

# Saturday Review

## SRI LANKA

# From Welikade prison

Vol. 1 No. 33 September 11, 1982 Rs. 2

# Kuttimani is ready: Are TULF & TC ready?

Will the Tamil United Liberation Front sponsor Selvarajah Yogachandran, better known as Kuttimani, as the Presidential candidate of the Tamil-speaking people?

Though the TULF's General Council which met in Trincomalee on 28 August decided not to put forward a Presidential candidate, the Front's

high command is under snowballing pressure to rethink its stance.

Influential TULFers, the *Saturday Review* learns, are

lobbying for Kuttimani, now in Welikade Prison pending the hearing of his appeal against the death sentence passed on him by the High Court of Colombo

on 13 August.

Kuttimani is reported to have told his lawyers recently "I am prepared to run as the Presidential candidate if the Tamil people want me to."

The *Saturday Review* learns the proposal to put forward Kuttimani was first floated by some detenus in Army custody who feel he is a symbol of the struggle for Tamil Eelam and of the plight of Tamil youths taken into custody under the provisions of the Prevention of Terrorism Act.

One of the persons who conveyed this proposal to the high commands of the TULF and the Tamil Congress, Mr. S. C. Chandrasenan—Legal Secretary of the TULF—told the *Saturday Review* that though it is true he had called for a boycott of the Presidential election at the General Council meeting and still stands by it, he is prepared to reconsider his decision if the TULF decides to sponsor Kuttimani's candidature.

The TULF's Parliamentary Group which met early this week is reported to have discussed the pros and cons of sponsoring Kuttimani but deferred any hard decision.

Meanwhile the Tamil Congress Presidential candidate, Mr. Kumar Ponnambalam—who was the first to pay the election deposit—has told a Tamil daily he is prepared to make way for Kuttimani.

TC sources say their party will seriously consider the question of sponsoring Kuttimani if no other party is prepared to officially back his candidature.

## Viewpoint

It must be said to the credit of the All Ceylon Tamil Congress—which has been a negligible factor in politics in the North and East—that it has now managed to fill at least a part of the vacuum left by the growing abdication of the TULF authority over the Tamils. There is no doubt that in the game of political one-upmanship, the Tamil Congress is continuing to score heavily. While the hitherto accepted Tamil leadership has been exhibiting a paralysed political will, the TC has been so assiduously polishing its political image that it is now in a position to make the daring claim—the TC is the more natural ally of the Tamil Freedom movement than the TULF.

Into that political vacuum left by the TULF, other forces have also valiantly stepped in—the TELF, the Eelam Liberation Council in New York, TULF rebels and youth militants, all calling upon the Tamils to keep away from the Presidential elections. The rationale behind the call is that the Tamils in the North and East have no place or stake in the Presidential elections. Let the Sinhalese electors decide who their President should be. Why poke our stained fingers into THEIR election process and get hammered in the process as well? Remember 1977? The Tamils outside the North and East voted en masse for the UNP and ended up one month later as dead bodies and refugees in the North and East. Let our policy be—as our contributor Somasundaram Vanniasingam puts it logically and succinctly in this issue—"We leave you alone; you leave us alone".

The "Colombo Tamils" will of course never learn and will never leave the Sinhalese alone, because they have chosen their role: they will remain as survivalists and hostages and fancy themselves as king-makers and remain as mob fodder until they are wiped away completely. Until then they will exercise their God-given franchise and interfere with the Sinhalese man's right to choose his own leader. There might come a time when the Sinhalese, irrespective of party differences might get wise to the fact that it is those Tamils who are more potentially dangerous than the "Tigers", because living as they are in the south they can cook the political goose for them, at some vulnerable point in their politics.

As far as the Tamils in the North and East are concerned, and they are the ones who matter, the choice until five days ago has been fairly clear-cut. Vote for Mr. Kumar Ponnambalam on the Tamil candidate

sentiment and take the consequences; vote for any other party; or not vote at all, on a question of principle. Mr. Ponnambalam is logical enough when he says that a fresh mandate for a separate Tamil state is necessary on two counts; firstly that the Tamils outside North and East had hitherto no opportunity to vote on that issue; secondly the TULF which sought a mandate for Eelam in the North and East in 1977 and claimed it got it, had now fallen by the wayside. But what if, as the Tamil saying goes, the man who tried to fashion a clay image of Lord Ganesa ends up by creating a "Bootham"! If Mr. Ponnambalam fails to get a respectable vote he could end up by killing the Eelam mandate for ever. Any government in Colombo can produce Mr. Ponnambalam's referendum figures and tell the whole world: "Look at this. The vast majority of the Tamils have now turned their face against Tamil Eelam". Are the Tamils ready for the gamble?

And now there is a new factor. The name of a dark horse is being mentioned—of all places from the Welikade stables! Running a man who is facing a death sentence for the highest office in the land is certainly an exciting prospect. And we suspect that if there is one Tamil today who can draw the maximum Tamil vote, and thereby unite all the fissiparous forces in the Tamil ranks, it is not Mr. Amirthalingam or Mr. Kumar Ponnambalam. It is only Mr. Yogachandran (better known as Kuttimani) who can do that. The fact is, he has ceased to be an individual. He has become a symbol; a symbol of the fight against the Prevention of Terrorism Act; a symbol of Tamil resistance to State terrorism and torture; a symbol of the urge for Tamil freedom. His statement from the dock could be sufficient enough as an election statement. It could be as good as a hundred election meetings. If the TULF or the TC or both in consort could make it possible for Kuttimani to get past the Commissioner of Elections (the other legal and constitutional impediments are surprisingly minimal) it could prove to be the biggest opportunity to internationalise the Tamil issue, after Krishna Vaikunthavasan seized the United Nations podium in October 1978.

We doubt very much of course if either the TULF or the TC has that kind of courage to sponsor Kuttimani for the Presidency despite the fact that it could once and for all ensure the political fortunes of either party at the expense of the other.

The Tamil man has been known to take his politics like his pleasures, solemnly. It needs a light heart, a sense of adventure and the streak of a mischievous practical joker to make a daring mockery of the Presidential elections. But will the Sinhalese voter take it?

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# Don't give your 2nd & 3rd preferences, T.C. tells the Tamils

"The A.C.T.C. seizes the 1982 Presidential Elections as an opportunity to use it as a Referendum to obtain the verdict of the Tamil Nation to the proposition that 'The Tamil Nation desires to set up an independent separate state forthwith on the basis of its inalienable right of "self-determination"', says a statement issued by the All Ceylon Tamil Congress on behalf of Mr. G. G. Ponnambalam (Jr.) who has offered himself as a candidate for the forthcoming Presidential election.

Here are extracts from the statement:

"The deteriorating ethnic problem led to a call for a separate state in 1976 and to the claim that a mandate had been given for the setting up of a separate state to the pre-

sent Tamil Leadership at the 1977 General Elections.

"Events that have occurred subsequent to July 1977 and up to date have prompted the Government to advertise that the majority of the Tamil Nation are against a separate state because (1) the Tamils outside the North and East are against a separate state; (2) the Eastern Province is against a separate state; (3) the Vanni is against a separate state; (4) the Tamils of Indian Origin are against a separate state; and (5) The Muslims are against a separate state. The Government says, therefore, that the demand for a separate state is confined to the Tamils of the Jaffna District mainly.

#### Solution through District Councils

"The Government fortifies its arguments with the points that the Tamil Leadership which had romped home in 1977 on a mandate to set up a separate state had since then (1) accepted the District Development Councils System as a solution to the political problem; (2) sat down for monthly or fortnightly talks with the Government in spite of the fact that they had, in December 1976, irrevocably decided that there was no purpose in having talks or pacts with Sinhala Governments; (3) agreed to a moratorium not to talk of a separate state; (4) condemned the Unilateral Declaration of Independence of the 14th of January, 1982 by certain sections of expatriate Tamils in New York and London; and (5) a pro-government stand taken by

Messrs. Amirthalingam & M. Sivasithamparam at the World Tamil Eelam Convention in New York in July 1982.

"The Government's position today is that even the Tamil Leadership is now backing the Government.

therefore one cannot derive an answer to any particular issue....

"It is because the Presidential election is being held on an all island basis that the A.C.T.C. is calling upon the Tamil Nation to treat this election solely as a Referendum and not as an election of the President of Sri Lanka. Any Tamil speaking person living in any part of the island has this opportunity to voice his opinion. The A.C.T.C. does not expect any Tamil speaking candidate to win. The A.C.T.C. expects this Referendum to be confined to only the Tamil Speaking electorate though it expects that a sizeable number of Sinhala people will vote in favour of the proposition. The A.C.T.C. urges any Tamil Speaking person who favours the proposition to vote for the A.C.T.C. candidate.

"Since the A.C.T.C. is treating this election as a Referendum and not as an election of a person to an office, the A.C.T.C. urges those who will vote for the A.C.T.C. candidate not to exercise their second and third preferences in favour of any other candidate...."

#### BIO—DATA

Here is a Statement of Personal History of Mr. Ponnambalam sent to us by the All Ceylon Tamil Congress:

Name: GAASINATH-ER GANGASER PONNAMBALAM; Date of Birth: 12th August, 1938. Religion: Hindu; Occupation: Attorney-at-law. Educated: Ladies College, St. Patricks, Jaffna, Royal Prep, Royal College, Aquinas Law College, Kings College, University of London and Fitzwilliam College, University of Cambridge.

Degrees: L.L.B. (London) M.A. (Cambridge) Professional: Barrister-at-law (of Lincoln's Inn) in November 1969; Advocate of Ceylon in January 1971. Advocate of Tamil Nadu, India in July 1971.

So much so that the Hon. Athulathmudali who complained bitterly that no Tamil voted at the Dehiwela by-election in November 1977, pontificates today that more than half of the votes polled by the TULF in 1977 will be polled for the UNP candidate at the Presidential Stakes!!

"The Government's main argument is that the mandate claimed by the TULF in 1977 is not a true mandate of the Tamil Nation for a separate state because it was principally confined to the North and East, whereas, the majority of the Tamil Nation lived outside the North and East and their views had not been obtained. It argues further that at a General Election, many issues are put forward and

#### Co-operative Day in Jaffna

The National Co-operative Council of Sri Lanka Jaffna, will celebrate International Co-operative Day on 18 September, states a press release issued by the Council's District Secretary S. Sivasubramaniam.

The highlights of the celebrations—organised in collaboration with co-operative societies in the Jaffna District—will be Elocution Contests, Music Competitions, Drama Contests and Debates for school children and co-operators.

#### PRESIDENTIAL CANDIDATE

A former Minister, Mr. N. H. Keerthiratne, has paid in a deposit of Rs. 75,000/- to contest the forthcoming Presidential election as an Independent candidate.

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There are just five more days to go before Nomination Day. Will the Opposition parties be able to agree on a common candidate and a common programme before then? This is the question on the lips of all those people who have been disillusioned by the United National Party's performance. With them, it is like a silent prayer, an attempt to will the leaders to rise up to the occasion.

Even at this very late stage, the Opposition parties should realise that, divided, not only will they have no chance against President Jayewardene but they will also be virtually writing their own death warrants.

#### More authoritarian

For there can be little doubt, judging by the trend since the UNP assumed office in 1977 and the developing economic crisis, that, if elected, Mr. Jayewardene will embark on a more authoritarian course than hitherto which would mark the end of party politics as has been practised in Sri Lanka up to now. Sri Lanka will in effect become another Singapore where politics is concerned, though it has a long way to go before it could emulate Lee Kuan Yew's tinpot kingdom economically.

#### Rolling up the electoral map

I am not saying this off my own bat, drawing on my imagination. On 4th September, addressing a district seminar of UNP organisers at Anuradhapura, Mr. Jayewardene himself was quoted in the Press saying, "We are contesting this election to win and at a time most favourable to us. We intend to take advantage of all our opponents. We intend with the help of those supporting us to demolish and completely destroy the opposition politically. After that, I say to you: Roll up the electoral map of Sri Lanka. You will not need it for another 10 years".

So you can see what is in store for Sri Lanka—if Mr. Jayewardene wins. No more elections, no more democracy of the kind that has survived up to now. Our country would become one more dictatorship like those American-backed republics in South America.

United, however, the Opposition parties have a chance of halting the UNP juggernaut, as they did in

# Political Causerie

by

Gamini Navaratne

1956, 1960 and again in 1970.

Even in the North, whatever position the Tamil United Liberation Front finally adopts, there are sizeable sections among the people who are likely to support a common opposition candidate.

Will the Opposition leaders, realising the opportunity—and the danger before them be able to forget their narrow sectarian differences and personal rivalries, and forge unity in time?

That Nomination Day coincides with Mr. Jayewardene's birthday cannot be accidental. I believe it has been chosen strategically or, rather, astrologically! Though the announcement came from the Commissioner of Elections, he certainly must have consulted on the most suitable dates for both nominations and polling because matters beyond his control, like logistics and security, are involved.

The best birthday present for Mr. Jayewardene

issue of a proclamation and polling day.

There is however, the possibility that the Government may decide on a dissolution after Nomination Day. If after so long there is no Opposition agreement on a presidential candidate, how longer would it take for agreement on common candidates for a general election? An immediate dissolution would enable the holding of fresh elections within about two weeks after the Presidential election.

These options, as well as the holding of a referendum to extend the life of the present Parliament instead of ordering fresh elections, again if Mr. Jayewardene wins, have all been discussed by the UNP leadership. To hold a referendum only 30 days' notice is required, so that one could be called in the third week of November.

The Government's mind on whether to go in for a parliamentary election or a referendum after the Presidential election will in reality be made up for it by the Opposition's performance on 17th September.

#### UNEQUAL CONTEST

The Presidential election, even if the Opposition parties succeed in their quest and field a single candidate, will be an unequal contest. For Mr. Jayewardene's chief rival has been eliminated from the contest by a Machiavelian manoeuvre. Because of this situation, whatever Government spokesmen may say in defence, the election cannot be described as "a free and fair election" as envisaged in the Constitution.

Armed rebels against a democratically-elected Government and foreign exchange racketeers, all convicted after trial, have been pardoned and freed from jail; politicians indulging in bribery and corruption and smuggling have been let off lightly, free to contest elections and enter the hallowed precincts of Parliament again; but a national leader who hit the headlines in 1960 as the world's first woman Prime Minister and was later elected for a second term, during part of which period she was also Chairman of the Nonaligned Movement, has been forced out of politics for a "crime" not defined in the law of the land. What is still worse, even convicted murderers have a right of appeal, but even the Supreme Court, one of whose functions is to ensure that fundamental rights are not eroded, is powerless to grant redress!

I have said it before and I say it again: I never wish to hold a brief for Mrs. Sirima Bandaranaike. But there are certain basic values that we have been taught to uphold and cherish from our young days, like chivalry, fairplay compassion and decency, like not to hit a person below the belt or hit a person when he or she is down.

I believe these values are inculcated in students who attend Royal College as well.

(Continued overleaf)

# 'President J. can go down in history, but not if he keeps Mrs. B in bondage'

#### BIRTHDAY PRESENT

The majority of the people with whom I discussed the situation over the past several weeks despaired that opposition unity could ever be a reality in our country. But from what I have gathered in talks with some of the persons working behind the scenes, there is a slim chance that agreement might be reached on both a common candidate and a common programme just before Nomination Day, 17th September, failing which they could go on striving even up to the eve of Election Day, October 20.

There would be a long string of Opposition aspirants for the Presidency. Or will the Opposition parties spoil the day by coming up with just one name?

#### 42 DAYS' NOTICE

There had been suggestions in the Press that the Presidential and Parliamentary elections should be held on one day, using the same staff and facilities. But this is now out of the question. Only if Parliament had been dissolved by 8th September the latest would it have been possible to comply with the legal requirement that there should be a minimum 42 days between the date of



Mrs. Bandaranaike

But if the Government does not want to take any chances and prefers to see what happens at the polling, then the earliest a general election could be ordered by a victorious Mr. Jayewardene—assuming he wins handsomely—will be in the first week of December.

13/1, Adigar Road,  
Batticaloa

The Editor,  
Saturday Review  
Jaffna.

Dear Sir,

Your Popular Political Commentator Mr. Gamini Navaratne a very versatile senior sage in the journalistic world has from time to time made his usual 'obiter dicta' in pontifical fashion. Strange to say some of his statements are bound to influence the people of Sri Lanka to erroneous calculations and thereby contribute to tragic results. Please may I crave your indulgence to take just one 'obiter dictum' of this great journalist when he said that the S.L.F.P. is where Srimavo is, in the S.R. of 1st May 1982.

This statement is very unfair and unjust by Mr. Maithiripala Senanayake. I am neither a friend of his nor does he know me. I wish to urge my case by quoting an anecdote from the *Catholic Digest* of about forty years ago. The Captain of Eton Cricket Team replied the Secretary of Beaumont Cricket Club to their request for a match with this cryptic note, "Who is Beaumont?" Pat came the reply, "Beaumont IS what Eton Was". A public School for Catholic Gentleman! Similarly I want to emphasise that Mathiri WAS and IS the S.L.F.P. Not where he or others ARE!

S. W. R. D'S  
cross - over

When Mr. Bandaranaike made his famous cross-over in Parliament, Maithiri was metaphorically and physically there to embrace him in his mighty arms and found great Party. That was the birth of the S.L.F.P..

Along with stalwarts like Messrs. A. P. Jayasuriya, C.P.De Silva and Michael Siriwardene, Maithiri gave the S.L.F.P. a form and a habitation and vision of things to come. As the longest Member in Parliament without a break since 1947 Maithiri's record of service to the people is unsurpassed. Through all the trials and tribulations of this party this mighty man of Madawachiya, Maithiri strode the narrow strips of Wanni like a Colossus—e.g. winning all the seats of the N.C.P. in the 1970

# Maithiripala is the S. L. F. P. !

general elections, outwitting even C.P.De Silva from his pocket boroughs of Polonnaruwa & Hinguragoda.

His loyalty to his late Leader in the early part of Mr. Bandaranaike's Campaign should be really admired. They were like a voice in the wilderness but the party gained momentum to such an extent that

after the March 1960 elections but as the Federal Party was not prepared to lend any support, Mr. Dudley Senanayake handed in his resignation to the Governor General recommending the dissolution of Parliament.

At the general elections of July 1960 Mrs. Bandaranaike was triumphant and became the first woman

entire Cabinet of the late Mr. Bandaranaike, Messrs. Maithiripala Senanayake and T. B. Illangaratne were the sole supporters of Mrs. B.

Among the notable defectors was Cabinet Minister T. B. Subasinghe whose resignation and explanation about the silent majority caused confusion among the voters. Also

journalists that "Facts are sacred but comment is free". Therefore I wish to take cover under this dictum by challenging your audacious correspondent for his flip-pant outburst that the S.L.F.P. is where Srimavo is. He is free to comment but should stick to facts. Any impartial reader of my article will agree with the above facts. Should we quote Shakespeare with the lines "Blow Blow Thou Winter Wind. Thou Art Not So unkind as Man's ingratitude," even the ranks of Tuscanny will forbear to cheer. Mr. Maithiripala with his dynamic drive created the T.C.E.O. and improved the Highways of Sri Lanka. He gave a new dimension to industries by expanding the Paper Industry to Rajangana in the NCP and Embilipitiya near Chandrikawewa.

## Says Mr. Noble Arasaratnam

the M.E.P. swept into power in the general elections of 1956 throwing the U.N.P. into confusion. It must be noted that Maithiripala crossed over from the U.N.P. before Mr. Bandaranaike. Mr. Bandaranaike's Government had giants like Messrs C.P.De Silva, Stanley de Zoysa, Phillip Gunawardena, M. W. H. De Silva, B. H. William de Silva, R. G. Senanayake, Maithiripala Senanayake, C. A. S. Marikar, Mrs. Wimala Wijewardena, T. B. Illangaratne and Bhashawa Perumuna twins Dr. W. Dahanayake and Mr. Irriyagolle who was a Junior Minister.

'They deserted the  
scuttled ship'

Mr. Bandaranaike had as junior Ministers Messrs. P. B. Weerakone, Jim Munasingha, K. M. P. Rajaratna and others.

Mr. Gamini Navaratne must accept that many of these people after the assassination of their leader, deserted the scuttled ship of the Sri Lanka Freedom Party. Mr. Irriyagolle created a sensation by discovering a notable widow to contest the seat of the leader, for the Attanagala seat, which caused the dissolution of Parliament. Mr. Dahanayakes whose Caretaker Cabinet had the highest percentage of Muslims in Ceylon's history, formed the L.P.P. and significantly lost all the seats contested by his party including his own.

Mr. Dudley Senanayake formed a Government

Prime Minister in the world. To whom can we attribute this victory? Maithiri from the North and C.P.De Silva from the South and T. B. Illangaratne from the Hills with several other new comers swept her into power. In spite of the hostile attacks by the former loyalists and the leftists can Mrs. Srimavo Bandaranaike be ungrateful to Maithiri for the part he played in that great victory?

In spite of the Cricket Match coalition hatched at Nuwara Eliya and the bolstering of her Cabinet with fresh blood transfusion of the golden brains, her Government suffered a defeat over the Press & Today Bill. Then where was Maithiri?

1965 General  
Elections

In the general elections of 1965 when the U.N.P. under Dudley Senanayake again came to power several of the S. L. F. P. Stalwarts were seen in the green stable; prominent among them was Mr. C. P. De Silva the leader of the House in her late husband's Government. Also were significant personalities like Dr. Dahanayake as Minister of Home Affairs, Mr. Irriyagolle who succeeded his co-partner of the B. P., Dr. Dahanayake as Minister of Education, Philip Gunawardena who took upon the important post of Industries and Fisheries and Hugh Fernando, Mr. R. G. Senanayake with his S. M. R. did his best to do their worst to Madam Prime Minister. Among the

was the present Finance Minister Ronnie de Mel who entered Parliament as an S.L.F.P. The S.L.F.P. and Srimavo owed their existence and progress to Maithiri.

The great Scott of the *Manchester Guardian* gave an immortal dictum to all

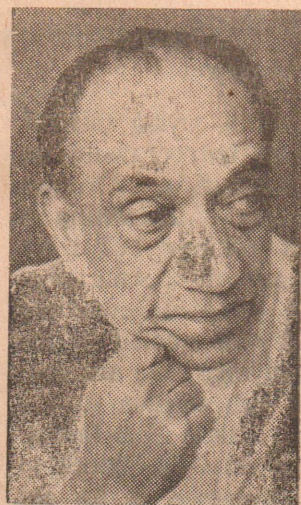
## Political Causerie .....

(Continued from page 3)

If Mr. Jayewardene sets any store by these gentlemanly values, it is but logical that he should accept Mrs. Bandaranaike's challenge, restore her civic rights before Nomination Day and face her "like a man" living up to what he preached at the Japanese Peace Conference in San Francisco, "....We believe in the words of the Great Teacher whose message has moulded the lives of countless millions in Asia, that 'hatred ceases not by hatred but by love', he said, calling for magnanimity to a defeated foe."

Anyway, what is there for Mr. Jayewardene to fear if, as the UNP's big-talker Mr. Lalith Athulathmudali Minister of Trade, has said, the Presidential election will be a "one-horse race"?

To look at the forthcoming contest in another way, it would not be good for Mr. Jayewardene's international image to pit himself against political pygmies. To take some



'It will be held  
against him'

of the names suggested, Mr. Anura Bandaranaike is less than half his age, both Mr. Hector Kobbekaduwe and Dr. Colvin R. de Silva failed to make it even to Parliament last time, while Mr. Maithiripala Senanayake has little following outside the North Central Province.

Lastly, every national leader likes to be remembered by the people—and remembered fondly and long. It is not by putting up statues and buildings, even whole cities, in one's name, getting one's bust on stamps, coins and currency notes,

Are there Courts of Confessions today in Sri Lanka? That is to say, are there Courts where accused can be convicted under the laws even to death—on their confessions only?

It is the law of the country that an accused person can be convicted on his pleading guilty if the Court is satisfied that he is fit to plead and he understands the charge against him. His plea however must be truly recorded and it must by no means be a qualified plea of guilt. If this happens in a Court, we cannot call it a Court of Confessions. Moreover in murder cases even if the accused pleads guilty, that plea is not recorded and the trial continues on other evidence available.

#### Provision in England

Our rules of evidence, however, have prohibited confessions made to the police absolutely inadmissible, except in case of a statement which has led to the discovery of a fact in which case only that part of the statement, which whether it is a confession or not, can be led in evidence. In England, confessions made to Police Officers are admissible provided such confessions are made under certain strict rules and conditions which would rule out police extorting confessions from accused persons. The law has been followed in our country consistently. But the Criminal Justice Commission laws and the Emergency regulations departed from the salutary principles of our law of evidence, and confessions were made admissible at the trial.

#### When this govt. came into power

The Civil Rights Movement in Sri Lanka and some of the leading members and supporters of the present Government strongly protested and criticised these laws—and quite rightly too. When the present Government came into power, those convicted and serving short term, long term and life term sentences were pardoned and set free and among them were many against whom there was evidence quite apart from their confessions.

The Government had good reason to do so as their trial and convictions were under oppressive laws and in violation of Human Rights and Civil Liberties. The present Government party frowned on Courts of Confessions; so much

# Courts of Confessions

so that it repealed the Criminal Justice Commission Act, when it came to power, released and pardoned the convicts among whom there were self confessed exchange racketeers, terrorists and insurgents. The Emergency regulations too were not resorted to for a long time and it gladdened the hearts of the champions of Civil liberties that they were never again to have Court of Confessions in a Righteous Society.

In 1979 however the Government after its commendable performance and having made life-long friendships with the convicts thus released and pardoned, introduced the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979.

Prior to that they had passed the draconian Law—the Proscribing of Liberation Tigers of Tamil Eelam and other similar Organisations Law No. 16 of 1978. This was repealed and the Prevention of Terrorism (Temporary Provisions) Act which was equally draconian violating Human Rights and Civil Liberties was passed with a certain measure of concern for the government's reputation of being champions of Human Rights and Civil Liberties in a Democratic Republican Socialist and Righteous Society. This Act was held out to be purely "temporary" for a permanent period of 3 years. Three years have now passed and it now survives with its temporary character extended perhaps ultimately to eternity.

This law incorporates all the obnoxious elements in the old repealed laws with added oppressive features. Under this law, there could be a Court of Confessions even worse than in the previous laws of the earlier regime. This Act of the Government had provoked a cynical observation from the Civil Rights Movement to the effect that the Champions and defenders of Civil Rights of yesterday are oppressors of today.

Under the Criminal Justice Commission Law

there were Courts of Confessions which did not have the power to pass sentences of death, although 5 or 3 judges gave judgements at every trial in the Insurgency and the Exchange Commissions respectively. It is hardly of any consolation to reflect that no person had paid the extreme penalty in these Courts of Confessions.

The same obnoxious features were contained in the Emergency regulations which admitted confessions obtained during the indefinite period of detention. But there was one regulation added on the 17th January, 1977 which stated that a conviction based on confessions alone cannot carry a death penalty (an addition to regulation 22).

In the application for a Writ of Prohibition which was heard by 5 Supreme Court Judges in the Duraiyappah case, the Attorney-General conceded that on ground of fairness, this regulation was added on the eve of the hearing of the application. It was obviously to satisfy the conscience of the five Supreme Court judges.

Justice Rajaratnam who wrote two strong dissenting judgements in this case observed. "The last minute introduction of a provision to save the accused persons convicted on such evidence from death is a concession on the part of the State with regard to the unfairness of the impugned regulation. The Attorney General himself concedes that the introduction of this provision was on the ground of fairness, but it is difficult for us to hold that a departure from the Salutary rules of the Evidence Ordinance like the one introduced on the eve of the argument before us, removes the possibilities of a serious miscarriage of justice".

It could not be logically argued that evidence of confession is fair when it comes to a life sentence but is unfair when it results in a death sentence. On the other hand a person sentenced to death by one

High Court Judge under the Prevention of Terrorism (Temporary Provisions) Act could yearn for the good old days when small mercies were shown to one convicted by a Court of Confessions not by a sole judge of the High Court but by three judges of the High Court. This Court created by the Emergency Regulations was described by Justice Rajaratnam as "a Court of Confessions which departs from the well established rules of evidence and a stranger to the traditional principles of justice in our Criminal Law".

Before judgement was delivered in the case, the Attorney-General withdrew his indictment and

proceeded against the accused under the normal laws and the confessions were necessarily excluded with the result that all the accused were acquitted there being hardly any other evidence.

Confessions to Police Officers have been inadmissible under the normal laws of our country. Can it be said that they are admissible under the Prevention of Terrorism Act which can justifiably be also called the normal law of our Country? If so, it is possible today under the laws passed by our legislature under normal times even when there is no emergency—for a Court of Confessions to exist where an accused can be convicted and sentenced to death on the confessions alleged to have been recorded by Police Officers during an indefinite period of detention.

#### Under the Previous regime

Under the obnoxious laws of the previous regime no accused was ever convicted and sentenced to death on his confessions alone. In other words there was no Court of Confessions which passed a sentence of death solely on Police confessions, although these courts were presided over either

by 3 Supreme Court Judges or more and three High Court Judges, whereas today it is lawful for a High Court to be made into a Court of Confessions where a single judge is empowered to convict and pass the death sentence on an accused on evidence based solely on confessions he had made to the Police during an indefinite period of detention and a long time after he had been taken into detention.

If there is such a Court of Confession created by our laws, we can only shudder to think that there can be miscarriages of justice of a very serious nature. It is a matter for us to wonder whether the Police who have in their turn been terrorists in Jaffna, have been made Subject to the provision of the Prevention of Terrorism Act. Has there been equality of Treatment guaranteed under the Constitution? Has there been a classification on a fair objective criteria? Have the provisions of this Act been equally applied when offences enumerated therein have been committed in the North, South, East and West? In Criminal trials under whatever laws, can the measure of justice change? Is it only a question of procedure? Will it lead to incompetent police officers resorting to the easier way of extracting confession, than to investigating into a crime with intelligence? Is there discrimination against any particular community when trials are conducted under this Act? Well, these are questions that can be asked by the Public who will await an answer from the authorities.

#### Taken in on mere suspicion

There was a time in Jaffna when parents did not allow their daughters to walk alone on the roads even to school. Today they are afraid to allow their sons to walk alone or accompanied on the roads. There has been such police violence. What is the guarantee that the Police confine their violence on youth in the open streets and practise non-violence behind the police curtain when youths are taken into custody on suspicion or on the orders of the Minister? In such circumstances, is it fair and human to permit laws which allow convictions based solely on confessions made to the Police during an indefinite period of

(Continued on page 10)

Eeylom signifies the urge and aspirations of the Tamils in Ceylon for self-government. Eeylom is only the form and structure for the abstract principle, viz., self - government, which is the objective. The objective of a mass movement can only be an abstract principle. That it has to be an abstract principle can be easily demonstrated.

Suppose the authorities of the Government at Jayawardhanapura and those in command of the situation in the Development Councils of the North and East agree to change the name from Jaffna to Eeylom North and the names of the other Development Councils of the Tamil Districts to something like Eeylom South, East etc. or even combine some of these and give the combined institution the name Development Council of Eeylom, the claim can be put forward that Eeylom has been secured.

#### Non-Violent

#### non-Co-operation

The writer is not indulging in far-fetched fancy. Have we not been displaying with much delight a Mace at the meetings of the Development Council in Jaffna? At one stage before the advent of the Portuguese, there was tributary State in Jaffna owing allegiance to the King at Jayawardhanapura with a Viceroy from Jayawardhanapura directing some stooging ruler at Jaffna, who might also have displayed a Mace although the Mace was wielded under the strict direction and surveillance of the Viceroy. Perhaps the District Minister might be the modern version of the olden days.

There are still other varieties of Eeylom which lie within the realms of possibility. An Eeylom Jaruzelski could be discovered. British Imperialism was of a different sort; Whitehall took direct responsibility for everything that happened in the ruled state. But neo-imperialism, whether it be from Moscow or Peking or even Washington, appears to operate through Satellites.

The concept of Eeylom in the minds of the Tamil youths is a sovereign State in the Tamil Districts of the North and the East which provides a Government of all the people by all the people for all the people. The purpose of such government is to

# EeyLAM -the Constitutional way

achieve the highest good of the greatest number. Let us not forget that when Gandhiji spoke of Swaraj he also frequently employed the words Ramarajyam. The present generation may not be quite alive to it but the concepts of Ramarajyam, Ravanar Durbar, Duryodhanar Durbar are of much significance in India's intellectual and cultural heritage which is also our heritage.

A wrong notion has got imbedded into the minds of the Tamil public that a sovereign Tamil State could not be achieved except through armed struggle and that the objective is not feasible unless some foreign state champions

called "unity" which is a sheer inanity. Unity is the consequence and not a condition precedent to a properly formulated objective and meaningful steps to achieve such objective with sincerity and singleness of purpose. The writer gives below an Outline of a Blueprint to achieve a Sovereign Tamil State of Eeylom by Constitutional means.

#### BLUEPRINT—PROJECT EEEYLOM GUIDELINES

The Movement must be a broadbased mass effort in which the objective and strategy to be pursued and all norms to be observed are fully understood, appreciated and cherished by the Tamil public at large

fill the role of leadership. Those who are not convinced of these and are not prepared to dedicate themselves to such projects or those who have in the past acted contrariwise should gracefully keep aloof from Project Eeylom.

3. We must completely eschew violence and beseech every youngster who may have in the past toyed with notions of violence to give up such thoughts.

4. Rigid adherence to the principle of non-violent non-co-operation and hard effort along constructive lines is the key to success and will erode out the will to resist or to fight which our opponents now display in over-abundance.

5. The onus and responsibility devolving on the leadership is definitely much more than that devolving on the rank and file of the Project Eeylom

the adoption of the above National Resolution with as much support as is procedurewise feasible.

2. The adoption of a Resolution (to be sponsored by the same Leadership team) beseeching every Tamil voter in whatever part of the Island he may be resident at the moment, and this will include Mr. Kumar Ponnambalam, to dissociate himself from the election to be held for electing a President on the 20th of October, 1982. (The word "dissociate" is used instead of the word "boycott" to lay emphasis on the spirit underlying the Project Eeylom: "we leave you alone; you leave us alone".) In our view the President to be elected is the President of a neighbouring State of Sri Lanka.

3. The adoption of a Resolution that the above said Leadership team do contest the forthcoming General elections in the Tamil Districts in the Northern and Eastern Provinces on a Manifesto which would be the same as the National Resolution referred to in (i) above.

4. The Leadership Team or more precisely the Leaders so elected, will go to the Parliament at Jayawardhanapura and apprise the Speaker that they were returned on a specific mandate by the people and since sovereignty resides with the people who elected them they could not take the Oath as laid down in the Fourth Schedule to the Constitution of Sri Lanka and that they could take an Oath only in the following terms:

"I.....do solemnly declare and affirm that I will faithfully perform and discharge the functions and responsibilities devolving on me in terms of the Mandate given to me by the sovereign people of the electorate of.....and that I will to the best of my ability uphold and pursue the implementation of the Mandate given to me by the

(Continued next page)



## A BLUEPRINT

By **Somasundaram Vanniasingham**

our cause. Nothing can be further from the truth. We aim at a stable, peaceful and orderly State and such a set-up cannot emerge from violence. Every Tamil should be convinced and feel confident that the leadership of the Tamils is quite competent and capable of effecting a transition in a constitutional and orderly manner and that the State of Eeylom to which they are now glued will ensure the highest good of the greatest number.

A sovereign State of Eeylom is perfectly possible provided we follow the path of non-violent non-co-operation with rigid self discipline. The concept of self-discipline is quite different from the "discipline" frequently mouthed by some top Tamil politicians along with another word

and indeed fully understood by our opponents also. There is to be no secrecy about the objectives, strategy or steps to be pursued. "Kusu Kusu kootams" which characterized the politics of the Tamils for the past several years is to have no place in our projects and plans. The approach is something analogous to the principle of Management by Objectives met with in Management Science, where every employee from the Managing Director down to the humble operative is fully aware of and committed to the objectives to be achieved and his own role therein.

2. A Task Force or Team or a Political Party dedicated to the objective of what may be called-Project Eeylom should assume responsibility to ful-

but that does not mean that they can indulge in any sort of violence.

6. Finally the importance of acting with the singleness of purpose cannot be over-emphasised. Until the objective of a Sovereign Tamil State of Eeylom is achieved the Leadership team should engage in no other pursuit in the political plane. The goal of Swaraj should be the THARAKA MANTHI-RAM of every Tamil.

#### STEPS

1. The adoption of a National Resolution demanding that the existing de facto Administrative authority to seek de jure status through a Referendum in the Tamil Districts in the Northern and Eastern Provinces; the above-mentioned Leadership Team will sponsor the move for

# Eelam - a blueprint



A map showing the traditional contiguous Tamil majority areas

**'We leave you alone, you leave us alone'**

(Continued from page 6)

sovereign people of the said electorate.

5. When the Speaker refuses to allow them to take such an Oath—as he would necessarily do—they are to thank him, withdraw from the House and return to the electorate.

6. If some one were to assault them when returning after meeting the Speaker—as is most likely to happen—they are to

receive the blows, offer the other cheek and make no complaint to anybody.

7. The Leadership Team will mount a peaceful propaganda in the neighbouring countries, including Sri Lanka, asserting our right for self-government and to be the architects of our future and demanding that the de facto Administrative Authority should hold a referendum to validate the Constitution of Sri Lanka by seeking an affirmative vote

from the people of the Tamil Districts, in pursuance of the solemn declaration in the premises to the Constitution that sovereignty resides with the people.

8. If and when the de facto Administrative Authority holds any election in these electorates subsequent to the refusal of the elected leaders to take the Oath dictated by the de facto Administrative Authority, the Leadership team will make arrangements to contest the said elections again on the same Manifesto and when elected repeat the same process with regard to the Oath of Parliamentary membership.

9. Apart from the above steps in the political or rather Parliamentary plane the Leadership team will set up a Constituent assembly which will comprise not only the elected leaders but a sufficient number of other persons, particularly those with adequate intellectual calibre and administrative and managerial experience, to enact a Constitution for the sovereign Tamil State of Eeylom.

10. The Constituent Assembly will also enact certain other basic legislation such as a Judicature Act, a Monetary Law Act, a Public Debt legislation, and the like.

11. The Constituent Assembly will commission several planning Committees or a single Planning Committee and several sub-committees for the following objectives:

(a) To study and recommend what legislation obtaining under the preceding polity should be adopted into the Statute Book of the polity of Tamil Eeylom. This will be a Legislative sub-committee.

(b) To study and recommend schemes for the Administrative Machinery of the polity of Tamil Eeylom, particularly with a view to effecting a smooth transfer of personnel now in the employ of the neighbouring state of Sri Lanka. This will be the Administration sub-committee.

(c) To study and recommend the structure of educational facilities with special emphasis on Technical education and manpower planning that has to be provided in the polity of Tamil Eeylom.

(d) To study and recommend the structure of National Health service which would bring into the scheme the private medical service also.

(Continued overleaf)

## The proposed National Resolution

WHEREAS Sovereignty resides in the people and is inalienable even according to the 1978 Constitution of the country called Sri Lanka vide Article 3 thereof;

AND WHEREAS the bringing together of the Sinhalese and Tamils into one polity was the act of the British Imperial Masters carried out for their administrative convenience and was never willed by the Tamil 'people';

AND WHEREAS the serious deterioration in race relations between the Sinhalese and the Tamils in this Island has been caused not by social, cultural or religious differences but solely by political differences and developments;

AND WHEREAS such differences have been manifest from the time SIR PONNAM-BALAM ARUNACHALAM and the large body of Tamils associated with him resigned from the Ceylon National Congress, the premier organization founded to achieve self government for this country;

And later by the sharp racial cleavage in the voting in the Legislature in relation to the acceptance of the Donoughmore reforms;

And again by the boycott of the elections to the Legislature in 1931—the first Legislature con-

stituted under adult franchise—by the majority of the Tamil constituencies;

And again in the post-independence era by the reaction to the Citizenship legislation;

And again on the occasion of the enactment of the Sinhala Only Act in 1956 which did not get a single Tamil vote in its favour;

And again with the bloodbath of 1958 racial riots on the occasion of the intervention of the Buddhist Bhikkus in connection with the infamous B — C pact;

And again with the bloodbath occasioned in January 1966 on the day the Legislature proceeded to enact the Reasonable use of Tamil Language Regulations—an occasion on which a Buddhist Bhikku got shot by the Police and died in the midst of a rioting crowd in the heart of the Metropolis;

And again with the bloodbath occasioned shortly after the General Elections of 1977 in which the bulk of the Tamils down South are considered to have voted for the U.N.P.

And again with the bloodbath which resulted at the time of the elections for the Development Councils in 1981;

And again by the innumerable acts of violence in trains, bazaars and elsewhere frequently

experienced in the last several years;

And again by the hostility and sense of frustration created by the introduction of what is called the Standardization technique to govern admissions to the seats of higher learning;

And again by the non-participation of the bulk of the Tamil legislators in the making of the Constitution of 1972 and again in that of 1978;

And again by the boycott of the Golden Jubilee celebrations in 1981 of the attainment of Adult Franchise by the bulk of the Tamil Legislators—an occasion which was graced by Her Majesty the British Queen;

And by the telling spectacle of hundreds of Tamil youngsters being placed behind bars without being brought before a Court while thousands of common criminals were released as a mark of the Jubilant celebration of the Golden Jubilee of this country securing Universal Adult Franchise;

And Whereas the premises to the Constitution of 1978 which reads—

"The People of Sri Lanka having by their Mandate freely expressed and granted...and having solemnly resolved by the grant of such Mandate and the confidence reposed in their

said Representatives, who were elected by an overwhelming majority, to CONSTITUTE Sri Lanka into a Democratic Socialist Republic does not hold true in respect of the Tamil Districts of the North and the East and the so-called polity of Sri Lanka has really not been constituted;

And whereas the Tamil public are firmly of the view that the substance of self-government which has inherited to the Sinhalese has not similarly inherited to them;

And Whereas a feeling of frustration among the Tamil youth leads to the eruption of violence owing to the lack of constitutional validity for the de facto Administrative Authority;

This public meeting of the Tamil linguistic group of the ..... (name of District) assembled at .... (venue of meeting) doth demand of the President of the Republic of Sri Lanka which exercises de facto authority over the Tamil Districts of Northern and Eastern Province to validate the Constitution of 1978 in respect of the said Tamil Districts by seeking an affirmative vote through a Referendum in the said Districts, in terms of Article 86 read with Article 5 of the said Constitution with the least possible delay."

Dr. James T. Rutnam and C. Sinnathamby write on —

# Sir Jafna Pandranath & Bernard Shaw

Evelyn Rutnam Institute,  
University Lane,  
Jaffna.

The Editor,  
Saturday Review,  
Jaffna.

Dear Sir,  
Sir Jafna Pandranath

With reference to your query whom Shaw had in mind when he created the character of Sir Jafna Pandranath, there is no doubt that the character represented (or misrepresented) is Sir Ponnambalam Ramanathan.

Shaw and Ramanathan had a mutual friend Florence Farr (married once to one Edward Emery), an alluring proto-type of the *New Woman* of the late nineteenth century. She is reported to have been a 'mistress' of Shaw and a very close friend of W. B. Yeats, both of whom had respectively written a play and a poem for her.

Ramanathan had met her in or about 1902 at a meeting of Theosophists which he addressed. This meeting led finally to Florence, the soul-search-



*Ramanathan photographed with his disciples in America*

ing intellectual, and haunting siren of society in London, packing her bags and coming over to Jaffna to sit at the feet of Ramanathan. We may not know how Yeats reacted to this, but Shaw certainly was not amused. Our sage had the better of Shaw. But did they ever

meet? We may have a clue in the papers left by Ramanathan.

Florence Farr died at the General Hospital Colombo on the 29th April 1917 at the age of 56 years. She was under the treatment of Dr. Miss Curr in Jaffna, and S. C. Paul and Lucian de Zilwa in Colombo.

Jayanta Padmanabha, who had corresponded with Shaw and also communicated with Ezra Pound wrote an article on Farr in the *Ceylon Daily News* of 30th April 1947. Lucian de Zilwa too had two articles in the *Ceylon Daily News* of 10th December 1950 and in the *Times of Ceylon* of 27th February 1966. Some of Yeats and Shaw's letters to Farr had been published by Cliford Bax, and an interesting biography of Farr by Josephine Johnson came out in England in 1975.

Isacc Tambyah

Collection

In passing, may I be permitted to say; It is a pity that the archival collections of Ramanathan which extended from 1834 to his death in 1930, including among them the papers belonging to Sir Mutu Coomaraswamy are now scattered, if not totally lost. The Jaffna Public

Library had Isaac Tambyah's invaluable collection and it is heart-breaking to realise their fate.

Yours faithfully,  
James T. Rutnam

Tellipalai West

George Bernard Shaw in spite of the fact that he was not a sexual athlete, had in addition to Charlotte his legal wife, a number of supplementary wives who were other men's legal wives. He captured the hearts of many women neck and crop and some of them openly surrendered to the charm of this woman killer. One of them was Florence Farr a lady of angelic gracc who gave up her husband and took to the stage. Sir P. Ramanathan was on the look-out for a suitable Lady Principal to be at the helm of Ramanathan College which he founded in 1913. In those far off days England stood panoplied in colonial splendour and the appointment of Whites as administrators was considered a great advertisement to any institution. Sir P. scoured London and struck upon this lady and persuaded her to accept the principalship. The personal charm and intellectual attainments of Sir P. might have attracted the attention of Shaw and he must have remembered the great Ceylonese when he wrote his play "On the Rocks".

Irish poet

W. B. Yeats

Florence Farr had acted in Shaw's "Arms and the Man" and W. B. Yeats' "Land of Heart's Desire" and this is what Shaw says of her, "She was a young independent woman who enjoyed social intercourse in artistic circles in London. As she was clever, good-natured and very good-looking all her men friends fell in love with her. This had occurred so often that she had lost all patience with the hesitating preliminaries of her less practised adorers. Accordingly when they clearly longed to kiss her and she did not dislike them sufficiently to make their gratification too

great a strain on her excessive good nature, she would seize the stammering suitor firmly by the wrists, bring into her arms by a smart pull and saying "Let's get it over" allow the startled gentleman to have his kiss and then proceed to converse with him at her ease on subjects of more general interest."

W. B. Yeats observed that she listened to a sage from the East on the flight of the soul and followed him. Presumably this sage is Sir P.

How

H. A. P. Sandrasegara  
called him

an evil genius

In the early thirties of this century Shaw went round the world and his itinerary included India and Ceylon. In Bombay he met Krishnamurthi whom he described as the most beautiful human being he ever saw. Readers will remember his recent visit to Ceylon where he was confronted by a famous lawyer of Jaffna named H.A.P. Sandrasegara who was a literary cormorant and was quite conversant with Shaw's writings. H.A.P. attacked Shaw for maintaining an intellectual aloofness and called him an evil genius. The playwright after his return to England wrote the play under reference and as such it is reasonable to infer that his creation of Sir Jafna Pandranath must have been modelled on Sir P. Ramanathan and Mr. H. A. P. Sandrasegara.

To satisfy the curiosity of the reader I give the subsequent history of Florence Farr. She followed the Hindu way of life and within a short period of her appointment contracted cancer. Dr. Lucian de Silva the well known Surgeon who treated her was able to make her out. When he told her that he had seen her on the London stage she was nonplussed and requested him not to reveal her identity. She passed away in 1918 among alien people in an alien land. Her body was cremated in Colombo according to Hindu rites.

C. Sinnathamby.

## Eelam — a blueprint

(Continued from page 7)

(e) To study and recommend policies and machinery for Economic Planning including international economic relations and inflow of capital from abroad. Special emphasis will have to be given by this sub-committee to the objective of ensuring self-sufficiency in essentials. Further this sub-committee will give particular attention to resource deficiencies as electricity, water supply etc.

(f) To study and make recommendations for the organization of the defence of the polity of Eeylom. This will be the task of the Defence sub-committee.

12. The denial of the de jure status to the existing de facto Administrative Authority which is the crux of the strategy of Project Eeylom, will lead to a break-down on its own

of the morale of those manning the de facto administration and essential services are bound to get disrupted and collapse. It will be necessary to organize for the provision of essential services now provided by the existing de facto Administration. An Ad Hoc Essential Services Committee comprising men with Administrative and business experience will be set up by the Constituent assembly to provide the best improvised alternative services.

RESOLUTION  
on Page 7

The above National Resolution is to be adopted at public meetings to be held at various places in the Tamil Districts in the North and the East and to be supplemented by as many signatures as possible.

## The Dowry debate continues

As a regular reader of the 'Saturday Review' I thought that I would make certain observations and comments on the article 'How to kill the dowry evil' by your Staff Writer appearing in the SR of 7th August. He has suggested various measures to deal with it and one among these is that voluntary associations like the Rotarians, Lions, Junior Chambers, Round Tablers and such others launch a campaign. I think that this suggestion can be likened to preaching to a multinational company not to interfere with the domestic policies of a developing country in which it has invested its capital let alone not to make unconscionable profits, because I am of the view that those who are in such associations are there because they have received fat dowries and are in a position to give fat dowries. Of course there may be a few exceptions to my generalisation. But apart from this I would be inclined to state that your staff writer has made his point about the dowry evil which most thinking sections of the Tamils would agree about.

### Corruption at all levels

I think it would be relevant to consider this dowry problem from a socio-economic view point in so far as it affects us as a people in a developing country, mindful at the same time that presently the Tamils are faced with a life of trepidation. Such an approach I feel would enable us to see the problem in a broader perspective, in order that it may be dealt with properly. "Private property has made us so stupid and one sided that an object is only ours when we have it—when it exists for us as capital, or when it is directly possessed, eaten, drunk, worn, inhabited etc.... (Marx-Manuscripts of 1844). A dowry property would come under this description. The time when parents gave their daughter voluntarily out of their love and affection for her on her marriage an unsolicited gift called dowry to give the young couple a start in their married life has receded into the dim past long ago as compared with the dowry in capital and property negotiated, demanded, and extorted as a pre-requisite for going ahead with the wedding nowadays. It

# Amend the Thesavalamai law

has now become a sort of a bribe.

One of the effects of colonialism and the subsequent neo-colonialism is the inculcation of materialistic values as a characteristic feature of the way of life for the people of the developing countries of the world. The scramble to acquire wealth for its own sake for personal gain

If there are minorities in such a country the hardships for them would be acute especially when those who purport to safeguard their interests find themselves in a blind alley led therein by their own rhetoric and by their desire to preserve their own interests. The social fabric of such a country would be textured in such a way for the maintenance of an infrastructure by the inculcation of bourgeois values by tinkering with the school curricula, control of the media, a financial system

accountants, doctors, teachers etc. would usually come from the same class the ruling elite comes from and it is they who demand, receive and are invariably in a position to give dowries.

Imported consumer goods, the glitter of the cocktail circuit to rub shoulders with the flamboyant, rich, and those who wield power and influence are attitudes and values which are formed by the pressures and contradictions of life of a people who have to live in an

by

R. Sivaganeshan

ignoring common good is the sole aim in life for the ruling elite of any developing nation that has left itself to the mercy of market forces and chance in the name of freedom, democracy and economic progress. Corruption in the high echelons of power in such a nation, seeps down and becomes a normal phenomena, and flows down to all levels so that a corner boutique keeper sells an essential or hard-to-get commodity at above the controlled price, or adulterates it, something extra has to be paid to the man at the counter in the railway station to reserve a seat for a long distance journey, a 'santhosam' paid to a minor official in the ward of a government hospital to obtain a bed for a patient, or a gift paid to obtain admission for a child in school, let alone what is paid to obtain a passport or selection for a job.

In a neo-colony the ruling elite has no economic base but only political power, which it would have somehow or other obtained either by eloquently appealing to religious, language, national or racial sentiments or by such other demagoguery. But economic power would rest with foreign capital which would have such a country as a haven for making profits as a result of the provision of the proper climate for investment, like tax concessions, suppression of trade unions, and other democratic rights etc.

to promote the interests of the rich and by the framing of laws to perpetuate and further the interests of such an infrastructure. The educated elite, the top bureaucrats, army officers, police officers, businessmen, stockbrokers, lawyers

unequal society which is maintained by force by preventing change.

The more reactionary the system the more revolutionary would the changes be for social justice through a process

of struggle against deprivation and poverty. This process is now on in various developing countries and are in different stages. Most notable among them is the struggle now under way in a small country in Central America Viz. El Salvador, and no doubt it would succeed in the same way as it did recently in the neighbouring country Nicaragua in the same continent.

### Getting husband's permission

The process of change is a basic phenomena in nature and this applies to human societies as well and will apply to the Tamils too in Sri Lanka. It is up to them and the people of Sri Lanka to hasten this process and by their struggle also eliminate from their midst the caste system and the dowry evil and lay the foundation for the creation of an egalitarian, secular, pluralistic society as well. As a small step in this direction progressive sections among the Tamils could endeavour to have the Thesa valamai Law amended to do away with the anomaly of the Thesa-valamai wife having to obtain the permission of her husband to deal with her dowry property.

## Remembering V. M. Asaipillai and his versatility approximating to genius

We wonder how many of his innumerable students scattered in different parts of this country and abroad know that their beloved Principal is no more.

That immaculately dressed majestic figure, a symbol of towering rectitude was a sight to see when he walked along the corridors of Jaffna Hindu College on his daily first visit round the classes to see they are settled to work.

A very soft spoken man of few words, a gentleman to the core, he was an all-Ceylon figure in the academic distinctions he won right from his secondary school to the Imperial College of Technology in London. It was first everywhere—First division in the London Matriculation, 1st as a university college scholar, 1st class in the London B.Sc. Examination and first for the Govt. Scholarship in Engineering Studies in London.

On his return he decided to join Parameshwara College as Vice-Principal along with some of his University Scholar friends. In 1939 he was chosen Vice-Principal, Jaffna Hindu College which he served for 25 years and retired as an eminent Principal in 1961. The College rose to Super Grade Status during his distinguished regime and this paved the way for the All Island School status which it later attained.

His death was as quiet as his life; and all those who passed through the portals of Jaffna Hindu during his regime feel grieved at his passing. His benign influence and non-interfering nature had immense impact on the entire college community and it was in sharp contrast to those who tried to wield authority in more articulate ways. Very few except those who were fortunate to know him intimately knew of his versatility ap-

proximating to genius. Be it literature, English or Tamil, Music, Western and Eastern and other fine arts Sports & Games of every hue, the finer points of Crime fiction, Astrology, Palmistry, Numerology, Magic—Virgil style or Kandappasegaram style, the Drama and the Cinema the list is too long—he was as knowledgeable and competent on these.

In a physics class he introduced the subject of transference of heat. If you—the first boy pass your pencil to the last boy through everyone in between it is conduction. But if you just get up, walk round the class and hand over the pencil it is convection. But if you just throw the pencil to the boy in the rear it is radiation.

Fortunate are those who came under his influence and enjoyed his company for they can never forget Vijayam Muttiah Asaipillai.

E. Mahadeva.

In his Point of View in The Island of 5 August 1982, "Tea Estate Worker lives in clover!" Mr. Broken Pekoe has in the first instance sought "to make the public aware" of the "actual working conditions" of the Tea Estate Workers (characteristically called Labourers by him at the beginning of his thesis). He then proceeds to compare the conditions of the Tea Worker with those of "the average daily paid paddy field worker" and seeks to show that the Tea Worker is much better off than the Paddy Worker.

#### Broken backbone of Mr. Pekoe!

Mr. B. Pekoe's findings in the first instance are either false or so tendentious as to be false. His comparisons in the second instance are obviously misleading. Mr. B. Pekoe seems to live in the Wonderland of some sumptuous British planter's bungalow on an estate hill and is obviously so ignorant of the real conditions of the workers in the line-rooms and their natural allies in the paddy fields below him that all he can do is to play the old planters' game of setting Paddy workers against Tea workers. In their games only the Broken Pekoes win, and that is why it is important to exhibit the broken backbone of Mr. B. Pekoe's arguments.

#### Mr. Pekoe's own cuckoo land

The backbone breaks on the matter of wages—which is so central to Mr. Pekoe's argument that the "tea estate worker lives in clover!" He says that a male worker gets a little over Rs 16 per day and a female worker Rs 15.80. Couldn't Mr. Pekoe be exact? The male worker gets a total wage Rs 16.12 and a female worker Rs 15.77 per day. Even this wage is given only on estates not less than 100 acres in extent. On smaller estates the male gets only Rs. 15.32 per day and the female only Rs 15.07 per day. And on all estates the daily wage is paid only on days when work is given to the worker.

# The plight of the poor Tea worker

Mr. Broken Pekoe says that work is offered "on an average of 5 days per week". This ought to give us an average of 22 workdays per month—if it were true. But it simply isn't. For instance, from January to April this year many estates offered less than 19 days of work per month and on some estates there were not even 10 days work in certain months during this period. Besides, Mr. Pekoe conveniently makes no reference to the Estate Labour (Indian) Ordinance Section 6(2) which stipulates that the worker has a right to 6 days of work per week.

Living in a cuckoo land of his own invention Mr.

is subject to variation. Has Mr. Pekoe ever heard of Rachel Kurian's 1981 ILO study in which, carefully analyzing the system of incentive payments to tea pluckers, she says that "women pluckers receive a declining rate of return for each additional kilo they bring over the norm". In other words, women who are struggling for additional income through greater effort are not only paid for this at a lower rate, but at a rate that becomes lower and lower the more work they put in.... In short, women are forced to work for additional income are being exploited". But the likes of

finding of 1976 that 8.6 per cent and 6.3 per cent of children under 6 suffer from acute undernutrition in the estate and village sectors of Sri Lanka respectively? Or that according to the Gomez categories used in the same survey severe malnutrition affects 38.9 per cent of village children and 63.8 per cent of estate children?

In the old Company days Mr. Pekoe would have been awarded a prize by the Agency Houses for reckless boldness when he goes on to write: "They (the estate workers) enjoy free housing". What tendentious rubbish! Is he not even aware of the UNICEF finding that the proportion of housing with floor space below 250 square feet was 64.3 per cent in the estate sector as against 26.7 and 28.1 per cent in the urban and rural sectors respectively? And has he really visited the line-rooms of which he speaks or is he still, as all over in his article, in his own dreamland?

And so on. Mr. Pekoe's article is so full of inaccuracies that it is futile to seek to expose all of them. When however, he passes from his facts and figures about the estate workers to comparisons of their condition with the paddy workers, Mr. Pekoe is not only fanciful; he is dangerous.

No one who has the welfare of people in the plantation areas (both Tamil and Sinhalese) at heart has ever said that the paddy worker (Sinhalese or Tamil) lives in clover. There is poverty, exploitation, oppression in the village as well as on the estate. To ask where the misery is greater is to miss the point that the misery must be ended—on both estate and village. To seek to drive a wedge of jealousy or hostility between estate and village has been a favourite pastime of the white and brown sahibs of the past. They must not be allowed to continue to play their games.

by

Paul Caspersz

Pekoe speaks of an estate family income of Rs 1600-2000 per month since he says that on an average 4 members of a family are offered work. Let us be as generous as is possible to Mr. Broken Pekoe and say that all 4 members are males and in the same generous mood let us take his lower figure of Rs 1600 per month. This means that each male must get Rs 400 per month. At Rs 16/12 per day, this means that he must be offered 24.8 days of work per month. This figure with the elementary arithmetic involved must have come to Mr. Broken Pekoe in his dreams. The reality is quite other.

Furthermore, what is the foundation of Mr. Pekoe's contention that on an average 4 members per family are offered work?

He also talks of incentive payments by which I take it he refers to plucking over the poundage norm fixed for each estate or each field of an estate and which

the Pekoes do not read literature at this level!

Mr. Pekoe proceeds to let his imagination run riot. "They (the tea workers) receive free medical treatment. Most estates have a qualified pharmacist or apothecary and a midwife to attend to their medical needs". Let us continue to be generous and say that Mr. Pekoe was obviously not aware, for instance, that in 1980 in the Matala Region there were 18 Estate Medical Assistants (EMAs) or JEMAs for 49 estates and only 7 were qualified. Or does Mr. Pekoe have more comforting figures for the other Estate Regions?

Is Mr. Pekoe aware of the 1980 UNICEF finding that the estate population had only 1 qualified midwife below retiring age per 10,000 population while the national average was 16.1 per 10,000 population? Or of the U.S. Department of Health (in collaboration with the Sri Lanka Ministry of Health)

## Political Causerie.....

(Continued from page 4)  
getting eulogies written by sychopants to pass off as biographies, ruling with a heavy boot and heaping burdens on the masses that a leader wins the affection and reverence of a people. It comes by doing good deeds, by looking after the people's welfare, by displaying magnanimity and compassion.

#### WONDERFUL CHANCE

Remember what H. G. Wells once wrote? "Amidst the tens of thousands of names of monarchs that crowd the columns of history, their majesties and graciousnesses and serenities and royal highnesses and the like, the name of Asoka shines, and shines almost alone a star...." Why, we all know.

Since independence how many politicians have there been in Sri Lanka who strutted the political stage like colossi in their hey day? How many of them are remembered by the people today?

Mr. Jayewardene, alone

out of most of them, has a chance of going down in history as a great President but not if he continued to be afraid of a woman. Keep Mrs. Bandaranaike in permanent bondage, and this fact will be held against Mr. Jayewardene by future historians, whatever his other achievements may be; give life to the "spirit of San Francisco" and release her from bondage and I am sure the whole world will applaud him.

Or, are there vital and overriding FOREIGN political, economic and military interests that have to be subserved that makes it imperative for Mr. Jayewardene to ensure that the UNP remained in power at all costs, that his commitments to democracy and nonalignment are confined to paper, that the masses of this country do not matter at all?

I fear so, judging from his reported statement at Anuradhapura. If that is what he has in mind, then why go through the farce of an election?

## Courts of Confessions.....

(Continued from page 5)  
detention? Have we kept our hands clean after signing the International Covenants on Human And Civil Rights?

During the 1977 Parliamentary election the present Government party

gave promises to repeal oppressive laws. They did keep their promise but for how long? How much longer will the Prevention of Terrorism Act have its temporary existence now that it has come on to its fourth year? It may be the Government follows the philosophy that every-

thing good or bad is temporary.

What are the views of the various political parties on Courts of Confessions today? His Majesty the Voter seeks an answer on the eve of the Presidential Elections.

"I am of the view that there has been a violation of the fundamental rights guaranteed by Article 13 (2) of the Constitution, but this violation has been more a consequence of the wrongful exercise of judicial discretion as a result of a misleading Police Report. Although we are thus unable to grant the petitioner the relief prayed for, we award him costs in a sum of Rs.750/- payable by the respondents."

Justice Wimalaratne in concurrence with Justice Wanasundera and Justice Ratwatte gave this judgment in the case in which **Mr. S. N. Kumarasinghe** of Madukanda, Vavuniya, filed an application before the Supreme Court alleging that Headquarters Inspector of Police, Vavuniya, Susila Gunawardena, Sub-Inspector Gunasingha, Sub-Inspector Joseph and Constable Perera all of the Vavuniya Police Station subjected him to torture, cruel and inhuman treatment and punishment and illegal arrest and detention and prayed that the four respondents be dealt with by the process of the law.

Mr. V. S. A. Pullenayagam with Mr. R. Srinivasan, S. C. Chandrahasan appeared for the petitioner.

#### Vavuniya MIRJE

##### Secretary

Petitioner Kumarasinghe told Court that he is the Secretary of the Vavuniya Branch of a movement known as "Movement for Inter-Racial Justice and Equality", which has campaigned vigorously for inter-racial justice and equality and has had occasion to criticise, condemn and even denounce the conduct of members of the Sri Lanka Police publicly and widely through the media which was reasonably and presumably within the knowledge of the respondent Police Officers.

#### Handcuffed

##### and locked up

The incident he complained of happened at about 9.30 p.m. on 3rd June, 1982 when he was on his way home on his bicycle along the road leading to his village Madukande. When he was passing these Police Officers he heard a shout "ado paraya come here". He stopped, dismounted from his bicycle went up to the 2nd respondent, who is the Headquarters Inspector of the Police Station and told him "mahatmaya, learn how to talk". To this the 2nd respondent replied,

"ado paraya, do you know who I am"; and he retorted "whoever you are, you must learn how to talk". The Police Officers then surrounded him and assaulted him with fists and rifle butts until he fell down with the bicycle. Even thereafter they continued the assault, drove him to the Vavuniya Base Hospital, informing the Doctor that he was brought for drunkenness. He was removed to a ward where the D.M.O. examined him the next morning, when he also complained about the incident which was recorded by the D.M.O. He was handcuffed and kept in this Hospital until the evening of the 5th when he was taken to the prisons lock up room and confined there. On the 6th evening he was taken to the Jaffna Prisons and admitted to the Jaffna Prisons Hospital. On the 17th he was produced before the Magistrate, Vavuniya and released on bail in a sum of Rs.250/-

#### Magistrate's

##### utter disregard ..

Justice Wimalaratne in commenting on the "utter disregard, both by the Police Officers as well as by the Magistrate of the procedure prescribed by the Criminal Procedure Code" says: "On the mere 'B' Report complaining of a trivial violation of a minor offence under the Vehicles' Ordinance, and of the failure to obey the Police signal to stop, the Magistrate has remanded a suspect who was not even produced before him for a period of 14 days! The suspect's name was known to the Police, and there was no allegation of the likelihood of his absconding.

Even when an Attorney-at-Law filed a motion on 7th June and asked for bail, the Magistrate had not granted bail but had minuted that the case be called on 17th June. In the meantime, the suspect was, according to the 'B' Report only suffering from bodily pains,

removed to the Vavuniya prison lock-up on the 5th June, and transferred to the Jaffna prison on the 7th June where he lingered deprived of his liberty until the 17th of June. This procedure shocks one's sense of justice and fairplay.

"Section 115 (1) of the Code requires the Police, if investigations cannot be completed within a period of 24 hours, and if there are grounds for believing that further investigation is necessary, to forthwith transmit to the Magistrate a report of the case, together with a summary of the statements made by the witnesses examined, and also to forward the suspect to such Magistrate. The reason given in their affidavit for the non-production of the suspect along with the 'B' Report

is that since the petitioner was ward on the orders of the D.M.O. they were not in a position to actually produce the petitioner before the Magistrate at the time the report was filed.

"There may be occasions when suspects ward on Hospital cannot be produced before the Magistrate within the stipulated period but in that event the Police should produce a medical report to the effect that it would be hazardous to move the suspect from the hospital ward. Magistrates should be vigilant when 'B' reports are filed before them, without the production of the suspect and should probe the reason for the non production of the suspect. If they are not satisfied with the reason adduced by the Police, they should insist

on a medical report as to the suspect's fitness to be produced.

"Magistrates would be abdicating to the Police their Judicial duty of deciding upon the period of remand if they do not bring their independent judgment to bear. In the present case a remand for a period of 14 days was quite unnecessary. No wonder overcrowding in prisons, especially in remand is causing much anxiety to Prison officials and considerable expense to the State. Likewise, Police Officers ought not to be allowed to circumvent the salutary provisions of section 115 (1) regarding the production of suspects before the Magistrate by seeking to give such excuses as have been given in this case."

## 9 <sup>1</sup>/<sub>2</sub> month-old Paranthan struggle ends in a note of victory!

A press release of the Workers' Union of the Paranthan Chemical Corporation states that the strike begun by 379 workers on the 27th of November 1981 will officially end on the 10th of September at 10 a.m. The agreement signed by the Union on the 6th of this month with the Commissioner of Labour, grants two of the demands unconditionally: that of reinstating 10 Workers' Union Leaders and 5 other workers who had been suspended from work, and that of returning the offices of the Workers Union which had been confiscated.

Though the Union leaders who had been transferred to Colombo will report to work in Paranthan on the 10th, yet they will have to complete the work given to them by the Colombo office on a temporary basis. Though the casual workers who

had been dismissed too would report to work, yet the plight of the casual workers who may not have vacancies will be solved only gradually.

The Worker's Union also states that whereas the popular opinion in the country is that no successful workers struggle can be waged against the present powerful government, the Paranthan workers have

succeeded in one of the longest struggles in the history of the public sector. The Union has expressed its gratitude to the Ceylon Mercantile Union for its active co-operation in the struggle.

A public meeting was held in Kilinochchi on the 9th, at 5.30 p.m., with Mr. Bala Tampoe as the main speaker, to celebrate the settlement of the strike.

### Indian gift to Jaffna Centre

The Resource Centre for Learning and Development, Nallur, which is functioning at Jaffna Hindu College will be gifted a film Projector by the Government of India, on the 12th of September, Sunday. Mr. R. M. Abhyankar, the Acting High Commissioner of India, who is presently in Jaffna, will hand over the gift to the centre, in a function to be held at 3p.m.

The gift was promised by the former High Commissioner Mr. Thomas Abraham on a visit to Jaffna.

### FERRY SERVICE SUSPENDED

The shipping service operating between Rameswaram and Talaimannar will temporarily cease to function from mid-October to end of December as it is expected that the sea will be rough during this period.

# Saturday Review

SRI LANKA

## Sri Lanka finds itself in poor company!

The Catholic Leader of Brisbane, Australia, carried the following report on government terrorism in its issue of 29 August:

"Disappearance" has become a euphemism for government terrorism against political opponents in 22 countries, including 10 in Latin America, says the UN Human Rights Committee.

"The victims are either simply never heard of again, reappear bearing the scars of torture, or are found dead, often mutilated beyond recognition", said the committee of 18 independent legal experts.

Such abductions are often carried out by police, military or paramilitary forces of the government, but are against the laws of the states. The report called on governments to take tougher measures against such activities and establish special safeguards.

Latin American countries named by the report were Argentina, Bolivia, Brazil, Chile, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Uruguay. The other 12 included seven in Africa—Ethiopia, Guinea, Lesotho, Namibia (South West Africa), South Africa, Uganda and Zaire—and Cyprus, Indonesia, Iran, Philippines and Sri Lanka.

The committee report, to be presented to the United Nations General Assembly later this year, cited no figures for disappearances in the countries it listed. It says governments should investigate cases of disappearances and any charges of torture. Detainees should not be held incommunicado, and should have access to their doctors, lawyers and relatives.

The right to life was of "supreme importance", and a person's right to freedom from torture could not be violated even in national emergencies.

## Jaffna library gets £ 2,371 from Canada

The Eelam Tamil Association of Alberta, Canada, has donated £2,371 sterling to the Jaffna Public Library Building Fund.

The Secretary of the ETA, M. Nithipalan, has informed the Jaffna Mayor, Raja Visuvanathan, that

## N. S. S. P. bosses in Jaffna

The Nava Sama Samaja Party (NSSP) will hold public meetings at Point Pedro and Manipay on 12th and 13th September respectively.

NSSP leader Vasudeva Nanayakkara and General Secretary Dr. Vickramabahu Karunaratne will address the meetings.

the Association collected \$ 2,600 from Eelam Tamils in Alberta through a raffle and received a matching grant from the Government of Alberta. The total amount of \$ 5,200 has been converted to £ 2,371.

Recommending the grant, Mary J. LeMessurier Minister Responsible for Alberta Agency for International Development said "In recommending this grant I want you to know that your government of Alberta supports and appreciates the good work carried on by your agency in the Third World. It is our sincere hope that this contribution, made on behalf of the people of our province, will assist in alleviating some of the causes and symptoms of world poverty."

# TULF to keep out of J.R.'s official visit to Jaffna?

Tamil United Liberation Front parliamentarians are likely to keep away from the ceremonial commissioning by President J. R. Jayawardene of the production section of the Lanka Cement Ltd.'s third-stage project at the KKS Cement Factory, the SATURDAY REVIEW learns.

President Jayawardene is expected in Jaffna on 3 October—his first official visit to the North—to commission the plant.

The General Manager of the New Plant Project, M. D. Jayamanne, heads the Committee which is in charge of arrangements for the President's visit.

Local artistes as well as artistes from the South will welcome the President at the Factory premises, the Saturday Review understands.

At the time of going to press it is not known for certain whether the President will formally open the Sri Lanka Broadcasting Corporation's Recording Studio at Pannai, as originally planned.

TULF sources say the Front is not likely to participate in the welcome to President Jayawardene or the official function that follows as the visit comes just over a fortnight before the Presidential election on 20 October, where President Jayawardene, the United National Party candidate, is the front runner.

The TULF decided at its recent General Council Meeting in Trincomalee not to put forward a Presidential candidate, these sources explain, and point

out that the Front has put off a decision on whether to back any Presidential candidate.

Under the circumstances, they say, the Front cannot take part in any function where President Jayawardene participates, even in an official capacity, since it could fuel speculation that the Front is not strictly non-aligned and is covertly backing the UNP candidate.

Local UNP sources seem to be in the dark about President Jayawardene's Jaffna programme.

However, they say it is unlikely the President will hold any election meetings in Jaffna that day: public meetings are virtually out for security reasons, they feel.

## 'GIVE JAFFNA A FULL-FLEDGED FACULTY OF MANAGEMENT STUDIES'

The Students Assembly of the University of Jaffna wants "a full-fledged Faculty of Management Studies and Commerce set up in the University of Jaffna as early as possible so that Tamil medium Business Management students will be on par with their counterparts in the University of Sri Jayawardenepura".

In a letter to the Minister of Higher Education, the President of the Students Assembly, K. N. Rasanayagam states:

"This year, for the first time, Tamil medium students selected to follow a Course in Business Management have been

sent to the University of Jaffna: in the normal course of events this batch of students would have gained admission to the Faculty of Management Studies and Commerce in the University of Sri Jayawardenepura.

"The course for which these students have been selected should lead to a B.Sc. degree, as in the University of Sri Jayawardenepura.

"But as, at present, there is no Faculty of Management Studies and Commerce in the University of Jaffna, there is no likelihood that these students will be awarded a B.Sc. degree.

### Transfer from Sri Jayawardenepura

"We understand that the 2nd year Tamil medium Business Management students already registered in the Faculty of Management Studies and Commerce of the University of Sri Jayawardenepura and now following lectures at the U.G.C. Building are to be transferred to the University of Jaffna this year.

"In the absence of a Faculty of Management Studies and Commerce in the University of Jaffna, the proposed transfer will prove detrimental to these students as there will be a snag about awarding them the B.Sc. degree which they are entitled to."