

# Saturday Review

## SRI LANKA

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# The Marriage Proposal(s)

## The 'Linkage' Is Around The Corner!

The 19th December 1986 Proposals have now been accepted by both the Sri Lankan and Indian Governments as the basis for further negotiations for resolving the ethnic problem.

The Tamil militant groups, led by the Liberation Tigers of Tamil Eelam (LTTE), and the moderate Tamil United Liberation Front (TULF) also now appear to be willing to consider these Proposals as a basis for further talks.

We publish below the Proposals, as contained in an official document titled "Draft Proposals - 30.8.86 to 19.12.86" printed at the Government Press :

President J. R. Jayewardene and the two Indian Ministers discussed further ideas in continuation of the discussions held in the past. At the end of the discussions the following proposals emerged:-

(i) The present territory comprising the Eastern Province minus the Ampara Electoral District may constitute the new Eastern Province.

(ii) A Provincial Council will be established for the new Eastern Province.

(iii) The institutional linkages between the Northern Province and the Eastern Province discussed earlier will be further refined in order to make it more acceptable to the parties concerned.

(iv) The Sri Lanka Government will be willing to consider a proposal for a second stage of constitutional development providing for the Northern Province and the new Eastern Province coming together subject to modalities being agreed upon for ascertaining the wishes of the people comprised in the Northern Province and the Eastern Province separately.

(v) The Sri Lanka Government is willing to consider the creation of an office of Vice-President to be appointed by the President for a specified term.

(vi) The five Muslim Members of Parliament of the Eastern Province may be invited to visit India and to discuss matters of mutual concern with the Tamil side under the auspices of the Government of India.

Since 19th December 1986, there have been further consultations between the Sri Lankan and Indian Governments, both in Colombo and New Delhi, to find a formula that will satisfy all the parties involved in the ethnic problem.

President Jayewardene is likely to visit New Delhi shortly for a final round of talks with Indian Prime Minister Rajiv Gandhi—after which direct talks are expected to take place with the Tamil militant leaders, under India's aegis.

For the record, the SATURDAY REVIEW will publish the entirety of the "Draft Proposals", which is a historical document, in serial form beginning with this issue, as special pull-outs.

## Rupavahini Switches Corpses

Three Security guards, a Security Sergeant and a Foreman—all attached to Lanka Cement Ltd. (LCL)—who were on duty at the KKS harbour on 22nd April, were killed by the Army following the Liberation Tigers' attack on the Army outpost in the harbour.

The body of the 55 year old Security Sergeant—a retired Police Sergeant—was one of the bodies, with ammunition belts strapped around, displayed on Rupavahini—State Television—as those of 'terrorists' killed by the Army during the raid!

About 70 workers were loading cement into a ship moored at the jetty, at the time of the attack; the Captain of the ship—a Sinhalese—quickly took them on board his

ship, fearing for their safety, and put out to sea. The captain released them safely only when some calm prevailed.

Army personnel then interrogated the workers and later forced them to carry sandbags and the bodies of soldiers killed in the attack.

Ultimately, the Army High Command ordered their release.

## Eros Attacks Camps

According to a communique issued by the Eelam Revolutionary Organisation (EROS) 7 members of the Security Forces including 2 officers were killed in an attack on a Security Post at Thopur in Trincomalee District on 17th April. The report further adds that this attack was carried out because Security Forces from this post were harassing innocent people of this area.

The minicamp at Oddichuddan in Mullaitivu District was also attacked

by EROS on the night of 20th April. Police and Army officers along with soldiers were killed in the attack, while the "rump" from the camp fled through jungles to reach the main camp at Mankulam.

Militants claim that they had used mortar shells and rocket launchers in a four hour battle. A Government spokesman admitted the attack and stated that a Police Officer and a soldier were killed.

## Bombers Hit Jaffna Again

Four bombers and two helicopters bombed and strafed various parts of Jaffna for the second day running on Thursday; Nallur, Valvettiturai, Point Pedro, Kadduvan, Tellippallai and Alaveddy were the targets. Five, including 4 children, were killed and about 50 injured. Several houses were badly damaged.

**Draft Proposals: A four-page pull-out inside.**

**WELIKADE DEATH FAST: 25TH DAY**



## Saturday Review

SRI LANKA

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## Where Have All The Deserters Gone?

Nearly one hundred and fifty persons have deserted the armed forces in the last three years according to security sources.

Most of the deserters are said to have been field personnel who have either left the country, having found foreign employment or joined proscribed political parties, the sources said. A few who were arrested have been courtmartialled and they are now serving their sentences in military prisons, according to the sources.

A high percentage of the deserters are reported to have disappeared while on leave from duties in the Northern and Eastern Provinces.

THE ISLAND — 18-04-87

### THANKSGIVING

My grateful thanks to St. Jude for a very special Favour granted.

— R. A.

# FOCUS ON POINT PEDRO HOSPITAL

The Pt. Pedro base hospital at Manthikai serves a large area consisting of the Vadamarachchi district of Jaffna — roughly the region North-East of the line joining Thondaimanaru and Kodikamam, including Maruthankerni and Kudathanai. The Hospital has an easy rural air about it. All patients that I have spoken to have commended the friendly concern of the Hospital Staff and the cleanliness of the place. Yet the hospital too is beset by problems arising from the war situation, whose effect on Vadamarachchi as a whole will not be evident for some time.

Dr. Anandarajan is the hospital physician whose personal touch with patients is widely appreciated. Speaking on the problems of the hospital he said that the two most serious incidents were the shelling of the hospital on 11th November 1986 causing damage to the DMO's Office and the destruction of the hospital ambulance at Vallaiveli on 2nd April 1987 killing four patients and the driver. Vallaiveli is the 3 miles wide open space, an extension of Thondaimanaru lagoon, which separates Vadamarachchi from the rest of peninsular Jaffna. The ambulance was carrying the injured from that morning's army shelling in need of surgical care in Jaffna when it was shot at from a military helicopter in the open space.

Dr. Anandarajan explained that the injured were treated legally and that their transfer to Jaffna was ordered by the hospital authorities. The hospital is obliged to treat anyone in need of emergency medical aid. The ambulance was simply shot on sight. The ambulance had clear markings and was not carrying arms. The driver, Mr.

## After The Pooja, A Bullet

Security Forces shot dead a Hindu priest who was returning home after offering Pooja at the temple he was attached to.

The priest, who used to officiate at the Selvanayagapuram Kali Kovil in Trincomalee, and two others were killed by Security Forces.

Acting Magistrate Mr. K. Selvarajah, who conducted the inquest proceedings, has put off his verdict.

Paramsothy, and the matron, Mr. Balakrishnan who were in charge of the ambulance were carrying out duties for which they were paid by the Government. Mr. Paramsothy was killed. Mr. Balakrishnan escaped by crawling away into the wayside temple, during which time he was continuously fired upon. The hospital, he said, was not likely to get another ambulance.

This would not have happened if the hospital had its surgeon. The last surgeon, Dr. V. Jegapragason left in July '86. The reasons for

by

## A Special Correspondent

his departure did not stem entirely from the Sri Lankan forces. Dr. Anandarajan explained that the value of professionals to the community is better understood now and that, he did not face any problems in his work. He had a free hand in matters of discipline.

### SHORTAGES

Dr. Anandarajan went on to say that the hospital was faced with a shortage of oxygen and of vaccines. These had not arrived for the last four weeks as a result of transport difficulties. He said that the Health Ministry was probably doing its job and that the bottleneck was at Vavuniya. On shortages of staff he said that besides the surgeon the hospital had three visiting specialists who were no longer coming. The main reasons have been the almost daily helicopter firing on travellers through Vallaiveli since the beginning of this month and the fuel problem. Three persons have been shot and killed in Vallaiveli since the ambulance incident. The psychiatrist and the ENT surgeon refused to come from Jaffna after the shootings at Vallaiveli. The Eye Surgeon was to come once a month. But the arrangement for his travel broke down as a result of difficulties, with fuel.

### AN APPEAL

Dr. Anandarajan was emphatic that the Ministry cannot be blamed for staff shortages. The Ministry will not compel a specialist to go to a particular place. There was a reluctance to go to rural areas and there are about 17 specialists who at their own request have been accommodated in Colombo. Those applying to come to a place like

Pt. Pedro, he said, will not have any problem. They had appealed for persons with 2-3 years of experience to perform minor surgical work, without much success. He said that he could understand people not wanting to come in this situation. But the work, he said, was at present dignified, rewarding and involved an urgent human need. He expressed the hope that doctors will respond to this need.

Something that the hospital badly needed said Dr. Anandarajan, was an X-ray machine that would cost about Rs. 4 lakhs. There were, he said, shortages also in other

categories of medical staff such as nurses.

Mr. Anandarajan who is in charge of the hospital laboratory spoke of the anxieties of the hospital staff and the people of the area. He said that Mr. Paramsothy, the 47 year old ambulance driver who was killed, had 3 girls and 2 boys — all little ones.

## Fort Sentries Snipe Away

A bread vendor, Muthusamy (56), was shot dead by Security Forces on 17th April (Good Friday). He was pushing his sales cart along Bankshall Street, Jaffna when he snipe fire from the Jaffna Fort hit him. The lower part of his body was completely shattered by gunfire. He was rushed to Hospital where he died after an emergency operation.

A tobacco seller from Kokuvil, S. Kanagaratnam (35), was another victim of snipe fire from the Jaffna Fort on the morning of 20th April at Bankshall Street, Small Bazaar junction. The bullet pierced his back and chest. He died 4 hours after admission to Hospital.

At the same time on K.K.S.Road, A. Arumugam (60) from Karainagar, was injured by snipe fire from the Jaffna Fort.

### APPOINTED PROVINCIAL COMMISSIONER

Dr. R. S. Innasithamby has been appointed Provincial Commissioner, Northern Province of St. John Ambulance, for a triennial period with effect from 1st April.



## A POINT OF VIEW

# Merger—Central Issue Or Red Herring?

Negotiations between the government and Tamil representatives appear to have stalled on the issue of North-East linkage. That it might obstruct a settlement is not the most damaging ill-effect which could arise

from the preoccupation of the Tamil leadership with 'merger'. The greater danger lies in this slogan diverting attention from the central issues of vital concern to the Tamil people—their physical security, their right

to self-government, development of their human resources and the preservation of their identity as a people. They also need access to foreign aid and the capacity to develop their agricultural, fishery, industrial and other resources. Merger is neither necessary nor sufficient to ensure these.

Under provincial government, Tamils will have the dominant voice in one province, the major voice in another and a significant voice in several others. To develop as a nationality it is not necessary for a people to be contained within a single autonomous region. Neither the Ibos in Biafra nor the Bengalis in East Bengal benefitted from autonomy in a near-homogeneous region under a hostile government. On the other hand, the Chinese in Malaysia despite discrimination, have maintained their identity, participated in self-government at the regional level, gained more than their proportionate share of economic prosperity and, except for one brief period, enjoyed physical security. Malaysia has a federal constitution, but state boundaries are not drawn on ethnic lines; thus no state is singled out for discrimination on ethnic grounds.

The Chinese are dominant in one state and exert significant influence in several others.

For the Tamils and Muslims alike of the Eastern province, and it is they who are the most vulnerable in some respects, the vital issue is the extent of devolution and not merger. They need to have the major share in the control of land and political, administrative and educational institutions and the security forces in their region. These do require that the unit of devolution should be large enough for devolution to be viable. This need

by **S.Jeevaraj**

not involve merger. Indeed many of the people of the Eastern province may hold that their vital interests will be better served by a provincial unit rather than a North-East regional unit. The greatest danger in the lack of focus on these key issues of importance to all the people, particularly to the Tamils and Muslims of the North and the East, is that these vital issues might be traded off for 'merger'. Any settlement involves compromise. Unless the Tamils clearly perceive where their real interests lie, they may lose in that process. They may receive an empty shell of a truncated 'homeland', without the central substance needed to make it viable. Such an exercise will surely lead to disaster. The district council fiasco must serve as a grim warning. By creating the mirage of a settlement, the District Council Bill took the pressure off the Tamil leadership to pursue a real settlement at a time when the conditions were most favourable. Timely exposure of the scheme as irrelevant to the problems and aspirations of the Tamil people would have helped the Sinhalese to understand continued Tamil discontent. As subsequent events have shown, a false settlement can be worse than a non-settlement.

An exclusive Tamil homeland will be seen as a concession to Tamil separatism and will invite the hostility of the government and the Sinhalese population. The Muslims of the Eastern province too may feel most secure if the Eastern province remains separate and undivided. No community can enjoy physical security if the others feel threatened. On the other hand, devolution on a

(Continued on page 7)

## Bomb Disposal Parlour

Jayarathne Undertakers and Florists do the funeral arrangements for the army.

Shortly after the bodies of soldiers killed in the Adampan incident late last year were ceremonially handed over to the army in Jaffna by the LTTE, the firm was contacted.

Eight men and a manager from the firm boarded a military aircraft to deal with the bodies. After the plane was airborne, an army man took down their names and addresses. They were then told that their task was simply to check if the bodies had been booby-trapped with explosives.

Their personal details had been taken down so that in case the worst happens the next of kin can be informed!

The Undertaker's men were thunderstruck and started screaming. Their protests that they were simply undertakers and had no ambition of becoming instant bomb disposal experts were of no avail. The army used their accustomed charms to have their way. However there were no bombs and the men returned safe. It is reported that the manager concerned has resigned his job.

The firm has since reportedly stipulated that it will only deal with bodies that are brought to Colombo. A request made subsequently to send some of its men to Batticaloa was turned down.

Quite understandably.

## 'PEACE NOT AT ANY COST'

At a plenary meeting of the Jaffna Diocesan Council of the Laity, (Jaffna Diocesan Union) representing all the lay Catholics of the Jaffna Diocese, it was unanimously decided "with careful thought and a deep sense of sorrow and responsibility" to appeal to the President on two vital grounds—viz 1) the religious aspect and 2) the social life of the people here. Excerpts from the letter signed by its Secretary A. Santhiapillai and President A.B. George.

The embargo on fuel and most forms of energy sources has brought life here to near standstill. The poor people are unable to light their hamlets, operate their water pumps or transport their produce or sick or even to cook. Under the pretext of checking, flow of essential goods by road has been reduced to a trickle.

The already crushed fisherfolk were further constricted when the Sea-food Processing Factory of M/S Andriez

at Navatkuly was taken over by the Army. This factory provided employment to hundreds of girls and boys of that community. Thousands dependant on them have now been deprived of even their half starved situation.

Having done great harm to our physical and economical needs, the attack we fear, now seems to be directed on our Religious beliefs and susceptibilities. We refer to the occupation by the Army the very premises of the Rosarian Monastery at Tholagatty, Vasavilan.

This Monastery was established with the founding of the Congregation of the Rosary the only one Catholic Clerical Order founded in S.L.—by the late Rev. Fr. B.A. Thomas OMI, on 2nd February 1928 with the approval of the Holy See for monks and priests who spend their life in contemplation, common prayer, hard work and poverty. Since that date the holy Rosary has been recited by them round the clock

without any break till they were virtually thrown out by the Army on 5th March 1987.

The sacred remains of the saintly founder, other Superiors General and monks are laid to rest there. The Catholics are already praying and taking other steps for the Beatification of the Founder.

Your Excellency, this sacred area is being desecrated by the Army personnel. It is most painful and even provocative to think of them moving about there with their boots and arms on. We have a strong faith that the Hand of God will soon strike the blasphemers and miscreants. We do want peace, but not at any cost. We sincerely yearn for just peace in which we could live with dignity, security and development avenues enjoying the very same rights and privileges as our Sinhala brethren in other parts of the Island. The present inhuman and horrible pressure thrust on us by the Government is only counterproductive.



# Morbid Scholarship And Morbid Politics

At the outset I want to emphasize that the morbid symptoms which have developed in the political process and political writing on the Sri Lankan ethnic conflict are to a great part caused by the morbid symptoms in our scholarship. The intensification of the Sri Lankan ethnic conflict in the 1980s, has led to an outlet to such expressions which have been building up in Sri Lanka for over three decades, between both the ethnic groups. Myths of racial purity, the first arrivals being Sinhala and Tamils, Aryan origins, Buddha's visits to Sri Lanka, linguistic purity, the glory of the Tamil kingdom in the North, the ancient and great civilisations of the Tamils, are a few worthy of mention. Some of the controversies and academic debates surrounding these were politicized and used not only by politicians but also by the so called scholars. These have in effect become political slogans for propaganda.

## BEGINNINGS OF TAMIL COMMUNALISM

While focussing attention on the disturbing trends in Tamil politics the role played by Tamil political parties the Tamil Congress and the Federal Party should not be omitted. Analysing them historically one could start with the communalism of G. G. Ponnambalam of the Tamil Congress. The year 1930 was important in the history of communalism in Sri Lanka. S.W.R.D. Bandaranaike in the South and G. G. Ponnambalam in the North were responsible for raising communal sentiments.

Communalism was an easy road to power. Both of them could eloquently argue for sectarian benefits. They implied that one community's interest could be achieved only at the expense of the other. Feeling of the mutual suspicion and fear were created. It is perhaps correct to say the Tamil political discourse in Sri Lanka in 1950s and 1960s was characterised by a sense of grievance and political oppression and that the rhetoric was developmental. However one cannot dismiss the fact that in the process communalism was whipped up from time to time by the Federal Party leadership. Also their politics was sectarian governed by narrow visions.

As far as the F.P., articulated their democratic demands in the Parliament they were developmental rights oriented and speaking out against oppression, but within Jaffna their language was different. Their main thrust was on separatist interests. They lacked a national perspective, some of their political discourse in public platforms in eloquent Tamil were clearly chauvinistic. This was fed into a generation of Tamil students and youths. Having been a student in two leading schools in Jaffna (one of which was burnt down after the historic visit of Sir John Kotelawela where he made the public statement that his government (U.N.P.) would grant parity of status to the Tamil language) and having participated in inter collegiate debates and discussions which were not only on literary subjects but political, I can vouch for the kind of chauvinism and sectarianism which were being fed into the young minds by the political discourse of the Federal Party. While granting that these were the result of grievances fear and insecurity of discriminatory policies of the successive governments, many of the Tamil leaders lacked a breadth of vision political wisdom and far-sightedness. I would give a few examples of how a separatist ideology was being built up. The Federal Party in English meant regional autonomy within a unitary form of government. The Federal Party in Tamil was "Tamil Arasu Kadchi" which when translated meant Tamil Sovereign Party. The post of Secretary General (the post held by Mr. Amirthalingam in the F.P. then) was translated into Tamil as Thalapathy which means general of the army.

This 'Tamil Arasu' was talked of repeatedly on political platform as a salvation for all evils. The richness of the Tamil literature, the antiquity of the Tamil Language, the glorious past of the Tamil history the Tamil renaissance during the Pallava dynasty, the exaggerated glorious Tamil imperialism under the Chola period, the Independent Tamil Kingdom in the North have been repeated in high flown Tamil, with the implication that a future Tamil glory can be achieved in Sri Lanka. This emotion packed message had a ready appeal to the majority of Tamil people. The intellectuals in Jaffna stood aside most of the time talking

in private about the tide of communalism that was sweeping Jaffna. Against communal emotion and passion, reason and rationality were futile. This could be further illustrated by the fact that Jaffna could not but once elect a candidate from the L.S.S.P. or C.P. (P. Kandiah) even during the time they stood for parity of status for Tamil language at great political risk. The anti Sinhala feelings and the suspicion and fear of Sinhala domination were strong elements in the voting pattern of the Tamil community. The L.S.S.P. and C.P. Sinhala leaders were frequent visitors to the North. Their intellectual charisma appealed to the people. They articulated very forcefully genuine concern for the minority Tamils, for their language rights and conceded that the Tamil demands were legitimate and that they would seek a rightful solution for Tamil grievances if returned to power. Their meetings were well attended and cheered with enthusiasm, but when it came to voting the Tamil voted for T.C. and F.P. That the L.S.S.P. and C.P. abandoned their stand on the language question with the dramatic shift to 'Sinhala only' was a different story—that is the tragedy of left politics in Sri Lanka. Perhaps I speculate that the chauvinism that crept into the trade unions and the new left could have been arrested if not for this. However, I must add that the tactical change of policy of the L.S.S.P. and C.P. with an argument in which they themselves would have believed—that once the econo-

the state—thereby aiding and abetting ideologically the violent outbursts of its majority citizens. 3 Direct brutality of the state apparatus. The kind of uncalled for violence by the police on civilian Tamils who were part of the audience in the cultural programme held by the International association for Tamil Research was a case in point. The "institutionalised violence" (G. Obeyasekera) that was directed in the South against people who hold different or opposing political ideologies were directed against the ethnic minority at earlier dates. It was stated that the disgrace and disrespect suffered by the Tamils on this date had resulted in 3 young men taking an oath of Honour to avenge this humiliation. (K. Nesiah: Conversations, SATURDAY REVIEW P3, 9.11.1985) 4. The failure of the governments to adequately explain their lapse, to convincingly disassociate themselves from such happenings or to give protective guarantees that such atrocities will not be meted out to the Tamils again.

In fact in my opinion the above four reasons coupled with the sectarian feelings created by the Federal Party in the minds of the Tamils, the disappointments and frustrations of the Tamil youth caused on the one hand by the impotence of the T.U.L.F. politics and the reality of discrimination they faced in education and employment opportunities are the real fundamental causes for the rise of Tamil militancy with its commitment to armed struggle. Democracy and parliamentary devices have visible failed them. When I say disappointments and frustrations

by

Selvy Thiruchandran

mic improvement is sought by a total revolution, conflicts which rise as a result of language and culture will vanish—is fundamentally from the overt chauvinism of the left J.V.P. and the right S.L.F.P. And U.N.P.

## CAUSES FOR THE TAMIL MILITANCY

While attacking the discriminatory legislation and co-operating with Governments within the frame work of the parliamentary system of government in getting pacts and bills drawn up, (which were subsequently torn up due to pressure from Buddhist nationalism), the F.P. has successfully perpetuated in the minds of Tamils, anti-Sinhala sentiments. However, I am not denying that there were other fundamental reasons that aggravated the anti-Sinhala feelings: 1. The brutal and inhuman violence directed successively (1958, 1977, 1981) on the innocent non-political Tamil civilians and the periodic plunder and looting of Tamil property by the Sinhala civilians. 2. The impotence of

of the Tamils were also caused directly by the shattering of hopes of "Tamil Arasu" raised by F.P. and T.U.L.F. which was repeatedly talked of on the political platforms as the salvation for all evils. While articulating for most of the time their class interests the F.P. and T.U.L.F. never had in their political agenda a programme for social liberation. This major lapse found expression in the ideology of the emerging youth militancy within the T.U.L.F. All sections of the population, the nationalists, the peasants and working classes and members of all the castes could relate to the ideology of the liberation groups. The groups have clearly incorporated into their national liberation ideology a programme for social liberation. (Caste, class and gender equality) For most of the Tamils living in the east and north neither the Sri Lankan state nor the T.U.L.F. could offer the confidence and trust to seek solution to their

(Continued on page 5)



# Morbid Scholarship And Morbid Politics

(Continued from page 4)

legitimate rights. In the absence of any other alternative they have provided the support base for the liberation groups inspite of their cult of violence. The Sri Lankan government unfortunately had not realised this. All their attempts have been to further alienate the Tamils. Consequently the government has now two forces to deal with: the liberation groups and the Tamil community which has been increasingly radicalised. The government by its ill-concieved policy has failed to realise that these two were not identical but separate and need to be handled separately.

## TAMILS MYTHS; HOW MYTHICAL?

The second point I want to raise is equally important. This is in regard to what Radhika (Lanka Guardian) refers to as Tamil myths; she mentions four of them and dismisses them one by one calling them as mere 'myths'. They are (1) That Tamils of Sri Lanka are heirs to an old and ancient civilizations which has its roots in Mohenjodaro—Harappan civilisations which have been destroyed by less developed Aryans from the West. (2) That the Tamils are first arrivals. (3) Tamil spoken in Sri Lanka is its purest form. (4) Saiva Sidhanta is the religion of the Tamil people and has a special homeland in Sri Lanka. I will first take up the first two. As much as the Tamil writers have no conclusive proof to establish that the Tamils in Sri Lanka are heirs to the great Harappa and Mohenjodaro civilizations, Radhika has no conclusive proof to say that they are not, one cannot prove it either way. It is the same with who came first to Sri Lanka, Tamils or Sinhalese. Hence the point I want to make is that they are not necessarily myths, what is at question is how relevant are those historical facts for any ethnic groups to demand equal political rights in contemporary Sri Lanka.

The debate linking the mother Goddess of the Indus Valley civilization to the ancient Tamil Goddess Kottavai (found in Sangam literature) and Kottavai to the Sakti in Saiva Sidhanta still continues. These are academic debates and discussions: proved either way they do not legitimise one's claims over the other. Neither do they confer any inferior or superior status on any one particular ethnic group.

## FIRST ARRIVALS

As to the second myth regarding the first arrival, I could emphatically say first arrivals have no su-

perior rights over the other whether they are Aryans or Dravidians or the "Kallathonis". But historians and anthropologists have to establish the various stages of migration, their ethnic composition, their linguistic affinities and their religious adherence. To do so, one needs to have sufficient training in the discipline, an objectivity and a scientific rigour. It's an academic exercise in search of objective knowledge and information required to reconstruct historically relevant facts

Using Mahavamsa or Ramayana or Mahabharata in the absence of other sources or as corroborative evidence is quite in keeping with the tradition of reconstructing political and social history. In this process even myths and legends are valid as symbolic representations of one or another phenomena. The responsibility is indeed great on those who seek this kind of knowledge and research from speculative and inconclusive evidence. Their findings can be superseded and even revised by oncoming new research or new findings — archaeological, literary or linguistic. Hence the problem we have is not in this type of information, but the lack of scientific rigour and disinterested pursuit of knowledge. The problem in Sri Lanka unfortunately is that such scholarship is being used, with ulterior or political motives to win votes, to ride to power to build theories of legitimacy, alienating one group against the other and to create feelings of antagonism and prejudice. This distinction has to be made clearly. One who quotes out of place and one who quotes half is equally guilty of the sin of misquoting or distorting.

## PURITY OF LANGUAGE

The third myth which Radhika speaks of is that the Tamil language spoken in Sri Lanka is its purest form. Radhika is correct in calling this a myth as purity of language or race exist nowhere in the world. But what is the basis of such claim? The Tamil language spoken in Jaffna (not Sri Lanka) developed a variant dialect closer to the written Tamil as a result of the isolation from various linguistic influences. The above conclusion was arrived at independently by historians like Indrapala, Arasaratnam and Pathmanathan and by Prof. K. Kanapathypillai whose scholarship and knowledge in philology is well known. In fact Prof. K. Kanapathypillai was of the view that certain verb formations used in the spoken Tamil of Jaffna were similar to the ones found in the Tamil Sangam literature. These are part of the scholarship and conclusions of historians and linguists. But the reason for this is the physical separat-

ion of Jaffna from other Indian languages which through the ages have influenced the Tamil languages in India. Such a phenomenon cannot by itself be anything superior or unique or great. But it's not a myth either. What is important is that this has no use in political discourse, neither can this be used to legitimise any claims for exclusive rights, or taken for a discourse in terms of a chosen people.

## SAIVA SIDHANTA, TAMIL, SRI LANKA

The fourth myth referred to by Radhika is no myth at all. The origin and development of Saiva Sidhanta and its connection to the Tamils have been conclusively proved by many scholars both in India and Sri Lanka including Kailasapathy. Saiva Sidhanta is not a religion. It's a philosophy which originated during the Chola period in South Indian Tamil Kingdom. Kailasapathy sees a connection between the Tamil imperialism and the origin of the Tamil philosophy of Hinduism. Saiva Sidhanta was seen by many scholars as the final product acquired through centuries of Tamil feelings, experiences and consciousness. It's a historical reality. As regards Sri Lanka being presently the home of Saiva Sidhanta there is no doubt. The Vaishnava cult — temples, festivals and rituals are peripheral in Sri Lanka. During the early 19th century Saiva Sidhanta philosophy has been increasingly paid attention to in Sri Lanka. Nallasamy Pillai, Sabaratne Mudaliyar, Rev. Father Gnana-piragasar, Sivapathasundaram are a few names in the task of popularising Saiva Sidhanta in Sri Lanka, Arumuganavalar simplified the philosophy in simple prose. From 1947 the syllabus on Hinduism for public examinations was based on Saiva Sidhanta. Hence if one says as an objective fact that Saiva Sidhanta is the philosophy behind the Hinduism practised in Sri Lanka there is nothing wrong. It is not myth creation but it would be wrong if one makes political capital out of it or use it chauvinistically or glorify it throwing contempt at other kinds of philosophy. All in all in these types of peculiar characteristics lie the cultural identity of the ethnic group of Sri Lankan Tamils as separate and different (not unique or great) from the Tamils of India.

## PLURALISM OF TAMIL RELIGIOUS HISTORY

Radhika's claim that Tamil religious history has been pluralistic and cannot be confined to one religion's doctrine needs to be explained.

While speaking of the religious history she seems to be not taking into account the historically specific factors and the socio-economic and socio-political reasons which necessitated the different kinds of religious philosophy. When Buddhism developed as a philosophy of peace and non violence amidst warring tribes and bloody battles for ascendancy among the Tamil chieftains it had a tremendous appeal to the people who had become tired of bloodshed. The merchants opted for peace and order to carry on trade effectively. Some of the finest pieces of Tamil literature during this period were written by Jains and Buddhists (Silapadikaram, Manimegalai and Thirukkural). Most of the didactic literature of the period show strong influence of Buddhist and Jaina philosophy. But with the Hindu renaissance, the cult of Bhakti as against the rational logic of Buddhist philosophy had a great appeal to the Tamils of India. Hence this period of Tamil literature was entirely religious with strong elements of the Bhakti cult. Tamil nationalism and Tamil consciousness were built around the Bhakti cult as against the Sanskrit domination. The word Tamil was repeatedly used as reference point to God (Siva specially) and the authors had attacked Jainism and Buddhism in the literature of this period. The lyrical expression of emotional Bhakti in the 'thevarams' was periodically interrupted by harsh and violent terminology to refer to the Jains and Buddhists, their dogmas and their philosophy. The Saiva Nayanmar wanted Siva's grace to chop the heads of all Jainas and to exterminate them. The third phase in the development of Tamil Hinduism is during the Chola period. The development of Saiva Sidhanta philosophy was clearly linked to Tamil consciousness—the religious philosophy of each historical period had its relevance to the economic and socio-political base. Both secular religious literature produced during these periods had the predominant philosophical ideologies of the time expressed through the bias of the authors. Concepts like religion and philosophy were mixed up in Radhika's article. Religion is followed by people who call themselves as belonging to one or the other religion whereas religious philosophy is a concern of the more articulate religious people. The Hinduism of the people of Jaffna is based on the Saiva Sidhanta philosophy, the contents of are incomprehensible to many who call themselves Saivites or Hindus. Muruga, Ganesha and Amman are respectively sons and

(Continued on page 6)



# BOOSA DETENUS' PLIGHT

A political detenu is not a convicted political prisoner. In other words he has not been charged in a court of law, found guilty and sentenced.

On the other hand a political detenu is one who, very often is arrested on the flimsiest of excuses and detained on mere suspicions. In most cases there are no inquiries held for years. There are virtually forgotten by those who were responsible for their arrest and allowed to languish in camps under miserable living conditions. Only their relations and friends are interested in them and even in such cases, the interest is not sustained over a long period, due to many reasons.

In Sri Lanka, today there are thousands of political detainees. Most of these are Tamil youth and they are held for the most part at what is called the Boosa camp—a former race course in the southern capital—and which has become today notorious as a virtual concentration camp. The Sinhala youth who have been recently arrested on charges of conspiring against the Government

and of being pro-Tamil are not held at Boosa. They are held in the various prisons or in police stations.

The Boosa camp is said to hold more than 2500 detainees. The reason for the arrest of large numbers of Tamil was apparently the Israeli (Mossad) advice of collectively arresting large numbers of suspects and there afterwards finding out the guilty rather than arresting only those who are suspected of being guilty. For instance when the army goes

I was also a political detenu in 1971. I was detained for ten long months by the United Front Government of Mrs. Bandaranaike in the immediate aftermath of the attempted JVP insurrection. As detainees, we were entitled to be treated as remand prisoners. But the Government got over that by cancelling by gazette notification all the concessions that were available for remand prisoners, e.g. daily visits, food and clothes from homes etc., But, despite this

during my detention, they allowed visits after about three or four months, we at least had 15 minutes of time, and sometimes more.

No detention camp anywhere boasts of good food. Boosa is no exception. But I was amused to hear that because they could not eat the rice and subsidiaries supplied, some of the detainees got down sugar and Nespray from home for mixing with their rice and eating it!

But the worst aspect of life in this camp is the regular torture that is practiced here. Since the Prevention of Terrorism Act permits confessions by the accused to be used against him at his trial, the tortures are aimed at getting these confessions from the detainees. Since most of them are not willing to oblige, tortures of various degrees are used to get these forced confessions. According to most reports the most common form of torture is to hang a person upside down and to apply heat, to his soles and or prick needles under the toes. I heard of some most sadistic forms of torture that have been applied at Boosa. But they are two unmentionable for me to repeat here. The Amnesty International has done some good work in exposing some of these tortures by documenting affidavits from ex-detenués. I have not the slightest doubt that torture on a large scale is being practiced at Boosa. This is the most gross form of violation of Human Rights.

It is a welcome sign that the Government has served indictments and brought to trial at least one group of Sinhala youth (one such group includes a Tamil) accused of conspiracy. But why is there such a delay in finishing the inquiries into the Tamil detainees and either charging them in court or releasing them? Obviously the Government cannot maintain any charge against most of them. It recently released about 80 Tamil detainees who were either over 40 or against whom no charges could be preferred. This itself is an admission that they have been arresting people without proper investigation.

The sad fate is that the public as a whole, both Sinhala and Tamil are not taking any interest in the plight of these detainees.

Where are the so called left parties? Why don't they pay a visit to Boosa and find out for themselves the living conditions there and expose them to the public let not these detainees become the forgotten men of Sri Lanka.

It is imperative that progressive opinion, both Sinhala and Tamil, should be mobilised to demand the immediate trial or release of all these detainees, Sinhala or Tamil; and that in the meantime, the living conditions of these detainees be improved and they be given all the concessions available to remand prisoners.

by

**N. Sanmugathasan**

in its search and destroy missions and comes across some young men playing volleyball, all players and spectators are rounded up, put into Jeeps or trucks and sped away to a camp in Sinhala territory where they are held—apparently for inquiries. The time taken by the bureaucrats responsible for these inquiries is unimaginable.

Recently I spoke to a number of Tamil detainees from the Boosa Camp and was shocked to hear about the living conditions in that camp.

further illustrated by the fact that Christians and Tamil speaking Muslims have jointly expressed Tamil consciousness where religion cannot play divisive roles. This secular nationalism could also be understood from the fact that when Buddhism was made a state religion there was hardly any opposition though its principle of deviation from a secular state was condemned, but it was not so when 'Sinhala only' was passed.

## CONCLUSION

The point I am trying to make is that one need not deny or dismiss the existence or presence of certain phenomena—concrete historical realities of a social formation. One could state them objectively grounding them in socio-political factors wherever relevant, even as part of inconclusive or partial findings. But it is an entirely different thing to use them with political motives, personal ambitions or to whip up communalism and create ideas of a superior, chosen, pure people.

All one need to say is that the Tamil community is discriminated and oppressed by the majority Sinhala while they are a part of the Sri Lankan polity. Their homeland is Sri Lanka. But their self respect is eroded into. They are plundered, looted, burnt and raped. Governments, political parties and NGOS have failed to contain their frustrations. They are at war now. Hence we have an immense national problem amidst us.

the conditions under which we were held were far superior to the conditions that now seems to prevail in Boosa.

The Tamil detainees at Boosa are held in several semi-walled halls (like school rooms) with the upper part closed by wire netting. Apparently, each hall accommodates about 200 to 250 detainees. If they all stand up there is sufficient room. But the problem arises when they have to sleep. I was told they have to sleep shoulder to shoulder and no one can move without disturbing another. One mat is provided for four or five detainees. There are of course no bed sheets or pillows.

Once the camp is closed at six 'o' clock in the evening for the day no one can get out whether it is for a drink or for a call of nature. I wondered what they did if anyone had an urgent call of nature. The only answer I could get was that some kind of polythene bags were being used. What a dreadful state of affairs. I also found out that there was hardly sufficient water to wash their backs. Some of them in desperation had got down some toilet paper that was not permitted to be taken in.

For a long time these Tamil detainees were not permitted visits by their relations or friends. When, after about an year visits were allowed, relatives were shocked to find that most of the detainees were wearing the same Verti or Sarong which they wore at the time of their arrest one year previously. I remember how these relatives came back to Colombo and there took place about of activity among the Tamils in Colombo to buy as many Vertis and Sarongs as they could for these detainees.

Now they are allowed weekly visits but the time permitted for each visit is only five minutes, and that, with the CID officers standing by the side. Imagine the unreasonableness of this procedure. The camp is in the deep south at Boosa. Most of the detainees are from the North and the East. This meant that the relatives of these young men had to travel a long distance before they can come to the camp and, all that they get is five minutes audience with their loved ones. When,

## Morbid Schol.....

(Continued from page 5)

consort of Lord Siva. They belong to the Saiva clan as against the Vaishna clan. It was an interesting experience for me when I asked a group of people for their religion in Jaffna. Except for two, who were Christians all the others said their religion was "Saivism" and not Hinduism. Radhika is wrong to place the Bhakti cult which she finds prevalent in Jaffna and the Saiva Sidhanta philosophy in opposing camps. Philosophic Hinduism finds its expression through Bhakti. Bhakti is an expressive form—an outlet accompanied with music, rhythm, but the content is philosophic.

Saiva Sidhanta philosophy is a historical development. In that sense the essence of the Thevarams of the previous epoch also contributed to a comprehensive theory of Saiva Sidhanta. This does form the religiosity of the Jaffna Tamils as against the Vedanta philosophy of the Brahmanical Hinduism.

## TAMIL NATIONALISM IS SECULAR

However in spite of the writings of a few Tamils, religiousness is not a part of the Tamil consciousness. Saiva militancy or Saiva fanaticism or Saiva fundamentalism which usually form part of the nationalist ideology is non-existent in the Tamil nationalist consciousness. This could be



The Anglican diocese of Colombo elected the Ven. J. J. Gnanapragasam Archdeacon of Colombo, as its new Bishop on 19th March. He was contested by the Rev. Kenneth Fernando. In the election JJG polled 51 out of 75 votes in the house of clergy and 104 out of 142 in the house of laity.

Sections of the press had reported that the diocesan office has written to the Archbishop of Canterbury telling him that the election of a Tamil Bishop by a predominantly Sinhalese electorate is proof of the absence of communalism in Sri Lanka. The election has also been dubbed a propaganda gimmick.

Anglican sources here dismissed this claim as nonsense. They said that what transpired was really a formal requirement involving the filling up of a form informing the Archbishop of the names of the contestants and the votes polled. They also said that one does not get a clear picture of a predominantly Sinhalese electorate electing a Tamil Bishop. The voters list, they said, showed that many predominantly Sinhalese parishes had Tamil laymen. Kenneth Fernando certainly received many Tamil votes and his nomination was seconded by a Tamil. The sources said that many Sinhalese who had worked with Gnanapragasam certainly thought that he was the right man.

What was significant perhaps is Kenneth Fernando's paradoxical reputation as bordering on Marxism on one hand and on communalism on the other—both probably unfair to him. His left-wing leanings are not likely to be popular with the

# NEW ANGLICAN BISHOP AND THE ETHNIC DIVIDE

majority of Sinhalese Anglicans. Some celebrating the outcome of the election were heard shouting 'we don't want communists'.

In the euphoria following Mrs. Bandaranaike's United Front Victory in 1970 Rev. Fernando had before the diocesan council proposed a motion to hand over the Anglican schools to the Government. Though this was defeated it aroused Tamil suspicion. Tamil opinion had regarded nationalisation of schools as Sinhalisation, in view of schools like Royal College which once had a large number of Tamils admitting few Tamils at present.

Again paradoxically Rev. Fernando's leftist leanings notwithstanding he is reputed to be close to the National Security Minister—having been his Latin teacher at Royal and now his admirer. Rev. Fernando is also known to be amongst those in the National Christian Council strongly against pastoral visits to the war-ravaged Tamil homeland. One source quotes him as having said, 'there is a war on there. I will not go there and I will not encourage others to go'.

Ven. Gnanapragasam received his first major appointment as Archdea-

con of Jaffna in 1970. This was at a time opinion in the North was turning strongly against political domination from Colombo and the Anglican authorities in Colombo were becoming suspicious of their clergy and laity in the North. The pattern since then has been for the church authorities to cast about for people safe for them manning leading roles in their institutions here. The appointment of Gnanapragasam as Archdeacon over several senior clergy in the North led certain strains at that time. These were ironed out in time and Gnanapragasam quickly earned the goodwill of people in Jaffna and the confidence of the local clergy.

## THE REAL CHALLENGE

The real challenge to the Church remains one of credibility—that it presents an alternative system of values to those people have become comfortable with. This is true throughout the island. The church is seen to have less to do with Christianity than with the established order. A leading Anglican school, St. Thomas' College, in 1985 invited the National Security Minister as Chief Guest for its prize giving and in giving the vote of thanks the chaplain praised the Minister for maintaining a high morale amongst the troops in Jaffna. This would have seemed normal for an average Sinhalese Christian. But, to an average Tamil this would have seemed an act of gross insensitivity that ignored the reality in Tamil areas. For a Bishop to be effective in such matters, as he surely must, may lead to loneliness and ultimate rejection. Joining the establishment remains a strong temptation.

In this respect the present Bishop Swithin Fernando has suffered in comparison with the late Bishop Lakshman Wickremasinghe. Bishop Lakshman too joined the euphoria that followed the election of the Left Front in 1970. But when thousands of Sinhalese youth were slaughtered in May 1971 he played a leading role in the incipient Civil Rights Movement, in defiance of the general current of feeling that the slaughter was justified for the restoration of order.

Unlike the spirit of the early Christian missionaries who braved all manner of dangers to visit their churches, there is today a reluctance to visit churches in Tamil areas.

Even the more closely knit smaller Churches like the Assembly of God in places like Trincomalee, according to clerical sources, very much look forward to visits of pastoral care and comfort without having received them. Two leading figures in the Pilimatalawa Theological Seminary had made advanced plans to visit Jaffna that were cancelled at the last minute. This Seminary trains most of the Protestant clergy in the island. The reasons for such reluctance may seem strange here. Tamils who had a reputation for running away since 1958 now get about their daily business expecting shells and bombs anytime. It would seem utter lunacy to visit such a place.

According to Anglican sources here there are few Sinhalese clergy who understand the problem in this country very well. Even in Colombo there are clergy who hold that it may be a good idea to get the 'moderate' Tamils out of Jaffna and bomb the place flat! The situation they say is better with the rural and the younger clergy. Among the younger clergy the dividing line is sharper. Either they will sympathise with the Tamils or will firmly side with the national security option. — ANGLICAN

## A Point Of View...

(Continued from page 3)

provincial basis will benefit all, including the Sinhalese of all the provinces, the Muslims and the Tamils of the hill-country. They will share a common interest in carrying devolution further, in the transfer of more power to the provinces.

Perhaps land colonisation is the one major issue on which there may be some conflict of interest between the different ethnic communities. A compromise could be worked out on this issue; for example, to maintain for some years the ethnic proportions of the Eastern province which existed at the time of the last census. Landlessness is a problem not only in the South, but also in the North, not only to the Sinhalese but also to the Tamils of Jaffna and the hill country and to the Muslims in certain regions; consequently, finding enough settlers of the Sinhalese, Tamil and Muslim communities should not pose any problem. The surplus Sinhalese population must be distributed among several provinces. The number of new settlers of any one community should not be so large as to cause the other communities living in that province to feel threatened.

The island can have lasting peace only if every community feels secure. To achieve this, government may need to concede genuine devolution, including powers over land settlement. In turn the Tamils may need to abandon their demand for merger.

# MOTHERS' FRONT APPEALS TO AI

The text of a letter sent to Amnesty International by the Mothers' Front.

We, the mothers of the North and East of Sri Lanka, write this letter to you in anguish and sorrow, pleading for Justice and Free trial for our children, both young boys and girls and women and against the discrimination of the state authoritarianism.

Today there are over 2000 of our children detained at Welikade Prison and Boosa Camp who are on the verge of death. Some of them went on a fast unto death campaign to show their protest against the conditions under which they are forced to live. They were forced to go on

this hunger strike not because they are denied political and fundamental rights but for their basic needs and elementary facilities provided to a normal remand prisoner which are denied to them at Welikade and Boosa where they are kept in custody. All these young people were arrested arbitrarily under the pretext of Prevention of Terrorism Act and the Emergency regulations.

They are denied the basic needs of cells with light and air, food, water, medicine and toilet facilities. Such items brought by their families and friends during their short visits too, are confiscated and burnt in their presence. The physical harassment and torture to our children too are unbelievable. The following are some of them:— 1) Torture

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# Saturday Review

SRI LANKA

## When Will We Ever Learn

How many seas must a white dove sail  
Before she sleeps in the sand?  
How many times must the cannon-balls fire  
Before they're forever banned?

How many years must one man have  
Before he can hear people cry?  
How many deaths will it take till he knows  
That too many people have died?  
The answer my friend is blowing in the wind,  
The answer is blowing in the wind.

—BOB DYLAN

The New Year has begun inauspiciously, dimming whatever little hope we had for peace in our time.

The unilateral truce was virtually a dead duck from the start.

Good Friday's massacre in the Trincomalee district led to the calling off the truce.

Since then violence has escalated, peaking in the car-bomb explosion in the heart of the capital on Tuesday evening.

The saddest part is that innocent civilians of all communities are getting caught up in the violence.

Innocent people are paying with their lives and limbs for the short-sightedness, cynical exploitation of chauvinism and political opportunism of successive Sri Lankan Governments which simply refused to treat the Tamils as equal citizens. They thought they could buy off the Tamils with a few portfolios and the appointment of a few token Tamils to high places.

During the *Sinhala Only* debate in 1956, Dr. Colvin R. de Silva prophetically told Parliament: One language two nations; two languages one nation.

The Federal Party leader, Mr. S. S.J.V. Chelvanayakam, was even more prophetic. He cautioned the then Premier, Mr. S.W.R.D. Bandaranaike: You are fighting Federa-

lism now, twenty years hence you will be fighting Separatism.

The prophecies have now become nightmare realities.

Like the Bourbons, the alternating Sinhalese leadership has learnt nothing.

The military option will not get the Government anywhere against a determined people, Mossad and Keeny Meeny notwithstanding.

It's time the Sinhalese people realise this and drive some sense into the heads of their rulers — though it'll take some doing.

We set below in capsule form the tragic events beginning Good Friday:

Good Friday, 17th April, saw the massacre of about 130 passengers including women and children proceeding in 5 vehicles along the Trincomalee-Habarana Road. Servicemen in civis, returning to base after the New Year vacation, were among those killed. The assailants were dressed in military uniforms but they could not be identified.

The Indian High Commissioner condemned the criminal killings of unarmed civilians. The Liberation Tigers of Tamil Eelam (LTTE) disclaimed any responsibility for the massacre.

On Sunday, 19th April, unidentified gunmen killed at least 15 civilians, 5 men, 5 women and 4 young girls in Jayanthipura village North of Kantalai in the Trincomalee district.

On 16th April 4 Security Personnel were killed and 6 injured in a landmine explosion near the 160th milepost in Mannar.

## History Almost Repeats Itself

History almost repeated itself at Welikade Jail on 23rd April, after the Pettah car-bomb explosion on 21st April.

In 1983, when anti-Tamil violence erupted in Colombo, 53 Tamil political detenus in Welikade were brutally slaughtered by Sinhalese prisoners, allegedly aided and abetted by some prison authorities.

On 23rd April, 5 Tamils on remand at Welikade were hacked to death and 6 seriously injured by Sinhalese prisoners who also attempted to set fire to the cells housing the Tamil detenus. The warders had to tear-gas and baton-charge the attackers to save the Tamil prisoners.

Tamil detenus in the Boosa Army Detention Camp were beaten up by outside thugs who used iron rods and pipes. About 100 have been admitted to hospital.

In the Bogambara and Negombo prisons too, Tamil detenus were reportedly roughed up.

A powerful bomb placed in a van which had been parked in the Central Bus Stand at Pettah went off at about 4.30 p.m. on 21st evening causing the death of about 150 people and injuring many others. Vehicles and buildings were damaged; some buildings caught fire. The last was heard 15 kilometres away. The bomb went off at a time office workers were returning home.

The Government declared a curfew from 9 a.m. on 22nd to 5 a.m. the following day in the Colombo and Gampaha districts. The 22nd was declared a Public Holiday.

The Indian Government has very deeply regretted the incident and expressed their grief. The militant groups have denied responsibility for the bomb attack.

A mini camp next to the Main Camp at the Harbour View Hotel, Kankasanturai was attacked by the Liberation Tigers of Tamil Eelam (LTTE) in the early hours of 22nd April and over-run. The personnel manning the camp made good their escape to the Main Camp while some jumped into the sea to save themselves. Arms and equipment were reportedly seized by the militants. Five militants died in the operation. Seventeen soldiers were killed and seven injured, according to the Government.

Following this attack the Security Forces from the Mandaitivu Camp and the Jaffna Fort fired shells into the town. The Jaffna Cathedral narrowly escaped being hit; shells landed on the road creating potholes.

The railway link between Mannar and Murunkan was cut on 21st April after a bomb explosion which destroyed portions of the track.

Point-Pedro and Puloly areas were bombed and strafed on 22nd April; 7 persons lost their lives and many were injured. Many houses and buildings were extensively damaged during these two raids. Bombers attacked Chavakachcheri the same day around 10-20 a.m. A woman, and two girls returning from tuition were killed. 7 were injured. A helicopter hovering over Nallur at about 3-40 a.m. on 22nd April sprayed bullets killing 74 year old Sithamparampillai Nadarajah of Sankilian Veethy.

Will more man-made calamities strike the land?

Or is it darkest before dawn?

## Mothers...

(Continued from page 7)

by electric shock; 2) Physical attack by S-lon pipes; 3) Hanging them upside down naked; 4) Forced homosexual activities and sexual harassment; 5) Obtaining statements for Press and TV by force and torture.

Why this discrimination and cruelty? We condemn these discriminations by the Government on grounds of race, religion, language, caste, sex, place of birth. The Article 12 of the Constitution which guarantees to all persons the right to equality, prohibits discrimination against citizens on any of the above mentioned grounds. Even the Prevention of Terrorism Act stipulates the maximum time of 18 months within which period of time the detainee be produced before the magistrate or be released, which too is not carried out.

Sir, We appeal to you to use your good office and exert pressure on the government 1) To release our innocent children who are taken as political prisoners under the PTA and Emergency regulations and kept for over a period of 18 months; (2) To find out the whereabouts of nearly 641 detainees who are missing; (3) To repeal all laws including the PTA which violate the democratic rights of the people; (4) To stop all harassment and torture in the detention camps; (5) To provide basic needs of food, water, medicine, toilet facilities to the detainees; (6) To release more information of our women and girls in the detention camps. Like the Women's Bureau which is concerned with the role of women in the development process, we the Mothers' Front are deeply committed to the cause of protecting the lives and families of our women in this dark period.

Sir, we also want our leaders to be honest and to keep their promises and act fairly. Law teaches that men must not resort to violence to obtain their ends. On account of the delay to a political, economic, social and moral Justice, we are all going towards doom. We the mothers cry our hearts out and say we want our children to live in Peace as free people. We appeal to the mothers of the South to join hands with us in our cause, as the pain of mind we are undergoing presently may be theirs tomorrow.



# DRAFT PROPOSALS — I

(30.8.86 TO 19.12.86)

1. Draft Framework of Terms of Accord and Understanding of 30.8.85, including Conditions of Implementation and further discussions the Sri Lankan Delegation had with Senior Officials of the Ministry of External Affairs of India from 10th September to 13th September 1985.

2. Proposals sent to the Government of India by the Government of Sri Lanka based on discussions with the Indian Delegation led by Hon. P. Chidambaram, Minister of State—4th May, 1986.

3. Proposals sent to the Indian Government in September 1986.

(i) Amendments to the Constitution — (4th September 1986)

(ii) The Provincial Councils Act — (4th September 1986)

(iii) Introduction (23rd September 1986)

(iv) List II-Reserved List (23rd September 1986)

(v) List I-Provincial Council List (23rd September 1986)

Appendix I-Note on Devolution of Power in respect of Law & Order (23rd September 1986)

Appendix II-Note on Land and Land Settlement (23rd September 1986)

Appendix III-Note on Education (23rd September 1986)

(vi) List III-Concurrent List (23rd September 1986)

4. Working Paper on Bangalore Discussions — 18th November 1986.

5. Observations on the Working Paper on Bangalore Discussions, including a Schedule of offences to be investigated by the National Police Division — 26th November 1986.

6. Proposals that emerged on December 19, 1986.

## DRAFT FRAMEWORK OF TERMS OF ACCORD AND UNDERSTANDING

### SYSTEM OF GOVERNMENT

The principal Agencies, apart from the Central Government, for the exercise of the powers of government within the framework of the Constitution as amended will be:

(a) the Provincial Council in each province,

(b) the District Council in each administrative district, and

(c) the Pradesheeya Sabha with representation at the village level in each A.G.A. Division.

2. The existing provincial boundaries will constitute the limits of the area of authority of the Provincial Council, without prejudice to the power of Parliament to alter them.

3. The existing district boundaries will constitute the limits of the area of authority of the District Council, without prejudice to the power of Parliament to alter them.

4. There shall be an Authority for the Port of Trincomalee and its environs for the purpose of its administration and economic development. The area of such authority shall be excluded from the area of authority of any Provincial Councils or District Council established. (The area of authority to be discussed).

### ESTABLISHMENT OF PROVINCIAL COUNCILS

5. A Bill for the amendment of the Constitution to enable the creation of Provincial Councils and the devolution of powers on them shall be enacted by Parliament by 2/3rd majority. Thereafter, Parliament will pass an Act, directly conferring on the Provincial Councils the requisite legislative powers. Such power shall not be revoked or altered in any manner except by an act of Parliament passed by a two-thirds majority after consultation with the Provincial Council or Councils concerned.

6. The process and procedures for the amendment of the Constitution and the enactment of the Act of Parliament will be commenced by the Government of Sri Lanka within 30 days of the Agreement.

7. The constitutional amendment contemplated in para 5 shall be of such a nature as would not require its approval at a referendum.

### DEVOLUTION OF POWERS

8. The powers to be devolved on a Provincial Council will be specified in the Act referred to in para 5 above.

The more important powers to be devolved on a Provincial Council are specified in the Annex I hereto.

### LEGISLATIVE POWERS

9. Subject to the provisions of the Constitution as amended in regard

to the exercise of legislative powers, Provincial Councils will have powers to enact laws on subjects specified in the Act of Parliament, which will be operative within the Province.

### EXECUTIVE POWERS

10. The President shall appoint as a Chief Executive of a Provincial Council one of the members who in the President's opinion is most likely to command the confidence of the council. The Chief Executive will be entitled to choose the Executive Committee from among the members of the Provincial Council.

10. (a) The members of the Executive Committee will be appointed by the President on the recommendation of the Chief Executive and executive powers will be delegated to the Chief Executive and other Members of the Executive Committee.

10. (b) The powers that may be delegated to the Chief Executive (and members of the Executive Committee) will be specified in the Act referred to in para 5 above. Such executive powers shall include all areas of legislative powers delegated to the Provincial Council.

10. (c) The Chief Executive and members of the Executive Committee need not be members of Parliament. If they are not members of Parliament, they will not be accountable in or to Parliament. However, in that event, they will be responsible to the President in respect of matters for which the President would be responsible to Parliament, and to the Provincial Council in respect of all other matters.

### FINANCIAL POWERS

11. The Provincial Councils shall have the power to levy taxes, cess or fees and to mobilise resources through loans, the proceeds of which will be credited to a Consolidated Fund set up for that particular Council to which will also be credited grants, allocations or subventions from the Republic. Financial resources will be apportioned to the Provinces on the recommendations of a representative Finance Commission appointed from time to time by the President.

11. (a) In respect of loans or grants, any foreign loans or grants would require the sanction of the Government of Sri Lanka in accordance with national policy.

11. (b) The nature of taxes to be levied by the Provincial Councils will be defined by Parliament by law.

### ELECTIONS

12. Elections will be held in respect of each Province on the proportional representation system on the basis of Administrative Districts for the constitution of a Provincial Council. The number of members to be elected to each Provincial Council will be determined according to the population and area of each district within that Province.

### MEMBERSHIP OF PROVINCIAL COUNCIL

13. The members of the Provincial Council shall be the members elected from the Province as set out in para 12 above. Every member of Parliament elected from the Province shall be entitled to be an ex-officio member of the Provincial Council if he so elects within a specified period. No vacancy shall be deemed to have been created if an MP ceases to be a member of the Provincial Council by reason of his failure to elect.

The number of ex-officio members shall not exceed the number of elected members of the Council.

14. Where the President is satisfied that the affairs of any Provincial Council are not being carried on in accordance with the provisions of the Constitution or of any other law, he may take such measures or pass such orders as he may deem fit to ensure that they are so carried on, including an order for the dissolution of the Council and for taking such consequential measures as he may deem necessary. Every such order dissolving a Council shall be operative for a period of six months at a time but not exceeding one year in all provided however that Parliament approves of such action within two months of making of the order of dissolution.

15. Parliament shall by law provide that a Provincial Council be established in any Province, if more than half the number of Development Councils, constituted under Act No. 35 of 1980 within that Province by a resolution passed by a simple majority decide to constitute themselves a Provincial Council, at meetings held immediately after the date of coming into force of the said amendment to the Constitution and the said Act of Parliament.



15. (a) If the majority of such Development Councils do not determine to function as part of a Provincial Council, a Provincial Council shall not be constituted for or function in respect of that Province.

15. (b) in such event, the existing District Development Councils shall be deemed to be District Councils established under the Act of Parliament referred to in para 5 and shall continue to function in respect of each of the Districts in the Province, having the powers, duties and functions set out in the Development Councils Act No.35 of 1980, as amended from time to time.

15. (c) Provided that, where in any Province more than half the number of Development Councils in that Province have ceased to exist or are not functioning on the date of this Agreement, a Provincial Council shall be deemed to be established on the coming into force of the said amendment to the Constitution and the said Act of Parliament.

16. (a) Where a Provincial Council has been constituted and is functioning the members elected in respect of more than one half the number of Districts within that Province together with any ex-officio members thereof, sitting separately by virtue of their election from that District, may by a simple majority decide that such district shall cease to be part of that Provincial Council and withdraw therefrom.

16. (b) For the purposes of this paragraph the members of a Development Council constituted under Act No. 35 of 1980 shall be deemed to be members elected under this law.

16. (c) In that event, a Development Council shall be deemed to be constituted under the Development Councils Act No. 35 of 1980 for each such District and will function as such Councils.

#### 17. OTHER SUBJECTS (FOR DISCUSSIONS)

17. (1) *Minorities Commission* - This would be envisaged as an institutional mechanism safeguarding the rights and interests of linguistic and other minorities as equal citizens of Sri Lanka.

17. (2) *National Policy on Employment* - The policies of the Government of Sri Lanka in regard to employment would be non-discriminatory.

17. (3) *Tamil Office or Ministry* - There already exists a Ministry for Hindu Religious Affairs. The scope, functions and nature of such a Tamil Office can be examined if specifically desired.

17. (4) *Minorities representation in Armed Forces* - Recruitment to the Armed forces to be carried out so as to ensure that the Armed Forces reflect the ethnic ratio as far as possible within a specified time frame.

#### 18. PERSONS OF RECENT INDIAN ORIGIN IN SRI LANKA

Of the total of 600,000 persons of Indian origin to whom, under the provisions of the Indo-Sri Lanka Agreements of 1964 and 1974, the Indian Government agreed to grant citizenship there were only 505,000 (approx.) applicants for Indian citizenship leaving a balance of 95,000 (approx.) unaccounted for who would, therefore, continue to be 'Stateless'.

The Sri Lanka Government proposes to grant citizenship to this 95,000 when all persons of Indian origin who have applied for Indian citizenship have been granted such citizenship and are repatriated.

Initialed by

R. Mathai - Deputy Secretary  
Ministry of External Affairs  
New Delhi  
30-8-85

E.F.Dias Abeyesinghe - Secretary  
of the Sri Lanka Delegation.  
30-8-85  
8.50 p.m.

New Delhi.

#### ANNEXE 1

The Provincial Councils shall exercise powers and shall have responsibility for subjects including :

(i) internal law and order to the extent defined in the Paper I appended.

(ii) land settlement within the Province to the extent defined in the Paper II appended.

(iii) Agriculture and industry to the extent set out in the appended papers III and IV.

(iv) Education and Culture. A brief statement on Education is appended at V, and on Culture at VI.

The aforesaid list of subjects and functions is not exhaustive, and additional subjects will be finalised later.

For the removal of doubts the subjects and functions that would be exclusively reserved for Parliament are specified in Annexe 2.

There would be provision for establishment of a Provincial or District Service and for secondment of public officers from the Central Government Public Service.

#### PAPER I

### INTERNAL LAW AND ORDER

#### 1. HEAD OF POLICE

1.1 All members of the Police Force serving in all Police Stations within the area of a Provincial Council will function under the direction and control of a DIG, SSP or SP depending on the area and population of the Province.

1.2 Such officer, hereinafter referred to as the Head of Police will be nominated by the I.G.P. in consultation with the Chief Executive and will be an officer who is conversant with the language spoken by the majority of the residents of such Province. In the case of a difference of opinion between the Chief Executive and the IGP the matter will be referred to the President whose decision will be final.

#### 2. CADRES

2.1 The Chief Executive of any Provincial Council shall be consulted prior to any changes being made in the cadre of the number of members of the Police Force serving within such Province.

2.2 The Chief Executive of any Provincial Council shall be consulted prior to any changes being made in the existing cadre of the members of the Police Force serving in any Police Station within such Province and the opening and closing of Police Stations within such Province.

#### 3. RECRUITMENT OF POLICE CONSTABLES AND SUB-INSPECTORS

3.1 Where there are vacancies for posts of Police Constables in the Country, a percentage of such vacancies shall be allotted to each Provincial Council Area as well as to the Centre. The selection of Police Constables from among applicants from any Provincial Council Area for the vacancies allotted to such Provincial Council Area shall be done locally.

3.1.1 The preliminary interview of applicants for the posts of Police Constables from any Provincial Council Area shall be conducted by a Board of 3 persons presided over by a nominee of the Chief Executive, the other two members of which shall be a nominee of the Head of the Police and another nominee of the Chief Executive.

3.1.2 The final interview shall be conducted by a Board of 3 persons presided over by a nominee of the Minister of Defence and two other members of whom one shall be a nominee of the Head of Police of the Province and the other a nominee of the Chief Executive.

3.1.3 The candidates selected by the final Board shall be screened by the NIB and appointed as trainee Police Constables if the report of the NIB is satisfactory.

3.1.4 The training of all trainee Police Constables shall be conducted by the Police at the Police Training School at Katukurunda.

3.2 Where there are vacancies for posts of Sub-Inspectors in the Country, a percentage of such vacancies shall be allotted to each Provincial Council Area as well as to the Centre.

3.2.1 The preliminary interview of applicants for the posts of Sub-Inspectors from any Provincial Council Area shall be conducted by a Board of 3 persons presided over by a nominee of the Chief Executive. The other two members of such Board shall be a nominee of the Head of Police and another nominee of the Chief Executive.

#### 4. PROMOTIONS

4.1 Preliminary interviews for the promotion of Police Constables to the rank of Police Sergeant and for the promotion of Police Sgts to the rank of Sub-Inspectors in respect of all Police Constables and Police Sgts serving in any Police Station in any Provincial Council Area who are candidates for such promotion shall be conducted by a Board of 3 persons presided over by the Head of Police of the Province and including a nominee of the Chief Executive of such Provincial Council and a nominee of the IGP.

#### 5. TRANSFERS

5.1 All members of the Police Force will be transferable to any Police Station in any part of the Island as well as to any specialised branch of the Police Force such as the C. I. D. etc. The Inspector-General of Police will decide on all transfers from any Provincial Council Area to another Provincial Council Area and all transfers from a Provincial Council Area to a specialised branch of the Police Force and vice versa. All routine transfers within the area of any Provincial Council will be made by the Head of Police of such Province after consultation with the Chief Executive thereof.

5.2 Every endeavour will be made to ensure that the majority of the members of the Police Force serving in Police Stations within any Provincial Council Area will be conversant with the language spoken by the majority of residents of such Area.



## ALTERNATIVE SUGGESTED BY INDIA: SRI LANKAN SIDE WILL REVERT

(5.2 It will be ensured that at least 80 per cent of members of the Police Force serving in Police Stations within any Provincial Council area, will be those recruited within the Provincial Council Areas in accordance with para 3 above.)

### 6. DISCIPLINARY INQUIRIES

6.1 Where any complaint is made by a member of the public against any member of the Police Force serving in any Police Station within any Provincial Council area and the facts pertaining to such complaint warrant an inquiry by a panel, a nominee of the Chief Executive of such Province shall be a member of every such panel.

### 7. PRESERVATION OF ORDER AND THE PREVENTION, DETECTION AND INVESTIGATION OF CRIME

7.1 The Head of Police of any Province, while continuing to be under the overall control and direction of the IGP, will be answerable to the Chief Executive in respect of all matters pertaining to the preservation of public order within the Province, the prevention, detection and investigation of all offences which are solely of relevance to the Province, and subject to the powers of the Attorney-General in terms of the Code of Criminal Procedure Act, the institution of all prosecutions in all Magistrates Courts and Primary Courts within such Province in respect of all such offences triable by them.

7.2 The provisions of para 7.1 above shall be subject to the following qualifications:-

7.2.1 Where there is launched in any Provincial Council Area any extra legal agitation or campaign challenging the authority of the Government, which causes or raises a reasonable apprehension of a break-down of law and order, the Head of Police will be responsible to the IGP for the preservation of law and order within such Province.

7.2.2 Where there is a break-down or an imminent break-down of law and order within any Provincial Council Area the Head of Police of such Province will be responsible to the IGP for the restoration or preservation of law and order within such Province and the IGP shall also be entitled to deploy the Special Task Force for the restoration or preservation of law and order within such Province.

7.2.3. The IGP shall be entitled to direct after consultation with the Chief Executive that any offence

committed within any Provincial Council Area shall be investigated by the CID where he is of opinion that an investigation of such offence by the CID is necessary in the national interest or by reason of the complexity of the case.

### PAPER II

## POLICY ON LAND USE AND LAND DEVELOPMENT

### 1. NATIONAL POLICY

1.1 The formulation and implementation of a national policy relating to land development for the whole Island will be a subject and function reserved by the Central Government.

1.2. It is proposed to establish a Land Use Commission which will consider representations from the Provincial/District authorities, to formulate and implement national policy.

### 2. MINOR LAND DEVELOPMENT PROJECTS

2.1. Land use and land development in respect of minor projects within a Province/District shall be, subject to national policy, within the ambit of the powers devolved on the Provincial/District Council.

2.2. In the selection of allottees for lands in such settlement schemes, priority will be given to the land needs of the locality in which the settlement scheme is situated and thereafter the claim of applicants for lands from the P/D in which the settlement scheme is situated may be considered.

### 3. NATIONAL LAND DEVELOPMENT PROJECTS

3.1 Major national settlement schemes would be based on national ethnic proportions. However, in the implementation of such schemes, the selection of allottees would be done in a manner equitable to all communities having regard also to the following criteria:

- (a) Priority will be given to the claims for land of persons displaced from their lands or settlements by the said scheme.
- (b) In the instance where land in a national or major settlement scheme is not distributed to cover the national ethnic ratio of any particular community, the quota not filled may be allotted to persons of that community from another contemporaneous national or major

settlement scheme, or if there is no such contemporaneous national or major settlement scheme, in such a scheme within a time-frame to be agreed upon.

- (c) The land needs of the District within which the land pertaining to the said scheme is situated.

4. Mahaweli development scheme to be discussed later with the Mahaweli Authority.

### PAPER III

## DEVOLUTION OF POWERS IN THE FIELD OF AGRICULTURE

### 1. NATIONAL POLICY

The formulation and implementation of national policy relating to the agricultural development of the whole Island will be a subject and function reserved by the Central Government.

This will include the determination of floor prices, subsidies, insurance premia and indemnities, the endowing of inter District/Provincial co-ordination and achievement of national targets, the administration of the departmental farms, agricultural research, plant quarantine and the import and export of planting material.

2. The following powers shall be generally exercised by the Provincial Councils:

- (1) The preparation and execution of a district agricultural plan ensuring co-ordination between different agencies in the Province/District, organisation of supplies and services and marketing of produce.
- (2) Extension activities including nutritional programme.
- (3) The exercise of most of the powers set out in the Agrarian Services Act including the supervision of Agrarian Services Committees, the issue of agro-identity cards and the preparation of Agricultural Lands Registers.
- (4) The rehabilitation and maintenance of small-scale irrigation works.
- (5) The implementation of the extension programme for minor crops, the regulation of private nurseries and the establishment of agro-linked industries.

### PAPER IV

## INDUSTRY

1. The formulation and implementation of a national policy of

industrial development would be a matter for the Central Government.

2. Subject to this, Provincial Councils would have the power to establish and promote industries within their own areas of authority.

3. The Central Government would in the interests of uniformity, planned development and proper utilisation of national resources have the right to impose requirements as the registration of industries, submission of information and data, wage and pricing policies, environmental standards, quality etc. Ministry appraisal of proposals for new industrial development would continue as at present, where investment involves loans.

4. It is not contemplated that existing State owned industries would be transferred to the Provincial Councils.

### PAPER V

## EDUCATION

### 1. EDUCATION AND CULTURAL MATTERS

(In the scheme of devolution envisaged, substantial powers relating to cultural matters and education upto secondary level will be devolved on the Provincial Council. The powers will also include the right of the Provincial authorities to establish and manage private universities without State funds).

Detailed proposals on the extent of devolution of powers relating to education are being worked out and they may be discussed further.

### NATIONAL EDUCATION POLICY

This will be non-discriminatory.

## CULTURE

The promotion and conduct of cultural activities would be assigned to Provincial Councils. The Central Government will exercise supervisory control over the funds if any provided by it. The Provincial Councils will assist the Pradesheeya Sabhas in co-ordinating cultural activities within their respective areas.

The powers of the Provincial Councils would include the development of the arts, drama, music, dance, literature and assisting the observance of festivals.

### ANNEXE 2

## 1. SUBJECT AND FUNCTIONS THAT SHOULD BE EXCLUSIVELY RESERVED BY THE GOVERNMENT

1.1 National Policy on all subjects and functions



- 1.2 Defence
- 1.3 Internal Security
- 1.4 Law and Order and Prevention and Detection of Crime, subject to the extent that some of these powers will be devolved on Provincial Councils and District Councils.
- 1.5 Foreign Affairs
- 1.6 Posts and Telecommunications
- 1.7 Justice in so far as it relates to the Judiciary and the Courts structure
- 1.8 Finance in relation to National Revenue, Monetary Policy and External Resources
- 1.9 Foreign Trade
- 1.10 Ports and Harbours
- 1.11 Aviation and Air Ports
- 1.12 National Transport
- 1.13 Rivers and Waterways
- 1.14 Minerals and Mines
- 1.15 Broadcasting
- 1.16 Television
- 1.17 Immigration and Emigration and Citizenship
- 1.18 Customs
- 1.19 Elections - Presidential, Parliamentary, intermediate and grass-root units
- 1.20 Shipping and Navigation
- 1.21 Territorial Waters and Economic Zones
- 1.22 Census and Statistics
- 1.23 Professional Occupations and Training
- 1.24 All subjects and functions not otherwise specifically assigned
- 1.25 Inter Province/District Trade and Commerce
- 1.26 State Lands and Foreshore subject to the extent that certain of these powers will be devolved on Provincial Councils/District Councils
- 1.27 National Archives

## CONDITIONS OF IMPLEMENTATION

The full implementation of this Agreement will be conditional upon compliance with the following:

1. All persons engaged in the current dispute with the Government of Sri Lanka do accept, and

acknowledge the validity of, the Constitution of the Democratic Socialist Republic of Sri Lanka and in particular the provisions dealing with the Official Language, the National Languages, the National Flag and the National Anthem, and will abandon the demand for the creation of a separate State of Eelam.

2. All militant groups and persons engaged in acts of violence, unlawful or illegal acts will desist from such action, abjure violence in the future and disband their cadres and groups engaged in acts of violence, close down training camps in Sri Lanka and abroad and will generally help in the process of restoration of peace and normalcy.

3. All persons in unauthorised possession of arms, ammunition and other military equipment will surrender such material within a period of one month to the authorities specified by the Sri Lankan Government.

4. As part of the process of normalisation, the security operations in the affected areas will be progressively reduced and the emergency lifted.

5. As soon as action under paragraphs 2 and 3 is completed, the Government of Sri Lanka will ensure that -

- (a) prosecutions against persons in cases under investigation and those pending before any Court for offences in connection with ethnic disturbances during the period from July 1983 to August 1985 will be withdrawn.
- (b) persons convicted for such offences will be granted pardon and released, and
- (c) new prosecutions will not be launched in respect of any such offence.

6. All persons engaged in the current dispute will not obstruct the creation of the requisites conditions for the due and orderly conduct of the civil administration and law enforcement in the affected areas.

7. All persons engaged in the current dispute will not obstruct the creation of conditions necessary for the return and resettlement in their original places of abode of all refugees, whether in Sri Lanka or abroad, and their rehabilitation.

8. With the coming into force of this Agreement, the Government of Sri Lanka will proceed to take steps

as are necessary to eliminate all forms of terrorism and militant action in Sri Lanka.

9. The Government will set-up appropriate machinery for ensuring due compliance with the conditions set out in the paragraphs 2 and 3 above.

Initialed, R. M. 30.8.  
E. F. 30-8-85

## TEXT OF MEA STATEMENT GIVEN OVER THE PHONE AT 4.45 P.M.

A three-member delegation from Sri Lanka and the Sri Lanka High Commissioner, had intensive discussions with Senior Officials of the Ministry of External Affairs from September 10th to 13th. They also called on the Foreign Secretary.

The Sri Lanka delegation gave some amplification of certain issues which figured in the paper drawn up earlier during Dr. H.W. Jayewardene's visit to New Delhi. They also provided some facts and figures about how some of the proposals contained in the paper would work in practice. It will be recalled that the paper drawn up during Dr. H.W. Jayewardene's visit is to serve as a basis for further negotiations towards a mutually agreed accord by the parties concerned.

13th Sept. 1985.

In the course of discussions before and after the initialling of the draft Accord, certain questions arose, and the Government of Sri Lanka wishes to make the following clarifications, particularly in regard to clause 12, to prevent any misunderstanding:

### CLAUSE 12

(a) The following principles will be applied in determining the number of members to be elected:

1. One member for every 1,000 square kilometres, and
2. One member for every 40,000 inhabitants.

(b) In Provinces in which all the Development Councils are at present functioning elections will not be held on the basis of clause 12.

The existing Development Councils in a Province will decide in terms of clause 15, whether to constitute themselves into a Provincial Council. If they do, then the elected members of the Provincial Council will be the elected members of the Development Councils,

if they do not, then the existing Development Councils will continue. In either case there will be no immediate election.

On the expiry of the current term of office, a fresh election will be held. In the case of those Provinces where Development Councils are continuing to function by virtue of the decision mentioned above, election will be to the Development Councils. It is only in the case of those Development Councils where a decision is taken in terms of clause 15 to constitute a Provincial Council that a fresh election will be on the basis of clause 12.

(c) Clause 12 will thus operate immediately only in respect of those Provinces in which all or some of the Development Councils are at present not functioning. Since in those instances a prior decision by all Development Councils is not possible, provision is made for a subsequent majority decision to opt out of the Provincial Council.

(d) It must also be emphasised that the "Administrative Districts" referred to in clause 12 are the existing Districts. The Administrative Districts are at present the areas of authority of the Development Councils under Act No. 35 of 1980, as well as Kilinochchi. There is no intention of redefining these Districts.

(e) Thus an election under clause 12 will result in the election of members, to represent each constituency (namely the administrative district) and these members will constitute and function as

- (i) the elected members of the Provincial Council,
- (ii) the elected members of the District Councils,

depending on which of these institutions function in the Province in accordance with decisions taken under the other clauses of the Accord.

### CLAUSE 13

It is intended to give an opportunity to a member of Parliament who has made an election under this clause, subsequently to reverse such election. Thus a Member of Parliament who elects to be an ex officio member, may subsequently decide not to be a member. Similarly, a Member of Parliament who elects not to be an ex officio member, may subsequently decide to be a member.

(To be continued)