

Saturday Review

SRI LANKA

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TO HELL WITH THE NATIONAL QUESTION

When will the people of Sri Lanka be able to savour the "fruits" of the top-level secret talks that have been held on and off since January this year to find a permanent solution to the National Question

Never, we are inclined to think, from what we have read in the Colombo-based media, especially the Government-controlled and Government-influenced newspapers.

Various promises have been held out by no less than President Jayewardene but so far none has been kept.

We are precluded from commenting on the talks and the proposals that have been made by the participants because of the censorship rules.

But we would like to place on record that the talks were neither "All Party" nor "Round Table", as the Col-

ombo-based media would have the people believe.

Begun as a meeting of all parties represented in Parliament, the talks lost the all-party character as soon as the main opposition party, Mrs. Sirima Bandaranaike's Sri Lanka Freedom Party, pulled out.

The invitation to various religious and ethnic groups to send representatives and the

participation of them at various stages did not give the talks a round-table character either.

Indeed, those who talked of a "Round Table Conference" seemed to have not understood the meaning of the term at all.

The Round Table at which King Arthur and his Knights sat was really round; the idea was that none might have precedence. There was no

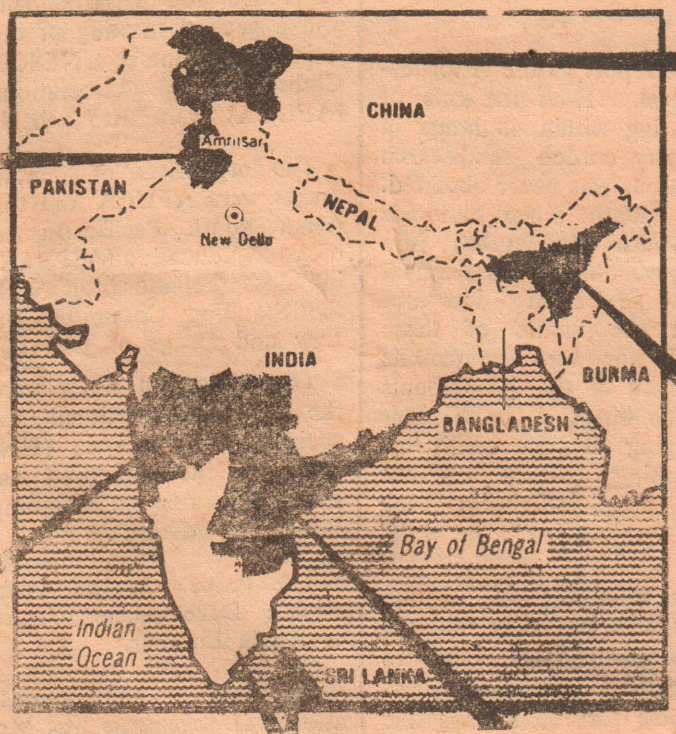
one lording it over, as has been the case in Sri Lanka.

This was the pattern at the conference on India's Independence held in London and attended, among others, by Mahatma Gandhi.

The worst thing about the talks held in Sri Lanka has been that the people have not been taken into confidence at any stage.

The result has been that mutual suspicions and tensions between the various communities have been exacerbated, not defused.

Rajiv has Inherited Sri Lanka too!



the world's most-populous democracy. He has inherited a country which in the last two years has been struck by crisis after crisis and scarred by communal strife. The map shows some of the problem areas."

Against each of the problem areas shown on the map, the report had boxed a brief description of the so-called problem pertaining to the area.

Hardly the way, one might say, to welcome the new Head of Government of a neighbouring country, who has assumed office in tragic circumstances, more so, when the report is juxtaposed by an accolade on Reagan with a photograph of the re-elected President caught with his characteristic wild-west grimace.

But what is more intriguing is the list of problem areas,

inherited by Rajiv. The list includes Sri Lanka along with Punjab, Maharashtra, Jammu and Kashmir, Assam and Andhra Pradesh which are all still part of India.

Has the Daily News conceded Sri Lanka to Rajiv and to India?

Well, what have the jackals to say?

Off Again

The next meeting of the All Party Conference, scheduled for 15th and 16th November, has been postponed for the 17th and 18th December owing to delays in consultations and drafting of legislation, according to Conference Secretary Mr. Felix Dias Abeyasinghe.

There was supposed to be "consensus" on various matters at issue but we have not been able to discern any from the reports in the Government-controlled newspapers themselves.

Solutions to national problems cannot be sought without full public discussion.

This was a principle to which Mr. Jayewardene subscribed when in the Opposition. But, as with some other principles that he cherished then, he has jettisoned this one, too, after assuming power.

Sad to say, not one of the participants at the talks had shown a semblance of statesmanship so far.

Never mind. Let the Tamil people go to hell. Let us all go "Round and Round the Palmyrah Grove!" as we said in the SATURDAY REVIEW of 5th May 1984.

The state-controlled Daily News of 8th November carried the following report on its centre page under the headline "What Rajiv Inherits":

"RAJIV GANDHI has only three years of politics behind him and no previous ministerial background. Many question his ability to govern

The Only Government - Censored Newspaper in Sri Lanka

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Time to Break the Deadlock

New Delhi continues to be active in its role as mediator in the resolution of Sri Lanka's ethnic conflict. The Tamil United Liberation Front twins, Mr. A. Amirthalingam and Mr. R. Sampanthan, are back from India and are reported to have begun talks with the Government leaders in Colombo. Both the US Assistant Secretary of State, Mr. Richard Murphy, and the British Minister of State, Baroness Young, had discussions with Mr. Parthasarathy prior to their arrival in Sri Lanka. (The following report by G. K. Reddy in *The Hindu* of 27th October throws some light on the recent developments)

The TULF leaders, Mr. A. Amirthalingam and Mr. R. Sampanthan, are leaving for Colombo tomorrow to meet President Jayewardene, who has invited them for another round of talks on the proposed draft legislation for limited local self-government with the district councils as basic administrative units for this devolution.

The draft legislation will be placed before the All Party Conference (APC) when it reconvenes on 15th November for further consideration, before the Bill is introduced in Parliament.

But unless Mr. Jayewardene is able to persuade the Sinhala parties to agree to a larger degree of devolution through bigger administrative units to meet the regional aspirations of the Tamil people, the proposed draft legislation might prove to be a non-starter with no real consensus behind it.

The TULF leaders cannot persuade the Eelam militants to drop the idea of separation if Mr. Jayewardene's offer of limited devolution does not provide the effective legislative and administrative powers for the provincial councils comprising two or more districts in the Northern and Eastern regions.

The Sri Lanka President has to display the necessary courage and imagination for inspiring confidence among the Tamil people that he is really earnest about the equitable settlement of the ethnic problem.

If he is only playing for time by talking of limited devolution, Mr. Jayewardene will be aggravating the crisis and alienating even the moderates among the Tamils who are prepared to accept a reasonable measure of autonomy within the frame-

work of a united Sri Lankan state. Any further delay in finding a lasting solution would make it all the more difficult to arrive at a political settlement.

During the latest visit to Delhi, the U.S. Assistant Secretary of State, Mr. Richard Murphy, welcomed the efforts that India was making to bring about an amicable settlement of this ethnic problem. He has assured that he would try to impress on Mr. Jayewardene the need for an early settlement, when he meets him in the course of his three-day stay in Colombo to preside over the annual conference of the U.S. envoys in the region.

The British Minister of State, Baroness Young, who was deputing for Mrs. Margaret Thatcher at the inaugural function of the newly built Victoria Dam, is also reported to have urged Mr. Jayewardene earlier this week to strive for an early political settlement of the Tamil problems. She, too, conveyed her Government's firm conviction that India was equally interested in a peaceful settlement of this vexed problem.

The current respite from violent incidents is considered

a good moment for Mr. Jayewardene to come forward with proper elucidations spelling out more precisely the scope of the promised devolution. It is for the Sri Lankan President and his advisers to convince the TULF leaders that they are quite keen on an early political settlement.

Any further delay in coming to grips with the complexities of the Tamil problem is bound to lead to a tragic drift that could result in more bloodshed through resumed violence. And it is for this reason that India has been utilising every possible channel of communication to get the message across to all concerned that the sooner the problem is resolved the better it is for all of them.

Focus on the Female of The Species

The Asian Regional Preparatory Conference on Female Youth and Drug menace to commemorate International Youth Year 1985, was held in Kuala Lumpur from 25th to 27th October.

Along with it, a symposium on Peace and Disarmament and a general meeting of the Asian Federation of UNESCO Clubs and Associations (AFUCA) were also held.

The organisers of these events were AFUCA and the Asian South Pacific Bureau of Adult Education (ASPBAE) in close collaboration with the Standing Committee on Law and Drugs of Lawasia.

The Malaysian hosts were the UNESCO National Association of Malaysia (UNAM) and the Malaysian Association for Continuing Education (MACE).

The venue was the Asian Pacific Development Centre in Kuala Lumpur.

Live-wire of the organisational arrangements was Mr. R. Gunasingam, President of UNAM and MACE, ably assisted by Dr. M. Patmanathan, Vice-President of UNAM.

At the general meeting of AFUCA, Mr. Gunasingam was elected President in succession to Mr. Kajchi Ueda of Japan.

(Continued on Page 8)

TULF Leader Accuses Lalith

"The Secretary General of the Tamil United Liberation Front (TULF), Mr. A. Amirthalingam, has called attention to the fact that most of the people killed by the Armed Forces in Sri Lanka were innocent civilians. Not even a handful of them were militants or 'terrorists'.

"Citing several instances of army and police killings in Chunnakam, Jaffna, Kaithady and Vavuniya, he noted that in all these cases the victims were shop-keepers, employees, shoppers and innocent bus passengers".

Mr. Amirthalingam was commenting on some of the assertions made by the Sri Lanka Minister for National Security Mr. Lalith Athulathmudali in an interview published in *The Hindu*.

In Mr. Amirthalingam's view there were a number of "untrue and half-true" statements in the Minister's replies to the questions posed at the interview.

The TULF, Leader described as "materly quibbling" Mr. Athulathmudali's claim that there was no shelling of Valvettiturai by Sri Lankan Navy ships. Displaying a photograph, he said technically the weapons might not be shells but bullets, and these might have been fired not by cannons but by guns.

"However, the fact remains that these projectiles are fired from the sea every day, a number of houses and buildings have been hit and people and even animals have got killed. In a particular case, a pregnant woman, Kalavathy was killed in her house, three kilometers from the coast in Polikandi area, even as she was asleep."

Referring to the Security Minister's observation that "when we are hit by terrorist forces they have to be replied to...this happened a number of times in India, in Northern Ireland", Mr. Amirthalingam

remarked that it never happened in India. "The Indian Armed Forces did not wreak vengeance on innocent people.

It never happened in Northern Ireland and even when over 500 British soldiers were killed there was no killing of innocent civilians. "On the contrary, the majority of the people killed by the Sri Lankan Armed Forces are innocent civilians", he said...

"It was incorrect to say that the Emergency Regulation 15 A (enabling disposal of bodies of persons shot by the police or Armed Forces without judicial enquiry) had been abandoned, Mr. Amirthalingam noted... "Certain rigours, of course, had been relaxed, but even today no public judicial enquiry was held into deaths caused by the Armed Forces. The only relaxation was for holding an inquest in the Colombo High Court, wherever the incident took place, and sending a

secret report to the Attorney-General. Even the rule of reporting within 48 hours in ordinary cordon and-search situations was never observed. Last month, when hundreds of youth were taken into custody, the Government Agent in Jaffna was not given the names of those killed, nor were the parents informed of the whereabouts of their wards. "The Minister is trying to take credit for something which has not been done, and that is absolutely unjustified", he said.

He ridiculed Mr. Athulathmudali's statement that the Government was unable to chargesheet the soldiers responsible for the killings due to a lack of evidence. "In each of those cases, the involvement of the Armed Forces had not been accepted by the Government on the contrary, it had tried to shield them and find excuses for the killings. 'So, how one expect them to take any disciplinary action' Mr. Amirthalingam asked.

Govt. Record Dismal

The Editor,
SATURDAY REVIEW

I wish to congratulate you on your forthright comments on the CJ's Affair. This episode is certainly, as you say, 'a despicable move'.

The senior diplomat is probably right to ask "Has the Government gone mad?" But there is a method in their madness. The attack on the CJ is a method in their madness. The attack on the CJ is yet another instance of this Government's double-faced attitude to questions of human rights.

In a mood of exultation after the massive election victory of 1977, the Government drafting a Constitution, with a comprehensive chapter on fundamental human rights on paper is one thing; respecting them, protecting them and promoting them is quite another. At every turn, both by legislation and executive action, most of these rights have been undermined or nullified. The amendment of the Criminal Procedure Code, the Essential Services Act and the Prevention of Terrorism Act are examples of legislative measures to nullify these rights.

Independence of the Judiciary is the only guarantee for the effectiveness of other human rights. We have for long enjoyed the benefits of a respected and courageous Judiciary. The 1978 Constitution, in its Preamble, associates the independence of the Judiciary as a fundamental value. But the record of this Government in respecting and promoting this value has been dismal. The promotion of police officers whose conduct has been found wanting by the Supreme Court, the appointment of a Select Committee to inquire into the conduct of Judges Wimalaratne and Colin-Thome, the ugly and reprehensible demonstrations outside the houses of two Supreme Court Judges and now the attack on the CJ have the common objective of undermining the independence of the Judiciary.

M. Sivasithamparam
Karaveddy.

ONLY CENTRALITES?

The Editor,
SATURDAY REVIEW

In your issue of 6th October under the caption "Three Musketeers" by your Sports writer Mr. Victor Kiruparaj the contention that Mr. K. W. Wimalarajan is the national

coach for athletics for the Jaffna district is a wrong report.

Mr. Wimalarajan is only a coach in athletics attached to the Ministry of Sports in the Jaffna district! A national coach is a coach for the entire nation. If there are national coaches for every district surely there will be so many "national coaches" for all the districts in the island.

Further Mr. Kiruparaj goes on to describe Mr. Wimalarajan hurdling at the Public Schools Meet and tries to give us a picture as to how he managed to get the 3rd place. Knocking the hurdles is also a part of the hurdling race. So going over the ten barriers in grand perfect style with correct technique Ariyalai Johnian Dr. Devendra won the race with ease.

Your Sports writer is trying to praise the athlete of his own Club of which he is the President and his school-boy. Every time, I noticed him writing only about Central College Sports (his school). Sometime back he wrote about Naguleswaran, Sutharsanan and this time Wimalarajan (all Centralites). Surely St. Johns, Jaffna Hindu, St. Patricks, Hartley, Jaffna College and Chundikuli Girls College have produced outstanding sportsmen and sportswomen whose performance had not caught the eye of your Reporter.

I am afraid if this type of reporting continues, your paper will lose the confidence of the majority of the schools in the North.

D. Kulan
Ariyalai.

P. & T. DEPT.
The Editor,
SATURDAY REVIEW

When I stood in a queue which led to a counter marked 'STAMPS' in the Jaffna post office, I observed many people bulldozing their way through without standing in the queue and the clerks who were busy gossiping took no notice. When it was my turn to buy stamps and I asked for some stamps I was informed that only Rs. 50 stamps were sold at that counter. I was told to follow a queue which led to an unmarked counter where I got my stamps.

When I asked for a form to fill in the notice for change of address, the clerk stared at me and said that there was no such form. I had to show

him a form which I obtained from the Postmaster to prove to him that such a form existed.

I visited the Regional Telecommunication Engineer's Office and only the sound of the fan spinning greeted me. I glanced up at the board in which the past RTEs names were painted while I waited for the present RTE to appear at his table. I was shocked to find that the last entry in that board was made in 1969, even though at least 4 RTEs have served in that office after that.

When I met the officer in charge of shifting telephones she said that she had not received my application. I glanced down at her table and right in front of her was my application.

LETTERS

My phone is connected to a spay and so it ceases to function 4 hours after a power failure, which is often the case. So even though my phone is out of order most of the time, I get a very high bill. When I complained about this matter I was told that this is the case with most of the phones connected to a spay. While paying the telephone bills, I was expected to draw out a cheque in favour of "Central Bank of Ceylon A/C No. 267, Director of Telecommunication A/C No. 1" for which there was not enough space in my cheque leaf. Over to you Minister.

Saradha Ramanathan
Kondavil East.

JANUS - FACED
The Editor,
SATURDAY REVIEW

It is a normal event that when accosted by the Armed Forces one has to produce the Identity Card. Although things do not just end there, especially with regard to youngsters, yet the possession of the Identity Card does serve one to some extent.

At the examination hall this is a requirement for students. To get a passport the Identity Card is essential. At the bank or any other place the Identity Card becomes

necessary. An authenticated photograph is a poor substitute and is accepted only within certain limits.

It is supposed to be obligatory for a citizen to possess his Identity Card. In this context, is it not equally obligatory for the Government to issue the Identity Cards with the least possible delay But this seems to be least-remembered. Even with all due documents furnished, a delay of six months has become a "normal" thing. This is a much graver situation to the people, especially in the North and East, than what it seems to be to the Government.

The Armed Forces insist on the Identity Cards while the Government delays for months the issue of these. Could this be studied seriously and the issue of Identity Cards handled more expeditiously,

received a cheque for Rs. 90 with a note to say that it was in payment for the talk broadcast on the first of the two dates that I had been given. I wrote in protest to the official but received no reply. Not too keen on encashing the cheque, I still have it with me.

What has happened to the money I signed the receipt for?

S. K. Gnanamuttu
Chavakachcheri.

ENOUGH CORPSES

The Editor,
SATURDAY REVIEW

The Jaffna Medical Association in its warning about the establishment of a Private Medical College in Jaffna without proper infrastructure (S. R. 6th October) has said "...the requisite materials, including 'dead bodies' should be ready before the training of the medical graduates commences."

I do not think the Association need worry about finding sufficient cadavers.

There always will be plenty in Jaffna, where human life is so cheap.

Marusira
Point Pedro.

THIRUKKURAL GEMS

Kural No. 651 (Thunai...)

"The efficacy of support will yield only wealth but the efficacy of action will yield all that is desired."

Translated by Rev. Drew and John Lazarus).

Kural No. 652 (Ennum...)

"Those actions should be given up which bring neither good nor fame."

(Translated by M. R. Rajagopala Iyengar).

Kural No. 653 (Oouthal...)

"Those who seek to be great, should refrain from everything that may tarnish their good name."

(Translated by C. Rajagopalachariar).

Kural No. 654 (Iddukkad...)

"Those who see things steadily and clearly through will never do mean things, though they are fallen on evil times."

(Translated by M. S. Poornalingampillai).

Kural No. 655 (Ettren...)

"Let a minister never do acts of which he would have to grieve saying 'what is this I have done'; but should he do them, it were good that he grieved not."

(Translated by Rev. Drew and John Lazarus).

(COMPILED BY V.T.K.)

An Indian Perception

(Continued from last issue)

Secondly, in India's perception, terrorism and political solutions are linked. That being so, a military or a law-and-order solution, to our minds—I am sure we must be wrong—does not seem to be leading us anywhere. Therefore, we find that unless a related or corresponding move is also made on the political front to bring about a solution or a consensus around which a solution can be found, we simply cannot deal with the issue militarily. This is true not only in relation to Sri Lanka's specific problem but also in relation to various other problems which we have had with our neighbours and with one kind of extremism or another. It is never perceived as a clear-cut law-and-order solution. If it is perceived as a mixed approach, then logically it follows that whenever we attempt or try to resolve the law-and-order problem there must be some quid pro quo on the political issue. This is where perhaps the perceptions differ on the two sides.

As I gather from the newspapers, the Indian leaders or decision-makers or those who are negotiating with their Sri Lanka counterparts are perhaps not convinced that this sort of relationship or linkages exist in the minds or in the moves, or in the rhetoric of Sri Lanka's decision-makers. This creates a lot of problems and could lead to misinterpretation or misinformation. This is one of the major problem areas.

In my perception, the attitude of the Central Government towards the Tamilnadu Government is relatively marginal. If there had been a Congress (I) Government in Tamilnadu now the pressure which Tamilnadu could then exercise on the Government of India in New Delhi would have been very, very powerful.

I have talked to many people here and they tend to think that Mrs. Gandhi is playing politics in Tamilnadu. Well, she is a political being as so many others are everywhere. They all play politics. That is their profession. In playing politics they say she wants to strengthen MGR or that she is not with Karunanidhi. This is a very narrow view of the whole thing because if one goes back a few years earlier, one would see that she had been shifting

her political allies. At a given moment the DMK may be considered a better ally. At another point of time some other party may be considered a better ally. But all this has implications. The implications are that the Centre has tremendous mobility and flexibility in dealing with issues. If you can very conveniently change your allies then your commitment to and involvement in a particular alliance or relationship at a particular point of time is not very strong.

Talking in terms of Indian politics in Tamilnadu, it may be to Mrs. Gandhi's advantage to have some of the Tamilnadu MPs at the Centre who would support her policies. Here again, it is necessary to look at the Indian experience. If there is a Janatha Government at the Centre the Tamilnadu MPs would tend to support it. If you have a Congress (I) Government they would tend to support the Centre on issues that are of concern to the Centre. That is what I am talking about. I am not talking about issues which are of great concern to Tamilnadu. Therefore these are the parameters or limits within which the federal policy impinges upon. I find this a situation in which Sri Lanka's leaders should have been in a position to establish better relations with the Indian Centre in order to deal with the provincial problems. Unfortunately, that has not happened, and I am coming to the reasons why it has not happened. That would have been one of the dimensions of tackling the problem which could help the present leaders of Sri Lanka to have a national political consensus not only on Tamil issues but also on other issues. I don't want to go into details.

I am saying that besides the present ethnic problem it would also have been possible for them, given the relationship between consensus, which would help them consolidate politically. I don't know why this option had not been perceived. It seems to me as one of the political alternatives that has not been properly exploited and harnessed. I knew the problems in harnessing it. I shall come to that in a while. Summing up the federal policy issue, I must say that the Centre today in Tamilnadu politics has a reasonably

wide margin of manipulation and manoeuvrability. That is why, all said and done, Mrs. Gandhi at the Centre, or the Government at the Centre, has been able to adopt, (this again is an Indian view which may be totally wrong) a very low key posture on the Sri Lanka issue. Viewing the matter largely from the Indian, or New Delhi perspective it must be said that if the political dimension of federal politics had been different, I mean if it was a Congress (I) Government, then the intensity of the main issue at the Centre would have been more than what it is. Therefore this low key posture (I am talking in relative terms) has to be understood and its advantages or benefits, if possible, need to be evaluated.

STRATEGIC LINKAGES

Besides this federal policy there are other problems which vitiate the view which I presented in terms of the federal policy. There are two main aspects which I want to touch upon which really worry the Centre. One is the growing strategic linkages of Sri Lanka which seem to be, or which are seen as being justified and legitimised in the context of the domestic crisis or that of the ethnic problem. This is where I think the Indian leadership in general and the Congress (I) leadership in particular have always been very sensitive. It is nothing new at this stage. It can be seen from Nehru's strategic stance in 1947, 1948, 1954, 1959. Take any number of instances, and we find that there are a few things which are very obvious and which irritate the Indian decision-makers. One is, of course, the revival of different pacts.

I remember in 1981 I was here speaking about ASEAN and I did take note of one or two statements of the Prime Minister that Sri Lanka's different pacts with the UK are as active as ever. There is an effort to activate the agreement, and that has been made abundantly clear. It does not mean that the British airbases or Trincomalee bases have been re-established. They have not. But it leaves an option open,

which is being dangled as something which can be acted upon and which could create problems.

Then, the new Voice of America beam is a matter of great irritation in India. Further Sri Lanka is the only other country in South Asia, besides Pakistan, which has had the privilege of foreign military sales credit being extended to it although the amount at present is only two million dollars, I think it is a peanut of peanuts, considering the totality of it. But the fact is the symbolic value of the relationship. There is no other country, not even Bangladesh, which has been put in this category. This again worries the Indian decision-makers not because of the amount of assistance

domestic issue and we find that this domestic crisis is being utilised to rationalise this relationship. Therefore, it becomes an irritation.

The second point which becomes an irritation for the Centre is the personal relationships that have become problematic. There have been all sorts of statements in Sri Lanka against or involving, or referring to the central leadership in India. If you have a statement from Mr. K. Karunanidhi or somebody else in Tamilnadu, it need not be responded to in Delhi. This is really where the whole dynamics arise. Statesmanship demands that even if one feels hurt one needs to be extremely cautious and refrain from involving individuals.

Excerpts from an edited transcript of a talk delivered by Prof. S. D. Muni of the School of International Studies, Jawaharlal Nehru University, New Delhi, at the Marga Institute, Colombo

which has been extended but because of the trend of the beginning. It does not take much to convert two million into 20 million, then into 200 million.

Then there was a lot of talk about negotiations that have gone on in Washington or elsewhere, of a new friendship treaty which the Prime Minister and the President claimed they would conclude with China and the United States of America. These treaties would have some security clauses, which again created problems.

Then, there is the oil tanks deal, the presence of the SAS training group, and the Israeli issue, all of which are unnecessarily creating more social cleavages in Sri Lanka besides creating problems for India. There is also an old irritation, the dilution of the position which Sri Lanka had taken on the Indian Ocean as a Zone of Peace in 1971. These are some of the strategic issues about which India, particularly the Congress (I) is sensitive. Generally speaking, any leadership at the Centre in New Delhi would be sensitive to them for they have clouded the whole

This is not a recent phenomenon. I may take you back to the situation before 1980—before Mrs. Gandhi really came to power. There were statements here which I shall quote: "The two ladies need to be dumped into the dustbin of history". And the second statement was by very, very responsible people here, asking Moraji Desai on the occasion of a State visit, "Why can't you do the same that we have done to our opponents?"

These statements were made at a time when there was absolutely no hope of the other lady bouncing back. But she did bounce back, whether you liked it or not. No one forget unpleasant things. If at all, there has to be an attempt to smoothen unpleasant memories but that was not happening, and diplomatic niceties apart, a really difficult situation prevails. There is something which is irritating at the back of the mind, at the heart of the leadership. It was an intense lack of light. That is how I can put it as modestly as possible at a very personal level. This in a way vitiates thinking, perception, and decision-making.

(Continued on Page 5)

of Ethnic Issue

World Press Council

INVASION BOGEY

Thirdly, there is the talk of invasion of Sri Lanka by India. I don't want to put it strongly, but putting it very mildly, it is sheer nonsense because it does not serve the interests either of India or of groups in India. Therefore, we find this a bogey, which is unnecessary and avoidable. We have stakes in a stable Sri Lanka, we have stakes in a united Sri Lanka. What is it that we would get out of any kind of invasion? I totally fail to understand. I don't want to go into details, but I shall leave it for discussion. But this kind of a fear psychosis

which is whipped up knowingly or unknowingly, sincerely or otherwise, does not make much sense to us in India, not to the Indian Government. As I said earlier the capital of India is not in Tamilnadu or in Madras. It is in Delhi. There, a very different view is taken of the happenings in Sri Lanka.

There have been many protests, telegrams, delegations accusations and discussions in Parliament. Look up the Parliamentary debates in India and you will find the central leadership has not been taken in by the kind of emotional demonstrations made

either in Parliament or by the statements made there by the Tamilnadu leaders. We understand they have emotions, that they feel hurt, but that is no reason for a huge land mass like India to move in. The Tamilnadu tail cannot wag the Indian dog. It simply cannot be and this is why we are totally at a loss to understand why this kind of allegation is being made.

Mr. Justice Grover, Chairman of the Press Council of India, has proposed the holding of a conference of representatives of Press Councils throughout the world with the objective of forming a world organisation to promote cooperation in this sphere.

The proposal was made at the UNESCO sponsored meeting of the Asian Federation of United Nations Clubs and

Associations (AFUCA) in Kuala Lumpur recently.

It was accepted and the AFUCA President, Mr. R. Gunasingam will be writing to the Chairmen of all Press Councils inviting them for a meeting, either in Kuala Lumpur or New Delhi from 28th to 30th January, 1985.

There are about 40 Press Councils altogether, some active, some dormant, some wholly government-appointed and others voluntary bodies.

Peter Pillai Award For Nadesan

The Peter Pillai Foundation Award, in recognition of the promotion of Social Justice and the protection of the rights of the underprivileged sections of Society, for which ideals Fr. Peter Pillai had dedicated his whole life, was awarded to Mr. Somasunderam Nadesan, Q.C., for the year 1983.

Mr. Nadesan received the award on 19th October at a ceremony at the Sri Lanka Foundation Institute.

The jury which made the selection said that during a lifetime of his professional career, Mr. Nadesan has elected to identify himself in various fields of Social Justice, Human Rights, rights of the minorities and the privileges of the individual, in an ever changing society.

Mr. Nadesan was born in 1904. He was educated in Jaffna and later at Royal College and University College, Colombo. He was enrolled as an Advocate of the Supreme Court in 1932 and appointed a Queen's Counsel in 1954.

He was elected to the Senate at its inception in 1947 and held office until the Senate was abolished in 1971 (with one two year break). As a Senator his well researched and original contributions on the problems of estate workers of Indian origin, the language problem and the minority problem are of great importance and lasting value; so also were his contributions on other Human Rights issues and constitutional questions.

He was a member of the Parliamentary Select Committee which drafted the law relating to Parliamentary Privilege and his view that Judicial power in this sphere should only be exercised by the Judiciary was accepted by the Select Committee and by Parliament. The then Prime Minister, Sir John Kotelawala paid a glowing tribute when he introduced the Bill which was unanimously accepted by Parliament.

He was elected Chairman of the Bar Council in 1969. His Chairmanship was significant in that the hitherto moribund Bar Council was revitalised to play an important role in the public life of the country. It set up a Special Committee of the Council to study the proposed new Constitution of 1972 and had discussions with the Prime Minister and the Cabinet Sub-Committee.

The inclusion in the Constitution of the right of the citizen to petition the Constitutional Court was one of its achievements. The Council also undertook the responsibility of educating the public on some of the unsatisfactory features of the proposed Constitution through articles in the Press, pamphlets and the publication of a book on the subject under his authorship. This was a mammoth task completed within

(Continued on page 6)

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UNDER THE SIGN OF THE SPEAR

Herman Hesse's Siddhartha became a wanderer in search of the truth. The creative superiority mixture of fantasy with reality and his own peculiar experience made Hesse to create such a character. Eric is not Siddhartha, but he too is a wanderer. 'Under the Sign of a Spear', an autobiography yet to be published, will bring us a story-the story of Boedekar Eric Ramage who was a Christian and spent several years in Salgala Aranya as a Buddhist monk and is now a Saivite Swami at Chankanai!

Eighty year - old Boedekar Eric Ramage, an Englishman, a draughtsman by profession now Ramage Swami, is yet to finish his autobiography.

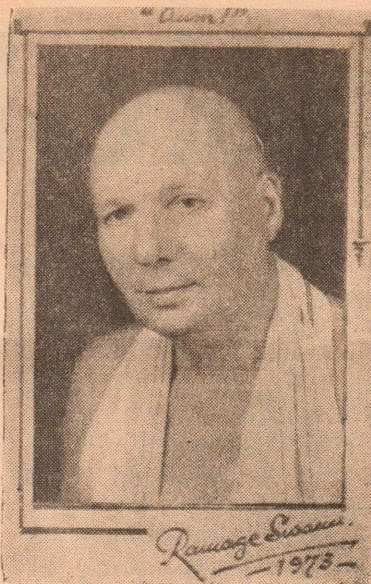
I asked him whether the title "Under the Sign of a Spear" meant anything specific. "A Spear" is familiar to Hindus as the "Vel" of Sri Murugan; to Christians as part of the "Holy Grail" a symbolism though seldom depicted in stained glass windows along with chalice and dove. But this title and the correlation were "an accident", the Swami said.

Boedekar Eric Ramage born in December 1904 and christened at the Ramage Family House at Streathon, England, suffered the first German 'Zepp' Air raids in 1915. Though an Englishman Boedekar suffered a lot by bearing the name 'Boedekar' which sounded German (once Eric's mother ordered something in a shop and gave her name, the shop-keeper had quipped "You are a German, we do not serve Germans here"). In 1918 Eric made a total break with the Orthodox Church and Christianity.

It happened in 1920 when he was wandering and shop-gazing in Cheapside, London. He saw a magazine displayed at a window and the front page showing the picture of a Hindu temple. He was very much interested in China and Japan but not India, yet something struck a note. "Where was it?" An open page showed part of a story and...a red flower on a table. I just felt I must go there." But Eric had to wait for 26 years to

get to the point. Eric did some business, came to Sri Lanka and through the good offices and introduction given by Ven. Ananda Kausalyana Thera entered the Vidyalan-kara Pirivena as a student to learn Buddha Dhamma at its supposed best and purest source and the basic truth deemed essential by the Buddha, The Noble Eightfold Path. "What meditation. Nonsense! We don't bother about that now. It is out of date...anyway study Pali" For Eric this could have been done more easily in England because he had a relative and lecturer who was well conversant in Pali and Sanskrit and a scholar.

Then Eric was guided to find Salgala Aranya and pursue the interest of its founder, the late H. Sri Nis-sanka, Bar-at-law and later Q.C. Eric was ordained on Wesak day, 1935 taking the name of "Upali" and the title "Salgala", the only monk (though only Samanera) to whom, during his life-time the founder would permit to



take "Salgala" as his forename. At Salgala, Upali Eric met with extraordinary success. First in Theravada 'Anapana Sati' was found the basic form of meditation and then under the guidance of a Mahayana teacher he aspired to a higher form of meditation concluding with unexpected 'success' which formed a sure base foundation for the rest of his life. Later under the auspices of the Ven. Balan-goda Ananda Matreya, Eric had become provisionally a 'Dasa Sil Upasaka'.

In 1941 he gave up his robes and went to Almora, and stayed a while in Udaya Shankar's Dance Academy. Although he could not sing

a single note in English, he became one of the best in the class and was able to tune the Tambura to his scale of singing. The same year Eric fell ill and returned to Sri Lanka and then flew to England in 1949 where he spent 12 years with his mother. From the point of view of religion there is little to mention. Eric acted as lay pastor at the Unitarian Chapel at Maidstone in Kent. After his mother's death in 1962, he left England and came to Sri Lanka, which he was yet to know, and the Ceylon he knew. He found that Buddhists who previously would have turned one out of their house for breaking an egg, let alone eating it were now rearing poultry and eating beef.

And as for the Sangha—the less said the better—even his Buddhist friends advised him not to think of enrobing. He spent more years in "still life" and in 1968 found some festival going on at the main Hindu Temple, Kandy and a little later he was invited to the dedication of the newly erected Sri Murugan Temple at the Peradeniya Campus.

Now a Saivite Swami, Upali E. Ramage lives in Chankanai East near the Pillaiyar Temple in his small silence-prevailing Ashram. He usually meets people in the mornings at the Ashram.

Peter Pillai ...

(Continued from page 5)

the short space of a few weeks.

The Bar Council also set up a scheme for the welfare of new entrants to the profession including securing of places in Chambers for young lawyers who had no social or family connections. Recruitment to the Attorney General's Department was also made on the basis of merit by public advertisement.

Mr. Nadesan's name will always be associated with human rights. He was a founder member of the Civil Rights Movement in 1971. Both before and after Independence, he has espoused the cause of human rights in criminal and civil cases, in cases involving momentous constitutional issues and in industrial and trade union disputes. Many of these are political "cause celebres" or have been battles on behalf of humble workers, fought in obscure little court houses throughout the Island, invariably without a fee.

He led the Civil Rights Movement's team of lawyers before the then Constitutional Court to oppose the Press Council Bill. He made a study of the new amendment to the law relating to Parliamentary Privilege and also wrote an analysis of the first exercise by Parliament of judicial power in the famous Ceylon Observer case. He was himself later charged for writing this article; he was tried before the Supreme Court for breach of privilege of Parliament and acquitted. The trial made him an international celebrity. The International Commission of Jurists sent the distinguished English Queen's Counsel Lord Hooson to observe the trial.

He later appeared for the Civil Rights Movement in the Kalawana dual seat case whereby it was sought to amend the Constitution to provide for two seats for Kalawana, one for an elected M.P. and one for an M.P. nominated by the ruling party. He successfully argued before the Supreme Court that

such an amendment would fundamentally infringe the franchise rights of the people and therefore required a referendum. The measure was then dropped.

He also appeared in the Pavidu Handa case when the Supreme Court held that the confiscation of leaflets by the Police during the referendum campaign calling for a general election was unconstitutional.

Moral and physical courage, a brilliant intellect, hard work and extraordinary persistence have been qualities that Mr. Nadesan brought to a lifetime's service of the cause of Social Justice and the rights of the people.

Solidarity with Palestine

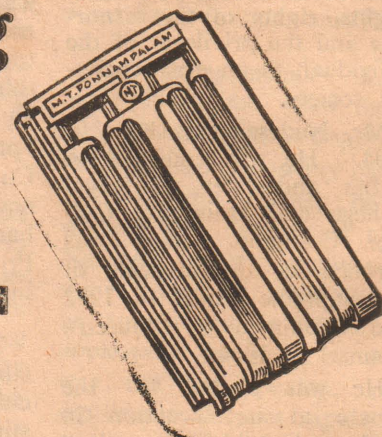
The United Nations Organisation has declared 29th November as the International Solidarity Day with Palestine.

The Sri Lanka Committee for Solidarity with Palestine is making arrangements to observe this day with a Seminar to be held at Hotel Ranmuthu on 29th November, at 5.00 p.m.

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BOOK REVIEW

Popular Tribunals In Asian Societies

"The Ideology of Popular Justice in Sri Lanka" by Neelan Tiruchelvam (Vikas Publishing House Pvt Ltd., pp 215; 1984; (Rs. 250/-).

The Anglo-Saxon system of law, exotic, elitist and yet die-hard, was bequeathed to the countries which composed the British Empire even as Whitehall withdrew into its Islands legally but continued to fascinate the liberated intellectuals culturally. India is the most tragic illustration of this colonial pathology of bastardising its own creative genius and basic heritage by the specious assumption that the West is the best.

Without denying that there are progressive strands in British Justice which deserve to be woven into the post Independence jurisprudence of former colonies, it is important to awaken to the constructive task of re-kindling indigenous value systems, legal principles and practices and blending them with the enduring excellence found in the English-speaking law.

The militant creed of socialist transformation, absent in the imperial legacy, is the crucial element in the chemistry of this burgeoning jurisprudence which India is in the process of making with its characteristic ambivalence, rhetoric and hypocrisy.

But India is not alone in the experimentation. The Asian Drama of Law and Justice covering China, Burma, Sri Lanka and India, among others, viewed in retrospect, tells us that there are some common features and ideological divergences in the unfolding of these legal developments, partly pragmatic, but broadly based on the politics of change and the concept of popular justice.

Any serious student of the long march of the law and its pre-cum-post-independence vicissitudes cannot afford to overlook a handy, little, well got-up volume titled, "The Ideology of Popular Justice in Sri Lanka", and written lucidly, informatively and insightfully by a Harvard bred Sri Lanka jurist, Neelan Tiruchelvam. He has made a socio-legal inquiry into the subject of people's justice, by the people and for the people and over-flowing in scope his own island (Sri Lanka) but with focus on that locus.

Dr. Tiruchelvam has flooded lit the issues with special reference to his home country but his social perspectives and ideological perceptions have a wider application. The juristic clarity of his analysis, the sparkling simplicity of his style and the adaptive value of his ideas for Indian students

make the book useful even for non-Ceylon readers. The fundamental problem of the Justice System, Indian and Sri Lankan, may well be the self-alienation syndrome, rather the alienation of the people from the justice delivery machinery.

The Achilles' heel of colonial justice is its sophistication and sophistry, tyranny of technicality and complexity of procedure that the Bench and the Bar—the twin limbs of the Justice process—have together nurtured with a class bias. The consumers of this system are still the Proletariat, by and large, the common people being either anathema or allergic to the system.

When independence came and many Asian nations chose the path of socialist development, with the people factor as pivotal to the legal order, a new ideology and praxis had to be evolved where the deprofessionalisation of judicial administration and the democratisation of the remedial mechanisms became vital factors.

The imperatives of socialist legalism and remedial radicalism found varying degrees of response in dif-

ferent countries including revivalism and reformism, institutional creativity and functional pragmatism in the matter of conflict resolution and awakened mass involvement.

The search for alternative informal processes for the logistics of justice, the quest for inexpensive, expeditious and easily accessible tribunals and the trial and error experiments with operational pluralism, in the context of the new demand for popular justice, led many states in and around India to play with medieval-modern projects with people's participation.

This critical and stimulating pursuit, necessarily demanding inter-disciplinary inquiries into Law and Social Change is of profound meaning to those who are concerned with the planned development of viable People's Justice functional in rural and urban contexts, in feudal and proletarian milieus, and in situations of conflict between the oppressed and the oppressors. Neelan Tiruchelvam has done research in this large area with a local lens turned on his little island, Sri Lanka.

The introductory chapter highlights the luminous perspective, followed by a brief but adequate treatment of the paths followed by different countries like Burma, China, India and Tanzania, with Sri Lanka claiming, in the later chapters, long and ideologically relevant pages on the conciliation process.

Judicial democracy in action is almost a lost cause in the Gandhi country and is no success story in Sri Lanka either. Socialism is veneerism and democracy in law administration a lipstick operation. Panchayat justice and popular tribunals are sentenced to death by the dominant class which stands to gain from the cult of the robes.

The long march to the common man's right to dispense justice means an ideological struggle and engraftment of practical safeguards to antidote the various vices of a pluralist society. Neelan's small volume lends meaningful assistance in understanding the process and its pitfalls.

—V. R. Krishna Iyer

GUARDIAN WAS 'FAIR' BY SRI LANKA

THE GUARDIAN was praised by the British Press Council recently for sincerely attempting to give a fair and balanced account of events in Sri Lanka after outbreaks of communal rioting in July 1983.

The Council rejected complaints from two London-based bodies, the United National Party of Sri Lanka Central Organisation UK and Europe (UNPSLCO) alleging inaccuracy with no right of reply; and the Sri Lanka Association of Great Britain (SLAB) alleging systematic distortion and falsification.

While the Council regretted that an 11-year-old photograph, wrongly said to show troops arresting "Tamil insurgents" accompanied one report in early editions of the paper, it said it was satisfied that the old picture was published by inadvertence

and not in an attempt to mislead. The picture was removed from later editions, and the paper published a correction.

Reporting the Guardian on violence against Tamils, David Selbourne said that much of it was by Sinhalese gangs protected by security forces, and that even "saffron-clad Buddhism" was armed with submachine-guns.

Two weeks later the Guardian reported that, after 13 Sinhalese soldiers were killed by Tamil insurgents, Colombo mobs attacked Tamils, burning and looting homes, shops and vehicles and leaving 12 corpses. Most Tamils were Hindus, and most Sinhalese were Buddhists.

In a leading article the paper commented that President Jayawardene disenfranchised the great mass of the Tamil

minority by outlawing the Tamil United Liberation Front (TULF).

Besides Mr. Selbourne's report, complainants also cited a feature article from Sri Lanka by David Beresford; a report from Geneva by Iain Guest concerning allegations of Sri Lankan pressure on the UN Sub-commission for Human Rights, and a report by Patrick Keatley, diplomatic correspondent, quoting an allegation of genocide made by the leader of the Tamil MPs.

Mr. A. Azahim Mohamed, UK president of UNPSLCO, told the Press Council that the Guardian misled readers irresponsibly and sensationally. His party felt that a fire at a Hendon restaurant and death threats made to prominent Sinhalese in Britain stemmed from media bias.

SLAB took an advertisement in the Guardian to complain of distortion of news. Its chairman, Mr. G. W. Ediriwira, told the Council that the old photograph was a deliberate fraud. Although the newspaper said the riots were a Buddhist atrocity against Hindus and mentioned Buddhist expansionism, they were Sinhalese reaction to four years of terrorism. The Guardian vilified the majority religion.

Mr. K. G. Dodd, Executive Editor, told the Council that both complaints were part of a campaign to prevent the media reporting the truth of the Tamils' position. He denied distortion, and said that the paper published many letters from supporters of both sides.

Answering a complaint that his phrases about violence against Tamils came two weeks before the Sinhalese retaliated, Mr. Selbourne said that he had written down his forebodings of what actually broke out reporting

Sinhalese violence before the Tamil ambush of soldiers. He had not claimed that Buddhist clergy carried guns.

The Council's adjudication said that the Guardian's reports "were a sincere attempt by experienced reporters, working in extremely difficult situations, to give readers a fair and balanced account" of the events taking place.

Lalith Sheds Tears

When the July '83 riots broke out in Sri Lanka, certain countries blamed the majority Buddhists for the actions of a handful of hooligans. It was tragic today that a thousand times more gruesome killings of Sikhs and the destruction of their property should take place in India, said Mr. Lalith Athulathmudali, Minister of National Security and acting Minister of Defence on Saturday at Eheliyagoda.

(The Island, 5th November)

Saturday Review

SRI LANKA

NO BAILA THIS TIME

5 KILLED, 35 HURT IN ARMY FIRING

FR. SINGARAYER'S TRIAL

The Trial-at-bar of Father Aparanam Singarayer, O.M.I. under the Prevention of Terrorism Act is scheduled to begin in the High Court of Colombo on 12th November.

Fr. Singarayer was taken into detention when he reported at the Gurunagar Army Camp, Jaffna on 14th November 1982. He is now on remand at the Naval Hospital, Trincomalee.

On 6th November, the Court of Appeal heard a bail application filed on his behalf and issued notice on the Attorney-General returnable on 20th November.

In his application, Fr. Singarayer has said that he was in Colombo when he was required by the Police to report at the Gurunagar Camp. He travelled overnight by bus and reported at the Camp on 14th November.

The same night a contingent of the Army surrounded his residence at Colombuthurai, Jaffna, while a team of Police and Army officers did a search and removed valuable books and other articles.

From the time he entered the Camp he was subject to a relay of acts of sadism by police personnel designed to destroy his personality and self-possession. He was threatened, physically assaulted and further subject to cruel, degrading and humiliating treatment.

He was belatedly served with a detention order under the provisions of the Prevention of Terrorism Act, but was not allowed to retain the said order.

About 30th December, he was transferred from Gurunagar to Welikade Prison in Colombo and held in solitary confinement.

In February, 1983 he and five others were produced before the High Court of Colombo, served with indictments and remanded.

After his arrest and detention, he is generally debilitated in health and his eye-sight

is failing, and further fears that prolonged detention in confined quarters will bring about a relapse into epilepsy.

Though the case was fixed for trial on several occasions the prosecution had been moving for postponements without any just cause.

During the communal disturbances in July 1983 there was an attempt on his life and those of his cell mates, which he has said has aggravated his fear of similar attempts in the future

if he continues to be in remand.

He has said that he was informed by the Secretary to the Ministry of Defence by letter dated 4th May 1984 that the Police will have no objection to releasing him on bail.

Mr. Nimal Senanayake with Mr. Tilak Balasuriya and Mr. Saliya Mathew, instructed by Mr. R. Jeyendran, appeared for Fr. Singarayer.

Colombo as US strategic base

Colombo will henceforth be the US strategic base for South Asia. US interests in this region will be planned and directed from the Colombo mission's elegant and imposing chancery backing on to the sea at Kollupitiya, which was opened last week.

The US Assistant Secretary for State for South Asia, Mr. Richard Murphy was present at the opening. Associated with him at the ceremony were President Jayewardene and Prime Minister Premadasa.

Mr. Murphy later had discussions with the President and with Government officials.

Coinciding with the official opening there was a meeting in Colombo of heads of US missions in South Asia.

Among these, in addition to the Ambassador in Colombo, were the heads of missions in India, Pakistan, Bangladesh Nepal and Afganistan.

That was the inauguration of Colombo as a strategic centre for US interests.

The US also operates a Voice of America transmission station in Sri Lanka which is the most powerful such station in this region. It is capable of jamming any broadcast in the region. Under the latest agreement reached recently, Sri Lanka will not have the right to supervise the programmes but the US has undertaken to "use its best endeavours not to broadcast any programme detrimental to the national interests of Sri Lanka". (Courtesy, Forum, 1st November 1984.)

Printed and published by New Era Publications Ltd., 118, Fourth Cross Street, Jaffna, on 10th November 1984. Registered as a newspaper at the General Post Office, Sri Lanka under QJ 101.

Five persons were killed and 35 others injured — all civilians — in Army firing in Jaffna yesterday.

Among those killed were a driver of the Northern Regional Transport Board, a mini-bus conductor and a twelve year old boy.

Among the injured were three women and 2 crippled sweep ticket sellers in wheel chairs.

The injured were admitted to the Jaffna Hospital.

The trouble had erupted at the junction of Kasturiar Road and Power House Road.

Around noon an Army convoy, made up of several armoured cars and two Delica mini vans, had arrived in the town. Suddenly there had been two bomb blasts and the soldiers, as usual, had begun firing.

(Based on a report in the Eelanadu of 10th November).

FOCUS ON FEMALE....

(Continued from Page 2)

Mr. Gunasingam, who was educated at Jaffna College and is now a citizen of Malaysia, is also President of the Malaysia Association for Continuing Education, Chairman of the Finance Committee of the ASPBAE, Councillor of the Malaysian Press Institute, Consultant to the Malaysian Press Institute and the Malaysian Press Club, Executive Secretary of the Newspaper Editors' Association of Malaysia and Senior Vice-President of the Malaysian Ceylonese Congress.

Delegates from 11 countries (Bangladesh, Hong Kong, India, Indonesia, Japan,

South Korea, Malaysia, Nepal, the Philippines, Sri Lanka and Thailand) participated.

Sri Lanka was represented at the Kuala Lumpur deliberations by Mr. J. Sumanasekera Banda, Deputy Secretary-General of the Sri Lanka National Commission for UNESCO, Dr. D. Wesumperuma, Director of the Sri Lanka Foundation Institute, Mr. D. M. S. Dissanayake, Secretary of the National Association for Total Education, Mr. Silverine W. Cassim of the Friedrich Ebert Foundation and Mr. Gamini Navaratne, Editor, SATURDAY REVIEW.

Mr. Daya Perera, Q.C., represented Lawasia on behalf of Sri Lanka.

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