

Saturday Review

SRI LANKA

Vol. 3 No. 5

17th March 1984

HOLD IT, YOUR EXCELLENCY!

A "military approach" is not the answer to the National Question and the violence in North Sri Lanka.

This was the consensus at a seminar held at the Marga Institute in Colombo recently.

Even the participants from the Armed Forces and the Police, but for one or two exceptions, agreed with this view.

The decision-makers in President Jayewardene's United National Party Government could do well by studying the views and documents presented at the seminar, whose theme was "Security in a Multi-Ethnic Society".

Many of the participants pointed to the experience of other countries which had comparable problems which had adopted the "military approach"—only to find that it simply did not work.

In Sri Lanka, too, the "military approach" had not worked before.

In July 1979, President Jayewardene declared a "State of Emergency" in Jaffna and sent additional troops under the command of General (then Brigadier) "Bull" Weeratunge with orders to "exterminate terrorism within six months."

He went back and reported "Mission accomplished"

But what is the situation five years later?

phantoms for "first hand" reports of what is happening in Jaffna.

The Jayewardene Government is mistaken if it thinks that force and repression is the answer to National Question.

in the hall and were rewarded with a rich compendium of views on one of the most crucial issues in modern Sri Lanka.

These views necessarily must receive the widest possible publicity—in the interests of all the people of Sri Lanka.

In this issue, we publish the views of two of the participants—Dr. NIHAL JAYEWICKREME, Attorney-at-Law, who was Secretary, Ministry of Justice, in Mrs. Sirima Bandaranaike's Sri Lanka Freedom Party Government from 1970 to 1977 (Pages 6 and 7) and Mr. MARTIN ENNALS, Secretary-General of the National Council for Civil Liberties of Britain (1959-1966), Secretary-General of Amnesty International (1968-80) and one-time Police Adviser to the Greater London Council (Part 1—Pages 8 and 9).

WORDS OF WISDOM

The Minister of Trade, Mr. Lalith Athulathmudali, speaking at a meeting at Delduwa in the Kalutara electorate, said that terrorism was contrary to all Buddhist principles but it could not be wiped out with terrorism. He also said that in Sri Lanka, Buddhists were in the majority but their actions were not based on Buddhist principles.

LAWS! LAWS!! LAWS!!!

Some people are likely to think that the Jayewardene Government is a Government of lawyers, by lawyers and for lawyers, instead of the classic "government of the people, by the people and for the people."

Ever since it took office in July 1977, we have had an avalanche of legislation on almost every subject under the sun.

Laws, laws, laws, it has been, some so hastily conceived that amendments had to follow even before the ink was dry on the original!

A classic example was the magazine, sorry, the 1978 Constitution, which has so far been amended as many as six times—and more amendments are to follow soon!

Now we are informed, through the state-controlled Daily News, that two more pieces of legislation are on the way—one to grant complete immunity to Parliament over whatever it says or does and the other to prevent criticism of the Government by newspapers even by innuendo!

How funny!

A Government so powerful as the Jayewardene Government so afraid of criticism!

The decisions taken by the rulers affect the lives of everyone of us—but we have no right to criticise the rulers!

Without further ado, we suggest that Article 14 (1) (a) of the Constitution be deleted.

CENSORED

No one in the Government appears to have been able so far to assess the actual situation in Jaffna.

Flying visits by politicians do not help, just as Ambassador Ernest Corea said in his booklet titled "Sri Lanka: Beyond Conflict", issued in defiance of the Government after the July 1983 holocaust (to which a suitable reply has been given elsewhere) that "Running Johns" (meaning visiting foreign correspondents) cannot also be of much help!

At least, the visiting journalists meet the people. The politicians meet only the Big People—or depend on sycophants

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"Do you remember, my dear friend," said Diogenes to his walking companion on Galle Face Green, "that the man in the little hut on the bank of the Canal, whose greatest regret despite his hunger and want was that he had no cocount oil to light the lamp at the feet of his little Buddha statue in his humble home, does not consider himself a saviour of Buddhism and a Protector of the Dhamma? Why should he? He lives the Dhamma and he knows how the teachings of the Noble One gives him protection and salvation.

"On the other hand, these pompous puppets fancy themselves as the saviours and protectors of the Dhamma. In their arrogance, they presume that they can lord over the religious and religious teachings as they lord over a long suffering people. They think that they can exploit religion as they exploit people. They think that they can cheat the gods as they cheat the people. They are really destroying themselves, their children and the people of this country.

"The People are sovereign," they said 12 years ago and

A MOMENT

they said it again six years ago. They will say it again in another six years time.

"They gave Buddhism a foremost place 12 years ago and they gave the same foremost place six years ago. They will give it all over again in another six years time.

"But mind you, they know what to put into the Constitution. The main two slogans are Buddhism and the Sovereignty of the people. The others slogans are Democracy, Republic and Socialism.

"We are even told we are a 'Five-Star democracy'... as I told you like our five-star hotels, they are far, far away from the reach of our people.

"We can with some justification say that we are a 'Five-Star Democratic Socialist Republic' set up for an elitist class and, like the five-star hotels, the people can stand on the road and stare.

"Our essential foods are five-star prices and every-

thing the people need is, costwise, five-star.

"Our Parliament building is five-star. The cars which carry our men of power are five-star. Our feasts and banquets, the houses and way of life of the elite are five-star.

"The fortunes of our compraders and commission agents are five-star.

"Everything of ours is five-star except our roads, our hospitals, our public transport, our schools and the wages of fixed income earners.

"We are justified in calling ourselves a 'Five-Star Democracy'. After all, if five-star hotels are thrown open to the rabble, they cannot be expected to be kept clean. A five-star democracy is not for the people. A five-star

Republic is not for the people.

"Five-Star Socialism is not for the people. If five-star Socialism is for the people, the Naxalites will benefit by it and that will be the end of 'Five-Star Democracy'.

"Why should a five-star hotel concern itself with a starving people? Why should they do anything?

"Why should a 'Five-Star Democracy' do anything for a suffering people? Why should a five-star Socialism mean anything to the people?

"A Democracy is spangled with stars and the Naxalites who dare criticise it will see more than five stars."

So saying, Diogenes laughed and laughed, attracting the attention of the walkers on the Green.

FACADE DEMOCRACY

The first study to be published on the Presidential election and the referendum of 1982 is now available in Sri Lanka.

It is titled "Recent Politics in Sri Lanka."

The authors are Dr. W.A. Wiswa Warnapala, Associate Professor in the Department of Political Science at Peradeniya University and Dr. L. Dias Hewagama, Senior Lecturer in Statistics in the Department of Economics, Commerce and Statistics of the same University.

The book is a careful and well-documented study of

how an independent, democratic third world country, formerly a part of the British colonial empire, and which enjoyed universal adult franchise and representative institutions for over half a century has, in less than five years, been transformed by political manipulation, both legal and illegal, into a facade democracy.

The Presidential Election of 1982—the first such election in Sri Lanka's constitutional and political experience—is analysed in depth from the angle of the political scientist. The results have been subjected to a searching and critical analysis and the conclusions to be drawn have been set down.

The referendum held in the same year in order to prolong the life of Parli-

ment for a further term of six years, so that "transitional arrangements" were kept in existence for a total period of twelve years, the motives behind this strategy, the tactics used in order to achieve this aim, the open and deliberate flouting of the law, the results of the poll and its significance in the island's political history are examined in scholarly style by the authors.

The authors state that their main purpose in undertaking this new study is "to warn an unsuspecting people that when they wake from their slumber they may find that their rights have been snatched away by their rulers."

The book, which is priced at Rs. 275, is available from Hettiarachchi Enterprises, 26, Castle Hill Street, Kandy.

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Indian to Deepen Palk Strait

India's Defence Ministry is considering the possibility of deepening the Palk Strait between India and Sri Lanka to enable missile boats to traverse the strait, Indian Defence Minister Mr. R. Venkataraman told the Lok Sabha on Wednesday.

He said there were several proposals under Government consideration to permit the east-west movement

of the Indian Navy through the Palk Strait. At present, ship had to sail round Sri Lanka to move from east to west and vice versa.

Mr. Venkataraman said that India had decided to strengthen its security despite United States denials that it had established military bases around India.

(Daily News, 9th March)

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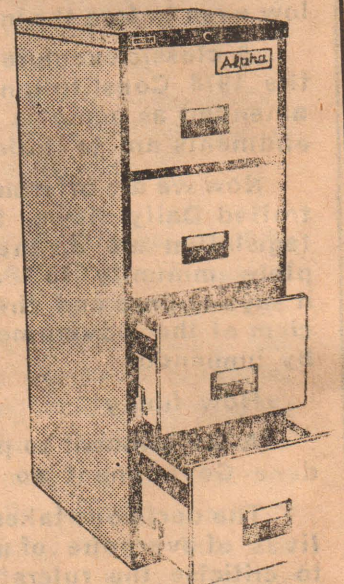
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Independence of the Judiciary

I am deeply grateful to the organisers of this Conference for having afforded me this opportunity of meeting all of you and of acquainting myself with the conditions of the judicial administration and of sharing with you some thoughts and ideas relating to the administration of justice in our country.

Having as far back as 1974 cut myself away, as it were, from the original court moorings. I must confess to my unfamiliarity with the conditions of service of the original court judges until I became a member of the Judicial Service Commission last year. Notwithstanding this handicap, I felt that I should respond to the invitation and insistent request of your enthusiastic Secretary to deliver the keynote address today and to initiate discussion of the problems confronting the judiciary.

Conferences of this kind are naturally concerned with questions relating to the conditions of service and the environment in which work has to be carried on. At the outset, it is necessary to remind ourselves that judicial officers cannot allow themselves to be inspired by ideals of trade unions or guides. Service to the public and to the common man is our ideal and must remain the motto to inspire and impel all of us to a common co-operative effort in the judicial field to which we are called either by choice or by circumstances. Our approach then to the problems

relating to conditions of service and of work has therefore to be one which is calculated to be conducive for bringing about better and more efficient instrumentalities for service.

In the edifice of judicial administration, the work of Judges exercising original jurisdiction, viz. the trial court Judges, is the fundamental base. Notwithstanding that the judicial structure consists of original and appellate courts in different layers, there can be no question of allocating to them different grades of importance. Any weakness in the base must affect the whole structure.

We who are charged with the responsibility of judicial administration in the country have also the duty of co-operating in the endeavour to build up the social welfare state by administering the law of the land and by dispensing justice between party and party or party and State, in a manner not to hamper but to edvance that transformation, while maintaining without fear or favour the guarantee of fundamental rights given by the Constitution.

It must be realised that the transformation can only be achieved by the co-operative efforts of the three limbs of the State, viz. the executive, the legislature and the judiciary, each discharging its functions zealously in its allotted sphere, for the common end.

Social Security

The contributions of the judiciary to the building up of a social welfare State lies largely in the maintenance of social security and solidarity broadbased on justice and law and the guarantee of fundamental rights which are the foundations

of society and which afford the basis of social welfare. In this task the original courts have also a large part to play.

If I may put it in a loose way, the administration of civil justice is concerned with the deeper foundations of the society while criminal justice affects the immediate and direct moorings. Whilst a just administration in both spheres is necessary for ordered progress of the society, it is the deflections or perversion of the administration of criminal justice which produce speedy and readily felt reactions on the section of society wherein the crimes are committed.

If in a particular area or in a particular section of

the quality of your work that determines in a very substantial measure the quality of justice which the appellate courts are able to administer.

Important Role

In this context, it is well to remember that the results in criminal cases are largely based on the oral evidence adduced by the secution and on the proper control and appraisal thereof, by the magistracy. The appellate courts can only re-appraise the evidence actually let in, necessarily attaching considerable value to the views of the trial magistrate.

If this aspect, however common place, is fully appre-

Though belatedly - due to no fault of ours, as the SATURDAY REVIEW had been effectively muzzled at the time by the Jayewardene Government by using Emergency powers - we have decided to publish, in instalments, the full text of the address to the Judicial Service Association by Mr. Justice S. Sharvananda, who was then acting Chief Justice, as published in the Newsletter of the Judicial Service Association of Sri Lanka (Vol. 2 Nos. 3 & 4, December 1983)

This is the first instalment.

the society, criminals go unpunished or innocent persons get punished as criminals, the repercussion in that area or in that section is immediate and great, and a sense of frustration and insecurity prevails. There will grow in that area or in that section strong impulses to take the law into their own hands.

You members of the Association, have thus the responsibility and the noble task of contributing to the maintenance of law and order. It is to the extent that you are able to bring into play impartial detachment and robust commonsense in addition to the necessary legal equipment, in the course of the discharge of your duties as magistrates, that the administration of criminal justice will inspire confidence in the society and strengthen its foundations.

I would like every one of you to realise the great part you have to play as courts of first instance and trial. Though the courts of appeal and revision are inevitably manned by high-ranking personnel with larger authority and emolument, it

The main topic of discussion today is the concept of independence of the Judiciary and the relationship between the Judiciary and the Executive. The power of judicial review endows the court with jurisdiction to check executive abuses and excesses.

It is in the field of administrative law that the impact of judicial checks on administrative excesses is felt most.

Administrative law is a topic of urgent and growing importance. It is the outstanding legal development of the 20th century. The rapid growth of administrative law has been called by Lord Diplock "the greatest achievement of the English courts in my judicial lifetime."

The reason is that there has been a great expansion in the role of the democratic State. It is universally recognised that mere political liberty is not enough. Economic equality is essential, and unless there is economic equality, the conception of political liberty is meaningless.

(To be continued)

VISIT BY GOVERNOR

District Governor Lion Dr. Fahmy Ismail will visit Jaffna tomorrow. His programme includes a visit to the Cheshire Home, Jaffna, and the inspection of the construction of the Childrens section of the Jaffna Public Library sponsored by the Lions Club of Jaffna.

The continuations of the two articles, "The National Question" by N. Sanmugathan and "Ethnic Nationalism" by Dr. Arasartnam (part of the book entitled "Nationalism in Sri Lanka and the Tamils") have been held over for next week owing to lack of space.

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University Admissions

Education has been one of the main battle-grounds in the post 1948 ethnic conflict. The State take-over of schools in 1960 made it more marked. The principal arena of this battle has been the procedures and policies adopted in admission to Universities for the reasons that (1) University education is the passport to higher employment and (2) the limited number of places available intensifies the competition among the relatively large number of candidates seeking admission.

As a result of the agitation and pressure exerted by chauvinistic Sinhalese groups and parties media-wise standardisation of marks was introduced in

1973, leading to dissatisfaction and frustration among Tamil medium students denied admission on a merit basis.

The present Government abolished standardisation in 1978 but introduced a system whereby 30% of admissions was on all-island merit basis 55% on a district population basis and 15% on the basis of specified "backward" districts.

A University Admissions Review Committee set up last year is hearing representations about the existing system which has attracted protest and criticism not merely from the Tamils but even from certain sections of the Sinhalese.

This article examines the

system analytically and suggests an amended method of admission to be changed eventually to admission on merit alone.

We invite reader's comments on this subject of University admissions.

The present scheme of admission to Universities, based on the ratio of 30:55:15 (merit: district quota: backward districts quota) has shut out of the Universities 25% of the students who, on merit, ranked within the first 2292 eligible candidates for 30% of the science-based courses in Universities in 1983-84. That is, 590 students from Col-

ombo, Jaffna, Kandy, Kalutara, Gampaha, Galle, Matara, Badulla, Ratnapura, Batticaloa, Amparai and Trincomalee were shut out and their places were given to less-qualified students in order to fill certain arbitrary quotas fixed by the authorities.

Quite apart from the social iniquity and the loss of talent to the nation, it has degraded Universities from "centres of excellence" to "centres of teaching and learning by rote".

It is claimed by the education authorities (1) that the present scheme provides compensatory justice to "underprivileged districts", that is, those districts where the

distribution of educational facilities like science graduate teachers, science laboratories, etc., are comparatively low (2) that the inequalities of educational facilities are better judged by reference to district aggregates of school

by **S. R. Asirwatham**

facilities rather than by facilities available to individual students in their respective schools and (3) that the district quotas based on total population figures rather than on enrolments would make all districts "more equal" because the former method

(Continued on page 9)

DISTRICT - WISE G.C.E (A/L) SCHOOL FACILITIES 1982 and UNIVERSITY ADMISSIONS 1983/84

Zone	Administrative			Enrolment in				Teacher-Pupil Ratio				University				
	Serial Number	District	Number of Schools	A/L Grs. 11 & 12		in A/L		Facilities		Admissions on Merit						
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
		Comprising one or more Education Districts	Government Schools (1)	Private Schools	Schools with A/L Classes (2)	% A/L Enrolment / total Population	Dropouts Grs 1-8 As Percentage of Enrolment (9)	% Share of Arts/Commerce (5)	% Share of Science/Maths (5)	Science/Maths Graduate (12) Teachers	Science/Maths University Diploma Teachers (12)	Other Graduate Teachers	Schools with Science Laboratories	Schools with Library Facilities	University Admissions to Science Based Courses 1983/84	To other courses 1983/84
South Western	1	Colombo	454	18	109	1.36	3.5	53.8	46.2	22.4	179	4.6	102	192	329	174
	2	Gampaha	597	4	144	1.06	4.6	30.0	70.0	21.5	120	5.8	80	182	10	70
	3	Kalutara	469	2	96	1.22	4.9	68.6	31.4	21.3	229	6.4	36	110	12	53
	4	Galle	508		113	1.55	4.6	68.6	31.4	24.2	226	6.4	69	134	50	84
	5	Matara	417	1	96	1.65	4.3	70.0	30.0	26.9	546	7.2	44	131	15	51
	6	Hambantota	285		53	1.54	5.6	77.8	22.2	26.4	301	6.7	24	58	0	40
	7	Jaffna	559	5	85	1.70	3.7	52.5	47.5	17.7	2128	10.5	97	112	269	133
	8	Batticaloa	253		19	0.64	10.2	59.3	40.7	19.5	300	9.3	14	12	3	12
North Eastern	9	Trincomalee	208		39	0.75	7.2	65.1	34.9	13.6	708	6.0	14	21	3	11
	10	Vavuniya	128		11	0.65	6.5	69.2	30.8	15.5	202	5.6	7	7	0	2
	11	Mannar	100		14	0.98	6.8	69.5	30.5	19.6	333	8.3	5	5	0	7
	12	Mullaitivu	85		7	0.78	2.3	62.9	37.1	29.1	233	7.5	4	7	0	4
	13	Amparai	276		34	1.00	6.6	62.2	37.6	33.2	254	9.3	25	37	3	11
Central Zone	14	Kandy	752	4	161	1.50	5.2	74.4	25.6	22.2	117	7.1	97	171	25	55
	15	Nuwara-Eliya	370		44	0.49	11.6	81.8	8.2	15.0	465	6.6	26	41	0	5
	16	Kurunagala	928		214	1.46	4.9	76.7	23.3	23.6	213	7.7	85	231	3	99
	17	Badulla	504	2	101	1.19	7.1	73.4	26.6	28.0	252	6.8	50	93	0	13
	18	Anuradhapura	513		78	0.90	4.5	78.5	21.5	23.1	197	6.9	39	63	0	11
	19	Polonnaruwa	151		31	0.70	5.5	78.7	21.3	25.4	102	5.6	10	29	0	4
	20	Ratnapura	583		89	0.93	6.6	76.8	23.2	26.1	161	7.1	59	107	0	27
	21	Kegalle	593		103	1.53	4.9	75.8	24.2	25.8	258	8.2	47	145	2	39
	22	Moneragala	186		31	0.67	4.5	88.0	12.0	16.8	235	5.6	10	39	0	8
	23	Matara	299		65	1.19	5.8	74.7	25.3	24.6	158	7.1	23	55	2	13
	24	Puttalam	326		48	0.78	7.0	67.3	32.7	18.2	436	6.8	16	53	1	5

This is the concluding article in this series written by an eminent jurist to focus public attention on, among other significant matters, the fact that, under the 1978 Constitution, the President of the Democratic Republic of Sri Lanka is not above the law, i.e. his executive and administrative acts could be examined by the Supreme Court—unless another amendment is made to the Constitution to shut off this possibility as well.

We have now dealt with the question of the justiciability of the acts of the President and the question of the computation of time in relation to the term "within a month" in the previous issue of this journal.

Another question raised was an objection on the ground of estoppel. It was contended by the Deputy Solicitor-General that since the judges of the Supreme Court accepted letters of appointment sent to them as fresh letters of appointment and they proceeded to take both their oath of office and their anti-separatist oath under the 6th Amendment, they were estopped from entertaining a contradictory position that they continued as *de jure* judges.

Mr. S. Nadesan's reply to the question of estoppel was, "Well, what could the judges do in the circumstances. They had no choice". Their constitutional status could never have been altered by the unconstitutional acts of the Executive.

It was his contention, in any case, that what they did by accepting fresh letters of appointment was under compulsion when they had been locked out of Court and chambers by an "over-enthusiastic blundering bureaucrat", as the Deputy Solicitor-General also maintained that the state had to do what it did to keep out "interlopers and usurpers".

A legal and constitutional status of being *de jure* judges could be altered only lawfully and constitutionally by a resolution of Parliament or by law. The President's reaction in the situation not to administer the oath on 9th September, on the Attorney General's view, was unconstitutional.

It was further argued by Mr. Nadesan —

1) that the law of estoppel cannot apply to his client's (the petitioners) and they never came into an area of approbating and reprobating and.

2) that the law of estoppel does not operate in the face of the statute and the acts or omissions of the judges within an area of facts

The Hornets' Nest on Hulftsdorp Hill - 5

does not give rise to an estoppel specially in a matter of public interest.

The Deputy Solicitor-General, on the other hand, submitted that the judges cannot approbate and reprobate or, rather, they cannot blow hot and cold.

The Supreme Court, by a majority of seven against two, held that the objection on the ground of estoppel must fail, Justice Ranasinghe and Justice Rodrigo being the dissentients. Justice Ranasinghe observed that if he had thought he was a *de jure* judge, he would not have accepted the fresh letter of appointment and taken the subsequent oath of office and the anti-separatist oath all over again.

Before we part from this point, we will refer to the observation made by the Chief Justice in his judgment, "There is no gainsaying that this act (denying access to judges to enter Court and chambers by show of force) has polluted the hallowed portals of these Courts and that stain can never be erased".

We now deal with a point raised by the Deputy Solicitor-General that, in terms of Article 126 (5) the petition of the petitioners in the main SATURDAY REVIEW case complaining about the violation of a fundamental right was filed on 22nd July 1983 and should be disposed of within two months, that is to say, on or about 22nd September.

If the Deputy Solicitor General succeeded on the issue, Mr. Nadesan would have for all his efforts to remove the Hornets' Nest on Hulftsdorp Hill found his client's petition disposed of

on the ground that the two months had elapsed. It was certainly a constraint and a fetter placed on Mr. Nadesan who was determined to argue gravely important points to establish the concept of the independence of the Judiciary.

The Deputy Solicitor-General did remark at one stage that he could see no reason why Mr. Nadesan raised this matter about the constitutionality of the President's act. He (Mr. Nadesan) could continue his argument from where he left off on 9th September.

The Deputy Solicitor-General was prepared to concede that on 8th and 9th September the judges were *de facto* judges, etc. He wondered whether Mr. Nadesan's client (SATURDAY REVIEW) was interested in all this. He could not imagine any counsel taking this devious road when a time limit of two months was running out with only these days left.

It was then that Justice Rodrigo intervened and reminded the Deputy Solicitor-General, "You said he was trying to get political mileage".

The writer applauds Mr. Nadesan for relentlessly pursuing the interests of the citizens in this country, whose interests are identical with the interests of SATURDAY REVIEW.

We are also happy that the Supreme Court did not shirk its duties within its capacity to examine and decide on matters which are of the highest and most vital interest to the citizen of a Democratic Republic.

Mr. Nadesan submitted that the two-month rule was directory and not mandatory. On the other hand, the Deputy Solicitor-General contended that it was absolutely mandatory even if the delay was due to the fault of the Court or some unavoidable circumstance. He ignored the classic legal maxim "Actus curiae Neminem Gravabit" i.e., the act of the Court cannot prejudice any party. The Supreme Court has held this time factor under Article 126(5) to be directory and to be respected as such.

The last issue arose from the omission on the part of the judges to take their oath before 8th September at the latest before the President in terms of the 7th schedule to the 6th Amendment Act. On the facts, there was no doubt that the judges overlooked this requirement which was not there in the original Bill.

The Deputy Solicitor-General's position was that this was a fatal omission. Mr. Nadesan, however, contended that this requirement was again directory and not mandatory. Judges, however, under Article 107(4) of the Constitution shall, before they enter upon the duties of their office, take their oath before the President. All the judges had taken this oath and had thereafter entered upon the duties of their office. They had taken the anti-separatist oath, too, but not before the President, as they had not read the final Act which was certified on 8th August and was certainly available to them.

They had, however, quite bona fide, taken their anti-

separatist oath before each other as they were all ex-officio justices of the peace.

It was contended by Mr. Nadesan that the taking of the oath before the President was procedural and directory.

Of course, if the judges wilfully did not take the anti-separatist oath before any justice of the peace, it would have been a very serious matter exposing them to the legal and constitutional processes which would have led to their removal by a resolution of Parliament.

It was also Mr. Nadesan's position that it was not for the President to refuse to administer the oath even on 9th September but to administer it. If the oath was bad, it could have been challenged in Court by way of a writ of *quo warranto*.

The Supreme Court, by a majority judgment of seven against two, with the same judges dissenting, held that the requirement to take the anti-separatist oath before the President was directory and not mandatory.

Thus ended the saga of the Hornets' Nest on Hulftsdorp Hill, and in the words of the Chief Justice, "We venture to hope there never will be such an event in the years to come".

The people of the country, whose judicial powers have been transmitted to the Courts of the land through Parliament constituted of elected members, closely watch and jealously guard the citadel of their rights and liberties and will not allow a Hornets' Nest on Hulftsdorp Hill.

We thank SATURDAY REVIEW and their counsel Mr. Nadesan, for their great fight on behalf of the public and the Independence of the Judiciary. We regret, however, that the Bar, both Official and Unofficial, was not sufficiently sensitive to this whole episode. It is all the more regretted that in the face of all that happened, the President of the Bar Association made this observation, "To err is human, to forgive is divine", when he appealed to the President to re-appoint the judges. We expect the Bar to be of sterner stuff.

- CIVIS

Security in a Multi

I must at the outset pay tribute to our foreign participants who by their contributions to this seminar have enabled us to see in perspective our own ethnic problem and its security and other implications.

From Canada, I hope that we have learnt of at least two pre-requisites for containing ethnic violence: firstly, democratic institutions that actually function, such as regular elections, the right of public meeting and other opportunities for free discussion, and the availability of an independent judiciary coupled with human rights commissions; and secondly, a political leadership that is responsive to the existence of ethnic minorities in the country.

From Yugoslavia, I hope we have learnt that even the best laid plans of man, or as a commentator has said of our 1946 Constitution, "all the protective provisions for minorities that the wit of man could devise" may ultimately be of little avail if applied within the framework of a one-party state, or subjected to the pressure of a personality cult or an elitist social order.

From the United Kingdom, and from Martin Ennals in particular, I hope that we have learnt the lesson that human rights are universal, inalienable and indivisible, and that there can be no solution in the contemporary world to any problem affecting human beings outside the framework of the new social order created by international human rights law.

No doubt this afternoon, we will have the benefit of the experience of Malaysia, a country with which we share so many common traditions.

At the All-Party Conference or Roundtable Talks now in progress, at least one national political party took up the position very early in the proceedings that it was necessary to ascertain what the grievances of the minorities were, presumably because it did not know what they were, or had forgotten them. I thought it was an incredible admission for that political party to have made, having regard to the fact that it had governed this country, from time to time, for nearly sixteen or seventeen years. But all the other political parties present also apparently agreed

that there was now a real need to do so.

In the circumstances, I hope I may be forgiven if I were at this stage, to examine very briefly the nature of the ethnic problem. My only excuse for wanting to do so is the hope that we may thereby understand better the phenomenon of ethnic violence which first erupted in 1956 and today constitutes a very serious security problem.

Section 29

In 1964, the Privy Council observed, in the case of *Ranasinghe v. The Bribery Commissioner*, that Section 29 of the 1946 Constitution (which prohibited legislation which discriminated between communities) was "unalterable" for the reason that it represented "the solemn balance of rights between citizens of Ceylon, the fundamental conditions on which inter se they accepted the Constitution".

A few years ago, Prof. Lakshman Marasinghe, while engaged on a research project in London, wrote to Lord Pearce, since retired, who had written that Privy Council judgment, and inquired whether he still remembered on what basis he had made that statement. I do not think he received a satisfactory reply.

But an examination of the documents in the British Archives makes it clear that the provision of "lasting safeguards for the interests of minorities" was the predominant factor in the negotiations that preceded the 1946 Constitution and, indeed, independence.

I do not propose at this stage to go into the material which substantiates that statement. It may be sufficient if I mention that the British Government even went to the extent of insisting upon a formal agreement on minority safeguards—similar to the Defence, External Affairs and Public Officers Agreements—as a condition precedent to Independence.

It was upon being persuaded by Mr. D. S. Senanayake and Sir Oliver Goonetilleke that the rights of minority groups were adequately and permanently safeguarded in the 1946 Constitution that the British Government dropped that demand for a formal agreement.

Those constitutional safeguards were:

(a) a Senate, which was intended to impede pre-

cipitate legislation;

(b) a public service commission, which was designed as an impartial and authoritative body, from partisanship; and

(c) Section 29 (2).

Social Contract

This was clearly the basis upon which Independence was sought and granted. It was the consensus or social contract entered into by the majority community with the minority communities, by reason of which the latter agreed to subject themselves to majority rule in an Independent Ceylon.

Today, with the benefit of hindsight, one might well ask, why did the minorities not insist upon a bill of rights?

In 1957, a commission was appointed to ascertain the facts about the fears of minorities in Nigeria, and to propose means of allaying those fears, whether well or ill-founded. That country, too, was on the eve of independence. Almost all the witnesses who came before that commission were insistent that nothing but a separate state could meet their problems. Only the Christian bodies asked for provision in the constitution guaranteeing fundamental rights.

The commission, however, unanimously recommended a bill of rights. The Nigerian Bill of Rights was modelled on the European Convention on Human Rights, and was itself to serve as the model for the New Commonwealth in the next two decades. In the Commonwealth today, from the Pacific to the Caribbean, a Bill of Rights is the standard safeguard for minorities.

In June 1956, the first breach in the consensus or social contract took place with the enactment of legislation which made Sinhala alone the official language of the country. I do not subscribe to the view, which has even been expressed at this seminar, that Mr. S. W. R. D. Bandaranaike adopted the policy of "Sinhala only" for the sole purpose of winning a general election. It is not as simple as all that.

Swabasha Movement

The swabasha movement in its first phase was clearly a protest against the privileges maintained by the small and exclusive English-educated elite, and the dearth of op-

portunities available to the Swabasha-educated. It was essentially a class, rather than a communal, issue. How the Swabasha movement was transformed into the Sinhala only campaign is a matter of history which I do not propose to go into now. Several factors and personalities, besides Mr. Bandaranaike, contributed to that transformation.

But what I wish to remind you now is that, having caused a breach in the consensus or social contract by his Official Language Act, which was passed in July 1956 amidst scenes of unprecedented communal violence in many parts of the country, Mr. Bandaranaike set out to repair that breach by means of the pact which he entered into with Mr. S. J. V. Chelvanayakam, the leader of the Federal Party, in July 1957.

By the B—C Pact, it was agreed that Tamil would be recognised by law as the language of a national minority, and that the language of administration in the

literate with the Sinhala letter "Sri" which, in a supreme act of thoughtlessness, had been used to replace the English alphabet on the licence plates of motor vehicles.

Finally, in April 1958, besieged in his own residence by demonstrating Buddhist monks, Mr. Bandaranaike announced the abrogation of the Pact. The next few weeks saw an outbreak of communal violence, the like of which had not been seen before.

I will skip a period of 14 relatively peaceful years, as far as ethnic relations were concerned, and arrive in 1972. In that year, the Republican Constitution of Sri Lanka effectively terminated the consensus or social contract, which existed between the majority and minority communities, when it repealed section 29 and abolished both the Senate and the Public Service Commission, and could not agree upon satisfactory alternatives.

In the Constituent Assembly, a Federal Party proposal for the establishment of an

by Dr. Nihal Jayewickreme

Northern and Eastern Provinces would be Tamil. It was also agreed that Regional Councils would be established with power 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.

Kandy March

Mr. Bandaranaike thought that he had restored communal harmony "with honour and self-respect". In fact, he was accused of having betrayed the Sinhalese community. The United National Party led by Mr. J. R. Jayewardene organised a 72-mile march from Colombo to the Temple of the Tooth in Kandy "to save the Sinhala race". The Eksath Bhikku Peramuna (United Front of Buddhist Monks) threatened a satyagraha of their own if the Pact was not repudiated.

Meanwhile, the Federal Party made its own contribution to inflame Sinhalese passions by launching a campaign in the North to ob-

autonomous Tamil State within the framework of a Federal Republic of Sri Lanka was summarily rejected without discussion, thereby compelling the Federal Party members to walk out of the Assembly.

Thereafter, in their absence, the new Constitution not only refused to recognise the regulations made by Parliament in 1966 for the reasonable use of the Tamil language, but also, by referring to Tamil "translations" of laws and by specifically providing that the Tamil language regulations "shall be deemed to be subordinate legislation", the superior position of the Sinhala language was repeatedly asserted and the Tamil community was unnecessarily humiliated.

It was only a matter of time before the Federal Party transformed itself into the Tamil United Liberation Front, committed to finding solutions to the problems of the Tamil community within the context of a separate Tamil State altogether. In the minds of the Tamil political leadership, the basis upon which they had agreed to subject themselves to majority rule no longer existed. The solemn balance of rights had disappeared.

Ethnic Society

In this connection, it is necessary and useful to remind ourselves that 1972 was a long way off from 1946. In those 25 years, a new concept had been fashioned to determine relations between peoples and nations, and that concept had been accepted by the civilized world, namely, the concept of international human rights law.

No longer did minority communities have to depend upon the "tolerance" or "goodwill" of the majority for their livelihood or existence. They had rights in common with everyone else, and those rights were enforceable. The right of self-determination does not necessarily mean the right to form a separate state; it also means the rights of a distinct minority, living within a distinct area within a state, having a distinct language, religion and a culture of its own, to determine its political status within that state.

A member of a minority community has the right, within his state, to liberty of movement and the freedom to choose his residence; the right, when he is accused of an offence, to certain minimum guarantees; the right to freedom from arbitrary interference with his privacy, family, home and correspondence; the right to vote and to be elected at genuine periodic elections; the right of access, on general terms of equality, to the public service of his country; the freedom of opinion and expression; the freedom of assembly; and so on.

Need For Security

In short, when applied to this country, a Sri Lankan, whether he be Sinhalese, Tamil or Muslim, by virtue of the fact that he is a human being, has rights which are no less than, and no different from, every other Sri Lankan.

Any attempt to arrive at a new consensus, any attempt to enter into a new social contract, can only be upon the recognition and acceptance of that truth.

The subject of our seminar is "Security in a Multi-Ethnic Society". The need for security arises, in a multi-ethnic society, when violence is used or attempted to be used, by or against an ethnic group. I have already referred to the violence which took place in 1956 and 1958.

In a conference document

which has already been circulated, Lasanda Kurukulasuriya has examined the mounting tally of ethnic violence from 1956 to 1984. There is, therefore, no need for me to repeat them here. I have attempted to identify the ethnic problem.

It is a matter of history that since Mr. Bandaranaike's abortive attempt in 1957, the political leadership of the majority community has made no serious attempt to enter into a dialogue with the minority communities in order to resolve the ethnic problem.

It is reported that one night in April 1961, the then Minister of Justice met Mr. Chelvanayakam and discussed Tamil grievances in the hope of averting the threatened satyagraha campaign against the implementation of the Official Language Act, but could find no areas of agreement.

In March 1965, Mr. Dudley Senanayake hurriedly met Mr. Chelvanayakam following the general election of that year and signed an agreement promising concessions in exchange for parliamentary support to form a government, but did not find it possible to implement that agreement in any real sense.

In March 1971, Mrs. Bandaranaike began talks with the Tamil political leadership with a view to ensuring their continued presence in the Constituent Assembly, but made no attempt to resume those talks when they were rudely interrupted by the Insurgency of the following month.

In February 1977, she again invited Members of Parliament representing the Northern and Eastern Provinces for talks aimed at stifling the cry for separatism talks which Mr. Felix Dias Bandaranaike at that time thought might well turn out to be a "watershed in our history". But only one more meeting was possible before the general election intervened.

At that election, the U. N. P. promised a Round Table Conference no sooner it was elected, and apparently forgot that promise as soon as it was elected.

The political will to enter into a meaningful dialogue has throughout been absent. Instead, successive governments have attempted to "pass the buck" to the police and to the military in the hope that they would, in accordance with their genius, find it possible to eradicate the problems.

When violence erupted

in the North in the early 1970s, Mrs. Bandaranaike applied the Public Security Ordinance.

So did Mr. Jayewardene from the late 1970s. In 1978, his government enacted the Proscribing of Liberation Tigers of Tamil Eelam and Other Similar Organisations Act, and in 1979 the Prevention of Terrorism (Temporary Provisions) Act - both of which contained provisions borrowed from emergency regulations and applied them concurrently with a state of emergency.

The military offensive is being intensified, and the Police and the Armed Services are being sent to the front to fight a battle in which the political leadership should have engaged itself, in a different place, by different means. Indeed, the enactment of a Prevention of Terrorism Act, in the context of an ethnic problem, is a confession of the failure of political leadership.

In this connection, I sometimes wonder whether the Government, and all of us who live in this country, have not by our respective attitudes, brought about this most recent manifestation of violence, which is, no doubt, the immediate reason for this seminar.

In July 1977, the mob was permitted to attack the homes of SLFP candidates who had contested and lost parliamentary seats, as well as the homes of their prominent supporters, and no one other than the victims were bothered about it.

In August of that year, mob violence was permitted to turn against Tamil homes and shops in the heart of Colombo, and it did not seem to trouble the other communities.

In October, also of the same year, the mob was permitted to break up a public meeting which the Sri Lanka Freedom Party attempted to hold, but no other political party expressed any real concern about that.

In 1978, through the device of the Special Presidential Commission of Inquiry a person who had held office as Prime Minister of this country for twelve years was permitted to be publicly maligned and humiliated and disgraced, but no one apparently saw the incalculable damage that was thus being done to the political institution concerned.

In 1980, a Member of Parliament was deprived of her civic rights and denied

entry to Parliament, but apparently none even in Parliament foresaw that such a step once taken may well be repeated.

In 1982, the mob was permitted to attack a protest meeting convened not by a political party but by an interest group, and for once other interest groups began to sit up and take notice.

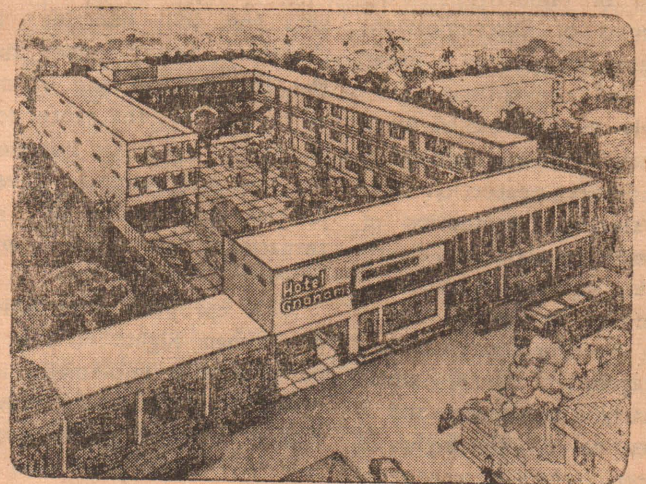
In 1983, the mob was allowed to attack members of the Judiciary, and then quite suddenly the elite of Colombo was awakened.

Perhaps it was only in July of last year when they them-

selves became victims of mob violence that several Colombo-based more prosperous members of the Tamil community really felt what it must have been like when Jaffna was set ablaze two years previously.

The point I am trying to make is that the community as a whole must share the blame with the Government for the escalating violence which has now become the pattern of life in this country, and against which the Police and the Armed Forces are being asked to intervene by means of the Prevention of Terrorism (Temporary Provisions) Act.

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A BRITISH APPROACH TO SECURITY

Human Rights are as universal as human beings. Their expression, violations and protection, may vary but not the rights themselves. In international terms these rights are expressed first in the Universal Declaration of Human Rights (1948); secondly, in the two international covenants on Civil and Political Rights and Economic Social and Cultural Rights (1956). Both these covenants have been signed and ratified by both the United Kingdom and the Democratic Socialist Republic of Sri Lanka.

In addition to these two international instruments, the United Nations has also agreed a variety of other texts which attempt to guide and help both victims of human rights violations, and the Governments who are responsible for the protection of human rights.

Such texts include a Code of Conduct for Law Enforcement Officials; the Standard Minimum Rules for the Treatment of Prisoners; the UN Declaration on Torture and the Treatment of Prisoners; the Declaration on the Protection of Minorities from all forms of Discrimination.

There are many other texts and conventions, particularly in the areas of work and employment, conditions, remuneration, protection against slavery, protection of children from abuse and discrimination against women.

The list is being lengthened by the Draft Convention against Torture, which is nearly completed; and a Convention on the Rights of Children, which after several years of being drafted, may be submitted to the United Nations Human Rights Commission in the foreseeable future.

The areas of agreement between governments are broad and cross the North and South, East and West boundaries. They have been drafted and supported by governments of rich and poor, industrial and rural, capitalist and socialist. Our governments therefore have similar targets and ambitions for ourselves and our families in terms of human rights.

Unfortunately, however, common targets are not enough to provide protection for individuals and groups from violations of human rights. The conflicts of society, whether they are represented as being of "minorities" or based on differences in culture, religion, race, language, wealth, political opinion all require a legal and realistic framework for solution.

The preamble to the Universal Declaration of Human Rights recognised that it was in the interests of stability and peace that human rights should be protected by governments. In para 3 of the preamble it is written that "... it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law".

Governments are not always the best distillers of wisdom. They disregard, however, at their own peril, the cries of their citizens denied access to human rights and equality of treatment before the law. While Governments, almost without exception, pay lip service to human rights, there are none who can claim that their system guarantees to all of their citizens civil and economic rights, equality of opportunity, cultural diversity, freedom of association, expression, religion and language and freedom from fear and hunger.

The intention of governments to uphold human rights and civil liberties is, therefore, better defined than the international and national means for the protection of those rights and liberties. At the international level, judicial enforcement of international law is a long way off.

The European Convention of Human Rights includes as part of the implementation procedures a Court of Human Rights to which governments and individuals can turn if other means of settlement have failed.

The new United Nations Convention against Torture, as it is at present drafted, would provide for torturers to be tried in the country where they are arrested, rather than in the country where their acts were perpetrated. This would have an effect on many who flee the country at times of government upheaval and thus escape the justice which their victims claim. It would also provide a serious deterrent to those who participate in humane international discussions, but practice the unthinkable at home.

In looking, therefore, at "Security in a Multi-Ethnic Society" it is essential to consider the commitments which governments have made under national and international law; the effectiveness of the measures taken to safeguard the rights of ethnic and other minority (or non-conformist) components of

any society; and the grounds upon which those whose rights are insecure can challenge the actions of the security forces.

It is not possible to transplant comparisons between countries. No two situations are alike. It may, however, be useful to learn from the mistakes (and achievements) of others. Such lessons can, however, only be learnt. They cannot be taught.

My own experience is through the (British) National Council for Civil Liberties which is concerned, and has been for the last 50 years, with the protection of a multiplicity of minorities in Britain and in creating, by both legislation and education, a system which safeguards the rights of all citizens and residents to protection by the state, from the state and, where that fails, by self protection through the courts, or by other non-judicial, but peaceful means.

In addition, I was for 12 years associated with Amnesty International and so learnt about the ways of many governments and their reluctance to take measures needed to protect either individuals or groups, but instead protected those who, by acting as they did, broke the standards and rules. confident that their government would support them.

is problematic.

For example, in the Irish situation is the "majority", the Irish, i.e. Catholic or the British, i.e. Protestant? And is the conflict between Protestant and Catholic only a threat to security in that tiny portion of Ireland where the Protestants are in the majority?

In this paper, I shall briefly outline the problem areas in Britain. It is for others to see whether, within these areas, there are facts and considerations which may be applicable elsewhere.

Policing London

In London, law, order and security are traditionally the responsibility of the Metropolitan Police, which is currently composed of some 26,000 police officers supported by a further 15,000 civilian staff. The population of the Metropolitan Police district is currently around 7 million people. The Police in London are the responsibility of the central government through the Home Secretary.

Outside London, there is a body known as a police authority for each police district and the locally elected councillors have a say in how policing is carried out in their area.

In London in practice the

before the Declaration of Independence.

The situation has been exacerbated in London by the fact that the relations between the police and the public have steadily deteriorated, particularly with certain groups such as the blacks, the young and the unemployed. For many years there was a deliberate policy of not recruiting black or "immigrants" into the police. Now that policy has changed, but it is too late to expect many young men from minority ethnic communities to enter the police force with any confidence that they will be accepted by their friends on the street or by their new colleagues in the police.

This applies to white as well as black. In 1983, 80% police in London were recruited from outside London. They are therefore inexperienced and unidentified with Londoners and the problems of London. A recent report showed that the London police are expensive, inefficient, racist, unsupervised, wasteful and sexist. The report was actually (and bravely) commissioned by the Police themselves and was published in full. The report was carried out by an independent research group, but will have a lasting effect on policing in London only if there is some democratically answerable body responsible for ensuring and invigilating change.

While police outside London are marginally better off in that they do have some form of accountability to an elected body which can approve or refuse to approve expenditure, the overall system of police relations with local communities whom they serve is inadequate.

The riots of 1981 occurred not only in Brixton (Lambeth) and other parts of London, but also in Liverpool, Birmingham, and Leeds and other inner city areas of Britain. Minorities are not adequately represented and there is an atmosphere of intolerance which is not surprising when one considers that it is the white male police who are responsible for recruiting, training, and disciplining the police. It is, in fact, one of those traditional English club type operations where only the acceptable can be accepted.

The result of these limitations in structure is that the police are still presented as the famous "London Bobby", with his pointed hat helping a child across the road or telling you the way. (Continued on page 9)

by **Martin Ennals**

In Britain, we have experienced the conflict in Northern Ireland which still rages unresolved. It is theoretically based on religious differences and the relationships between the minority, in a small part of Ireland, with the majority in that same part of the country. We have experienced also the riots in the streets of our inner city areas in 1980 and subsequently. These riots were seen by many as being a reaction to police conduct and by others as being created by a racial minority.

In Britain also we face high unemployment, declining standards of living for some, increased wealth for others, and a catalogue of legislative proposals which undermines the civil liberties upon which we believed our society was based.

Among the lessons that I have learnt is that problems are created, not by "minorities" but by those who have power, and fear to lose it. Even the concept of majorities and minorities

Commissioner of Police, appointed by the Queen on the recommendation of the Home Secretary, is the political and policing power. He reports to the government, but has no direct relationship to the locally elected government of London either at the borough council level (Lambeth, Hackney, Bromley, Hounslow, Westminster and 27 others), or at the regional level of the elected Greater London Council.

The issue of accountability of the police to the people whom they police is a central political grievance in London where the local taxpayer pays one-third of a billion pounds sterling (£3,300,000) as their contribution to the costs of the Metropolitan Police without having any say in recruitment, training, salaries, equipment, policies, senior appointments? etc.

This is simply taxation without representation and is as unacceptable to many of the people of London as was the same principle to the colonial citizens of America

A British Approach to Security

(Continued from page 8)

or the time. This image is good for tourism, is shared by some in rural areas where the local policeman lives in the community. But in the cities and towns where the young, the black and the unemployed live, the image is totally different. The concept of two worlds coexisting in one nation was described by Disraeli in his novel "Sybil", in the 19th century. The present development in Britain in policing is leading to a similar reality.

The situation is worsened by the decision of the government to introduce new legislation which will dramatically increase the powers of the police to stop and search a person, or a vehicle, without giving any real grounds, except suspicion. The arrested person can be kept in a cell for up to 90 hours (4 days) without charge. He can be refused access to a lawyer for up to 36 hours. The police may forcibly search you, including intimate body searches.

The Government in introducing these measures is in effect incorporating the powers which they acquired to deal with terrorism, into the normal day-to-day laws for patrolling the streets in a multi-racial society where the police are mono-ethnic.

Better Training

Lord Scarman in his report on the Brixton Disorders in 1981 recommended that there should be closer consultation between the police and the community; that there should be better training, more black policemen; that the disciplinary code should be amended to make racism in the Police, a subject for dismissal; and that the complaints procedure, whereby the police investigate the complaints made against them, should be changed.

He was critical of a heavy-handed policing policy which, for example, relied on special squads of police (SPG) stopping and searching 919 young persons in two days, mainly blacks and young on the streets, in a limited area which was sealed off by the policemen. Allegedly this "Operation Swamp" was designed to catch burglars. In practice, it became a symbol of police aggression. Few, if any, burglars were caught.

Scarman's criticism of the police resulted in a new approach in Brixton. The tension eased and the crime rate went down. The police complained and the Police Bill is the net result.

Since Scarman, in fact, little progress has been made. There has been a new Commissioner of Police appointed

who is concerned to improve the efficiency of the police and plans to do so by involving the police in all aspects of London life. He supports the new powers which the government is trying to give him and resists any suggestion of direct public responsibility for his action other than by the remote control of the Home Secretary and some informal contact with London M. Ps.

In brief statistical terms, the policing of London under the present system of power without accountability, the clear-up rate for reported crime in London is only 17% and is by far the lowest in the country. The cost of policing per 1,000 of the population is 104% higher than any other metropolitan police force in the country and 134% higher than in the less urban and industrialised parts of the country. Of 26,000 police officers, there are less than 200 "black" and only 300 women.

Be Answerable

The Greater London Council, the National Council for Civil Liberties and others, including the Labour and Liberal Parties, are increasingly concerned that policing in a democratic society should be answerable to that society at the level at which the policing is carried out. Local government has different priorities and concerns from Central Government, Police and other security forces should therefore - certainly in the British context - relate to the local population.

However, they should also be answerable for their actions, not only to the courts, but to the rules and standards which governments have endorsed at the United Nations and other International forums. The police should not be the oppressive arm of government, but the reflection of the need for self-policing within any community. If police or armed forces in internal problem areas misbehave they should be disciplined.

If someone is beaten up, tortured, or has their property damaged, then the culprits should be disciplined and the police funds should provide the compensation.

In Britain, it took 5 years for a civil action against the police, brought by a black couple who had had their home virtually destroyed, to come to court and for damages to be awarded against the police. The judge described the police conduct as "monstrous, wicked and shameful conduct in the name of justice". He went on to add that "I regret to say that I am forced to

the conclusion that there has been an orchestrated attempt to mislead the court in order to cover up illegality and unjustified use of force". The couple were awarded substantial damages, but even then it took the police a further two years to apologise. One police officer (of 17 who took part) was disciplined.

It is imperative that the police anywhere understand that, like other government servants, they are not above the law and are answerable to the community they are supposed to serve. Yet even with safeguards it is just as important in the interests of public order and security, that police excesses be prevented. And when that has failed, then those guilty of violating human rights and abusing power should be penalised.

This requires political will on the part of those responsible, both in the police and government. To defend the indefensible and to protect police from the laws which they have broken, is to abrogate the responsibility of power and to create or encourage public disorder.

In the absence of any structured system of public accountability and local control, the government of London (the Greater London Council) has encouraged the establishment of police monitoring groups. Their composition varies from borough to borough within Greater London, but they are largely made up of young people with links within the many community organisations which exist in London, such as political parties, church groups, youth clubs, trade unions and associations of lawyers. Their role is to report on incidents in which, in their view, the police have behaved intemperately, exceeded their authority, used threatening or violent behaviour, sought information without justification, and used sexist or racist language.

A common complaints form has been prepared by the Greater London Council and is available for use by these and other groups, such as the National Council for Civil Liberties (NCCL) that have existed for many years to protect all civil liberties. Complaints are passed to the police Committee of the GLC and a computerised file is prepared on which common experience with the different police stations etc., can be correlated.

Monitoring on this scale is a new development, but since the fascist demonstrations and the hunger marches of the 30s in Britain,

consistent attempts have been made to observe police behaviour in regard to public order, political spying, tele-

University

(Continued from page 4)

would yield results which approximate closer to selections under "ideal conditions" (meaning equal distribution of schools and all facilities) than the latter method.

These are claims worth investigating but the last of the claims, being hypothetical, cannot be tested. The first two claims can, however, be tested by reference to Ministry of Education School Census 1982 and the latest available figures of University admissions released by the University Grants Commission to the University Admissions Committee.

It will be seen from the table annexed that there is very little correlation between the aggregates of the school facilities available in a district and the number of students selected from that district for the 30% merit quota.

The facilities enumerated in the table are availability of schools with a level classes, share of population enrolled in a level, share of science/maths courses in A level courses, teacher-pupil ratio at A level of (1) science-mathematics graduates, (2) science-mathematics University diploma teachers and (3) other graduate teachers.

The table also gives the number of schools in each district with science laboratories and libraries. Against these figures are juxtaposed (1) University admissions on merit to science-based courses in 1983/84 and (2) University admissions on merit to other courses 1983/84.

It will be observed that the two districts Kurunegala and Gampaha have very nearly the same facilities but whereas 10 students were selected from Gampaha, only three were selected from Kurunegala.

Similarly, though Kandy and Jaffna have very nearly the same facilities, 269 were selected from Jaffna as against 25 from Kandy.

Again Matara, Kegalle and Badulla have nearly the same facilities but the admissions were 15, 2 and 0 respectively.

These represent admissions to science-based courses only but such disparities are apparent in the arts-based courses as well.

It is thus abundantly clear that school facilities alone do not determine the quality of student performance which is an individual phenom-

phone tapping and other methods of surveillance. The 50th anniversary of the NCCL was celebrated in February 1984 and a special book on Civil Liberties was published.

(To be Continued)

on. Nor do buildings, laboratories, libraries and teachers make a school. The Royal Central College at Polonnaruwa is a standing rebuttal of that ill-conceived notion. The "School Without Walls" in Philadelphia does just as well as the well-equipped schools in the state of Pennsylvania.

Greater than the disparities in the spread of facilities as between districts are the disparities between schools within each district. In all districts there are the "schools of excellence", like Royal and Ananda, the average schools and the sub-standard schools, which are distinguished as much by the quantity of facilities as by the quality of teaching and the quality of learning exercises.

The district quota system is thus scientifically unsound in principle. When the present scheme of selections was adopted in 1978, the University Grants Commission announced that the district quota system was an interim stop-gap measure and that the merit quota will be progressively increased apace with the upgrading of under-privileged schools.

It should be evident now, after three decades of effort, that the upgrading and the objective of equality of all schools are somewhat illusory, being analogous to an exercise in elevating all hospitals, post-offices and railway stations to the standard of the best of such institutions in Colombo.

Such an exercise will be rewarding only if there is a prior consumer demand. The demand for education is stimulated mainly under conditions of fair and equal competition. Bonus marks and subsidy marks to students from "under-privileged" districts usually have the effect of stifling the spirit of competition and exertion.

Merit is, and has universally been acknowledged to be, the only scientifically valid basis of evaluation and selection.

In accordance with the pronouncement of the U.G.C. 1978, the merit quota must be progressively increased until at some future date, however distant, merit becomes the sole criterion of selection.

However, in the present educational milieu of Sri Lanka and the stimulus required to broadbase education, a merit quota of 50% would be quite appropriate.

SPORTS

by Victor Kiruparaj

HECTIC HITTING

Bright, sunny weather prevailed during the weekend, and four of the five Inter-Schools' Cricket engagements thrilled the local fans with a run 'Fiesta'. Tall scoring and hectic hitting was the order of the day and three centurians - V. Sutharshanan of Jaffna Central, Senthilnathan from Union and Kingsley from St. Patricks etched their names in the cricketing annals of their schools.

Jaffna Central set the ball rolling with a Crushing innings win over Mahajana in the annual friendly played at Tellippalai. Jaffna Central, batting first, hit up 253 for 2 wickets declared, of which Skipper V. Sutharshanan top-scored with an unbeaten, pulverising 112. The first-wicket partnership produced a useful 112, while the second wicket too produced another century. Others who delighted with the willow were Mathivathanan 53, K. Karunarajah 53,

Short and Sweet!

We have received a number of articles and letters from readers under pseudonyms.

While we are willing to accommodate all viewpoints especially viewpoints shut out by other newspapers, we cannot give publicity to anonymous contributions, however significant their theme or contents may be.

We request would-be contributors who do not wish to have their names published in the SATURDAY REVIEW to at least send us a covering letter with their name and address. They can rest assured that their wish for anonymity would be respected - if their contributions are published.

In view of the fact that we have to submit a copy of every letter, article and news item to the Censor, we request contributors to send us their copy in duplicate.

Please type double - spaced on one side of the paper only.

And please keep your contributions as short as possible. The ideal is three typewritten pages for an article and one page for a letter. It is possible to write about anything under the sun in between 500 and 1000 words.

— EDITOR

retired, P. Raviraj 30 and C. Manojkumar 12.

Mahajana, in their first essay, were skittled out for a lowly 44 - young Terry Mahan Ganeshalingam causing the havoc claiming 8 wickets for 20 runs.

Forced to follow on. Mahajana fared better to collect 119, failing to avert the innings by 120 runs. Skipper Sutharshanan was the wrecker this time, being credited with 7 scalps for 44 runs. Terry Mahan Ganeshalingam's share was two wickets and he wound up the day with a match bag of 10 wickets 55 runs.

In Mahajana's second innings Sivaraj 32, Sooriyakumar 18, Surendran 16, and Suthaharan 16 contributed their mite towards the second innings total.

A splendid double by Skipper Senthilnathan, a vibrant 134 in Union's first innings mammoth total of 314 for 9 and a match bag of six wickets, saw the Tellippalai School trounce Skandavodaya by an Innings in the the annual encounter played last week end.

Skanda Varodaya were shot out for 58 and 92 respectively.

In a rather low - scoring insipid affair, the St. John's Jaffna College match ended in a dull draw. It was a run crawl all the way 340 runs being scored in three innings in about 600 minute of play.

The scores; St. John's (1st innings) 149 all out. Jaffna College (1st innings) 86 all out. Jaffna College (2nd innings) 105 for 5 wickets.

The scores of the other matches will appear next week.

CORRECTION

There has been a "mix up" in my sports file with regard to the Jaffna Hindu - Jaffna College match.

The scores should have read;

Jaffna Hindu College - 1st innings 217. Jaffna College 1st innings 113. Jaffna College 2nd innings 146 for 6.

As for the seven wicket win by St. John's over Hartley the scores of the match are correct. The Johnian's second innings score of 27 for 3 was clear indication that the Johnians had won the match by 7 wickets. But due to a typing error it had appeared as "three wickets"

LETTERS

'TAMILARAM'

The Editor
Saturday Review,

It is with very real interest and pleasure that I am gradually reading "TAMILARAM" and it makes me with that I was younger and also had something I had never possessed - "a flair for any language other than my own". And even that I am very inefficient as far as grammatical writing is concerned.

But to me there is one great happiness, i.e., to have had the honour and the regard and friendship of three truly great men, their deceased being a very great loss to me as was the loss of one other.

Two only of the particular three (the fourth was a layman) were known to the public and even had world-wide renown. They were the late Rev. Fr. Thaninayagam and the Bishop of Kurunegala.

The third being was unknown outside a small circle but truly venerated by those who knew him - the late Ven. M. Suganatissa Nayaka Thera.

There were other friends whose loss I deplore, but none came under the terms "great" or "of world renown", though their predeceasing me or just dropping out, as I got old myself, has been felt deeply in another way.

Swami U. E. Ramage.

JURY SYSTEM

The Editor,
Saturday Review,

According to recent press reports, there is a proposal to scrap the jury system. This has transpired during deliberations on "Delays in the administration of Justice". The reasons adduced are the deterioration in the standard of present day jurors, that they were often corruptible, etc. It has also been proposed that if the system is so be retained, educational and income qualifications of jurors should be raised.

The jury is always a body of local men. One is able to gather this from reference books on the subject. In England, it is said to date from the 9th century, while we have had our Panchayats for ages. In the United States, the grand jury decides whether there is a "probable cause" and the petit or trial jury determine subsequently "guilt

beyond reasonable doubt".

Throughout the American colonial period, the jury was revered for its service in impeding the enforcement of unpopular British laws.

The 7th Amendment guaranteed jury in all common law cases where the amount involved exceeds £20 and the 6th amendment reaffirmed the right of jury trial in all criminal cases.

Dr. H. W. Tambiah, Q. C. in his book, "Principles of Ceylon Law" says, "A fundamental change in the Law depriving the accused of his right to a trial by Jury was made in 1915 when section 440A was added to the Criminal Procedure Code empowering the Governor to direct the trial of sedition, and other offences during times of civil commotion and disturbance, by three judges without a jury. After Independence, the Governor's powers were transferred to the Minister of Justice. Now, by the Criminal Law Act No:31 of 1962, this mode of trial has been made obligatory for certain offences against the State...."

It is said that in the United States, many state deprive the judge of the right to comment on evidence and generally reduce his status to that of an umpire. The jury selection seems to vary in different places and countries. There are age and property qualifications and the tendency is to get away from the latter. Educational qualifications are uncommon and discrimination in selection on account of race, colour or creed is unconstitutional.

The power of the jury is to temper "formal legal rules with equity and common sense of the laymen" It is a safeguard against judicial bias and corruption. The Encyclopaedia Britannica says, "the popularity of the jury system at any given moment is probably inversely related to popular confidence in the ability and integrity of the judiciary, finally, jury provides civic participation by the citizen.

The Daily News of 24th January 1983 reported a speech by Mr. Justice Siva Selliah, wherein he had said, "when we sit here as judges we are ever conscious of the fact that at all times we are being judged and are under the scrutiny of our fellow men."

How very true are these

words! The learned judge is not in the least bothered about property or educational qualifications of his fellow men! Jurors have their roots among the people. So do lawyers from whose ranks judges are selected. If the people lose their values, then it is reflected all along right up to the top

We have to look for law's delays elsewhere and perhaps not among jurors, whose contact with any single case is on the average of about two weeks duration.

In a democracy a citizen would like to treasure his participation in the dispensation of Justice. Let us pray that it is not the end of the road for Gentlemen of the Jury.."

N. Deva Rajan,
Jaffna.

GOOD IDEA

My dear Gamini,

Thank you very much for the SATURDAY REVIEW of 3rd March. I am enclosing a cheque for Rs. 85. for a six-month subscription.

I notice you are Editor of the paper. Congratulations. But I wonder whether this will involve your residing in Jaffna.

If you have to live in Jaffna, I suggest you marry a sweet Tamil girl and promote Sinhala - Tamil amity both by day and night.

Cheers, regards and all the best.

Donovan Moldrich,
Colombo 10

SINK OR SWIM

My dear Gamini,

Thanks for your letter, which I received yesterday. That was a pleasant surprise, and the first communication from the old office. I was happy about your involvement in the SATURDAY REVIEW....

This is going to be a greater challenge than when the paper started. Between the Scylla of the Sixth Amendment and the Charybdis of Censorship, it is difficult to drive any horse and carriage through...

Anyway with you on the perch, I see hope and possibilities. Forget about "training" somebody to take over. I can't see any such somebody on the horizon. You will have to sink or swim with it, and if you cannot swim with it, nobody else can....

Yours very sincerely,

S. Sivanayagam

(Editor, SATURDAY REVIEW,
30th Jan: 1982 to 1st July 1983)

THE WRETCHED OF THE EARTH

This is a continuation of the research paper on the rehabilitation of Repatriates from Sri Lanka. The author is Professor in the Centre for South and Southeast Asian Studies in the University of Madras. The paper has been included in a recently published book by I. G. Bahadur Singhe (ed) "Indians in South Asia" (Starting Publishing New Delhi, 1984)

The departure from Sri Lanka is extremely painful. Sentiments overtake reason; the repatriates try to pack all their belongings from pictures of family deities to grinding stones. Some of them even carry a handful of earth from their homes and from the graves where their fathers were buried. Despair and distress writ large on their face, they take leave of their friends and relatives and make the train journey to Talaimannar. After the ordeal of customs and harassment of porters at Talaimannar, they take the ferry to Rameswaram, where they are received by the officials of the Government. Touts and smugglers abound the port of Rameswaram and the gullible among the repatriates fall easy prey to them. Promising them immediate jobs and residential facilities, the touts take away the savings of the repatriates and disappear. After the formalities of registration and the scrutiny of family cards, the repatriates are sent to two transit camps located at Mandapam (near Rameswaram) and Tirchuirapalli. It is an irony of fate that the transit camp at Mandapam was the same place where the Indian labourers used to be quarantined by Government of Ceylon before they were sent to the island. Without proper facilities of water supply, sanitation and electricity, the repatriates huddle themselves in dingy, ill-ventilated rooms. In June 1976, it was reported that about fifty persons in the camp died of cholera. They stay in the camp for a period extending from a week to a few months, till they are sent to their place of employment. On admission to the transit camps, cash doles are paid to families having assets less than Rs. 5,000/- at the rate ranging from Rs. 35/- to Rs. 150/- per month depending on the size of the family for a maximum period of three months. They are also given subsidised ration at the rate of 57 up per kilogram of rice and medical facilities free of cost.

The worst sufferers among the repatriates are those who overstay in Sri Lanka even after the expiry of their residence permit. In

the late 60's and early 70's the Government of Sri Lanka was very strict and used to arrest such illicit immigrants, take them to the prisoners camp in Slave Island and from there deport them to the Mandapam camp. Those people do not qualify for any assistance as they do not have any travel documents nor any family card. With nobody to look after them they become wandering destitutes.

The repatriates also face some inconvenience in transferring their assets to India. In order to offset the disadvantages of repeated devaluation the Sri Lanka Government adds 65% more to the provident fund and gratuity. Colombo also insists that the repatriates should convert their savings to US dollars and not to Indian rupees. In the process of conversion to US dollars and later into Indian rupees the repatriates lose some of their hard earned saving as commission. They also fall easy prey to unscrupulous smugglers who carry on a thriving blackmarket operation in foreign exchange across the borders. The smugglers give large sum of money to repatriates to carry over to India at a commission of Rs. 10/- per one hundred rupees. This money is accounted for in the savings of the repatriates. What the repatriates do not realise is the fact that only those bringing assets worth less than Rs. 10,000 are to be provided with rehabilitation assistance.

Basic facts

Before evaluating the effectiveness of existing schemes of rehabilitation, it is necessary to highlight certain basic facts about the repatriates. According to the Indian High Commission in Sri Lanka, the occupational break-up of the repatriates is as follows: plantation workers—82 per cent; business hawkers 12 per cent and other categories, such as urban labourers, commercial/state employees and estate supervisory personnel 1 per cent. 5 per cent of them have assets to the value of more than Rs. 10,000 and, therefore, are not eligible for any rehabilitation assistance.

Though the family cards, as stated earlier do not contain any information regarding the caste background, unofficial studies clearly reveal that the overwhelming majority of the repatriates belong to Scheduled castes and backward classes.

The average size of the family is 5 members altogether 87 per cent of the repatriates were born in Sri

Lanka and 12 per cent migrated from India. Of those born in Sri Lanka, 55.8 per cent had lived in the island for one generation; 31 per cent for two generations and the balance for three or more generations.

As far as educational attainments are concerned, 33 per cent of the repatriates were illiterate; 39 per cent had studied upto primary level; 14 per cent upto secondary level; 3 per cent upto higher secondary level and 1 per cent had some technical qualifications. In other words, 97 per cent of the repatriates cannot avail of the preferential quota sanctioned by the central and state governments in white-collar jobs.

by Prof. V. Suryanarayanan

As far as assets in the form of jewellery and cash are concerned, 17 per cent had no savings; 11 per cent below Rs. 500; 14 per cent between Rs. 501-1000; 23 per cent between Rs. 1,001-2000; 13 per cent between Rs. 2,001-Rs. 3,000 and 22 per cent above Rs. 3001.

Only 1.5 per cent of the repatriates brought Rs. 10,000 or more, which contradicts the contention of the government that 5 per cent of the repatriates had assets to the value of more than Rs. 10,000.

A small minority had immovable assets in India, but when they went back to their ancestral villages they discovered to their dismay that their land had been illegally occupied by their relatives.

Historical Process

As stated earlier, the plantation workers constitute 82 per cent of the repatriates. While we find ways and means to make these deprived people stand on their own feet, inevitably we come face to face with the historical process which has made them, to quote Frantz Fanon's phrase, "the wretched of the earth".

The plantation worker was exploited fully to generate profits which augmented the fortunes of British colonialism. He did not own the instruments of production, nor did he have any stake in the coolie lines nor even the land in which he worked. After 1948, the plantation worker was also disenfranchised leaving him with no electoral remedies. On the other hand, the sweat and toil of the plantation workers enabled Sri Lanka to earn precious foreign exchange for its food and other essential imports.

As a Sri Lankan economist Nawaz Dawood, has put it "an entire nation survived on the sweat of this particular section of the working class on the plantations".

After independence, the ultra-nationalists and chauvinist Sinhalese politicians raised the bogey that the poverty of Sri Lanka was caused by the existence of "non-national" plantation workers. They consistently forget the fact that the plantation worker was the worst victim of imperialists and, after independence, ultra-nationalist politicians of Sri Lanka. They also turn a blind eye to the continuing exploitation and unending squalor of the estate worker.

As a perceptive Sri Lankan economist has put it, "They are the most underprivileged stratum in Sri Lanka society. More than half are illiterates and employment outside the estates has become barred to them".

As the Economic Review, published by the People's Bank, summed up "After almost 110 years of tea industry, the life of the plantation worker is still characterised by low living standards, illiteracy, crowded housing and suffering."

The isolation of the plantations from the mainstream of Sri Lanka's national life has introduced an element of uncertainty among the plantation workers. Added to this enigma is the deplorable standard of living. In 1977, the daily wage of a male plantation worker was Rs. 9.50 and a female worker Rs. 8/-, which compared very unfavourably with their counterparts in other sectors of the economy.

The death rate in the plantation was 11.9 per thousand in 1969, while in the rest of the island it was 8. Maternal mortality in the plantation was 2.7 per thousand, while in the rest of the country it was 1.5. Unemployment among the estate workers was the highest. In 1969-70 according to the Socio-Economic Survey, in the age group of 15-24, 94 per cent were unemployed in the estates, compared with 83 per cent the rural areas.

Poverty among the Indian workers has become a vicious circle. The abysmal living conditions, concentration in low income jobs and the high incidence of unemployment have already been highlighted. Contributory to the poor condition is also the large size of the family, generally with five or six children. And this results in a situation where the family income has to be shared by a large number of members.

(To be continued)

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Saturday Review

SRI LANKA

CENSORED

All news and views appearing in the SATURDAY REVIEW have been subjected to censorship by the Government Agent of Jaffna, Mr. D. Nesiah, who has been appointed Competent Authority for this purpose by the Secretary to the Ministry of State, Mr. Douglas Liyanage, acting under Emergency regulations.

In addition to the constraints imposed by the censorship, the Sixth Amendment to the Constitution, approved by Parliament on 6th August 1983, states under Article 157 A (1): "No person shall, directly or indirectly, in or outside Sri Lanka support, espouse, promote, finance, encourage or advocate the establishment of a Separate State within the territory of Sri Lanka."

TRAIN TRAVAIL

Travellers from Jaffna to Colombo and other destinations along the way are severely inconvenienced because there is no Yarl Devi train on Sundays.

At present, the Inter-City express operates on Wednesdays, Fridays and Sundays.

This train leaves Colombo at 5.45 a. m., reaching Jaffna by noon. The return journey starts at 1 p. m., and the train returns to Colombo by 7. p. m.

The only stop on both journeys is at Anuradhapura.

The Yarl Devi operates on Mondays, Tuesdays, Thursdays and Fridays, the train leaving Colombo at 5.45 a. m. each morning and returning late the same night because, due to security reasons, the railway authorities do not wish to allow it to remain in Jaffna overnight.

The fare by the Yarl Devi, which can accommodate between 1,500 to 2,000 passengers, is only Rs. 51.50 for the 250-mile journey.

But the Inter-City, which can accommodate only about 350-400 passengers, charges Rs. 12.

This means that the less affluent people, who travel 3rd class, have to make their "weekend" journeys, especially between Navatkuli and Madawachchiya, on Saturdays.

Regular commuters between Jaffna and Colombo say this problem could be solved—and more people afforded a chance of travelling—if the Inter-City is operated on Mondays, Wednesdays and Fridays, and the Yarl Devi on the other days, including Sundays.

People's Campaign for Democracy

The inaugural meeting of concerned citizens, both clergy and the people, for a People's campaign to agitate for the lifting of the ban on the Nava Sama Samaja Party and Janatha Vimukthi Peramuna and the lifting of the Emergency and the holding of a General Election to guarantee the democratic rights of the people was held on 15th March 1984 at the G. C. S. U. hall, Colombo.

The invitation to attend the meeting was signed by Ven. Batapola Anomadassi Thero, Ven. Madoluwawe Sobitha Thero, Ven. Iththapane Dhammalankara Thero, Ven. Pohoddoramulle Pemaloka Thero, Ven. Muruththettuwe Ananda Thero, Rev. Fr. Yohan Devananda, Dr. Ediriweera Sarachchandra, Prof. Carlo Fonseka, Dr. Vijaya Kumar and Mr. R. Thirunavukarasu.

Jaffna Hospital Starved of Oxygen

by a Staff Reporter

Nearly 40 operations scheduled for Tuesday and Wednesday at the Jaffna General Hospital had to be cancelled because of the non-availability of oxygen and nitrous oxide.

The supplies have to come all the way from Colombo and, ever since July last year, cylinders of oxygen and nitrous oxide have not been received in Jaffna in

the required quantities and at the required time.

On an average, 15 cylinders of oxygen and six cylinders of nitrous oxide are required each day.

The cylinders are sent by the Health Department by goods train, which now usually takes about 18 hours for the 250 mile journey!

Even then, the number of cylinders sent often fall short of the number requested by the hospital authorities.

Because of the irregularity and uncertainty of supplies, surgeons at the Jaffna Hospital are kept on pins all the time, not risking to undertake even urgent operations.

Is all this another form of discrimination towards the Tamil community, or transport problems, or what?

REAGAN'S LEBANON MESS

"I don't want to be killed here. It's crazy. They are crazy. We are crazy"

— Israeli soldier in southern Lebanon

"We are making progress in Lebanon" proclaimed Ronald Reagan in his State of the Union speech in late January. A week later he baited Congressional Democratic leader Tip O'Neill for proposing to pull the Marines out of Beirut: "He may be ready to surrender, but I'm not". Yet within days the macho man President was forced to eat crow ordering the besieged Marines evacuated to warships offshore within the next few weeks. And to make it look like he didn't "cut and run," he ordered the Sixth Fleet to open up with the USS *New Jersey's* 16-inch guns, killing who knows how many hundreds or even thousands of Druze villagers.

For domestic consumption the cowboy in the White House declares that "America is standing tall," but when the fighting broke out in West Beirut last weekend the American press reported with relief that the Marines were safely bunkered down at the airport while bullets whizzed around them. Some "peacekeeping" troops! With consummate cynicism Reagan offered naval and air cover to the British, French and Italian contingents of the "multinational force" he was leaving in the lurch. The British bugged out the next day, the Italians ordered a "gradual" pullout and the French replied, "thanks, but no thanks." If Mitterrand

wants to regain some credibility he might throw in with the Shi'ites and Druze and start shelling the U. S. fleet.

Also left high and dry by Reagan's announcement were American civilians in Beirut. When U. S. citizens called up to ask about evacuation, embassy officers told them they were on their own or simply hung up. State Department officials were worried about giving the "wrong impression" in Damascus. When the Committee to Re-Elect the President discovered this was creating the wrong impression in Dubuque, Washington suddenly switched gears and started coopting them out by the hundreds. The last thing Reagan needs is hundreds of American "hostages" trapped in Lebanon on November 4. Just ask Jimmy Carter.

As the U. S. Navy was indiscriminately bombarding villages in the Shuf Mountains surrounding Beirut, Druze leader Walid Jumblatt (who named a son after Tamerlane) vowed: "We will not allow our people to be killed without taking revenge." This is no idle threat, as the Maronites or the French Foreign Legion can attest. The Druze have a long memory of the wrongs done them, and a history of doing something about it. Suddenly the *New Jersey* stopped its shelling and Druze militiamen showed up with flowers in their gun barrels at the U. S. Embassy to help in the evacuation. "I am here just to make sure that no one bothers the Am-

ericans" said one (*New York Times*, 11 February). What happened to all those "blood-thirsty Druze" the U.S. was vituperating against a few days ago?

Almost all Americans want out of the bloody mess Reagan has gotten himself into in Lebanon, but some right-wingers were shocked that their hero came off looking like a paper tiger in his first serious test.... (Courtesy, WORKERS VANGUARD, New York).

Foreign eyes on Trinco

The Tamil United Liberation Front leader Mr. A. Amirthalingam said at a meeting in Kalmunai electorate last week that Trincomalee was being eyed by foreign powers as a possible military base and that was a danger to the country. It was therefore necessary that the Northern and Eastern Provinces be amalgamated to keep Trincomalee out of foreign hands.

Mr. Amirthalingam, who was on a three-day tour of the Eastern Province to foster Tamil-Muslim unity, said there was misunderstanding among some members of the Muslim community that if the amalgamation was carried out, the Jaffna people would dominate them. But that would not happen because the Muslims and Tamils spoke the same language.