A Leader of Destiny The Life and Times of S.J.V. Chelvanayakam

Prof. S. Pathmanathan



Chelvanayakam Memorial Trust

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By S. Pathmanathan ©

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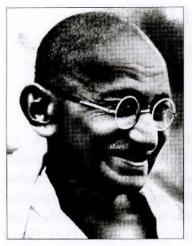
S.J.V.Chelvanayakam

The life and work of S.J.V.Chelvanayakam have exerted an overwhelming influence and an enduring impact on the politics of the Sri Lankan Tamils in the modern era. No other Tamil leader had attained a popularity of comparable dimensions. He was adored by all classes of people and referred to with affection as *Periyavar*, "The great Leader" and as *Tantai*, "Our father". He had no oratorical talents like his predecessors. His voice was feeble

and his speeches were brief but when he spoke there was always a stillness of silence among vast audiences.

He had united the Tamil people in a movement that he led against tyranny and injustice and in the process had become the patriarch of a people who were united for the first time in their history under his leadership.

Mr. Chelvanayakam did not have the academic accomplishments and oratorical skills of Sir P.Ramanathan or the brilliance in the erudition of scholarship and the unmatched competence in administration that were the hallmarks in the personality of his younger brother P.Arunachalam. Nor did he build temples and schools like them. The ingredients of his charismatic qualities were different. He always spoke the truth and never indulged in a campaign of abuse, false propaganda or inciting people to actionally. He adhered to the principles



Mahatma Ganthi

of non - violence introduced into modern politics as a means of political agitation by Mahatma Ganthi.

He began his career as a science teacher and soon qualified to become a civil lawyer of great reputation because of his professional competence and dignified ways. He read widely and particularly the documents relating to the past traditions of the country. Among the Sri Lankan leaders of the 20th century he was

one of the two persons who had a perception of the political traditions and social institutions that had prevailed in the island before the advent of the European Colonial power. The other leader was S.W.R.D.Bandaranaike who had his tertiary education at the University of Oxford. During the early days of his career

S.W.R.D.Bandaranaike had forcefully articulated the view that a system of highly centralized administration developed by the British was inconsistent with the traditions of the country where the Low country Sinhalese, the Kandyans and the Tamils had developed their respective identities and had preserved them for a period of over a thousand years. He was the first to entertain the notion of a federal system of administration for the island after the withdrawal of British power.



S. W.R.D. Bandaranaike

The Kandyan for Demand Federalism

The Kandyans were inspired by his ideas and in a memorandum they placed before the Donoughmore Commission they argued the case for a federal system of government. Because of imbecility in their understanding of politics the Tamil leadership of the day could not be persuaded to support the Kandyans.

A federal system of government was consistent with traditions of the country a third part of which was predominantly occupied by the Tamils from the days of antiquity as evident from archival records and the statistics of demography.

The Commandment of Jaffnapatnam, one of the three major division of Dutch administration, and all the minor provinces governed by senior Dutch officers who had the designation opperhoofd in Dutch times were occupied predominantly by the Tamils. The minor provinces in Dutch times were those of Mannar, Calpentyn, Trincomalee and Batticaloa. Recent studies based on archaeological finds reveal that this phenomenon was already evident in the Early Historic period (300BC-AD400). It has become clear that the Tamil settlements in this region had their origins in the flow of the Early Iron Age Black and Red Ware culture into the island from South India since 900 BC. Prof.K.Indrapala, a senior Sri Lankan historian who had the experience of participating in archaeological excavations conducted at Kantharotai, Pomparippu and Mantai under the direction of internationally reputed archaeologists says:

"The origins of the ethnic group now known as the Sri Lankan Tamils go back to the period referred to as the Early Iron Age."

The dynastic state in Sri Lanka in the pre-colonial period was not an ethnocracy nor was it a theocracy. The ideal as held out by the Mahavamsa was one of uniting the island in the form of a union. The kings who imposed their suzerainty by conquests did not seek to establish a centralized administration over the entire island. The enlarged kingdom had the characteristics of a union of polities in varying degrees of subjection and exercising
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autonomous powers. The Kingdoms of Kotte, Sitavaka and Kandy exemplified this phenomenon. For instance when the kingdom of Jaffna was occupied by the armies of Kotte it was not annexed to become a part of the Kingdom of Kotte. Its identity as a Hindu Tamil kingdom was maintained and Sapumal Kumara who is referred to as Cenpakap-perumal in Tamil sources was appointed as its ruler. According to traditions recorded in local Tamil texts he constructed a temple of Kantacuvāmi at Nallūr as a temple of the royal court. Besides, he issued coins in the name of the temple, bearing the Tamil names of this particular deity in an abbreviated form.

The principalities in the eastern part of island occupied by the Tamils and which were under the rule of chieftains styled Vannivar had come under the suzerainty of the kings of Kotte in the 16th century and after its demise they became the peripheral parts of the Kandyan Kingdom. Under the Kandyan kings all of them retained their respective political identities and the local chieftains styled Vanniyar were left in control of the administration of the principalities. These chieftains appointed all others of subordinate ranks, collected taxes and exercised judicial powers. Significantly they had military power and were obliged to pay a nominal tribute as a token of their submission to the authority of the monarch and render military assistance to him whenever required.

In the dynastic states that existed in the Sri Lanka before the establishment of colonial rule there was a diffusion of power and authority on a hierarchical and regional basis. The Kingdom had the likeness of union of principalities wherein the king and the retinue of officials close to him exercised a form of direct authority in the core regions, whereas in the peripheral parts the chieftains had power and authority in considerable measure.

In that system the traditions of co-existence, harmony and partnership were developed in an exemplary manner among ethnic communities. As evident from historical evidence all ethnic communities rallied round the king in defending the state from

internal and external assailants. The chieftains of Trincomalee had steadfastly opposed Portuguese penetration into the hinter land and later Ilañciṅkam, the Vanniyar of Kottiyaram pattu, compelled a regiment of Dutch soldiers to retreat from an attempt at penetration into the interior part of the eastern littoral. These Vanniyars also had positions of honour and influence in the affairs of the Kingdom of Kandy. They were members of the King's Council that was summoned at the royal court when decisions had to be taken on matters of vital importance like the succession to the throne and making war and peace with adversaries. The system of administration providing for a diffusion of power and authority was never a source of disintegration. The demise of the last kingdom in the island had resulted from the disaffection and disloyalty of the chieftains in its core regions.

The Legislative Council

The administrative unification of the island was effected by the British colonial government in 1833 on the recommendations of the Colebrooke Commission. There was also a unification of the judicial system but in the development of a composite legal system under the British care was taken to sustain the native laws and customs as it was under the Dutch, on the consideration that their abolition would jeopardize the interests and concerns of the idegenous communities.

A legislative Council was established to counterbalance the autocratic powers of the governor and despite its provisions the government of the colony remained a governor's government until after the end of the 19th century. The Council which had fifteen members with a majority of nine officials representing the principal departments of the government, and all of them were Europeans expected to endorse government policies after deliberations. There were six unofficial members of whom three were chosen to represent each of the three native communities: Sinhalese, Tamils and Burghers. They were all nominated by the governor.

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Sir.P.Ramanathan

The unofficial Tamil seat in the Legislative Council became almost a monopoly of the lineage of Coomaraswamy Mudaliyar who belonged to the first generation of Tamils from Jaffna who had settled in Colombo as business entrepreneurs. The principal motive was a spirit of adventure and search for opulence. This family that was eminently successful in their enterprises soon gained a commanding influence among the Tamil residents of the

city. Because of that reason and their loyalty they attracted the attention of the government which afforded a due measure of recognition to them. The younger generation of the family had the opportunities of being educated in the most reputed centres of learning here and abroad. Because of their vision and unique competence and brilliant accomplishments they rose to the highest positions of eminence and influence in the island. As they had cultivated traditions of an urbane culture they developed a sympathetic understanding of Buddhism despite their strong attachment to Hinduism and this had added to their immense popularity among the major ethnic community Sir.P.Ramanathan who was a member of the Legislative Council initially between 1878-1891, was appointed as Acting Attorney-General in 1892 and in that capacity he had been a member of the Executive Council. He attained the pinnacle of fame in the aftermath of the communal riots of 1915-16 when he vehemently denounced the measures of oppression committed against the "Sinhalese nation". He had the distinction of having been elected to the single reserved seat for the educated Ceylonese by a large margin of votes.



Sir P.Arunachalan

Sir P.Arunachalan excelled as a scholar and administrator and earned a wide international reputation through his record of performance in the administration . He was in the Executive Council for a longer period than his elder brother Ramanathan. He made history by organizing the Ceylon National Congress that conducted a continuous agitation for a series of reforms that led to Independence from British rule in 1947. Arunachalam was the

first President of the Congress. He also had the vision of Ceylon becoming an independent country wherein the tradition of an egalitarian democracy could be fostered. Besides, Arunachalam earned a reputation as the founder of the movement for establishing a university in the country. In a special issue of the London Times released on the occasion of the Celebration of the 30th Anniversary of Universal Franchise in Ceylon (1961) Arunachalam was aptly described as the Maker of Modern Ceylon.

Despite their academic brilliance and political experience the Ponnambalam brothers could not develop insights of a political system that would make provision for the co-existence of the Tamil community exercising some form of partnership while retaining their ethnic and cultural identity. Ramanathan who outlived Arunachalam was the first of those who missed an opportunity by denouncing the Donoughmore reforms while at the same time not taking into consideration the proposals placed by the Kandyans before the Donoughmore Commission. It was the first of a series of opportunities missed by the Tamil leadership and the story has continued to our own times as will seen here subsequently.

Tamil Resurgence in the Nineteenth Century

There were unprecedented developments in Tamil society when the island went through a process of transformation from medievalism to modernity. The emergence of the rudiments of capitalism, the development of the plantation economy and of a system of communications that broke the barriers of isolation only and the development of cities and towns chiefly in the western and central parts of the country were the principal manifestations of this development. The impact of a combination of these factors was the emergence of a westernized elite familiar with the elements of western and modern knowledge that was gained through a system of modern education imbibed through the medium of English, which became the language of administration and commerce. The Protestant Christian missionaries from England and New England in the US were the pioneers of this system of education. They provided the example for the agents of other religious denominations for establishing schools for the same purpose and in similar ways.

There was comparatively a greater concentration of educational institutions in the Jaffna peninsula where there was a concerted effort by the Americans, Wesleyans and Anglicans to promote the cause of Christian evangelism through educational institutions and in course of time they became their principal concern and resources. Their educational enterprise was supported by the Tamils irrespective of religious considerations because education in English provided the avenue for job opportunities and for obtaining wealth and positions of influence in society.

Besides, the American missionaries established the Batticotta Seminary in 1833 and in scope and content the education provided in that institution was similar to that of European universities. Moreover, they established a medical college at Manipay that was the model for the Medical College set up in Colombo in 1870. Under such conditions the Tamils progressed to such an extent as to become a forward community in the island and were able to secure a dominant position in the professions and the services.

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A major development among the Sri Lankan Tamils was the resurgence of Tamil learning. The impetus was provided by the discovery of the manuscripts of the texts of classical Tamil poetry the copies of which were edited and published in printed form. The Ceylon Tamils became the principal participants in this process. The principal contributors were the Christian missionaries, Arumuka Navalar and C.W.Thamotharampillai who was a product of the Batticotta Seminary. Arumuka Navalar who re-animated Saivism was largely responsible for developing a refined form of Tamil prose as a suitable means of communicating modern knowledge. Besides, under his influence there was a vast improvement in the development of oratorical skills. The American missionaries developed a tradition of Tamil lexicography in which they were the pioneers. The dictionary compiled by Miron Winslow was acknowledged to be one of exceptional merit and it contains a longer list of items than any other modern Tamil dictionary.

Because of the aforementioned considerations the Tamils in the island became conscious of their cultural heritage and became conscious of their ethnic and cultural identity. It had bestowed a high measure of pride and an attitude of self-reliance. It had produced a mindset that deflected them from anxieties about the future. Tamil nationalism in a political sense and the Dravidian ideology propagated on the other side of the Palk strait had no attraction for them.

They were engrossed in their sympathy for the struggle for freedom led by Mahatma Gandhi. Their main sources of inspiration were the speeches and activities of Svami Vivekananda, Mahatma Gandhi and the poems of Subrahmanya Bharathi. The Tamils developed the perception that Tamil culture was part of a subcontinental phenomenon from which it cannot divorced. In a similar manner they had the notion that their fortunes were inseparably linked to those of Sri Lanka.

The Donoughmore Reforms: The Fiasco of the Boycott

The Donoughmore reforms represented a departure from the traditions of the past and introduced a major innovation in constitutional development. The principle of communal representation was dropped on the consideration that it was prejudicial to the promotion of unity and co-existence among the ethnic communities. There was an enlargement of the legislature that was referred as the State Council. It was to be elected on the basis of territorial representation. A radical step towards democratization was the introduction of Universal Franchise that was not favoured by the conservative politicians of the older generation.

The State Council was invested with legislative and executive powers and this was a novel experiment in constitutional development in the British empire. It led to the creation of a Board of Ministers who were to be elected from each of the seven committees into which the State Council was to be divided. It had the merit of providing each member of the Council an opportunity for participating in the process of decision making, of course in a very restricted manner. It was somewhat reminiscent of the Athenian practice of Greek Democracy.

The experiment was certainly worthy of being given a chance of implementation. There was little room for the Board of Ministers, once properly constituted, for making decisions in favour of or in a manner prejudicial to any ethnic group. Provision was also made to provide citizenship rights to those who had been domiciled in the island for a specified number of years. The Reforms conceded a substantial measure of self-government to be exercised by elected representatives. The Departments of finance, defense and justice were under officials all of whom were British and were under the governor's control.

The Donoughmore reforms were approved by a slender majority in the last Legislative Council and eight of the nine Tamil member had voted against it. Viewed retrospectively it

was a measure of imprudence on their part and there was no justification for the rejection. The reforms were denounced by the conservatives and radicals among Tamil political activists. Sir P.Ramanathan was unhappy about the radical provisions in the scheme and anticipated the eclipse of Tamil influence in national politics. It was opposed by the Jaffna Youth Congress because the reforms fell far short of independence.

It was highly unrealistic to imagine that the British would concede independence to Ceylon before the settlement of affairs in the Indian sub-continent. The Youth Congress was organized and led by Handy Perinpanayagam who had attained the foremost reputation among those in the teaching profession in Tamil society. He was widely respected because of his deep learning, dignified behavior and strong commitment to public causes. He and his followers were inspired by the Indian movement for impendence led by Mahatma Gandhi one of whose private secretaries was Arianesan Williams, a brother of Soundaranayagam Williams, the famous teacher of Chemistry at Jaffna College in the midtwentieth century.

Perinpanayagam attracted an ever increasing number of educated youth who later rose to high positions in the profession. They worked hard in creating an awareness among the Tamil people. They created a stir in society by carrying on a campaign against the evil of untouchability and sensitizing the public on the need for its abolition. In the meanwhile they were not concerned about any demand for increasing Tamil representation in the Legislative Council. Their principal concern was full independence and it was their avowed conviction that once independence was gained all other problems could be resolved amicably Although Perinpanayagam and his followers were motivated by Gandhian ideas they failed to take note of two essential features in the political ideas and behaviour of Mahatma Gandhi. The Indian leader had laid down emphatically that after gaining independence India will be a union of linguistic states. What he promised was later implemented when Jawaharlal Nehru was Prime Minister.

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Mahatma Gandhi was always flexible and was always ready to participate in negotiations whenever he was invited by the government of India.

On the invitation of the Youth Congress Mahatma Gandhi, Sarojini Naidu and several other Indian leaders had come to address their annual sessions. Once, Mahatma Gandhi had addressed a public meeting in the Ottley Hall at Jaffna College in 1926. Rev. John Bicknell, the principal who presided at the meeting had referred to the Indian leader as "perhaps the greatest man living on the face of this earth". By that time the Americans had developed a sympathy for the Indian agitation for freedom and had the view that there was no longer a legitimacy for sustaining the British Indian Empire.

The Indian connection, however, had no bearing on the decision of the Youth Congress in opposing the Donoughmore reforms. They carried on a vigorous campaign for boycotting the election for the State Council in 1931. They were eminently successful and nominations were not filed by or on behalf of any candidate in the entire Northern Province. Rev.S.Kulendran who later became the Head of the American Mission told me



G.G.Ponnabalam

in 1990 that he had gone on a delegation to G.G.Ponnabalam to persuade him to refrain from contesting for the Vavuniya seat and their mission was successful. Rev.Kulendran also told me that the boycott was a blunder of the highest magnitude.

In all other provinces the electors had cast their votes and it turned out that in the first Council the people of the Northern Province had no representation. It had grave consequences for

the Tamil community while at same time it was very much resented by the colonial government which had anxieties about the political behavior of the Tamils. Because of the adverse consequences of the boycott of the elections the popularity of the Congress soon faded out and it could never regain its influence. The political vacuum that was created was favourable for the emergence of G.G.Ponnambalam to a position of leadership. He had oratorical skills of the highest order and as a lawyer he earned a wide reputation through his brilliant performances. Because of these considerations he was adored by the elite and folk and his popularity was soaring to great heights.

Despite his brilliance and the training he had gone through in legal studies G.G.Ponnambalam did not exhibit a knowledge of internationally accepted political principles and practices especially in relation to societies with ethnic and cultural diversities. Nor was he aware of the political traditions of the island before the days of European colonial rule. He fell into the trap of error by reverting to the demand for balanced representation made by Tamil leaders before the Donoughmore Reforms. He regrettably modified the demand for communal representation by insisting on equality in the proportion of representation for the majority (Buddhist Sinhalese) and all other minorities put together.

The formula as outlined by him was abortive in conception. The colonial government had already abandoned the principle of communal representation and there was no chance of it being accepted by the cabinet with which the colonial government was already engaged in a process of negotiations. In the prevailing situation two avenues were open to the Tamil leadership, which could have led to a reasonable measure of understanding on the basis of a consensus. One of these was to provide a strong support for the renewed demand of the Kandyans for a federal constitution. If that was done it would not have been easy to set it aside and there was every chance of it evoking a favourable response from the government and the leader of the State Council. The second option was to ask for the formation of a national Digitized by Noolaham Foundation. noolaham.org | aavanaham.org assembly to adopt a new constitution through negotiation and consensus. The failure to adopt such an approach was certainly a deficiency in the leadership of G.G.Ponnambalam. It has also the implication that there were no intellectuals with political insights among the elite in Tamil society. None of the academics had the competence to think along these lines. The Tamil Congress leader also did not realize the need for mobilizing mass support for political agitation.

Once the demand for balanced representation was rejected by the Soulbury Commission his party had no programme for any further action. When he joined the government without any agreement relating the political aspirations of the Tamil people they were left in political wilderness. In fact Tamil politics was at the cross roads. But it took time for the people to be aware of the situation. The provision to make Tamil as an official language (1944) and the non-discriminatory policies of the UNP government in matters of employment were considered as indicators of good will and harmony.

S.J.V.Chelvanayakam and the Re-emergence of the Concept of Federalism

The citizenship laws enacted by Parliament in 1948 led to the disfranchisement of the workers of Indian Origin and created a large community of persons who were referred to officially thereafter as "stateless" people. Before the enactment of this legislation, which was a violation of a provision in the constitution based on the recommendations of the Donoughnomore Commission, D.S. Senanayake had signed a defense agreement with Britain. At that time the British navy was dominant in the Indian ocean and Malaysia and Singapore were still in the empire. It could still be argued that in doing so Britain had provided assistance for the violation of a provision in a constitution of its own making. In the plantation districts of the island the Tamil workers of Indian Origin had elected seven members to represent them in Parliament in 1947 But on the General Elections of 1952 they

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Dr.Naganathan

had no votes to elect even a single candidate.

There is a strong belief and it was on the issue of the Citizenship Bill that C.Cuntharalingam, a veteran Tamil politician, resigned his ministerial post that he had accepted in the previous year to help D.S.Senanayake to obtain independence from Britain. Mr.S.J.V.Chelvanayakam had argued with his leader that their party could not support a government which had enacted

legistation that had the potential of eliminating the political existence of a Tamil community established in the island since the early decades of British rule. As Mr. Ponnambalam was not willing to do so there was a split in the party. S.J.V.Chelvanayakam crossed over to the opposition along with C.Vanniasingham the MP for Kopay in the Jaffna peninsula. Dr.Naganathan, the secretary of the party and who was a member of the Senate, the upper House of parliament, also joined them.

They formed with the support of several others the Federal Party with the object of transforming the constitution to accommodate the aspirations of the Tamil people and establish a tradition of political co-existence based on the principles of federalism. The long tradition of harping on demands based on communal representation was dropped once and for all. Thereafter attention was focused on the preservation of Tamil identity and securing it from the policies of suppression and liquidation adopted in that direction. The successive governments provided ample evidence that confirmed his predictions.

Mr.Chelvanayakam was a Christion by birth and in faith but he had kept religion out of politics and strangely his most staunch supporters were Hindus some of whom were orthodox

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in their beliefs and ways. Early in his career he had demonstrated his concern for justice in the management of Hindu affairs. The Kandacuvami temple at Mavattapuram, which was one of the principal Hindu temples in the island had entered a period of crisis because of a dispute over its management. Some interested parties had filed a case challenging the rights of the temple priests over the management. S.J.V. who became concerned about the matter, on his own conducted investigations and realized that the priests had a legal position but the Kurukkal had confessed to him that he had no resources to defend his case at the courts. S.J.V. offered to appear in the court on behalf of the temple without the payment of any fee.

Duraisvami Kurukkal was amazed to find that a court order was obtained in his favour. As a measure of gratification he was always the first signatory in the nomination papers filed in support of Mr.Chelvanayakam's candidature at every subsequent parliamentary election.

S.J.V. was the first Tamil leader to have advocated that the aspiration of the Muslims in the Eastern Province should be accommodated in a power- sharing arrangement. It may be observed here that there was a provision for such an arrangement in



C. Vanniasingham

the draft constitution prepared by a parliamentary select committee under the guidance of President Chandrika Kumaratunga. The BC pact also had envisaged such an arrangement.

The Tamil political parties had a deep commitment to the values of democracy. At the national level they had strongly supported the cause of liberty, freedom of expression and that of the press. The speeches made by



A.Amirthalingam

Mr.Chelvanayakam in Parliament reveal that he was a supporter of the non-aligned movement in international affairs.

Undeterred by his defeat at the General Elections of 1952 SJV carried on a vigorous campaign for his party. Mr.C. Vanniasingham who was elected as the president of the FP proved to be a very successful organizer and his dedication and style of propaganda carried conviction especially among the peasantry and the

employees in government service. A.Amirthalingam who was an undergraduate of the University of Ceylon when the party was established, developed oratorical skills of the highest order in Tamil. He attracted the youth towards his party in ever increasing numbers. In the meanwhile G.G.Ponnambalam who was dismissed from the cabinet by Sir John Kotelawala as a measure of retaliation against maneuvering the appointment of Dudley Senanayake as Prime Minister on his father's death earlier was increasingly marginalized. C.Coomaraswamy, the only other member of his party who was elected to Parliament in 1952 deserted him and was holding to his position in the government. G.G.Ponnambalam who had lost his base of support could contest and win only the Jaffna seat in 1956.

In the meanwhile Mr.Chelvanayakam whose popularity was rising in the Tamil community had clearly demonstrated his strong commitment to three fundamental principles: (1) non-violence (ahimsu), (2) unity of the country and (3) democratic politics. He articulated the view that the Tamils would perish if they take up arms and resort to violent insurrection. He had a commitment to the principle of national unity almost until the very end of his career. For instance, in 1954, when he was the

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chief guest at the Annual Dinner of the Lyceum, a forum of the students in the SSC class at Jaffna College, he had clarified his position and I was present at this function. One of the students got up from his seat after Mr.Chelvanayakam had spoken and asked him why his party could not campaign for the formation of an independent Tamil state and added that if that was done there could be greater support for his party. The guest speaker clarified the position by saying that they were opposed to the division of the country and that the unity of the country was also a matter of vital importance.

The youth of the present generation and those in the middle age group seem to be confused about the institutions and values of democracy because of a serious deficiency in the system of education, political indoctrination and a lack of exposure to the development of knowledge relating to the theory and practice of politics in the countries of the free world.

The Tamil political parties had extended strong support to those in Parliament and outside it who had resisted assaults against the institutions of democracy, liberty freedom of the press, and the rule of law. As vigilance is the price of liberty there has to be a general awareness in civil society about these matters for protecting the sovereignty of the people.

As a member of the committee that was appointed to consider proposals for a revision of the constitution during the last days of Mr. Bandaraike's government Mr. Chelvanayakam had insisted on the need for a chapter of fundamental rights similar to that in the Indian constitution. But it was not taken up for serious consideration and the effort to revise the constitution was abandoned on the demise of the Prime Minister.

Sinhala Only and Tamil Nationalism

An era of co-existence, harmony and partnership between the two principal ethnic communities came to an end in 1956 with the parliamentary enactment that made a provision for making Digitized by Noolaham Foundation. noolaham.org | aavanaham.org

Sinhala Only as the offcial language of the island. The unanimous decision of the State Council adopted in 1944 after an amendment proposed by S.W.R.D.Bandaranayake himself for making Sinhala and Tamil as official languages was effectually annulled. As originally conceived the Act of 1956 had the potential of the imposition of Sinhala and the liquidation of Tamil identity. The enactment amounted to a violation of the established traditions and practices of the country, the provisions of the constitution and human rights. But subsequent events proved that this Act could not be implemented as intended throughout the whole island.

It resulted in a stiff and continuous resistance from the Ceylon Tamils who were united under the leadership of S.J.V.Chelvanayakam. This resistance in which the supporters of other Tamil parties had joined led to the emergence of Tamil Nationalism. It had its origins in parliamentary enactments and the resistance they provoked had the effect of stimulating its development.

The measure of unity that was achieved in the movement of resistance proved to be strong and durable. In the parliamentary election of 1956 the F.P. captured 10 of the 14 seats it had contested in the Tamil provinces and attained a dominant position in Tamil politics which it had retained before its suppression by forces within that society during the period of the civil war. The expectations of S.W.R.D.Bandaranaike about the smooth implementation of the Sinhala Only Act proved to be illusory.

He had expressed the view that the Tamils, like the Scottish in Britain, would make a lot of protests at the beginning but eventually will fall in line with official policy. The course of events proved that the impressions he had about the Scottish and Tamils were wrong and unfounded. He could not anticipate the emergence Scottish nationalism in the late 20th century and that it would lead to a British parliamentary enactment providing home rule for Scotland. Similarly what he had anticipated about the behavior of the Tamils also proved to be wrong.

The Act of Parliament that made provision for the adoption of Sinhala as the only official language of Ceylon seems to have violated a provision (29.2) of the constitution as it was not passed with a two-thirds majority in Parliament. Apart from the Tamil Mps those of the LSSP(14) and CP(03) had voted against it. Besides, the UNP under the leadership of Sir, John Kotelawela did not vote for it.

In the Kodiswaran case filed at the District Court of Chilaw against the implementation of the Act the Court gave a verdict in favour of the plaintiff. Later, it was overruled by the Supreme Court. Nevertheless an appeal against the Supreme Court ruling was heard by the Privy Council. Sir Dingle Foot and Mr.C.Ranganathan Q.C.led the case on behalf of Kodiswaran. The late Prof.P.Chandrasegaran and the present author had gone to witness the proceedings. The Privy Council made the decision that the case should be heard by a bench of five judges appointed by the relevant authority in Sri Lanka. It was because this reason that the provision for appeals to the Privy Council were eliminated in the constitution of 1972.

The BC Pact

The negotiations conducted between the government and the leader of the FP to find an agreement to accommodate the aspirations of Tamils led to the signing of BC pact on 26 July, 1957.

Agreement was reached on the following matters:

- Tamil shall be the language of the national minority and of the administration of the Northern and Eastern Provinces
- The Northern and Eastern Provinces were recognized as the historical habitation of the Tamil speaking people.
- Regional Councils shall be set up with specified powers, one for the Northern Province and two or more in the Eastern Province.

The powers to be invested included the following subjects: land and agriculture, industries, education, fisheries, health regional transport and irrigation. Extremists groups among the Sinhalese conducted an emotional agitation that aroused a surge of communal passions and the opposition was spearheaded by J.R. Jeyawardene. Because of his inability to stand up to a mounting tide of opposition the Prime Minister reneged from the agreement that was soon aborted. It may also be noted that Mr. J.R. Jayawardene, by an irony of fate, signed the Indo-Lanka Accord that endorsed the provisions of the BC pact in a some what modified form.

The Prime Minister could not take measures to prevent the communal riots that discredited his government and worsened the relations between the two major ethnic groups in the country.

The Tamil Language Special Provisions Act of 1958

In the aftermath of the riots of 1958 Prime Minister Bandaranaike introduced in Parliament The Tamil Language Special Provisions Bill with a view to allay the discontent of the Tamils on the language issue. It was passed by Parliament and it became Act No.28 of 1958. It made provision for the Tamil language in some specific areas of activities.

- Tamil pupils studying in a government school or an assisted school shall be entitled to study in the medium of the Tamil language.
- Tamil also shall be a medium of instruction in the University of Ceylon, in accordance with the provision of the Ceylon University Ordinance, No.20 of 1942.
- A person educated through the medium of the Tamil language shall be entitled to be examined through such medium at any examination for public service.
- Correspondence between persons educated through the medium of the Tamil Language and any official in his official Digitized by Noolaham Foundation. noolaham.org | aavanaham.org

- capacity or between any local authority in the Northern and Eastern Provinces and any official in his official capacity may, as prescribed, be in the Tamil language.
- In the Northern and Eastern provinces the Tamil language may be used for prescribed administrative purpose, in addition to the purpose for which that language may be used in accordance with the other provisions of this act.

These provisions represent a slightly diluted version for of those envisaged in the BC pact and virtually amounted to be a major amendment of the Sinhale Only Act of 1956. It opened avenues for further improvements culminating in the adoption of Tamil as an official language by Parliament as agreed in the Indo-Lanka Accord of 1987. The problems of 1961 could have been avoided if the government of the day had not proceeded to act in violation of the provisions and spirit of the Act No.28 of 1958.

The Prelude to the Satyagraha Campaign

On the demise of Prime Minister S.W.R.D. Bandaranayake, The Governor General appointed a leading member of the M.E.P. government as Prime Minister. But as he had no support of a majority in parliament it had to be dissolved. In the General Elections held in March 1960 none of the major parties had secured enough seats to form a government. The U.N.P had won 55 seats and had an edge over the S.L.F.P. In that situation it was possible to form a coalition government with the support of the FP(15) and other small parties. The UNP which promised three cabinet posts to the FP failed to secure that party's support as S.J.V.Chelvayanakam had clearly indicated that his party would not support the formation of a government unless an agreement was reached to accommodate at least some of the aspirations of the Tamils and the UNP could not form a government.

As a result of negotiations with the leadership of the SLFP Mr. Chelvanayakam decided to support that party to form a government on an understanding that the BC pact would be

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implemented. Almost 20 Tamil and Muslim MPs had submitted a letter to Sir Oliver Goonetileke, the Governor General that they would support the leader of the SLFP to form a government. The LSSP and CP also had acted in a similar manner.

Although it was possible to form a broad coalition government in that situation, the Governor-General decided to dissolve Parliament and hold another General Election. It would seem that, in this instance, the Governor-General had acted out of step with the traditions of parliamentary government and constitutional implications. He had acted in this manner perhaps because of partisan feelings towards the UNP of which he was one of the principal stewards during the years of his active involvement in politics.

Dismayed by the refusal of the FP to the support unconditionally the formation of a government the UNP raised the bogey of the division of the country in the election campaign and roused communal passions among the Sinhalese some of whom were so disgusted with it and felt obliged to appeal for caution and responsible conduct on this matter. In the meanwhile S.J.V.Chelvanayakam and S.Thondaman conducted a vigorous campaign in the central part of the island in support of the SLFP. In the General Elections of July 1960 the SLFP astonishingly won enough seats to form a government without the support of any other party. When S.J.V.Chelvanayakam went to attend the first meeting of the newly elected Parliament he was applauded and cheered by SLFP supporters who had gathered in large numbers.

As a gesture of goodwill the throne speech was read also in Tamil and it kindled the hopes of national reconciliation. But the hopes entertained as a consequence of it proved to illusory.

The Satyagraha Campaign

The Satyagraha campaign of 1961 which paralysed the operation of the government in the Northern and Eastern provinces for a couple of months was the spontaneous response of the Tamils against the discriminatory and undemocratic language policy of the government that was elected in 1960. The immediate cause of provocation was a parliamentary enactment that made provision for adopting Sinhalese as the only language for recording judicial proceedings throughout the island.

As a political movement the Satyagraha campaign organized by the Federal Party with the support of the Tamil Congress and other groups was unprecedented. It demonstrated the emergence of Tamil nationalism as a major political force in national politics. Any enlightened politician would have discerned that unity in the country was in need of comprromises based on bilateral understanding between the leadership of the two principal communities.

The response among the Tamil speaking peoples was spontaneous and transcended regional, sectarian and social differences. It clearly demonstrated the unity and will of the



Dr.M.C.M.Kaleel

Tamil people against tyranny and injustice and for survival amidst circumstances that were unfavourable and hostile.

In the movement for the assertion of identity and the recovery of their time honoured rights in respect of the Tamil language the Tamils were enthusiastically supported by the Muslims. Muslim men and women came out of their homes in thousands in an unprecedented manner to participate in the

Satyagraha. The personality and non-sectarian outlook of Mr.S.J.V.Chelvanayakam, in politics, had evoked the respect and confidence of the Muslims in his leadership Dr.M.C.M.Kaleel, the leader of the All Ceylon Muslim Congress was always sympathetic

and supportive of the agitation for Tamil language rights as Tamil was the mother tongue of the Muslims also. During the Satyagraha campaign, Marcan Marcar, the second M.P. for Batticaloa, had issued a pamphlet urging the Muslims to support the Satyagraha movement.

The response evoked among the Sinhalese inhabitants of the Eastern Province during the Satyagraha campaign was a significant development. On realizing that the Tamil movement was not directed against them they became sympathetic towards those who were engaged in Satyagraha and in several ways extended their support for it.

There was a twofold response from civil society among the Sinhalese. There were university dons led by prof. Saratchandra and some leading intellectuals who urged that the language rights of the Tamils should be restored and there were others including some leading Buddhist monks who condemned the use of force against unarmed and non-violent protesters against the government. But all these fell on deaf years and government took stern measures to suppress the movement with military force. A national emergency was declared, curfew was imposed in the Northern and Eastern provinces while the army was deployed to implement the orders. Mr.S.J.V.Chelvanayakam, the members of Parliament and several others were arrested and kept under detention for several months.

S.J.V. and many M.Ps of his party were deeply disappointed about the government's move and so were the Tamil people. But curiously the respect the Tamils had for him and their confidence in his leadership remained undiminished. He was stricken with Parkinsons disease and had to go to the UK for treatment. The intransigence of the government in connection with the "Tamil question" did not give them electoral divends. In the General Elections of 1965 it was defeated and got only 45 seats whereas the UNP had won 55 seats and it was not adequate for them to form a government.

A coalition of parties became inevitable. Dr. Colvin R. de. Silva approached the FP leader to persuade him to support a coalition under the SLFP leadership. Mr. Chelvanayakam responded by saying "once bitten twice shy". After signing and agreement that envisaged the implementation of the BC pact in a diluted form the UNP under the leadership of Mr.Dudely Senanayake managed to form a coalition government with the support of the FP(14), the Tamil Congress (03), the MEP and Dr. Dahanavake, the veteran politician from Galle. As per the agreement there was a parliamentary enactment relating to the implementation of the Tamil Language Special Provisions Act enacted by parliament during the tenure of Mr.S.W.R.D.Bandaranaike as Prime Minister. It was intended to provide a measure of relief to the government servants recruited for service before the Act providing for the use of Sinhalese only was adopted by Parliament in 1956. The measure was opposed by the SLFP and the left parties. The communal overtones of their speeches and propaganda excited passions and promoted an anti. - Tamil feeling among the majority community. It doubtless resulted in an estrangement between the communities. The support among the Tamils for the traditional left parties soon faded out.



Dudley Senanayake

Although there was an agreement to establish District Councils the UNP government could not honour it. The rift with the government on the issue of the temple of Konesvaram was the cause for the withdrawal of support by the FP for the government and they crossed over to the oposition. The three members of the Tamil Congress stuck on with the government but all of them lost their seats in the General Elections of 1970.

The UNP government led by Dudley Senanayake was still far a way from inaugurating a policy of ethnic homogenisation in the recruitment of employees for service in the departments of government. There was an emerging tide of demographic explosion and unemployment of graduates educated in the Sinhala medium. There was n adequate growth of the economy to generate a capacity to tide over the situation. Instead of planning for a steady growth of the economy, because of a misconception the government adopted a policy of restrictive admissions to the universities which antagonized the teachers, students and all employees of universities who later played a major role in ousting the government at the 1970 elections.

The United front led by Mrs. Sirimavo Bandaranaike secured 115 of the 150 seats in Parliament at the General Elections held in 1970. It had no plans for accommodating the aspirations of the Sri Lankan Tamils or the resurrecting the economy. The policies of nationalization retarded growth and a foreign exchange crisis inhibited development programmes. In the early days of its existence the government was confronted with the problem of



Mrs.Sirimavo Bandaranaike

insurrection led by the Janatha Vimukthi Peramuna, which had emerged steadily and in an unnoticeable manner during the last days of the previous government to the electoral defeat of which they made a major contribution. They had penetrated deeply into the youth organisations of the Marxist parties with strange ideology that was a mixture of fascism, racism and elements of Marxism. Their rebellion errupted suddenly and the administration was paralysed in the seven out of the nine provinces. It was with the decisive intervention of India and

several other countries that government survived and secured a capacity to suppress the rebellion, which of course had left behind indelible scars on society.

The conduct of the UF government proved that "power corrupts and absolute power corrupts absolutely". From the start the performance of the government revealed a lack of political vision and co-ordinated action. They had come to power by rousing emotions and without any plan for implementation. The policies of the government brought the Tamil communities into a conflict with the government but it did not errupt into violence as Mr.S.J.V.Chelvanayakam was still in command over Tamil politics. As he realized that a full measure of unity in Tamil society was essential for its survival he initiated action to form a broader alliance with the Tamil Congress and the CWC as partners. He met his erstwhile and estranged leader G.G.Ponnambalam who gracefully received him and accepting his arguments agreed to join the coalition proposed by Chelvanayakam. Subsequently the Tamil United Front was formed with the support of all Tamil parties including to CWC and Mr.S.Thondaman was elected as one of the three presidents of the new formation. But later, when the Vaddukoddai resolution was adopted Thondaman expressed the view that his party could not endorse it because the resolution had no relevance to the problems of the Tamils living in the plantation districts of the island.

Under the UF government there were two major issues that had a catalytic effect in worsening ethnic relations:

- Mediumwise standardization in university admissions and
- The Republican constitution of 1972 that transformed the state from a majoritarian democracy into an ethnocracy.

There was an imbalance in the facilities and avenues for tertiary education, particularly after the medium of instruction was changed from English to Sinhalese or Tamil. The Tamils of the Jaffna peninsula were in a far more advantaged position because of a variety of reasons. Since the early 19th century the Protestant Digitized by Noolaham Foundation. noolaham.org | aavanaham.org missionary organisations were engaged in developing a system of modern, western education and their educational activities evoked favourable responses in Tamil Society. In the Jaffna peninsula education was the major avenue for upward social mobility and opulence.

Because of the spectacular developments in collegiate and professional education the Jaffna Tamils forged ahead as a forward community in educational accomplishments and only the Burghers were ahead of them.

Many Tamil teachers were employed to teach science and English in the southern, central and western parts of the island when English was the medium of education and once the medium of instruction was changed into Sinhala they could not be employed as teachers and an immediate consequence was a widening of the gap between the Tamils and Sinhalese in respect of facilities for science education and this was reflected in the performance of students of both media in the university entrance examination held in 1970.

To overcome the problem the UF government introduced a scheme of medium-wise standardization that restricted the admission of students to universities on the merit of their performance. According to this scheme the students who sat the examination in the Tamil scheme had to obtain marks amounting to more than 25 marks than those who sat the examination in the Sinhala stream to enter the university to pursue science based professional courses. The response to this blatantly discriminatory policy of the government among the educated Tamil youth was resentment with a potential for rebellion. Its immediate effect was the political radicalization of educated Tamil youth who developed anxieties about the very foundations of the legitimacy of the state and its capacity to uphold human rights.

One of the principal achievements of the UF government was the adoption of a new constitution in 1972. The island which had the status of a Dominion in the British Commonwealth of Nations was transformed, into a Republic that was named as

the Democratic Socialist Republic of Sri Lanka. The authors of this constitution had their own conceptions and the system they created had no provision for a participatory democracy. It closed the avenues for national reconciliation and lacked the potential for generating socialist tendencies. They adhered steadfastly to the British colonial tradition by consolidating the excessively centralized system of government by proclaiming it as a unitary state. They were quite unaware that it had the potential of producing the ingredients of fascism. Although the Parliament was converted into a Constitutional Assembly therewas no effort to arrive at a national consensus. The instrument was conceived and adopted by the representatives of the ethnic majority. They rejected the memoranda submitted by the Tamil political parties which thereafter refrained from participating in the proceedings of the assembly. The constitution became an instrument of the ethnic majority that was prepared by them and for them. National sovereignty as envisaged in the scheme was effectually that of this category of people.

The provisions in the earlier constitution intended to be deterrents against legislation affecting the identity and the specific rights of the minorities were either violated or swept away. The first one line chapter of the new constitution stipulated that Sinhalese only shall be the official language of the Democratic Socialist Republic of Sri Lanka. In a similar vein it was declared in the second chapter that Buddhism shall be accorded the foremost place in the Republic. Thereby the notion of a secular state that was implicit in the earlier constitution was rejected. There was no promise of such a rejection during the election campaign of the UF nor was there any specific demand by any Buddhist group for the inclusion of any provision similar to that embodied in Chapter 2 of the new constitution. There was a belief that this was done on the insistence of Mr.J.R.Jayawardene who was then the Leader of the Opposition in Parliament.

Inevitably the new constitution was rejected by the Tamil people whose representatives were compelled to adopt the option for the choice of agitating for the creation of a separate state.

Ironically, Colvin R.de.Silva a veteran leader of the LSSP who declared during the debate in parliament in 1956 that two languages means one state and one language means two states was the Minister for Constitutional Affairs in the UF government.

When the new constitution was adopted Chelvanayagam declared in Parliament that the Tamil people were rejecting the new constitution and that he was vacating his seat as a sign of protest. The by-election for the seat that was so vocated was conducted after a long delay and in the contest the government candidate V.Ponnambalam was defeated by a large margin of votes. Perhaps, because of the compulsions of geopolitics V.Ponnambalam dissociated himself from the government and supported the TULF in the General Elections of 1977.

Mr.Chelvanayakam passed away at the age of 77 after having been unconscious for some days in 1977. It was some months before the General Elections. The entir population of the Jaffna whole peninsula was in a state of mourning and the crowds of people who had gathered to pay their last respects to him were of unprecedented proportions and far exceeded those who had attended the funeral of Sir Ponnambalam Ramanathan. S.J.V. had not left behind anything in the form of wealth to his family except the ancestral home at Tellipalai nor did he bring any of his sons to positions of power in the party he founded. But, what he left was something that was inestimable. It was the will and determination to resist tyranny and injustice and an aspiration for attaining a position of partnership in due measure in the exercise of national sovereignty and it had become an element of the political inheritance of the Sri Lankan Tamils.

What has happened after 1977 is a long story that is at once sensational, mournful and depressing.

But, viewing retrospectively, the 1972 constitution was amended to accommodate in principle the aspirations of the



Rajiv Gandhi and J.R.Jayawardene Signing the Accord

Tamil people in some measure. It was the effect of a long struggle of the Tamils here and the impact of geopolitics.

The Indo-Lanka accord is a major landmark in constitutional development in Sri Lanka. The preamble to the Accord stated that Sri Lanka is a country inhabited by the Sinhalese, Tamils, Muslims and Burghers who are entitled to preserve and develop their respective languages, religious beliefs and cultural traditions. It was agreed that Sinhala and Tamil shall be official languages while English shall be used as a link language. It was also agreed that the Northern and Eastern provinces are the historical habitation of the Tamil speaking people. Another provision related to the establishment of provincial councils and the merger of the northern and eastern provinces that will be retained provided that it is endorsed by a referendum that should be conducted within an year.

The Accord was in some respects an endorsement of the B.C. pact and its implementation required the cooperation and a genuine effort on the part of the government and those who claimed to represent the Tamil people.

The provision relating to the Tamil language was implemented by Parliament and Tamil was proclaimed as an official language by an Act of Parliament. The first chapter of the 1972 constitution was thereby modified.

The spirit of the new enactment had the implication that the Sri Lankan Tamils are a nationality within the country.

The provision regarding the provincial councils ran into rough waters. On the one hand the government had no intention of honouring the spirit of the agreement by bestowing adequate powers to them. On the Tamil side the militant movement that became predominant reneged from the Accord and entered into a military confrontation with the IPKF on its own seeking. It was the opinion of some observers that this situation had arisen from



Chandrika Kumaratunga

the intervention of the intelligence services of foreign powers. Although presently there is no tangible evidence it is still a distinct possibility

In practical terms it was deceitful as there were clauses in the amendment that could be used as deterrents against the smooth functioning of the councils. But, in the draft proposals of a new constitution prepared under the guidance of President Chandrika Kumaratunga there was a genuine effort for remedial measures.

There was a growing perception among all parties concerned that the 13th amendment did not measure up to the expectations held out by the Accord. President R.Premadasa appointed a parliamentary select committee headed by Mangala Moonesinghe, an experienced and honourable politician to report on the 13th amendment. The committee had recommended a substantial improvement in the powers of the councils. But the President was



R.Premadasa

not allowed to live long enough to do anything on the matter. The late Mr.Gamini Dissanayake who was expected to contest the Presidential Election in 1994 openly declared that the provincial councils should be vested with powers similar to those of the states of the Indian Union. Woefully, he could not live to contest the election.

Later President Chandrika Kumaratunga who had qualities of statesmanship and was keen to steer away the country from

ethnocentric politics had made genuine efforts to solve the ethnic problem by adopting a new constitution. The draft of the proposed constitution had provisions to create a political structure similar to that of the Union of South Africa. They came close to meeting the aspirations of the Tamil people who would have endorsed it overwhelmly if a referendum was held in an atmosphere of freedom.

She had taken the unusual and unprecedented step for securing the support of the Sinhalese for restoring peace and national reconciliation by setting up the *Sudu nelum* movement under her direction. The experiment proved to be successful. Ironically, because of the perceived threat of elimination the few TULF members in parliament refrained from providing their support that was required for adopting the proposed constitution by a wafer thin two-thirds majority. Most Tamil people and particularly those of the younger generation are not aware of these developments. In the meanwhile, the adoption of a new constitution was foiled by an unanticipated hostile behaviour of the UNP opposition in Parliament.

The oslo Declaration that was signed by Hon. Prime Minister Ranil Wickremasingha, and Mr. Antona Balasingham envisaged

the settlement of problems relating to ethnicity on the principles of federalism. As events turned out the Prime Minister was punished not by the Sinhalese but by the Tamils who were not allowed to vote at the Presidential Elections of 2005.

These are matters for serious reflection by those who have a humanitarian concern for the Tamil people in the island. They should be allowed to live in peace and dignity according to the principles of human rights.

The modern political history of the Sri Lankan Tamils may be characterised as one of broken promises and lost opportunities. The lesson of this history is that promises have to be honoured and opportunities should not be missed. Instead of living in a dreamland of fancy the Tamil leadership should work for the implementation of the principles and programmes that the governments have promised by declaration of intent locally and in writing at intergovernmental and international levels. Presently there is no question of going beyond them. Ostracization and character assassination of people who engage in moves to sort out problems and engage in a process of national reconciliation should be avoided at all costs.

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SJVC and Indian Prime Minister Nehru



SJVC with Chief Minister of Tamil Nadu M.G.Ramachandran



SJVC with Periyaar E.V. Ramasamy



SJVC with Chief Minister of Tamil Nadu Kalaignar M.Karunanidhi



SJVC with J.R.Jayawardene



SJVC with Quaid E Millath



SJVC with G.G. Ponnambalam and M. Tiruchelvam at Trial at Bar Case





SJVC with S.W.R.D.Bandaranaike after Signing BC Pact

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