitment? What will happen to Tamil militants who have surrendered arms under the agreements? All these are not good portent for the success of the agreement.

Stage one has been completed by surrender of arms by the militant, and Sri Lankan army has been confined to barracks. Indian army has taken over peace keeping job. Though there have been reports of stray incidents of looting and harassment of Tamils, but this is nominal, general amnesty has been granted.

The differences have cropped over the formation of interim administration of the merged north and east province. TULF and LTTE are vying to have major share in interim administration. This may be solved but when final election will be held it is not sure whether TULF or LTTE will score in election.

The most controversial issue was the merger of the Northern province with the Eastern province. Though it has been merged, yet it is conditional. Final decision will be made after a referendum

in the Eastern province, which is not a pre-dominant Tamil area. In case referendum goes against the merger scheme, then what will happen to the Tamil demand of homeland? What will be the reaction of the Tamil militants? The agreement leaves these questions unanswered.

LTTE leader P. Prabhakaran even now insists that Tamil Elam demand still stands.

The powers are to be devolved to the provincial council and has not been made clear. Difference may arise during the negotiation between Sri Lanka Government, LTTE and the TULF, Indian team will also participate.

All these misgivings give rise to grave doubts whether the agreement will succeed in normalising relation between Tamil and Sinhala Communities.

Then what is the way out?

I think that a federal set up based on the proposal submitted by the TULF and peace package proposed by President Jayewardene will provide a sound basis for settlement of ethnic issue in Sri Lanka.

The agreement does not mention anything about the Indians of recent origin who inhabit southern hill areas. The Kandyan Sinhala have their own problems. Sri Lanka Government should not insist on maintaining the unitary structure.

We should look at Malaysian federation, which is also a state of plurarist society. It is a multi-lingual, multi-racial and multi-cultural state. Malay Chinese, Indian and others constitute population of Malaysia. In some of the states, Malays are not in majority yet they live in peace and prospect with other ethnic groups.

We suggest that the present nine provinces of Sri Lanka should be redemarcated with having 4 or 5 provinces, in which, ethnic groups be grouped together and live together.

It may result in small states, but it is not of significance. In Malaysia federation, some states are as small as 795 km.¹³ Pinang state is predominant by the Chinese ethnic group. So here also some states may be dominated by Tamil ethnic group.

The Federal constitution as recommended by the TULF may be adopted with certain modifications. These modifications may be made on the following lines :

Let us recall the causes of conflict between the few ethnic groups, and how best these can be removed within a federal set up :

1. The present unitary constitution should be replaced by a Federal constitution which should recognize the autonomy of the Tamil-speaking area.
2. It is alleged that Sinhala Policemen take partial attitude towards Sinhala and they are not fair to the Tamils. So the maintenance of law and order be entrusted to the states and recruitment of police personnel be left to the State Government. This will result in recruitment of police of particular ethnic group in a particular state. Some protection should be given to the minority. High Officers may be recruited by Central Government and seconded to the State Government as it is done in India and Malaysia. This will also apply in recruitment in other areas, i.e., public services, corporate sector etc.
3. Second cause of conflict is the policy of land settlement. Sinhala Community is being settled in Tamil majority area. This a difficult and complex problem. This work should be entrusted to a National body in which states would have representation. This body will evolve a national land policy. Settlement should not be imposed on the unwilling state. It should never be done to ethnic majority in a particular state.
4. The demarcation of the boundaries of present provinces should be demarcated to form a state that particular ethnic group enjoy comfortable majority in that state. The number of provinces may be reduced.
5. The relationship between the federal Government and the State Government should be clearly defined, so that conflict may not arise in future.
6. High Court should also be empowered to hear and decide constitutional cases.
7. The territory of a State, once established should not be altered without its consent.
8. Special provision should be made for the protection of the Tamils of recent Indian origin, our study started

with their problem. In order to meet the need of such Tamils, and to ensure that they enjoy a sense of security, provision should be made that they participate in Government and occupy suitable Administrative Offices with a sense of equality. They should not be left in lurch or discriminated.

9. The legislative power of the Union shall vest in a parliament.
10. No bill or resolution or part affecting any nationality should be passed unless a majority of members of parliament, belonging to that nationality or part thereof agree.
11. A special provision should be made to ensure the representation of Muslims and Tamils of recent Indian origin, who do not occupy contiguous area.
12. The drawing up of a Federal constitution may be submitted to a body in which representation of all ethnic groups and political parties may be represented. Indian constitutional advisers may also be deputed.

In plural society, ethnic, cultural, linguistic conflicts are bound to arise. So in plural society, federal set up of Government is the best and most suitable form of Government.

Only a federal set up will remove all the points of friction among ethnic groups. If peace is restored and normalcy returns to the Island only then better India-Sri Lanka relations will be established.

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13. Perlis—Area is 795 km., Palau Pinang Area is 1003 km.

LIST OF EMINENT PERSONS INTERVIEWED

Shri Rajiv Gandhi	Prime Minister of India
Shri N.D. Tewary	Former Minister of External Affairs.
Shri Baliram Bhagat	Former Minister of External Affairs, Govt. of India.
Shri P. Chidambaram	Minister of State for Home Affairs and Personnel, Administrative Reforms and Pensions.
Shri Romesh Bhandari	Former Secretary, External Affairs and Adviser to AICC.
Shri Bernard Tilakratne	Sri Lankan High Commissioner in India.
Shri Jagdish Shamsher Ranajee	Ambassador of Nepal in India.
Shri M.G. Ramachandran	Former Chief Minister of Tamil Nadu.
Prof. K.K. Tewary	Congress-I M.P. and Former Minister of State for Public Enterprises.
Shri Atal Bihari Bajpayee	Leader of Bhartiya Janata Party.
Shri A. Amirthalingam	General Secretary of TULF.
Prof. Balasingham	Senior Leader of LTTE.
Shri Varadrajan	Active Member of EPRLF.

- | | |
|---------------------|---|
| Prof. S. Chinniah | A prominent refugee from Sri Lanka at Kudal Nagar refugees Camp 10 K.M. from Madurai. |
| Shri M. Karunanidhi | DMK Leader and Former Chief Minister of Tamil Nadu. |

Note : The author has also taken interviews of more than 60 Refugees of Sri Lanka in different camps of Tamil Nadu.

APPENDIX I

BANDARANAIKE-CHELVANAYAKAM PACT, 1987

PART A

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

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

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

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

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

“The agreements so reached are embodied in a separate document.

“Regarding the language issue, the Federal Party reiterated its stand for parity, but in view of the position of the Prime

Minister in this matter they came to an agreement by way of adjustment. They pointed out that it was important for them that there should be a recognition of Tamil as a national language, and that the administrative work of the Northern and Eastern Provinces should be done in Tamil.

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

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

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

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

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

PART B

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

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

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

4. Provision is to be made for direct election of regional

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

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

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

7. The powers in regard to the regional council vested in the Minister of Local Government in the draft bill to be revised with a view to vesting control in Parliament wherever necessary.

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

APPENDIX II

DUDLEY SENANAYAKE-CHELVANAYAKAM PACT, 1965

Mr. Dudley Senanayake and Mr. S.J.V. Chelvanayakam met on the 24-3-1965 and discussed matters relating to some problems over which the Tamil-speaking people were concerned, and Mr. Senanayake agreed that action on the following lines would be taken by him to ensure a stable Government :

- (1) Action will be taken early under the Tamil Language Special Provisions Act to make provision of the Tamil Language of administration and of record in the Northern and Eastern Provinces.
Mr. Senanayake also explained that it was the policy of his party that a Tamil-speaking person should be entitled to transact business in Tamil throughout the Island.
- (2) Mr. Senanayake stated that it was the policy of his Party to amend the language of the Courts Act to provide for legal proceedings in the Northern and Eastern Provinces to be conducted and recorded in Tamil.
- (3) Action will be taken to establish District Councils in Ceylon vested with powers over subjects to be mutually agreed upon between the two leaders. It was agreed, however, that the Government should have power under the law to give directions to such Councils in the national interest.
- (4) The Land Development Ordinance will be amended to provide that citizens of Ceylon be entitled to the

allotment of land under the Ordinance. Mr. Senanayake further agreed that in the granting of land under colonisation schemes the following priorities be observed in the Northern and Eastern Provinces:

- (a) Land in the Northern and Eastern Provinces should in the first instance be granted to landless persons in the District;
- (b) Secondly, to Tamil-speaking persons residents in the Northern and Eastern Provinces; and
- (c) Thirdly, to other citizens in Ceylon, preference being given to Tamil citizens in the rest of the Island.

Sd/- Dudley Senanayake
24-3-1965

Sd/- S.J.V. Chelvanayakam
24-3-1965

APPENDIX III

TEXT OF FIRST INDIA-CEYLON AGREEMENT ON IMMIGRATION

(Issued in New Delhi on February 13, 1954)

Whereas certain proposals relating to illicit immigration of Indians into and citizenship rights for persons of Indian origin in Ceylon were made in an instrument signed at New Delhi on the eighteenth day of January in the year one thousand nine hundred and fifty-four by the respective Plenipotentiaries and Representatives of the Government of India and the Government of Ceylon duly authorised for that purpose, which instrument is, word for word, as follows :

“The Prime Minister of Ceylon and India, accompanied by some of their colleagues, met in conference in New Delhi on January 16, 17 and 18, 1954 and considered fully the problems of people of Indian origin in Ceylon. As a result of these discussions, certain proposals were framed by them, which will now be placed before their respective Governments.

These proposals are :

Illicit Immigration

1. Both Governments are determined to suppress illicit immigration traffic between the two countries and will take all possible steps, in close co-operation with each other, towards that end. Periodical meetings between high Police authorities on either side of the Palk Strait may be held and information relating to illicit movements exchanged.

2. The Government of Ceylon propose to undertake the preparation of register of all adult residents who are not already on the electoral register and will maintain such register up-to-date. When this registration is completed, any person not so registered will, if his mother-tongue is an Indian language, be presumed to be an illicit immigrant from India and liable to deportation and the Indian High Commissioner will extend all facilities for implementation of such deportation.

3. The Government of Ceylon may proceed with the immigrants and Emigrants Amendment Bill which throws on the accused the onus of proof that he is not an illicit immigrant; but before that the Government of Ceylon will give an opportunity to the Indian High Commissioner to satisfy himself that a *prima facie* case exists for such prosecution, the final decision being that of the Government of Ceylon.

Citizenship

4. The registration of citizens under the Indian and Pakistani (Citizenship) Act will be expedited and every endeavour will be made to complete the disposal of pending applications within two years.

5. All persons registered under this Act may be placed by the Government of Ceylon on a separate electoral register, particularly in view of the fact that the bulk of the citizens do not speak the language of the area in which they reside. This arrangement will last for a period of only 10 years. The Government of Ceylon agree that in certain constituencies where the number of registered citizen voters is not likely to exceed 230, they shall be put on the national register.

6. Citizens whose names are placed in the separate electoral register will be entitled to elect a certain number of members to the House of Representatives, the number being determined after consultation with the Prime Minister of India. The Government of Ceylon expect to complete their action in this respect before the present Parliament is dissolved in 1957.

7. In regard to those persons who are not so registered, it would be open to them to register themselves as Indian citizens, if they so choose, at the office of the Indian High Commissioner in accordance with the provisions of Article 8 of the Constitution of India. It is noted that Ceylon proposes to offer

special inducements to encourage such registration and that these inducements will be announced from time to time. The Government of India will offer administrative and similar facilities to all persons of Indian origin to register themselves as Indian citizens under the Constitution of India, if they so choose, and will also give publicity to the availability of such facilities.

8. Both Prime Ministers are desirous of continuing the present practice of close consultation between the two Governments in matters effecting their mutual interests.

John Kotelawala
Prime Minister of Ceylon

Jawaharlal Nehru
Prime Minister of India

New Delhi
18th January, 1954.

APPENDIX IV

TEXT OF THIRD INDIA-CEYLON AGREEMENT ON STATUS AND FUTURE OF PERSONS OF INDIAN ORIGIN IN CEYLON

(Issued in New Delhi on October 30, 1964)

The Main heads of agreement are as follows :

- (1) The declared objective of this agreement is that all persons of Indian origin in Ceylon who have not been recognised either as citizens of Ceylon or as Citizens of India should become citizens either of Ceylon or of India.
- (2) The number of such persons is approximate 975,000 as of date. This figure does not include illicit immigrants and Indian passport holders.
- (3) 300,000 of these persons together with the natural increase in that number will be granted Ceylon citizenship by the Government of Ceylon; the Government of India will accept repatriation to India of 525,000 of these persons together with the natural increase in that number. The Government of India will confer citizenship on these persons.
- (4) The status and future of the remaining 150,000 of these persons will be the subject-matter of a separate agreement between the two governments.
- (5) The Government of India will accept repatriation of the persons to be repatriated within a period of 15 years

- from the date of this agreement according to a programme as evenly phased as possible.
- (6) The grant of Ceylon citizenship under paragraph 3 and the process of repatriation under paragraph 3 shall both be passed over the period of 15 years and shall, as far as possible keep pace with each other in proportion to the relative numbers to be granted citizenship and to be repatriated respectively.
 - (7) The Government of Ceylon will grant to the persons to be repatriated to India during the period of their residence in Ceylon the same facilities as are enjoyed by citizens of other states (except facilities for remittances) and normal facilities for their continued residence, including free visas. The Government of Ceylon agrees that such of these persons as are gainfully employed on the date of this agreement shall continue in their employment until the date of their repatriation in accordance with the requirements of the phased programme or until they attain the age of 55 years, whichever is earlier.
 - (8) Subject to the Exchange Control Regulations for the time being in force which will not be discriminatory against the persons to be repatriated to India, the Government of Ceylon agrees to permit these persons to repatriate, at the time of their final departure for India, all their assets including their Provident Fund and gratuity amounts. The Government of Ceylon agrees that the maximum amount of assets which any family shall be permitted to repatriate shall not be reduced to less than Rs. 4,000.
 - (9) Two registers will be prepared as early as possible, one containing the names of persons who will be granted Ceylon citizenship, the other containing the names of persons to be repatriated to India. The completion of these registers, however, is not a condition precedent to the commencement of the grant of Ceylon citizenship and the process of repatriation.

- (10) This Agreement shall come into force with effect from the date hereof and the two Governments shall proceed with all despatch to implement this Agreement and, to that end, the officials of the two Governments shall meet as soon as possible to establish joint machinery and to formulate the appropriate procedures for the implementation of this agreement.

APPENDIX V

TEXT OF INDO-SRI LANKA BOUNDARY AGREEMENT SIGNED ON JUNE 28, 1974

“The Government of the Republic of India and the Government of the Republic of Sri Lanka desiring to determine the boundary line in the historic waters between India and Sri Lanka and to settle the related matter in manner which is fair and equitable to both sides.

“Having examined the entire question from all angles and taken into account the historical and other evidence and legal aspects here O.P. “Have agreed as follows :

Article 1

The boundary between India and Sri Lanka in the water's from Adam's bridge to Palk Straits shall be adjacent of Great Circles between the following position in the sequence given below, defined by latitude and longitude:

Position 1 :	10.05 North	80.03 East
Position 2 :	09.57' North	79.35 East
Position 3 :	09.40.15' North	79.22.60' East
Position 4 :	09.21.80' North	79.30.70' East
Position 5 :	09.13' North	79.32' East
Position 6 :	09.06' North	79.32 East

Article 2

“The co-ordinates of the position specified in Art. 1 are geographical co-ordinates and the straight lines connecting them are indicated in the chart annexed hereto, which has been signed and authorised by the two Governments respectively.”

Article 3

“The actual location of the aforementioned position at sea and on the sea-bed shall be determined by a method mutually agreed upon by the surveyor authorised for the purpose by the two Governments respectively.”

Article 4

“Each country shall have sovereignty and exclusive jurisdiction and control over the waters, the Islands, the continental shelf and the sub-soil thereof, falling on its own side of the aforesaid boundary.”

Article 5

“Subject to the foregoing, Indian fishermen and pilgrims will enjoy access to visit Kachchatives as hitherto and will not be required by Sri Lanka to obtain travel documents or visas for the purpose.”

Article 6

“The Vessels of India and Sri Lanka will enjoy in each other's waters such rights as they have traditionally enjoyed thereon.”

Article 7

“If any single geological petroleum or natural gas struck or field of any single geological structure or field of any other mineral deposit including sand or gravel, extend across the boundary referred to in Article 1 and the part of such structure or field which is situated one side of the boundary is exploited the two countries shall seek to reach agreement as to the manner in which the proceeds derived therefrom shall be apportioned.”

Article 8

“The agreement shall be subject to ratification. It shall enter into force on the date of exchange of the Instrument of Ratification which will take place as soon as possible.”

(Quoted from ASIAN RECORDER, Aug. 22-26, 1974
P. 112159).

APPENDIX VI

THE SRI LANKA GOVERNMENT PEACE PROPOSAL, 1986

Laid by the President Jayewardene at eight politician parties conference on June, 1986.

Sri Lanka is a multi-racial, multi-religion country, President said "Let the part suspicion of these different groups be forgotten to secure better future for all."

The peace proposal package vast exclusively with the 27 subjects including defence, internal security, foreign affairs, aviation, airport, foreign trade, post, telegraph and telecommunication ports, harbour, inter-provincial interest, trade and commerce, broadcasting and television.

In the contentions sphere of law and order, the package provides for recruitment upto the rank of A.S.P. by the provincial council.

The province police force would be headed by a D.I.G. of Police, who would be recruited by the Central Government and seconded to provincial council, other ranks to be second to the province would be S.P. and A.S.P. member of the province police division would be eligible for promotion to National Police Division.

The D.I.G. to head provincial police force would be appointed by the I.G. with the concurrence the Chief Minister of the province and in case there is no agreement, the issue will be referred back to President to make appointment in consultation with the Chief Minister.

A three-member National Police Commission headed by I.G.P. and a nominee each of the President and the Chief Justice, would recruit the Police of National Division.

Under the package, the President, upon the declaration of emergency can assure the powers and responsibilities of the Chief Executives and the provincial administration in respect of public order within the province.

If public order was threatened by grave internal disturbance, the President, without declaration of emergency but in consultation with the Chief Minister can deploy any unit of the national police or army in and or the Civil power to restore public order in the province concerned.

The order of deployment the National Police or army in the province would cease when the president was satisfied that public order has been restored or on the expiry of 60 days from the date of order which ever be earlier. The peace package make it obligatory on the part of gazetted officer of the national and province division of police to attain the prescribed standard in Sinhala and Tamil language. All ranks of A.S.P. and above shown also attain the prescribed standard in English language.

National Land Policy

In the difficult and complex area of land settlement, the package envisages the setting up of a National Land Commission for the specific purpose of evolving a national land policy and provincial committees would have representation on this commission.

Under the package, inter-provincial irrigation scheme and major irrigation scheme would be implemented by the central government.

Settlement of people in such scheme would be on the basis of national ethnic proportion and the Sinhala Tamil Muslim settlement, entitled with accelerated Mahawali scheme is being world one on this basis according to the pact.

On the criteria for land settlement and irrigation scheme within the provincial council the package suggested that ethnic proportion within the province would be the best applicable principle.

According to the break up of allotted under the Mahawali project, the Sri Lanka Tamils are entitled to 12,787 allotments, Muslim 7,509 and Tamil of recent Indian origin 5,683 and

Sinhala 75,504 allotments. The package said, it was estimated the approximately 12,700 allotments would be available in Trincomalee district and 18,690 allotments to the Batticalwa District both in eastern Sri Lanka. The other points in the proposal were :

Funds allocation

The provincial council would have the power to levy taxes, cess or fees to mobilize resources through loans, the process of which would be credited to the provincial fund set up for each provincial council, grants allocation or subsidies from the republic would be credited to the fund.

Financial resources would be appointed to the provincial on the recommendation of a representative Finance Commission appointed from time to time by the President.

The Provincial Council would have to get the sanction of the Central Government for foreign loan and grant while the nature of taxes to be levied by the council would be defined by Parliament by law.

Presenting the pack Mr. Jayewardene said that the proposals would not require representation but an amending of the constitution. The bill to amend the constitution to enable the creation of provincial council would be enacted by the Parliament by a 2/3 majority. After the Parliament would pass any Act directly confirm on the provincial council, the requisite legislative power. He said that it shall not be revoked or altered in any manner except by an Act of Parliament passed by a 2/3 majority after consultation with the councils concerned.

Under the packs the President would appoint a Governor, who in turn appoint a Chief Minister for one of the members of the council most likely to command the confidence of the council. The C.M. would be entitled to choose a Board of Ministers from among the members of the council.

Election to the provincial council would be held on proportional representation and the members to be elected would be determined according to the population and area of the each district within the province.

The term of each council, will be co-terminating with the term of Parliament. However, if President felt that affairs of any provincial council were not being carried out in accordance with the provision of the Constitution or any law he may take appropriate measure.

APPENDIX VII

TAMIL UNITED LIBERATION FRONT PROPOSALS, JANUARY, 1986

The TULF concept of a political and constitutional structure is based on federal principle as the details of the proposals publish today in the Sri Lanka Daily, the Island. The TULF had put forward these alternative proposals in the context of the Indian Government perception of the alternative framework was required from the Tamil side. These proposals were submitted to the Indian Prime Minister which were forwarded to the Sri Lanka President Jayewardene. Following is the detail of TULF proposals :

PART I

1. Sri Lanka that is Illankai, shall be a union of states.
2. The north and east provinces shall constitute one Tamil linguistic state.
3. The Territory of a state, once established shall not be altered without its consent.

Parliament

3. The Legislative power of the union shall vest in a Parliament.
- 3.(A) Parliament shall have the exclusive power to make laws in respect of any matter enumerated in list one.
4. The membership of Parliament shall reflect the ethnic proportion of the Union.
- 4.(A) A special provision shall be made to ensure the representation of Muslims and Tamils of recent Indian origin, who do not occupy contiguous area.

5. No bill or resolution or part thereof, affecting any nationality shall be passed unless a majority of members of Parliament, belonging to that nationality agree to such a bill or resolution or part thereof.

PART II

Special constitutional provision :

1. *Citizenship*

Notwithstanding anything in the constitution, or any other law regarding citizenship all those who are not citizens of a Foreign country and who were resident in Sri Lanka on November 1, 1981 and their descendent shall *ipso facto* be citizen of Sri Lanka.

2. *Official Language*

Constitutional provision will be made to make Tamil also as an official language.

3. *Union Services*

Provision shall be made in the constitution to ensure that the ethnic proportion is reflected in all union service, including the armed forces, union services will also include public sector services.

PART III

I. *States* :

1. There shall be a Governor for each state. He shall be appointed by the President of the Union in consultation with the Chief Minister of the State.
2. There shall be an elected Assembly for each state.
3. Each State Assembly will have its elected Presiding Officer.
4. Election of the State Assembly shall be on the basis of territories, demarcated electorate. Provision shall be made to ensure adequate representation of Muslims in the Tamil linguistic state.
5. Legislative power of state shall vest in the Assembly.
- 6(A). The assembly shall have exclusive power to make law for such state in respect of any of the matter enumerated in list II.

- (B) When a bill is passed, it will be presented to the Governor. He may assent or send it back for re-consideration. If the bill is passed again with or without amendment, the Governor shall give his assent.
7. The executive power of the state shall vest in the Chief Minister and the Council of Ministers.
 8. The Executive power of the state shall extend to all matters with respect to which the legislature of the state has power to make laws.
 9. The Governor shall appoint the leader of the largest party in the Assembly as Chief Minister, the Chief Minister will select members of the Council of Ministers.
 10. The State Assembly shall have power to levy taxes, cess, fees, and mobilize resources, through loan and grant.
 11. All the revenue received by the Government if the state and also loan raised by the State, and all money received by that Government shall form one consolidated fund to be extend.
“Consolidated fund of the State”:
 12. Some duties and taxes shall be levied and collected by the Union Government but shall be assigned to the State within which duty or tax is leviable.
 13. The President shall appoint a Finance Commission to be presided over by the Governor of the Central bank. There shall be 3 other members one of whom will be Sinhala, one Tamil and one Muslim.
 14. There shall be a high court in each state and such tribunals and other courts as necessary. Appeal will lie to the court of appeal from judges of the High Court. The Supreme Court shall deal with constitutional matters.
 15. Each state will have a state service consisted of
(a) offices and other public servants of the state, and
(b) such other public servants who may be seconded to the state.

Each state will have public service, for recruitment and for exercise of discipline power relating to the members of the state service.

PART IV

Special provision for Tamils of recent Indian origin: In order to meet the need of Tamils of recent Indian origin and to ensure that they enjoy a sense of security and to provide for their participation in Government suitable administrative arrangement and institution shall be established for example, the establishment or creation of administrative district, Gram-Sevak, division shall be modified. So to comprise estates where Tamils of recent Indian origin are in majority. Tamils of recent Indian origin resides, outside such administrative district envisages above, other than Tamil linguistic state, should be entitled to settle in such administrative district and pursue their legitimate vocation if they so desire. Likewise, such person should be entitled to settle and pursue their legitimate vocation in the Tamil linguistic state.

List-I

1. Defence, 2. Foreign Affairs, 3. Currency, 4. Post and Telegraph, Telecommunication, 5. Immigration and Emigration, 6. Foreign Trade and Commerce, 7. Railways, 8. Airports and Aviation, 9. Broadcasting and Television, 10. Custom, 11. Election, 12. Census.

List-II

1. Police and Internal Law and Order, 2. Land and its uses, 3. Education including universities and technical education, 4. Archaeology, 5. Culture, 6. Industries, 7. Fisheries, 8. Local Government, 9. Excise, 10. Agriculture, 11. Irrigation, 12. Agrarian State Transport and Roads, 16. Co-operative Development.

APPENDIX VIII

THE OFFICIAL LANGUAGE ACT,
NO. 33 OF 1956*

An Act to prescribe the Sinhala Language as the One Official Language of Ceylon and to enable certain transitory provisions to be made.

(Date of Assent : July 7, 1956)

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 :

Short Title :

1. This Act may be cited as the Official Language Act No. 33 of 1956.

Sinhala Language to be the one official language :

2. The Sinhala Language shall be the one official language of Ceylon :

Provided that where the Minister considers it impracticable to commence the use of only the Sinhala language for any official purpose immediately on the coming into force of this Act, the language or languages hitherto used for that purpose may be continued to be so used until the necessary change is effected as early as possible before the expiry of the thirty-first of December, 1960, and, if such change cannot be effected by administrative order, regulations may be made under this Act to effect such change.

Regulations :

3. (1) The Minister may make regulations in respect of all matters for which regulations are authorized by this Act to be made and generally for the purpose of giving effect to the principles and provisions of this Act.
- (2) No regulation made under sub-section (1) shall have effect until it is approved by the Senate and the House of Representatives and notification of such approval is published in the Gazette.

APPENDIX IX

INDO-SRI LANKA AGREEMENT TO ESTABLISH PEACE AND NORMALCY IN SRI LANKA, 1987

The Prime Minister of the Republic of India, His Excellency Mr. Rajiv Gandhi and the President of the Democratic Socialist Republic of Sri Lanka, His Excellency Mr. J.R. Jayewardene, having met at Colombo on July 29, 1987 :

Attaching utmost importance to nurturing, intensifying and strengthening the traditional friendship of India and Sri Lanka, and acknowledging the imperative need of resolving the ethnic problem of Sri Lanka, and the consequent violence, and for the safety, well-being and prosperity of people belonging to all communities in Sri Lanka.

Have this day entered into the following Agreement to fulfil this objective.

In this context,

1.1 desiring to preserve the unity, sovereignty and territorial integrity of Sri Lanka;

1.2 acknowledging that Sri Lanka is a multi-ethnic and a multi-lingual plural society consisting, *inter alia*, of Sinhalese, Tamils, Muslims (Moors) and Burghers;

1.3 recognising that each ethnic group has a distinct cultural and linguistic identity which has to be carefully nurtured;

1.4 also recognising that the Northern and the Eastern Provinces have been areas of historical habitation of Sri Lankan Tamil-speaking peoples, who have at all times hitherto lived together in this territory with other ethnic groups;

1.5 conscious of the necessity of strengthening the forces contributing to the unity, sovereignty and territorial integrity of

Sri Lanka, and preserving its character as a multi-ethnic, multi-lingual and multi-religious plural society, in which all citizens can live in equality, safety and harmony, and prosper and fulfil their aspirations;

2. Resolve that :

2.1 Since the Government of Sri Lanka proposes to permit adjoining provinces to join to form one administrative unit and also by a referendum to separate as may be permitted to the Northern and Eastern Provinces as outlined below :

2.2 During the period, which shall be considered an interim period, i.e., from the date of the elections to the Provincial Council, as specified in para 2.8, to the date of the referendum, as specified in para 2.3, the Northern and Eastern Provinces as now constituted, will form one administrative unit, having one elected Provincial Council. Such a unit will have one Governor, one Chief Minister and one Board of Ministers.

2.3 There will be a referendum on or before 31st December 1988 to enable the people of the Eastern Province to decide whether :

- (a) The Eastern Province should remain linked with the Northern Province as one administrative unit, and continue to be governed together with the Northern Province as specified in para 2.2, or
- (b) The Eastern Province should constitute a separate administrative unit having its own distinct Provincial Council with a separate Governor, Chief Minister and Board of Ministers.

The President may, at his discretion decide to ethnic violence, or other reasons, will have the right to vote in such a referendum. Necessary conditions to enable them to return to areas from where they were displaced will be created.

2.5 The referendum, when held, will be monitored by a committee headed by the Chief Justice; a member appointed by the President, nominated by the Government of Sri Lanka; and a member appointed by the President, nominated by the representatives of the Tamil-speaking people of the Eastern Province.

2.6 A simple majority will be sufficient to determine the result of the referendum.

2.7 Meetings and other forms of propaganda, permissible within the laws of the country, will be allowed before the referendum.

2.8 Elections to Provincial Councils will be held within the next three months, in any event before 31st December 1987. Indian observers will be invited for elections to the Provincial Council of the North and East.

2.9 The Emergency will be lifted in the Eastern and Northern Provinces by August 15, 1987. A cessation of hostilities will come into effect all over the Island within 48 hours of the signing of this Agreement. All arms presently held by militant groups will be surrendered in accordance with an agreed procedure to authorities to be designated by the Government of Sri Lanka.

Consequent to the cessation of hostilities and the surrender of arms by militant groups, the Army and other security personnel will be confined to barracks in camps as on 25th May 1987. The process of surrendering of arms and the confining of security personnel moving back to barracks shall be completed within 72 hours of the cessation of hostilities coming into effect.

2.10 The Government of Sri Lanka will utilise for the purpose of law enforcement and maintenance of security in the Northern and Eastern Provinces the same organisations and mechanisms of Government as are used in the rest of the country.

2.11 The President of Sri Lanka will grant a general amnesty to political and other prisoners now held in custody under the Prevention of Terrorism Act and other Emergency laws, and to combatants, as well as to those persons accused, charged and/or convicted under these laws. The Government of Sri Lanka will make special efforts to rehabilitate militant youths with a view to bringing them back into the mainstream of national life. India will co-operate in the process.

2.12 The Government of Sri Lanka will accept and abide by the above provisions and expect all others to do likewise.

2.13 If the framework for the resolutions will implement the relevant proposals forthwith.

2.14 The Government of India will under-write and guarantee the resolutions, and co-operate in the implementation of these proposals.

2.15 These proposals are conditional to an acceptance of the proposals negotiated from 4-5-1986 to 19-12-86. Residual matters not finalised during the above negotiations shall be resolved between India and Sri Lanka within a period of six weeks of signing this Agreement. These proposals are also conditional to the Government of India co-operating directly with the Government of Sri Lanka in their implementation.

2.16 These proposals are also conditional to the Government of India taking the following actions if any militant group operating in Sri Lanka do not accept this framework of proposals for a settlement namely,

- (a) India will take all necessary steps to ensure that Indian territory is not used for activities prejudicial to the unity, integrity and security of Sri Lanka.
- (b) The Indian Navy/Coast Guard will co-operate with the Sri Lankan Navy in preventing Tamil militant activities from affecting Sri Lanka.
- (c) In the event that the Government of Sri Lanka requests the Government of India to afford military assistance to implement these proposals, the Government of India will co-operate by giving to the Government of Sri Lanka such military assistance as and when requested.
- (d) The Government of India will expedite repatriation from Sri Lanka of Indian citizens to India who are resident there, concurrently with the repatriation of Sri Lankan refugees from Tamil Nadu.
- (e) The Governments of India and Sri Lanka will co-operate in ensuring the physical security and safety of all communities inhabiting the Northern and Eastern Provinces.

2.17 The Government of Sri Lanka shall ensure free, full and fair participation of voters from all communities in the Northern and Eastern Provinces in electoral processes envisaged in this Agreement. The Government of India will extend full co-operation to the Government of Sri Lanka in this regard.

2.18 The official language of Sri Lanka shall be Sinhala. Tamil and English will also be official languages.

3. This Agreement and the Annexure thereto shall come into force upon signature.

In witness whereof we have set our hands and seals hereunto.

Done in Colombo, Sri Lanka, on this the twenty-ninth day of July of the year one thousand nine hundred and eighty-seven, in duplicate, both texts being equally authentic.

Rajiv Gandhi
Prime Minister
of the Republic
of India

Junius Richard Jayewardene
President of the
Democratic Socialist
Republic of Sri Lanka

ANNEXURE TO THE AGREEMENT

1. His Excellency, the Prime Minister of India and His Excellency, the President of Sri Lanka agree that the referendum mentioned in paragraph 2 and its sub-paragraph of the Agreement will be observed by a representative of the Election Commission of India to be invited by His Excellency, the President of Sri Lanka.

2. Similarly, both Heads of Government agree that the elections to the Provincial Council mentioned in paragraph 2.8 of the Agreement will be observed by a representative of the Government of India to be invited by the President of Sri Lanka.

3. His Excellency, the President of Sri Lanka agree that the Home Guards would be disbanded and all paramilitary personnel will be withdrawn from the Eastern and Northern provinces with a view to creating conditions conducive to fair elections to the Council.

The President, in his discretion, shall absorb such paramilitary forces, which came into being due to ethnic violence, into the regular security forces of Sri Lanka.

4. The Prime Minister of India and the President of Sri Lanka agree that the Tamil militants shall surrender their arms to authorities agreed upon to be designated by the President of

Sri Lanka. The surrender shall take place in the presence of one senior representative each of the Sri Lanka Red Cross and the Indian Red Cross.

5. The Prime Minister of India and the President of Sri Lanka agreed that a joint Indo-Sri Lankan observer group consisting of qualified representatives of the Government of Sri Lanka would monitor the cessation of hostilities from 31st July 1987.

6. The Prime Minister of India and the President of Sri Lanka also agreed that in terms of paragraph 2.14 and paragraph 2.16(c) of the Agreement, an Indian peace-keeping contingent may be invited by the President of Sri Lanka to guarantee and enforce the cessation of hostilities, if so required.

THE EXCHANGE OF LETTERS

Following are the text of Sri Lankan President J.R. Jayewardene's reply to Prime Minister Rajiv Gandhi's letter of July 22, 1987 :

Excellency,

Please refer to your letter dated the 29th July, 1987, which reads as follows :

Excellency,

Conscious of the friendship between our two countries stretching over two millennia and more and recognising the importance of nurturing this traditional friendship, it is imperative that both Sri Lanka and India reaffirm the decision not to allow our respective territories to be used for activities prejudicial to each other's unity, territorial integrity and security.

2. In this spirit, you had, during the course of our discussions, agreed to meet some of India's concerns as follows :

- (i) Your Excellency and myself will reach an early understanding about the relevance and employment of foreign military and intelligence personnel with a view to ensuring that such presences will not prejudice Indo-Sri Lankan relations.

- (ii) Trincomalee or any other ports in Sri Lanka will not be made available for military use by any country in a manner prejudicial to India's interests.
- (iii) The work of restoring and operating the Trincomalee oil tank farm will be undertaken as a joint venture between India and Sri Lanka.
- (iv) Sri Lanka's agreements with foreign broadcasting organisations will be reviewed to ensure that any facilities set up by them in Sri Lanka are used solely as public broadcasting facilities and not for any military or intelligence purposes.

3. In the same spirit India will :

- (i) Deport all Sri Lankan citizens who are found to be engaging in terrorist activities or advocating separatism or secessionism.
- (ii) Provide training facilities and military supplies for Sri Lankan security forces.

4. India and Sri Lanka have agreed to set up a joint consultative mechanism to continuously review matters of common concern in the light of the objectives stated in para 1 and specifically to monitor the implementation of other matters contained in this letter.

5. Kindly confirm, Excellency, that the above correctly sets out the agreement reached between us.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,
Sd/-
(Rajiv Gandhi)

His Excellency,
Mr. J.R. Jayewardene,
President of the Democratic Socialist
Republic of Sri Lanka, Colombo.

This is to confirm that the above correctly sets out the understanding reached between us.

Please accept, Excellency, the assurance of my highest consideration.

(J.R. Jayewardene)

His Excellency,
Prime Minister of the Republic of India,
New Delhi.

APPENDIX X

Ethnic Composition of Sri Lanka District Populations, 1981

Districts	(Percentage)							
	1	2	3	4	5	6	7	8
	Sinhalese	Sri Lanka Tamils	Indian Tamils	Sri Lanka Moors	Burghers	Malays	Others	
Colombo	77.9	9.8	1.3	8.3	1.1	1.2	0.5	
Gampaha	92.2	3.3	0.4	2.8	0.6	0.6	0.2	
Kalutara	87.3	1.0	4.1	7.5	—	0.1	—	
Kandy	75.0	4.9	9.3	9.9	0.2	0.2	0.4	
Matale	79.9	5.9	6.7	7.2	0.1	0.1	0.1	
Nuwara Eliya	35.9	13.5	47.3	2.8	0.1	0.2	0.2	
Galle	94.4	0.7	1.4	3.2	—	—	0.3	
Matara	94.6	0.6	2.2	2.6	—	—	—	
Hambantota	97.4	0.4	0.1	1.1	—	1.0	—	
Jaffna	0.6	95.3	2.4	1.7	—	—	—	
Mannar	8.1	50.6	13.2	26.6	—	—	0.4	
Vanuniya	16.6	56.9	19.4	6.9	—	—	0.2	
Mullaitivu	5.1	76.0	13.9	4.0	0.1	—	—	

(Contd.)

APPENDIX X—(Contd.)

1	2	3	4	5	6	7	8
Batticaloa	3.2	70.8	1.2	24.0	0.7	—	0.1
Amparai	37.6	20.1	0.4	41.5	0.2	—	0.1
Trincomalee	33.6	33.8	2.6	29.0	0.5	0.3	0.2
Kurunegala	93.1	1.1	0.5	5.1	—	0.1	0.1
Puttalam	82.6	6.7	0.6	9.7	0.1	0.2	0.1
Anuradhapura	91.3	1.2	0.1	6.5	—	—	0.1
Polonnaruwa	90.9	2.2	0.1	6.4	—	0.1	0.2
Badulla	68.5	5.7	21.1	4.2	0.1	0.2	0.2
Monargala	92.9	1.8	3.3	1.9	—	0.1	0.1
Ratnapura	84.7	2.3	11.1	1.7	0.1	0.1	0.1
Kegatille	86.3	2.1	6.4	5.1	—	—	0.1

Note : A dash (—) indicates less than 0.05 per cent.

Source : Derived from Department of Census Statistics, Census of Population Housing, Sri Lanka, 1981 : Preliminary Release No. 1, Colombo : Department of Census Statistics, 1981.

APPENDIX XI
Ethnic Distribution in Sri Lanka
District-wise Population

<i>Districts</i>	<i>Sinhala</i>	<i>S.L. Tamil</i>	<i>Indian Tamil</i>	<i>S.L. Moor</i>	<i>Burgher</i>	<i>Malay</i>	<i>Others</i>
<i>I</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>
Sri Lanka	1,09,85,666	18,71,535	8,25,233	10,56,972	38,236	43,378	28,981
Jaffna	4,615	7,92,246	20,001	13,757	350	46	97
Mannar	8,710	54,106	14,072	28,464	41	23	1,524
Vavuniya	15,876	54,541	18,592	6,640	21	31	203
Batticaloa	10,646	2,34,348	3,868	79,317	2,300	49	371
Mullaitivu	3,948	58,904	10,766	3,777	93	17	07
Trincomalee	86,341	86,743	6,767	74,403	1,211	735	590
Colombo	13,22,658	1,65,952	21,504	1,40,461	18,997	20,041	8,709
Palutara	7,22,075	8,601	33,510	61,706	330	712	255
Kandy	8,44,325	55,675	1,04,840	1,12,052	2,402	2,648	4,354
Matale	2,85,514	20,936	24,084	25,836	250	514	307
Nuwara—Eliya	1,87,280	70,471	2,47,131	14,668	602	1,113	954
Galle	7,68,928	6,093	11,069	25,896	216	158	2,219

(Contd.)

APPENDIX XI—(Contd.)

I	2	3	4	5	6	7	8
Matara	6,09,367	3,918	13,931	16,457	254	61	243
Hambantota	4,12,965	1,553	308	4,732	63	4,380	101
Kurunegala	11,28,548	13,438	6,427	61,342	605	1,201	1,194
Puttalam	4,07,453	33,218	2,964	47,959	444	882	424
Anuradhapura	5,36,899	7,113	785	41,833	280	266	646
Polonnaruwa	2,38,803	5,875	205	17,091	57	132	590
Badulla	4,40,245	36,585	1,35,795	26,808	641	1,300	1,519
Moneragala	2,59,825	5,023	9,164	5,322	80	152	177
Amparai	1,46,371	78,315	1,410	1,61,481	643	179	387
Ratnapura	6,74,657	17,979	88,429	13,531	450	410	1,012
Kegalle	5,88,675	14,095	43,879	34,832	164	251	515
Ganpaha	12,80,942	45,807	5,732	38,607	7,742	8,077	2,583

Source : Derived from Department of Census Statistics, Census of Population Housing, Sri Lanka, 1981 : Preliminary Release No. 1, Colombo : Department of Census Statistics, 1981.

APPENDIX XII
**Ethnic Distribution of Senior Administrative Professional and
 Technical Personnel**

	Sinhala		Tamil		Others	
	No	%	No	%	No	%
<i>1</i>	2	3	4	5	6	7
Secretaries to ministries	39	95.12	2	4.88	—	—
Heads of Departments (Directors and Commis- sioners only)	224	79.15	46	16.25	13	4.59
Additional Secretaries	25	83.33	4	13.33	1	3.33
Assistant (all personnel designated Assistants	892	81.24	171	15.57	35	3.19
Other Secretaries	107	89.17	9	7.50	4	3.33
Chairman of Corpora- tions	86	88.66	6	6.19	5	5.15
Deputies (only)	394	76.06	100	19.31	24	4.63

(Contd.)

APPENDIX XII—(Contd.)

1	2	3	4	5	6	7
All other senior grades (Anyone who does not fall into the above categories is mentioned here)	2,232	76.57	559	19.18	124	4.25
Total of all	3,999	78.38	897	17.58	206	4.04

Source : The data in this table have been extracted from "Sri Lanka Official Telephone Directory 1982" and is subject to further verification. This excludes District Officials such as Government Agents.

APPENDIX XIII
University Admission, 1975
Distribution of Students by their Districts of Origin

Districts	Population Percentage	Medicine and Dental Surgery		Engineering and Science	
		Actual Selection of Distt. basis	Hypothetical Selection according to merit	Actual Selection of Distt. basis	Hypothetical Selection according to order of merit
1	2	3	4	5	6
Colombo	21.03	110	132	70	129
Kalutara	5.76	15	11	20	16
Kandy	9.34	24	17	31	11
Matale	2.49	08	03	08	03
Nuwara Eliya	3.57	02	02	06	—
Galle	5.80	29	18	20	24
Matara	4.63	08	05	15	20
Hambantora	2.68	01	—	08	—

(Contd.)

APPENDIX XIII—(Contd.)

1	2	3	4	5	6
Jaffna	5.54	29	61	20	56
Mannar	0.61	01	01	01	—
Vavuniya	0.75	—	—	—	—
Batticaloa	2.03	06	04	07	02
Amparai	2.14	—	—	01	01
Trincomalee	1.51	03	01	05	05
Kurunegala	8.09	12	03	26	09
Puttalam	2.99	03	02	10	02
Anuradhapura	3.06	02	01	04	01
Polonnaruwa	1.29	01	—	01	—
Badulla	4.84	02	01	07	02
Moneragala	1.51	—	—	02	01
Ratnapura	5.21	11	07	10	05
Kegalle	5.13	08	06	18	03
	100.00	275	275	290	290

Source : Planning & Research Unit, University of Sri Lanka.



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