

Saturday Review

SRI LANKA

Vol. 3 No. 2

25th February 1984

The first application (No. 85 of 1983) was filed by Mr. K. Visuvalingam, Mr. M. Kanagarajanayagam, Mr. J. X. Philipupillai, Mr. V. Kanapathipillai, Mr. Gamini Navaratne, Mr. N. Kandasamy, Mr. Oscar P. L. Pereira and Mr. T. U. Cooray.

The second application (No. 6 of 1984) was filed by Mr. V. Kanapathipillai, Fr. Tissa Balasuriya and Mr. Manel Fonseka.

In both applications, filed under Article 126 of the constitution, the secretary to the Ministry of State, Mr. Douglas Liyanage, as Competent Authority under the Emergency Regulations relating to publications, the Inspector General of Police, Mr. Rudra Rajasingham and the Attorney-General were cited as first, second and third respondents, respectively.

In both applications, it was contended that the closure of the SATURDAY REVIEW was a violation of the fundamental rights of freedom of speech and expression, including publication, set out in Article 14(1) of the Constitution.

PRESS FREEDOM!

THE FREEDOM OF THE PRESS IS THE ESSENCE OF LIBERTY AND THIS IS THE SOURCE OF ALL OTHER LIBERTIES. IF THIS FREEDOM IS SUPPRESSED, RESTRAINED OR CONTROLLED, THEN THE FOUNDATION FOR AUTOCRACY IS LAID....

Mr. J. R. Jayewardene, Leader of the Opposition and Leader of the United National Party, in submissions before the Constitutional Court of Sri Lanka in February 1973 challenging the Press Council Bill.

The Constitution of the Republic of Sri Lanka, under the Fundamental Rights Chapter, stipulates under Article 14 (1) (a): "Every citizen is entitled to the freedom of speech and expression, including publication"; that is, **PRESS FREEDOM.**

SUPREME COURT GIVES THE OKAY

The Supreme Court, by a two-to-one decision on 20th February, granted leave to proceed in respect of two applications filed under the fundamental rights provisions of the Constitution, both relating to the closure of the SATURDAY REVIEW under Emergency Regulations on 1st July 1983.

The petitioners are claiming, among other things, for a declaration that the Competent Authority's order is null and void, and for damages.

Supporting the two applications, Mr. S Nadesan, Q.C. said the SATURDAY REVIEW had now been allowed to re-start publication, but under very stiff guidelines which, he said, did not apply to any other publication in Sri Lanka.

"This itself was discriminatory", he said, adding that the Secretary of State, as Competent Authority, had not paid any consideration to the fact and circumstances relating to the SATURDAY REVIEW but had merely copied the words of the Emergency Regulations mechanically without bringing his mind to bear upon the matter.

In both applications, it was maintained that "In the SATURDAY REVIEW newspaper at no time has there been any publication of matter calculated to be prejudicial to (a) the interest of national security, or (b) the preservation of public order, or (c) the maintenance of supplies and services essential to the life of the community. Neither has there been any matter inciting persons to mutiny, riot or civil commotion and that therefore the Competent Authority could not have formed the opinion which he says that he did....

"The SATURDAY REVIEW has from its inception

been critical of some aspects of Government policy besides publishing news of the manner in which the security forces and the police behaved in exercising their powers...."

"The SATURDAY REVIEW is a paper which does not put forward the policies of any political party, and is a non-partisan newspaper dealing with matters of public interest in respect of all aspects social, political, and cultural in Sri Lanka. Copies of this newspaper will be placed before the Court and relied upon by the petitioners...."

Mr. Nadesan went on to read the "Guidelines for Censorship" issued by the Competent Authority on 2nd August 1983, during the aftermath of the July 1983 violence, and which are now applicable only to the SATURDAY REVIEW.

This is the first time in the history of journalism in Sri Lanka that a journalist has filed a petition claiming redress under the fundamental rights provisions of the basic laws of the land.

In his affidavit filed along with application No. 85 of 1983, the fifth petitioner stated: "While the Competent Authority has imposed censorship (when necessary) on practically all other newspapers, he has completely debarred the publication of the SATURDAY REVIEW thereby discriminating between the other

(Continued on page 12)

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

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

GUIDE LINES TO CENSORS

1. No reference will be permitted to the current security situation, including assessments of damage or casualties, except through the daily press briefing.

2. No reference will be permitted to matters relating to internal security.

3. No reference will be permitted to the situation at care and welfare centres, including the number of such centres and the number of occupants of such centres.

4. However, appeals for assistance from the Government or voluntary organisations will be permitted. No reference will be permitted to movement of displaced

persons or modes of transportation.

5. No statements will be permitted on any subject by political parties or political personalities other than statements arranged for broadcast through state media.

6. No comment will be permitted by any person on the present security or political situation.

7. No direct reference will be permitted to any foreign country even by implication—a being responsible for the current situation.

Competent Authority
Ministry of State,
14, Sir Baron Jayatilake
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Colombo 1.
2nd August 1983.

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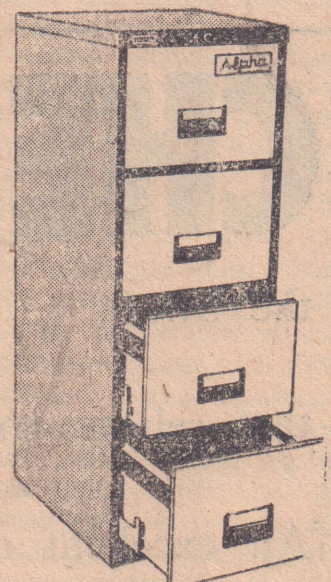
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GAMINI NAVARATNE

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A MOMENT WITH DIOGENES

Diogenes was seated on one of the benches on the Galle Face Green. On the left of him was the Galle Face Hotel, on the right of him at a far distance was the Hotel Inter-Continental and behind him was the Hotel Taj building nearing completion. In front of him was the vast expanse of the bright blue sea with the innumerable lashings of its waves which sounded like countless peals of scornful laughter.

His good friend approached Diogenes and asked the philosopher, "Master, in what way, do you think a lasting peace can be achieved which can put an end to the ethnic conflicts in our country?"

"In the first place", said Diogenes, "the participants must find peace within themselves before they find peace for others. If each of them finds that Inner Peace, he becomes wise and sees the problem clearly. Power, self-interest and sectional interest dims one's vision to see the totality of the problem. The sovereignty of this country is in peril, history can repeat itself. Foreigners have come, before, to civilize us, as they said. They will now come to save our democracy. In the name of democracy, they will bring us under a dictatorship, and in the name of development, they will impoverish the people and make the few rich richer and the many poor poorer.

"In addition to all this, they will exploit our ethnic and class conflicts and supply us with arms to kill each other, give us loans and devalue our rupee. They will devalue our people, destroy our Buddhist and Hindu culture and the youth will be turned into drug addicts.

"In the meantime, huge fortunes will be made by drug traffickers and the country will be in a debt trap ultimately to be sold to the foreigners. Our country will be a slave market and our cheap labour will be sold by slave dealers to the multi-nationals. There is no astrologer necessary to predict this.

"The ethnic conflict and class conflict must be solved to save us from destruction. Justice must be done to the people and to the workers and peasants. Sri Lanka must not remain a paradise for the contractors only. There must be less show and more work. There must be less talk and more results. There must be less lies and more truth. Sri Lanka must be for

the people and not for the Compradors and Commission Agents. It is in this context that an honest approach must be made to the ethnic problem. Let us ask ourselves the question who is dividing the people and who has been dividing the people? **Division is the cause and Separatism is the result.** The divisive causes have been the Sinhala Only Act, the Police harassment, the Army occupation, State terrorism both under the last and present regimes, standardisation, racial discrimination, the Prevention of Terrorism Act and the July holocaust which have sharpened the ethnic conflict so much that the Tamil minority yearns for an alternative for separatism. It looks for security and self-respect.

"On the other hand, if the State does not assure the Tamils of security anywhere in the country, if the armed forces continue to be hostile to the Tamil people—the wisest thing for the Tamils to do is to open the eyes of the Sinhala people and both the Sinhala and Tamil people must identify their common oppressors and their common objectives to preserve the sovereignty and unity of Sri Lanka. The Sinhala people are victims of deception and the Tamil people are the victims of violence.

"It is however difficult for the wisest thing to be done by both people, after all that happened in July when very responsible persons among the Sinhala people to call the savage violence unleashed on the Tamils a Sinhala uprising, when it is not. It was violence manipulated by power seekers and mudalalis through their private army of thugs. It has divided the people. But remember neither the Sinhala people nor the Tamil people are responsible for all that happened but naturally they stand divided.

"The fault, dear friend, is not with our people but with our leaders and when it is

they who are round the table we must educate them. We must teach them the Dhamma, the Vedanta philosophy and the Message of Christ. We must teach them the history of Sri Lanka and the international events after the war. We must teach them the lessons of how small nations have been destabilised, how ethnic and class conflicts have divided people for the profit and advantage of richer countries, how arms have been supplied to protect democracies where only the rich and the corrupt survive and the poor perish. It is the poor people who kill the poor people and they kill and die in the cause of the rich. Don't believe what is said, my friend, even if as a good Buddhist you are mistaken for a Naxalite. Follow the words of the Buddha: "Don't accept what I say because I say it. Examine it. Reject it if you don't agree. Accept it only if you agree after examination." These words of wisdom must be understood and followed by our people and our leaders in order to preserve our unity, sovereignty, culture, tradition and religions—but in the words from the Hitopadesa "of what use are words of wisdom to the man who is unwise? Of what use is a lamp to a man who is blind?" To the noble minded, the whole of mankind is one family, and his language is the language of love and compassion to all fellow beings." So saying, the Master closed his eyes in deep meditation invoking blessings for the country and its people.

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Towards A Dharmista Society

THREE decades have passed since Independence which gave us the opportunity to re-make our own destiny. Though political and economic programmes have been executed by successive governments they do not appear to have had the desired impact on the people. On the contrary human and moral values have degenerated. My Government is of the view that nothing could be achieved or sustained without solving the moral crisis that has overtaken the country.

To get rid of poverty in Sri Lanka not only are development plans necessary but also determined and incorruptible men and women who can make these plans work honestly and fairly.

The Government has therefore to set a New Goal—the creation of a New Society, based on human and moral values.

It is in the quest of this progress that my Government will encourage and foster all religions—Buddhism, Christianity, Hinduism and Islam.

Sri Lanka has preserved her identity unbroken for over 2,500 years owing to the

POLITICAL CAUSERIE

Instead of my usual column, today I present something which should be infinitely more interesting to our readers. It cannot be improved upon for its sheer imagery and imagination, quite unlike the prosaic stuff that I usually write — GAMINI NAVARATNE.

unifying and inspiring influence of Buddhism, and my Government will seek to continue that influence while guaranteeing to all religions, rights in our proposed Constitution, so that not only the forms and ceremonies of religions are followed, but the ethical wisdoms preached by the great religious teachers are made the foundations of the education system and the conduct of daily life.

My Government will, therefore, in the proposed Constitution ensure that Buddhism, the religion of the majority of the people, is

given its rightful place and make it the duty of the State to protect and foster Buddhism. At the same time the just rights of all other religions will be guaranteed.

The assistance and co-operation of all religious groups will be obtained to ensure that children obtain their primary education in a national and religious environment and make religious education an essential feature in education thereafter. All assistance will be given to reorganise and revive the system of Pirivena Education.

My Government firmly believes that all religions have

contributed to codes of conduct and moral standards that civilised nations and peoples seek to follow. The breakdown of these standards and of discipline arise where the influence of the teachings of religion are divorced from the conduct of daily life. My Government will seek to remedy this deficiency.

My Government will acti-

vely promote the cultural renaissance of our people by giving language, literature, art and drama, including the film industry, their rightful place and by ensuring to all artistes and craftsmen the fullest opportunity and freedom to develop their creative talents and to give expression to them both locally and abroad.

It is necessary that the Prime Minister, Ministers and Members of Parliament, as well as Members of elected local bodies, should set an example of exemplary moral behaviour. High standards of conduct, particularly freedom from bribery and other forms of corruption, must commence here. Then only will the people seek to follow the individual political leader and his ideals.

While these efforts are made to change man's envi-

(Continued on page 10)

NOT KGB

Says Ministry

In the first issue the resurrected SATURDAY REVIEW, we published three interviews given by three senior Cabinet Ministers to Pritish Nandy, Editor of Illustrated Weekly of India, on who was behind the dark events of July 1983. These interviews were published in the Magazine's issue dated 18th December 1983.

We were given permission by the Censor to reprint them in our last issue on condition we carried a "correction" issued by the Secretary to the Ministry of State in respect of the interview given by his Minister.

Here is the "correction": Mr. Pritish Nandy, Editor, Illustrated

Weekly of India, Dr. D. N. Road, Bombay 40001

5th January 1984.

Dear Pritish,

I read only last week your very interesting comment on the situation in Sri Lanka. (The Illustrated Weekly takes

some time to get here).

The only discordant note was a statement attributed to my Minister, Dr. Anandattissa de Alwis, to the effect—"behind this is the foreign hand, the KGB to be precise."

I am not afraid of saying this openly."

Foreign involvement in the incident of July 1983 was openly recognised by the Government and my Minister himself had made the following statement in a TV broadcast;

"the master plan had in it the minds certain foreign elements. These foreign elements are master planners who plotted the course of action one by one. The operation was based on local political parties."

However, the Government has scrupulously refrained from identifying any government or party or institution as being involved in these activities. I myself was questioned quite often on the identity of the "foreign

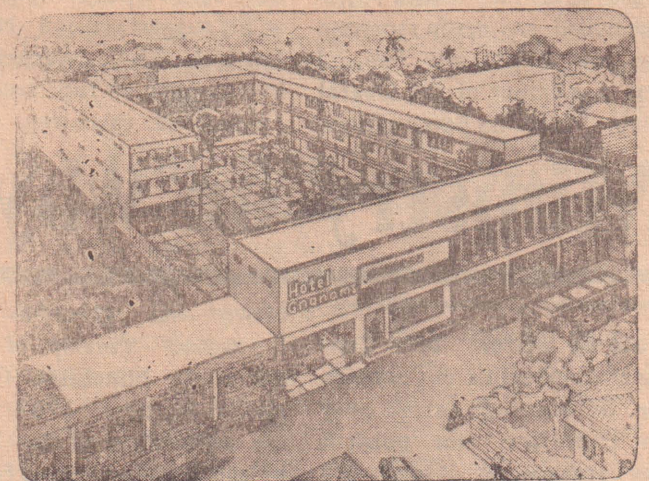
hand" and always maintained that I could not go beyond what the Minister had already said.

My Minister denies having made any reference to the KGB or to any other foreign agency in the course of the interview with you and, in the background of what the Government and he himself have said before, it is highly improbable that he could have expressed an opinion of this nature. Since we maintain friendly relations with the Government of Union of Socialist Republics, a statement such as that attributed to my Minister would be not only a serious breach of protocol but a grave impropriety.

In the circumstances, I shall be very grateful if you would in your next issue carry my Minister's denial of this particular statement attributed to him.

Yours Sincerely,
sgd. DOUGLAS LIYANAGE,
Secretary.

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David Selbourne

Writes...

Ruskin College,
Oxford OX1 2HE,
11th August 1983.

Dear Colonel Dharmapala,

I have now had an opportunity to study the Ministry of Defence statement on my expulsion from Sri Lanka on 24th June 1983, as printed in the Ceylon Daily News of 16th July 1983, as well as a report in the Sun of 19th July 1983 on the same matter.

The statement contains serious inaccuracies. First, I have never been in the past, nor am I now, in any respect whatever, a sympathiser of the International Marxist Group. May I ask you, therefore, why this allegation, which has no foundation, has been published? I understand its purpose, but on what facts is it based? The only party to which I have belonged is the Labour Party, for two brief periods (1966-67 and 1981-69). At Oxford University, as my friend from those days Mr. Lalith Athulathmudali can easily ascertain for you if you ask him, I was a member of the Liberal Club. I have no party affili-

ion. I would, therefore, be glad to have your comments on this urgent matter in particular; I seek an apology and an official retraction of the allegation.

Second, the implication of the Ministry statement is that as a "prohibited person" I knowingly entered Sri Lanka illegally or improperly. But at no time since my earlier visit in 1982 was I notified of any such prohibition; I know nothing of it at all, nor did anyone else known to me. Moreover, I am greatly puzzled why the writing of the three newspaper articles to which the Defence Ministry statement refers should have constituted grounds for prohibiting my entry into the country. I was not aware that Sri Lanka was in such a precarious condition as to fear the opinion of a foreign journalist and academic. Certainly, my analyses, based on long and friendly conversations with, among others, President Jayewardene—the second at his suggestion—and Major-General Tissa Weeratunge have proved all too accurate. I abhor the calamities which

the misgovernment of Sri Lanka has once more caused all its people; to predict them is hardly a good ground for being blacklisted.

I will deal briefly with some of the other inaccuracies in a statement much of which is untrue. For example, on my alleged "photography". I do not even own a camera, I did not bring a camera to Sri Lanka, I did not borrow or otherwise obtain a camera in Sri Lanka, I did not therefore take photographs when I was invaded in my hotel room on 24th June. Even the Intelligence Services Division personnel who so brusquely removed me from Sri Lanka acknowledged that the allegation was based on "mistaken identity". Yet it is brazenly repeated in the Ministry statement; I seek an apology and a retraction for the false imputation that I was engaged in some form of illicit activity.

I did not have "closed door" discussions with the Tamil United Liberation Front hierarchy in Colombo—though even if I had, it would at the time have been perfectly proper; Mr. Desmond Fernando, the distinguished lawyer, is not a Communist (the suggestion is absurd, and like the similar allegation against me, brings the Ministry's "information" into disrepute), and there is no detective mystery

to be solved about my missing "second bag". This bag was one given to me in July 1982 on the occasion of my visit, in the company of President Jayewardene, Mr. Gamini Disanayake and Mr. Lalith Athulathmudali—at the President's invitation—to the new Air Lanka facilities at Katunayake Airport. It was a small airline bag, poorly made, whose zip had broken, and at the time of my expulsion was undergoing repairs in Colombo prior to my return journey. Had I not been deprived of this memento of my meeting with President Jayewardene, and the several hours I spent in his company, it would have contained toilet articles for my homeward flight the following day.

I must also register a serious protest at the theft from me on the night of 24th June 1983, at the time of my expulsion, of academic papers relating to my work in Oxford. These were notes which I had made for the examination of a thesis in Oxford on 26th June 1983, and which I was carrying with me since I intended to proceed directly from London airport to my college. At the time of my expulsion I protested vigorously at this theft by ISD personnel, and was promised that these papers, which had

nothing to do with Sri Lanka and were my personal property, would be photocopied and returned to me. This has not been done. Retaining them is an act of theft. What is your comment?

Some of these matters are of course, relatively trivial, compared with the new disasters which have overtaken Sri Lanka, and of which the whole world—justly and necessarily—knows. Nevertheless, my expulsion—and the Ministry of Defence statements which followed it—raise important issues; not least of the truth. I would be glad, therefore, if you could note my remarks and let me have your comments as soon as possible.

Finally, in the light of the continuing accuracy of my analysis of Sri Lankan politics, the fact that I acted openly, legally and without subterfuge on my recent visit, the falsity of your Ministry's statement, and the need for Press Freedom and the freedom of opinion, I call on the Sri Lankan authorities to revoke my prohibition.

I am sending a copy of this letter to my fellow journalists on the SUN and the CEYLON DAILY NEWS; as well as to the President, and my friend Mr. Lalith Athulathmudali.

Yours Sincerely,
David Selbourne.

P.S.: This letter is being despatched from Italy, where I am on holiday with my family.

Ministry on why Selbourne was asked to quit

Note by Editor: The Censors allowed us to publish Mr. Selbourne's letter only on condition we publish the statement issued by the Defence Ministry on why he was requested to leave Sri Lanka.

We have deleted one sentence from Mr. Selbourne's letter on legal advice.

We give below in full the Ministry's statement.

Mr. David Selbourne is a tutor in political theory at Ruskin College, Oxford, United Kingdom, and is a known sympathiser of the International Marxist Group. He is also a correspondent for the Manchester Guardian.

He came to Sri Lanka for the first time on 13th July 1982 and left on 1st August 1982. During his stay in the Island, he had visited a number of estates in Hatton and Nuwara Eliya districts.

On this trip, he had also visited Mullaitivu, Vavuniya and Trincomalee districts.

After this visit, wide pu-

blicity was given in the Illustrated Weekly of India and in the Manchester Guardian in October 1982 about the harassment of the Tamils by the Sinhalese Armed Forces, and these articles subsequently appeared in the Saturday Review, a paper published in Jaffna, which is widely circulated in order to espouse the cause of the Tamils.

Due to these reasons, it was decided to prohibit Mr. Selbourne from entering the country.

However, on 19th June 1983, Mr. Selbourne arrived in the Island and stayed at 'Phoenix House', a hotel in Colombo 7. The hotel had been booked by Mr. Desmond Fernando, the son-in-law of the late Dr. S. A. Wickremasinghe, a prominent figure in the Local Civil Rights Movement (CRM) and a Communist.

Mr. Selbourne was in close contact with Mr. S. C. Chandrasana, the Legal Secretary of the TULF, and had visited Jaffna between 19th and 22nd June and had met the

Leader of the Opposition and the MP for Jaffna and several other Tamil Politicians, who are agitating for Eelam.

He had visited Kandaradam area with a camera and had photographed the damages attributed to the security forces soon after the killing of a soldier at a polling booth during the local government elections on 18th May 1983.

He had also visited Vavuniya on 22nd June 1983 and had contacted the Chairman, of the DDC, Mr. Sittampalam and the U. C. Chairman, Mr. I. Kethiswaran, both ardent supporters of the TULF who had taken him around the Vavuniya town and shown the damages attributed here to the security forces soon after two Air Force personnel were assassinated on 1st June 1983.

In Colombo, he met several anti-Government politicians. He had also had a closed door discussion with the TULF hierarchy in Colombo organised by Mr. Chandrasana.

On 24th June 1983, the Internal Security Division came to know that Mr. Selbourne was in the country and prompt action was taken to locate his whereabouts, and on 25th June 1983 night, he was picked up from his hotel room with the assistance of Immigration officials and was put on an Air Lanka flight bound to London.

Mr. Selbourne refused to pay his hotel bill and he made an endorsement on the bill submitted by the hotel authorities requesting Mr. Chandrasana to settle this bill.

At Phoenix House his passport was checked and it was found to be a new one issued by the British Immigration Authorities on 16th May 1983 bearing No. N-26644 ID. According to this passport, he has given his occupation as an University teacher and the date of birth as 4th January 1937.

On his way to the airport, he indicated that the next day he had an appointment with the Chief Justice and the Attorney-General, i.e. 26th of June. He also stated that adverse publicity would be given in UK about the treatment meted out to him and about the prevailing situation in the island and the harassment of the Tamils, to coincide with the proposed visit of His Excellency the President to the United Kingdom in October this year.

Soon after Mr. Selbourne was taken away from the hotel (by ISD and Immigration), Mr. Chandrasana and Mr. Desmond Fernando had called at the hotel and inquired whether Mr. Selbourne removed both bags, and the hotel authorities informed them that he took only one bag. (What has happened to the other bag is not known).

Regional Development - 1

National pre-occupation with macro-economic growth and with national aggregates of production has given rise to regional disparities in development. These disparities were accentuated by regional differences in natural resources, endowments and by overt or covert discrimination in development efforts and resources allocations.

Regional employment is a good indicator of the level of regional development. The Northern Province, for example, is so underdeveloped, and the soil so infertile for agriculture, that it cannot provide employment to a substantial part of its labour force. Unemployment was so acute even a century ago that many job-seekers went over to the Federated Malay States and to India which needed English educated persons.

Thus there arose a demand for English education in that province, particularly Jaffna. In response to that demand, English education was provided by those who had the ability to do so, namely American and European missionaries and local philanthropists, but, be it remembered, at a price. Contrary to popular notions elsewhere, there was no free education in Jaffna till the early forties. Education was costly, indeed relatively very costly, upto that time.

Therefore, the age-specific participation of children in secondary education in pre-war times was very low, varying between 5 to 10 per cent.

Yet the school system in Jaffna provided a pool of educated manpower from which the colonial rulers drew without themselves providing special school facilities or specially favouring the youth from the North.

With increasing self-government since 1931, there arose in Sri Lanka a demand for highly skilled manpower, especially for restoration of ancient irrigation works and construction of new roads and public works. The manpower recruited in the North was largely employed, not in plush offices in Colombo nor in other salubrious climes, but largely in the very remote and hardly accessible areas of the South, in the Departments of Irrigation, Survey, Public Works, Post and Telegraph, Public Health,

etc., situated in the heart of malaria-infested jungles to which officers from elsewhere were loath to move because, being blessed with nature's bounty, they had no economic necessity.

The youth from other parts of the island and their religious leaders spurned the English education provided by the missionaries because of their campaign of proselytisation. When, however, the services of the Northerners were required less and less. But, ironically, some latter-day politicians have accused them of grabbing an undue share of the public service utilising the colonial policy of divide and rule. Nothing could be further from the truth.

Since the fifties, the employment avenues of Northerners in the public service and other sectors have rapidly declined, because the educational policy of the government has quite rightly given the youth of the other provinces greater access to the public service and other services.

At the same time, foreign countries are closing their doors to migrant workers. Many unemployed youth have tried to go round the barriers as refugees or asylum seekers but some of them are being deported.

The way out

Employment opportunities within the Northern Province itself have also not expanded as fast as its expansion in the other provinces because development in the public sector is starved of resources compared to development in other provinces. Development in the private sector is stifled by bureaucratic controls. The Middle-East has provided a temporary opening which, too, is slowly but surely closing up.

It is, therefore, becoming increasingly imperative that the mismatch between employment and manpower should be so corrected as to eliminate unemployment. An economic climate should be created which would generate full employment of the available labour force within a reasonably short period. Politically, it could prove to be the most effective way of resolving the current ethnic conflicts in Sri Lanka.

Economic development in a

province like the Northern Province or Eastern Province is critically dependent on several political factors. There are too many political uncertainties which can render economic planning futile. The formulation of economic strategies is severely constrained by political uncertainties like

by **S. R. Asirwatham**

devolution of power to the regions in the near future and resource allocations from the centre to the regions.

In this situation, one could either state general guidelines for future regional development, which would only be of academic value or boldly make specific assumptions

regarding future political devolution of power and then spell out regional strategies of development; for example, one could assume (a) a situation of full regional autonomy within a national polity and (b) an equitable distribution of national resources, licences and quotas, as for example on a per capita basis. Such assumptions, though provisional, would provide a definite framework within which positive and meaningful strategies could be determined.

Fortunately, regional planners do not have to concern themselves with the choice of basic economic strategies, such as the choice between a free market economy or a centrally planned economy, between an open economy and a closed economy or between an export

import dependent and a self-sufficient economy. For these are decisions made at a national summit. These decisions provide the framework within which regional planners would be constrained to make decisions. Their prime concern would be the development of a particular region as an

organic limb of the national economy in such a way as to maximise the returns accruing from agricultural, industrial and commercial ventures. Such ventures are best selected on the basis of a geographical division of labour within the nation. If, for example, a region is deficient in natural resources and raw materials and its principal resource is skilled manpower, investment decisions will have to be made regarding the feasibility of export-oriented manufactures using imported raw materials.

The options

Crucial decisions will have to be made on the choice of technology. The options open to poor regions are few. Should they go through the phases of industrialisation of the 19th century western model, with all its attendant evils like urban concentration, slum housing regimentation, smoke-stack pollutions and dehumanisation in the name of material advancement?

Or could the electronic and genetic technology of the emerging civilisation with its attendant decentralisation, dispersal of production units, absence of a rural-urban dichotomy, absence of pollution and above all, the humanisation of family and social relations? (Continued on page 6)

VIKURTHI means distortion and the title is peculiarly apt. In Somalatha Subasinghe's play, of course, the primary distortion is that wrought on young minds by the lopsided system of education and false parental values but distortions of a different kind are present throughout the play. There is the distortion of good sense by the prevailing ideology of materialism which drives the parents to goad their children on the path of upward mobility at immense damage to their inner selves. There is the distortion of personal relationships as demonstrated by the children who originally attended the drama class scattering in the face of the mounting pressure from examinations and finally there is the last tragic distortion of the young heroine which offers such a modantly apt commentary on the madness of materialist values.

Somalatha Subasinghe has been a teacher and actress on stage for a long time. A pupil of Prof Ediriweera Sarachandra, the doyen of Sinhala drama, she has played leading roles in several of the more important Sinhala stage plays during the last two decades. As a teacher of drama (she retired recently from St. Paul's, Milagiriya) she has had extensive experience in children's drama both here and abroad.

"Vikurthi", however, is no mere children's play. It is acted by teenagers and deals with problems which

Vikurthi

are of acute relevance to them but the drama itself is in the line of contemporary Sinhala drama with its pre-occupation with the social problems of the day. Behind the criticism of empty parental values which drive them to make their sons and daughters doctors and Engineers is a criticism of society itself, the consumerist and materialist society which we have built up for our sons and daughters to inherit. In this stampede to climb the social ladder the child's soul is killed. At the beginning of the play we are offered a picture of the children rehearsing a play together. Each has some creative spark in him/her. There is a particularly effective scene in which each child acts out his/her fantasy, fantasies which reflect their own personalities and values. But this idyll is short-lived. The examination looms on the horizon menacingly and the children are goaded on to join the scramble for distinctions and credits by overbearing parents. There are several examples of this tragic mutilation of young minds which the play offers from different layers of the social structure. There is a village boy, starry-eyed and the best in the class in the village school, who comes to Colombo on a scholarship. The intensity of

the hopes pinned on him is too much and too frightening for him to cope with and with the stresses and strains of adjusting himself to the urban milieu compounding this, he finally cracks up. Then there is the affluent town boy who has everything he wants in life except parental affection. Living in their own world of petty bourgeois values the parents become steadily alienated from their son, the only link with whom they have is their insistence that he should pass his exams with flying colours.

The play employs an easy, free-flowing style which welds mime, dialogue, drama and song into a pleasing whole and is sustained by the sheer exuberance of the youthful cast. There are some very effective parodies lampooning the reigning values and at every step it is loaded with social criticism. Of course it will be a long time before Sri Lanka society gets over its obsession with examinations and the chance of conventional upper bracket employment, which carries the perks and the dowries, but Somalatha Subasinghe's play is an effective reminder of the spiritual barrenness which such obsessions can generate.

—Rama

NOTE BY THE EDITOR:

Somalatha Subasinghe is married to Mr. Lionel Fernando, Chairman of the Shipping Corporation and former Government Agent of Jaffna.

Every day some new facet, some newly discovered aspect of India, comes to light as one travels in this vast land, meets people and looks around. India does not reveal herself in totality but partial revelations make it a unique land, a marvel in diversity. Truly has it been described as "a subcontinent with immense variations in geography, climate, manner of life, language and tastes." It would be futile either to claim or to look for a pure, unalloyed Indian.

Ours is a nation where the concept of unity and non-uniformity is as old as its history. All the living religions of the world have practising followers in India. Constitutionally, they all have equal standing and equal freedom. The ethical mode of life with the basic principles of tolerance and respect for all have dominated India's thought and philosophy, giving a wide freedom of choice in expression of ideas, in worship and in adopting one's life style.

It is a fallacy to say India is not one nation merely because of the existence of different religious groups, and because one meets with difference at every step. The fact is that the "difference" is a wrong term used in emphasising the negative aspect. Rather the term to be used is "diversity". The idea of nationality has taken root in India on the basis of the well accepted philosophy that "there would be as many religions as there are individuals". If only in their own enlightened interest, they will have to live in unity, and they have done so from time immemorial. Never has the conformity demanded negating individuality.

From the Gandhian perspective of the country and the importance of the individual, this approach is of utmost importance. The freedom and preservation of individual integrity has always been of high value to Gandhi. He asked, "If the individual ceases to count, what is left of society... If it (individual freedom) is wrested from him, he becomes an automation."

Gandhi's insistence on "respect for fellowmen" was based on the same philosophy. He recognised that people remain divided by walls of religions, linguistic and racial prejudices, weakening the national will. One of Gandhi's major concerns, therefore, was to reconcile the differences, to fight the prejudices and to work for unity-in-depth.

The Indian Mind

Gandhian humanism worked for awakening the people to an awareness of their identity blended with the nation's historic traditions. His em-

A Gandhian Perspective for National Integration

phasis was on finding a way to recover the right mind in India's own tradition, pointing out the indisputable and essential values — religious, ethical, spiritual and philosophical—that are universal.

There is validity in this perspective of Gandhi because the Indian mind is tolerant, understanding and of infinite capaciousness. It responds to inclusiveness, not exclusiveness. It responds to co-existence and not isolation. Gandhian perspective was to reach out to unity and harmony.

Gandhian concept of Ahimsa stands out for its breadth, its total integrity and its recognition of the truth that the evils we suffer cannot be eliminated by violence.

A contemplative man of action, Gandhi discerned that for the health of the nation and wholesome national unity the gulf between the haves and the have-nots must be narrowed, if not eradicated. The fact that some being rich and the rest poor contradicts the concept of one nation. The nation becomes inevitably divided. The ideal of economic equality, of welfare for all and the concept of trusteeship are inherent in Gandhi's understanding of Sarvodaya. The groups providing socially beneficial labour "have the corollary of ruling out exploitation of any kind and economic benefits reaching down to the last and the least in society, without ruthless compulsion and violence."

The supreme test would be, as Gandhi stressed, "the material and moral growth of man, balanced one with other."

If air, land, water and light could not be owned because they are gifts of nature, no human material accomplishments, being products of social living, could be owned or monopolised. Those who produce them are trustees and must use them for society's benefit, for the service of all, for common good. Because Gandhi looked upon India as one nation, he could say, "Indian economic independence means to me the economic uplift of every individual, male and female", and again, "Real Socialism has been handed down to us by our ancestors who taught that all land belongs to Gopal (shepherd-God)." Where then is the bound-

ary line? Man is the maker of that line and he can therefore unmake it. I have no doubt that we can make as good an approach to it as possible... and that too without violence."

Rich Heritage

The many languages have always been considered as a source of India's rich cultural heritage but they have also caused dissensions and disunity. Gandhiji realised that the question of language presented a serious problem. The orientalist and the occidentalists debated during Macaulay's time over the medium of instruction—whether it would be in English or in the regional languages. The question "which should be the national language" raged during Gandhi's time and one hears disgruntled voices in our own time even.

Dr. Anima Bose

Gujarati was his mother tongue, but he learnt English. His main concern regarding language was, "We cannot get the freedom we want through a foreign language for the simple reason that we are unable to use it effectively." Once again, his perspective instinctively took into account not the English-educated leaders who were in minority but the masses who were the real India and whom he brought directly into the scene of freedom struggle. Therefore, "we should no more neglect and thus destroy our own languages."

He was equally insistent that "in no case whatsoever do we want to injure, much less suppress or destroy, the provincial languages. We want only that all should learn Hindi on a common medium to interpret and for intercourse". He believed Hindi would be easier to learn and to become the national language to literates.

However, he never opposed English language and acknowledged its importance not only for international commerce but "for the acquisition of modern knowledge, for the study of modern literature and for knowledge of the world."

The uniqueness of Gandhi

as a national leader stands out the way he added strength to in the position he took with regard to the minorities of India and by identifying himself with them, though he himself belonged to the majority. Gandhi had developed his style as a minority leader, needless to say, in South Africa. The minorities have to be safeguarded against even the "legitimate will of the majority."

Statesmanship

Gandhiji stood against communalism and separatism and for winning over the minorities. He has been criticised for playing down differences in order to maintain the solidarity of the nation. India's Constitution follows this Gandhian perspective.

It brought forth the following comments from Ivor

Jennings: "To recognise communal claims.... is to strengthen communalism. The Constituent Assembly decided to ignore communalism. If this bold step succeeds history will record it as a decision of the highest statesmanship."

Gandhiji's wisdom did not support unification by force of law or by means of any external power. "All my life I have stood as every one should stand for minorities and those in need." But he also stressed what we often forget. "I expect a thorough cleaning of the hearts". He stood by the minorities with this spirit of identification, and when he was reproached in 1948 because he was fasting "for the sake of the Muslims" he readily admitted that indeed he did so because the "strongest should act as a shield to the weakest". Gandhiji's identification with the minorities was both on the levels of action and of his own person.

Gandhi struggled all his life with men and with ideas, facing the march of history, affirming again and again the need for unity and the urgency to recognise one another as brothers.

(From Indian & Foreign Review)

News Briefs

Inaugural Lecture

Dr. N. Saravanapavanathan, Professor of Forensic Medicine, University of Jaffna, will deliver the Inaugural Lecture on **The Value of Forensic Medicine in the Detection of Crime** at 4 p.m. on Tuesday, 28th February at the Kailasapathy Auditorium, University of Jaffna.

'No' to India

Colombo: The Sri Lanka Government has refused to permit Indian Airlines to revive an air passenger service between Jaffna and Trichy which was suspended in 1970. India's request for a Second entry point for Indian Airlines flights from South India has been turned down on grounds of security, according to a spokesman of the Department of Civil Aviation. (the Island, 15th February)

Colossal Waste

Colombo: The minister of finance Mr. Ronnie De Mel took yet another swipe at the public enterprises at least 20 percent of government departments which served a purpose two or three decades are now redundant he told a news conference. (Daily News, 15th February)

Regional

(Continued from page 5)

ionships short-cut the western model industrial path to development?

Should the regional economy, particularly rural agriculture, be drawn into the process of national integration and thereby into the vortex of world economic integration and foreign exploitation (through the instrument of unequal exchange) within the global centre-periphery orbital which would nullify the gains of development or crush the economy of the region in a global recessionary crunch?

A regional economy is not necessarily and should not be totally subservient to the national economy. On the contrary it should endeavour to provide occasional feedbacks to the centre on national issues so as to highlight its own regional interests. These are the dilemmas of regional as well as of national development.

(To be Continued)

The SATURDAY REVIEW case, as mentioned last week, raised a very important Constitutional issue of great interest not only to jurists, lawyers and academics but of greater interest to the citizen. The Constitution to which a citizen owes allegiance is the shield which protects the citizen from the men in power, who themselves are creatures of the Constitution which unmistakably and forcefully states that the Sovereignty in the Republic of Sri Lanka lies with the people and it is inalienable. The Constitution it is that enshrines and ensures the fundamental rights of the people, their freedoms and dignity.

A Constitution is meaningful and has a life, philosophy and spirit for a people. The oath of allegiance to the Constitution if meaningfully taken, is taken with pride. It cannot be mistaken for an oath of subservience, whether to a Government or a President.

The Constitution of the Democratic Socialist Republic of Sri Lanka states that (1) the legislative power of the people is to be exercised by Parliament consisting of elected representatives of the people and by the people themselves at a referendum, (2) the executive power of the people to be exercised by the President of the Republic elected by the people; (3) the judicial power of the

The Hornets' Nest on Hulftsdorp Hill - 2

people to be exercised by Parliament through courts, tribunals and institutions created by the Constitution or the law except in matters regarding privileges, immunities and powers of Parliament or its members where Parliament itself can directly exercise the judicial power of the people.

We see, therefore, that the legislative and executive powers of the People are each distributed to the Parliament and the President, respectively. Judges are not elected and the power of

the people who are vested with judicial power does not on the elective principle flow to the Judges and this is the reason that the judicial power of the people is transmitted through Parliament to the Courts, etc., established and recognised by the Constitution or the law.

On the other hand, Parliament except in matters of privilege itself or its members cannot exercise judicial powers directly. That does not mean it can exercise it indirectly. In effect, it will be the Judges who will exercise the

judicial power of the People in the Courts established as recognised by the law and the Constitution. The judicial power of the People flows to the Courts through Parliament.

It is in this constitutional context that Mr. Nadesan questioned the constitutionality of the executive act of the President when he acted on the advice given by the Attorney General and took the view that the judges ceased to hold office on the night of 7th September, which led to the country being

without the judges of the Superior Courts, with the judges locked out of their chambers, clicking their heels and twiddling their thumbs awaiting fresh letters of appointment, if they were to come at all.

The Deputy Solicitor-General, on behalf of the Attorney General, raised a preliminary objection to the Supreme Court examining or making any determination on any matter relating to the performance of the official or executive acts of the President by referring to Article 35 of the Constitution, which states that while the President is in office no proceedings shall be instituted or continued in any court or tribunal in respect of anything done or omitted to be done by him in his official or private capacity. Mr. Nadesan's submission was that the prohibition of the institution of proceedings against him did not preclude executive acts on his part being examined by the Supreme Court.

-CIVIS

Ethnic Nationalism

In January 1979 the Marga Institute published "Collective Identities, nationalisms and protest in modern Sri Lanka", edited by Mr. Michael Roberts, Professor of Anthropology, University of Adelaide, Australia, and formerly Lecturer, Department of History, University of Sri Lanka. The book, was the "fruition of a project which sought to bring together a series of writings on the subject of ethnic identities and conflicting ethnic claims in Sri Lanka during the past two centuries". It provokes thought though it cannot claim to be definitive.

Chapter XIV of the book entitled "Nationalism in Sri Lanka and the Tamils" is by Dr. Arasartnam, Professor of History, University of New England Armidale, Australia formerly Lecturer, University of Ceylon, Peradeniya and Professor of History, University of Malaysia.

We commence publication of excerpts from Dr. Arasartnam's writing in the belief and confidence that his views will influence the management of the ethnic conflict in Sri Lanka which President Jayewardene has attempted to resolve through the All Parties Amity Conference. Further excerpts will appear in the subsequent issues of SATURDAY REVIEW.

The Soulbury Commissioners, who shared the view of the Donoughmore Commissioners on communalism, did not accept any communal ratios in representation but devised a territorial scheme which gave the Sinhalese, in the first election of 1947, a total of 67% of the seats in the legislature. Even this numerical relationship was not written into the constitution but was the result of a territorial delimitation which was open

to any subsequent government of jerrymandr.

What happened subsequently to this numerical relationship is a pathetic story-at least as far as the minorities are concerned. In 1949, the disfranchisement of about 900,000 Tamils of immediate Indian origin gave the Sinhalese in the 1952 elections 73% of legislative seats. With the increase of the number of electorates in the island at the 1959 delimitation, the Sin-

halese increased their representation to 78% and now they control 80% of the seats in the legislature. This political ascendancy gave Sinhalese leaders the ability to alter the Constitution, which they have done, and to hold minorities at their mercy in respect of fundamental rights.

The Soulbury Constitution, under which Sri Lanka was governed till 1972, attempted to go some way towards providing protection to minorities against discriminatory legislation. Article 29, Section 2 of the Constitution had clauses which restricted the right of Parliament to legislate on matters affecting particular communities or religious groups. Subsequent history shows that these provisions were not very effective, as they have not prevented two major acts the minorities have protested, on citizenship and on language. In the new Constitution even these safeguards have been removed and a Parliament which has an 80% Sinhalese representation has been made absolutely sovereign and its laws are not challengeable in the ordinary courts of law. Thus the minorities and especially the Tamils who, at the beginning of the consti-

tutional process, had an influence and presence in the legislature enabling them to shape the course of political change, now are reduced to a nonentity, dependent on the mercies of the majority community. To emphasise this process, the Buddhist faction of the Sinhalese leadership had succeeded in writing into the constitution a clause that says: "The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to foster and protect Buddhism, while assuring to all religions the rights granted..." Chapter VI of the Constitution establishes certain "Fundamental Rights and Freedoms" of a restricted nature but even these are qualified by a sub section which stipulates that the exercise of these fundamental rights and freedoms shall be subject to such restrictions as the law prescribes. In a recent case brought by the Associated Newspapers of Ceylon, where the strength of the guarantee of these rights was put to test, the Constitutional Court ruled that the fundamental rights of citizens were subject to such restrictions as the laws passed by the National State Assembly may prescribe.

The coalescence of Tamil political opinion after independence and the growth of

separatist sentiments must be seen parallel with the rising tide of Sinhalese nationalism at the same time. Among both communities, before independence, there had been no sustained attempt to mobilise public opinion by the use of traditional, or what are sometimes known as primordial loyalties. There was some attempt at this among the Tamils in the 1947 elections but there was no atmosphere of communal tensions or an actual or imminent threat to communal interests. The thrust of contemporary election propaganda was to unite the voter behind the banner of the Tamil Congress with a view to giving this party maximum manoeuvrability in the Parliament. The use of cultural factors of cohesion or other aspects of tradition that strike an emotive response assumed a politically potent form among the Sinhalese in the early 1950's. Solomon Bandaranaike, who had encouraged ethnic-based nationalism with the formation of his Sinhala Maha Sabha in 1934, broke away from the United National Party to form the Sri Lanka Freedom Party in 1951, a thinly disguised bigger brother of the Sabha, attempting to socially broaden the base of nationalism and its appeal.

(Continued on page 10)

Though six months have passed, I can still remember vividly how you bade us good-bye one day last December. More articles than the letters you send us appear in our daily newspapers about the Middle-East. What is written in these articles is quite shocking. We hear that villagers are spreading many rumours about you.

In the newspapers appear items such as these.... "Sri Lankan women stranded in the M.E. countries unable to find employment become easy prey to grave exploitation and undergo inexpressible pain and sorrow. Most of them end up in jail or become pregnant."

"These shocking facts were revealed by the representatives of foreign job agencies at a conference held yesterday which was also attended by the officials of the Ministries of Foreign Affairs and Youth Affairs."

"In Kuwait and Bahrain alone, there are about 30,000 women so stranded. They are forced to engage themselves in 'mean activities' to earn a living. These women are sold by the Sheikhs to one another". This news item appeared in the Sun of 6th May, 1983.

Articles that make me shiver about young women like you who had gone to Arabia and had become harlots, appear in our papers almost every week. Here is such a one from the Sunday edition of Divayina of 29th May.

"Women who sought jobs in M.E. now in the brothels in Bombay...."

A great number of Sri Lankan damsels are stranded in Bombay. Some Sinhala girls, sent away from their lodgings as they are unable to pay their bills, have fallen into a pathetic situation. Many Sri Lankan young women are in brothels while many others have conceived and are almost ready to give birth. One young woman ended her life by taking poison, while the other jumped to her death from a four-storey building."

I need not say what horror this kind of news brings to us. You, I hope, can remember that you decided to leave for the M.E. after a lot of argument. What compelled you to come to that decision was mainly the fact that father lost his job after taking part in the general strike. Wasn't it so? When father had a job, was it not with the greatest difficulty that we just managed to exist? When mother was laid up, seriously ill, I can recollect how, Malli our younger brother, returned home empty handed without the time of milk the government doctor had prescribed as it was priced at Rs: 54. I have not forgotten you; I wept as you had no uniform to wear to school when it re-opened after the va-

To My Dear Akke (Elder Sister)...

cation. I can also recollect how father sighed every evening after a free drink he had taken somewhere from someone. We have not forgotten any of these things, but the people who run the newspapers may not know these things.

Our treasured jewellery, the necklaces and the earrings that were pawned to give Mr. Silva the Rs: 3,000 he demanded to send you abroad, must still be secure in the pawnbroker's safe. None of us know what is left of the money you send us after spending for our daily food.

Many lengthy articles have appeared in the papers during the past few days, saying that the women who go to the Middle East tarnish the name of Sri Lanka. A letter from Kuwait was published in the Divayina Sunday Edition on 11th July.

"From the moment they step out at Kuwait there is no security for them.... the wage a housemaid gets there is 30-40 dinars (Rs: 2000 to Rs. 2800). This is not sufficient for them. Most of them who come here with the sole of earning money have no feeling of self-respect...."

The Kuwait Times carried an account on its front page about domestic servants. It said that the who work for the lowest pay are from Sri Lanka and that they have set a record for leaving their posts....

"Furthermore, informed sources say that there are over 300 Sri Lankan women in Kuwait prisons serving sentences for whoring and stealing. Some of them languish in jails with illegitimate babies they have had.... If they happen to meet an Arab, have a chat with him for two minutes and say that you are from Sri Lanka, his automatic question will be 'can you find me a good housemaid....'

"In the past, Sri Lanka was famous for her finest tea, coconuts and rubber. But today in the M.E., Sri Lanka is well known for her domestic servants. It would be more correct to say for harlots...."

Dear Akke, no one here bothers to discuss why such things happen to our own sisters who go abroad in search of a living because of their poverty. No such articles are written about the males who go to the M.E. No one writes that, for every prostitute there must be several men, and hence they outnumber the women.

Are they not aware that a woman becomes a whore, not for lust, but because of extreme poverty. What is significant here is not that. Although it is widely known throughout the island that domestic servants have to face calamities and despicable situations, there is still an unending queue of Lankan damsels ever ready to be exported as domestics. Isn't it this that we have to find out? Why? For what reasons do they go? Without finding out the cause how can a remedy be sought?

"Akke, come home immediately"—this is that I feel like writing to you several

times a day. But the thought—dear mother, who is ill, and my sister, who goes to school on an empty stomach, flashes my mind and my pen refuses to write.

Dear Akke, I do not know what to do. But I know one thing for certain. For suffering women like us, here or abroad, the situation is horrible. There are people who are well off here and are at ease there too. We, the oppressed women, must get together, discuss this matter and find out whether we must suffer forever or whether there is an alternative 'path' for us to follow. May you receive all the

strength to overcome your difficulties.

P.S. The news item in today's paper (17th) is something that none of us ever expected. Gunaseeli Akka, who went to Baharein as she had no other means of earning a living has come to an end by setting herself on fire. She has written many a time about the brutish harassment of her employer. When can one put an end to the problems we are forced to face, as women born poor.

If a brute like that approached you, I am certain my Akka is not going to die alone.

Your Loving NANGI
(Courtesy Kantha Maga, published by the progressive women's front organisation)

I'LL QUIT RATHER THAN KILL - JR

If the people of this country want me to shoot and kill the terrorists and want me to become someone like Idi Amin or Hitler, then I will say goodbye to my Presidential office and leave it to those who want to solve this problem in that manner, President J. R. Jayewardene declared on 30th January.

My intention is from this year to formulate a new plan to eradicate terrorism and to find political reconciliation within the democratic framework, he said in a speech which was nationally broadcast.

He was speaking at the fourth anniversary celebrations of the free text book distribution scheme at the Wattagama Esplanade.

President J. R. Jayewardene said:

"People are pointing an accusing finger at me stating that I am not tough enough to stamp out terrorism. But if I and the security authorities are not receiving assistance in the form of evidence and witnesses, how can we fight the terrorists? Public apathy in this regard is very discouraging", he lamented.

Accusing Finger

"Even Lord Buddha succeeded in befriending Angulimala the terrorist in India through sermons and ultimately converted him into a monk. I do not see any reason why the Maha Sangha who are dedicated for peace



Mr. J. R. Jayewardene

and unity cannot also settle in the north and reform these terrorists.

"I will not desert this country like Sri Sangabo. I, as the President, will endeavour to do my duty by the people without any discrimination to the minorities. I have a Foreign Minister who is a Muslim, the Inspector General of Police a Tamil, and various other top Government policy making and implementing positions filled by the minority. If the administrators can recognise all races as 'Sri Lankan's then why cannot the villagers and those of you in the country treat and act like that?"

"Tamils who are opposed to separation and who do not sympathise with the terrorists are at a loss to understand the attitude of

the majority Sinhalese who have harassed, plundered, murdered and physically abused them. I cannot believe, nor do I think that the Buddhists of this country could have been part to the atrocities that were committed last July. The Maha Sangha fully opposed the violence and there is no doubt they are making efforts to instill a harmonious relationship between the races.

President Mr. J. R. Jayewardene classified those who left the Conference as 'people who are trying to make capital out of a conference'. The remaining parties are determined through the formation of two committees to discuss the problem of eradicating terrorism and the formulation of a plan to unite and overcome the differences between races.

The President said, "I am happy that those people, who tried to make political capital have left. Because others are for peace".

"I cannot ask the Army to shoot innocent people, but I have given them all the powers to eradicate terrorism in the best possible means. Unlike the 1971 insurrection where the Government was confronted by a face to face war, the terrorists in the north who are resorting to guerilla tactics are a big threat and a difficult lot to grapple with".

(SUN, 31st January 1984)

(Continued from last issue)

It is necessary at this point to have a brief recourse to history. There was a time when in certain parts of the world work was done by slaves. These slaves had no rights whatsoever. They could not strike or run away from their work. If they did so, they were subjected to corporal punishment, or even death. They received just enough to keep body and soul together, to enable them to do long and dreary hours of work. Of course, they had full employment. The problem of unemployment was not known in that society. Poor wages and intolerable conditions of employment can co-exist with full employment, and with complete absence of unemployment.

A situation similar to that described above existed in the case of indentured Indian labour, which was recruited during colonial times to various colonies, including Sri Lanka. This labour, too, had no right to strike or run away from its work, and had no say with regard to its terms and conditions of employment.

In England, in the early days after the industrial revolution, conditions under which labour worked were intolerable, wages were poor, and strikes were regarded as unlawful interference with the contract of employment. Gradually, as a result of the growth of labour unions, the situation changed. The recognition of the right to strike as a legitimate weapon in the hands of workers to win their rights, is one of the most important factors that has contributed to the amelioration of the conditions of workers.

The Law in Sri Lanka

According to the Experts Committee of the International Labour Organization (ILO) on freedom of association, the right to strike is a fundamental human right which is implied in the freedom of association and the right of collective bargaining.

The Constitution of Sri Lanka declares that every citizen of this country has freedom of association, and the freedom to form and join a trade union. Sections 26 and 27 of the Trade Union Ordinance of 1935, a law passed before our Independence, recognised the right of a registered trade union to call a strike, and immunity is given both to the trade union which calls the strike, and to the workers who answer the call to strike.

It is therefore not unreasonable to say that the right to strike is a fundamental right enshrined in Article 14(c) and (d) of the Constitution. This, however,

The Right to Strike

is subject to any restrictions that may be prescribed by law in the public interest, or to any law which existed at the time of the Constitution.

At the time of the Constitution there was no law which restricted the right to strike, except the Industrial Disputes Act of 1951. This Act provides for the settlement of industrial disputes by conciliation, by arbitration or by reference to a labour tribunal or to an Industrial Court for settlement. Once a matter is referred for such settlement, a strike in respect of it is forbidden.

Alternative Remedy

The Industrial Disputes Act was enacted because it was recognised that strikes may cause serious inconvenience to the public, as for instance by disruption of an essential service. It was therefore realised that a substitute for strike action, some alternative remedy must be provided for workers and their unions. This was a very desirable provision because while on the one hand one has to recognise that workers are not slaves, and have the fundamental human right to strike, it has also to be recognised that the public at large should not unnecessarily or irresponsibly be made to suffer by reason of such a strike. Accordingly, machinery was provided by the Industrial Disputes Act for adjudication by an impartial tribunal of the issues in dispute, pending which adjudication strike was not allowed.

Unfortunately, in the actual working of the machinery, grave defects were found. The arbitrators were often busy men, who had other work to do. Lawyers who appeared before them obtained dates to suit their convenience. Prolonged delays occurred. Sometimes matters were delayed for years. At times the composition of industrial courts and arbitration boards did not inspire confidence in the workers.

The most important defect relevant to the present problem, however, is that the Industrial Disputes Act does not apply to the public service. Section 49 of the Act says that nothing in that Act shall apply to or in relation to the Crown or the government in its capacity as employer or to, or in relation to, a workman in the employment of the Crown or government. This means that if any industrial dispute takes place between a trade union of government

employees and the government, such as for instance the Government Clerical Services Union (GCSU) and the government, the machinery provided by the Industrial Disputes Act is not available to the trade union concerned. It cannot have the dispute settled by arbitration, or through an Industrial Court.

This is a grave and serious defect in our law which successive governments have failed to remedy. This defect in the law is to a large extent responsible for the difficulties that have arisen in connection with the recent strike. These difficulties are basically due to the failure of the government to provide an alternative remedy to public servants as a substitute for the strike weapon which is their fundamental right.

This deficiency in our law was perpetuated by the Industrial Disputes Act, but of course was not created by it — the defect already existed. It was noticed long ago, shortly after the Second world war, when we were still a colony. A Royal Commission was appointed to make recommendations in respect of the problem. In 1947, this Commission recommended the establishment of Whitley Councils on the British model for public servants both at the departmental and the national level. The Commission also recommended that if the joint council did not agree on the resolution of any dispute, the matter was to be settled by arbitration. But the then government was not prepared to establish councils with powers to adopt binding decisions through arbitration, while the union of public servants was not in favour of the establishment of joint councils without the arbitration machinery. So the matter ended. The result is that no alternative remedy has been provided for public servants as a substitute for the right to strike, which is their inherent right as they are not slaves.

According to the Experts Committee of the ILO, of which Sri Lanka is a member, the right to strike cannot be prohibited totally. But temporary restrictions may be placed by the government, in essential services and in the public service, provided a suitable forum by conciliation or arbitration is given to the workmen. This principle enunciated by the ILO applies to situations of emergency.

In June 1978, the MLO adopted Convention No. 151 concerning protection of the right to organise, and proceedings for determining conditions of employment in the public service. One of the articles of this Convention dealing with the settlement of disputes states that "The settlement of disputes arising in connection with the determination of terms and conditions of employment, shall be sought, as may be appropriate to national conditions, through negotiation between the parties or through independent and impartial machinery, such as mediation, conciliation, and arbitration, established in such manner as to ensure the confidence of the parties concerned".

Essential Services Act

In 1979, the present government enacted a very drastic law, the Essential Public Services Act, enabling the President to declare any services rendered by certain government departments, public corporations and local authorities, as essential services, and providing drastic punishments of a term of jail of not less than 2 years, and not more than 5 years, and fine of not less than Rs. 2,000 and not more than

by
S. Nadesan

Rs. 5,000 and also confiscation of property for offences under the Act. Such offences include participating in or inciting any strikes in an essential service after it has been so declared by the President in terms of the Act. The Act also provides the strange and unique punishment of striking the name of any offender who happens to be a professional person off the register of his or her profession.

This was a suitable opportunity, if ever there was one to provide an alternative remedy. Surely, the same act which provided these drastic punishments in order to prevent strikes, might at least have also provided some alternative remedies to which workers could have recourse in order to get redress regarding their terms and conditions of employment.

If such a machinery is provided, the workers can be blamed if they resort to strike action without availing themselves of the alternative machinery which has been provided for the settlement of the dispute. But to penalise persons who strike without providing them with an

alternative remedy of which they could avail themselves is to reduce them to the status of semi-slaves.

Last Regime

The position taken up by CRM is by no means new. The original Statement of Aims of CRM, when it was founded in November 1977 ten years ago, included, as one of the organisation's immediate tasks, the restoration of trade union rights suspended under the Emergency rule of the Government headed by Mrs. Sirima Bandaranaike. In a letter written to the then Prime Minister on 10th December 1971 (coincidentally, this was Human Rights Day) CRM pointed out that the concept of "essential services" had been made so wide under the Emergency regulations as to be meaningless. CRM also wrote in the same letter:

"We would like further to point out the dangers of using emergency regulations to restrict the demands of the organised working class, which forms one of the most important sections of our society. At a time when radical economic and social changes are contemplated, we submit that the participation and co-operation of the working class is necessary to implement such changes."

The same principle holds good today with particular reference to the public service and employees of government corporations.

1972 Strike

The following year, CRM had occasion to reiterate this concern in connection with the back clerks' strike, where the government used emergency powers to deem the striking employees to have vacated their employment, just as was done in 1910 by the present government. CRM stressed at that time, too, the importance of the alternative remedy. In a statement issued on 14th October 1972 it said:

"It is not within the province of the Civil Rights Movement to express any view on the merits or demerits of the strikers' demands, but the question of the right to resort to trade union action in respect of trade union demands, is certainly a matter of civil rights. The undue prolongation of emergency regulations curtailing these rights has already resulted in confrontation between employers and certain trade unions."

"In this situation, we urge the Government to seek a solution without resort to the extraordinary powers conferred under emergency regulations. Resort to the emergency regulations is all the more unjustifiable since under our normal law machinery exists to deal with such a

(Continued on page 10)

Towards a Dharmista Society

(Continued from page 4)

ronment from a purely industrial and possessive one where man exploits man for his private gain, to one where man does not control his fellow citizens through the ownership of the means of production; so must ways be found to help man to change his nature to take his place in a Society which is not acquisitive but where each works for all.

Examples must therefore be set by those at the top and no one is better suited to do this than a Member of the Government and their colleagues in Parliament. My Government will prepare a code of conduct for Members of Government and will see that Members adhere to this code. My Government is of the view that given that type of political leadership, Members of Parliament of all parties can be associated through Parliamentary Standing Committees in shaping the destinies of our common Motherland irrespective of party politics.

The country has experienced an unprecedented escalation of prices in the past

six years. The rupee has brought less and less of the same commodity during this period. People have been subjected to pain of mind and the humiliation of being unable to provide their families with essential nourishment, due to the high cost of living, corruption and monopoly of state corporations and Co-operative Societies.

My Government will give the utmost priority to bringing down the Cost of Living which has reached Himalayan heights, by reducing the artificially increased prices of imported and local goods in day to day use, and by increasing local production and will ensure that the consumer shall not be exploited.

An adequate supply of nutritious food including a minimum cereal content of 8 lbs. per adult per week, will be made available to the people.

Public corporations will cease to profiteer at the expense of the consumer and will provide essential goods and services at the minimum possible prices. They will be cleansed of corruption and inefficiency...

MY ENLIGHTENMENT

by

**G. G. Lakshmi Narayanan
Swamiji**

Universal of healer
of ills and incurables
Vainava Atheenam (mobile)

"I received complete emancipation
from cankers (delusion)..."

For details contact:

G. G. Lakshmi Narayanan Swamiji
174, K. K. S. Road — Jaffna.

Ethnic...

(Continued from page 7)

Neither the Sinhalese nor Tamils responded readily in the first manipulation of communal factors at the hustings in 1952. In the following elections of 1956 however, the response was overwhelming. The political climate had changed fundamentally in the intervening years.

It was not inevitable, however, that Sinhalese communalism should come to conflict with its Tamil counterpart. A Buddhist renaissance has nothing in it that would be damaging to Hindu interests. Nor would a recognition of the Sinhala language necessarily hurt the functioning of the Tamil language. There were enough precedents in pre-European history to suggest coexistence of the two cultures. But the nature of Sinhalese revivalism in the way it developed from 1954 made such co-existence impossible and conflict a necessity. Inherent in the movement to make Sinhala only the official language was a new assertion of an exclusive right in the island and an implied tolerance of others only as subordinate and secondary. Though not expressly stated, one sees here the first assertion of a desire to assimilate and reduce to oneness the other cultural traditions of the island. This was emphasised by the direction of the Buddhist renaissance which, in its turn, asserted the religious version of the exclusivist doctrine. Sri Lanka was the island of the Dhamma, the Dhamma, dipa, the 2500 years old home of the Buddha Dhamma and all its institutions. A total equation of the history of the island of Sri Lanka with the home of the Sinhalese race and the Buddhist faith brings, in the eyes of the extreme partisans, an interchangeability between Ceylonese nationalism above, or even side by side with, its Sinhalese component. By this definition all other cultural components become alien and therefore need not be recognised in the nation-state.

(To be Continued)

Students Protest

The Medical Faculty students of the University of Jaffna staged a protest march on Monday (20th February) and boycotted lectures, demanding the release of a first-year medico, S. Lavan, who is in Army custody.

Arts and Science Faculty students, too, boycotted lectures that day.

The Right to Strike

(Continued from page 9)

situation. Under the Industrial Disputes Act, the Minister of Labour may refer such a matter to an Industrial Court. Once such a reference is made, a process of adjudication is set in motion while in the meantime strikers are required to return to work. One and the same law thus steps in to end the immediate deadlock while providing independent arbitral machinery for the final adjudication of the disputes."

In time of war

For the most interesting example of "alternative remedy" to strikes, however, one must look back to wartime Ceylon. Most people today are unaware of and will be surprised to read what to read what follows.

By the Essential Services (Avoidance of Strikes and Lockouts) Order of 1942 strikes and lockouts in essential services were prohibited. This was an order made by the British Governor or Ceylon under the Defence (Miscellaneous) Regulations which were in force during World War 2.

This very same order, however, went on to constitute the District Judge for every district as the tribunal for settlement of trade disputes in that district. (The Governor could also appoint any other "important person in lieu of the District Judge). When any trade dispute arose, the employer or the workmen could require the Controller of Labour to refer the dispute to the tribunal for arbitration: the tribunal's arbitration would thereafter be embodied in an award.

It is ironic, and sad, to note that the Imperial British Government at the height of a world war, in dealing with the work-force of a subject colony, showed a keener sense of justice in this regard than have successive Governments of an independent Sri Lanka.

Perhaps, we are being a little naive in so saying; no doubt there was an element of self-interest involved as well. In which event, it remains true that the perspicacity and Judgement of our colonial rulers in this regard remained of a higher order than that of their successors.

For in the final analysis it is not in the interest of the Government itself to re-

duce its employees to the status of semi-slaves. It cannot expect ungrudging and willing service from such persons. No service can be efficient, which is rendered by persons who harbour resentment, who find that they have no independent tribunal to which they could go for the redress of their grievance, and who feel that they are compelled to work, for insufficient wages, in order to maintain themselves and their families even at subsistence level in order just to keep alive.

CRM therefore urges —

(1) in view of the foregoing, and especially the absence of an alternative remedy available to the trade unions, that all persons for taking part in the July 1980 strike be given the option of reinstatement or retirement without loss of benefits.

(2) that the concept of "essential service", wherever it occurs in our law, including in times of emergency, be strictly contained and confined within its proper limits.

(3) that appropriate arbitral machinery which can command the confidence of the workforce be provided by law for all employees including public servants and employees in essential services.

Pomp and Pageantry

The fourth session of the second Parliament was inaugurated with pomp and pageantry by President Jayewardene on 24th February.

The President made another thundering speech one of whose themes was the need to promote national unity.

The Tamil people of the Northern Province were unrepresented on the occasion, the 16 MPs of the Tamil United Liberation Front having forfeited their seats owing to prolonged absence from Parliament without leave as a protest over the Jayewardene Government's policies on the National Question. There seats now remain vacant.

Parliament also approved the extension of the Emergency by another month from 18th February.

REHABILITATION OF REPATRIATES FROM SRI LANKA

A research of the problem encountered in the rehabilitation of plantation labour (mainly from Sri Lanka) in India. No information is available to the reading public on this vital aspect relating to the most neglected section of people who had lived in Sri Lanka, after their repatriation to the land of their forefathers. The author is Professor in the Centre for South and Southeast Asian Studies in the University of Madras.

Mass movement of people refugees, repatriates and other migrants across national borders have increased manifold in the years since the end of the second world war. The abrupt and massive displacement of thousands of people from their land of adoption for generations causes innumerable problems of adjustment—human and political—both for the people concerned and the countries to which they migrate. The impact of these problems, which is global in character, is of special concern for India. In the post-independence period, India

has faced stupendous problems as a result of influx of refugees from Pakistan, Bangladesh, Tibet, Burma, Uganda and, during recent years, repatriates from Sri Lanka. The odyssey of Sri Lanka repatriates still continues with no immediate prospect of an end to their suffering.

According to the bilateral agreement of October 1964 between the Governments of Sri Lanka and India, popularly known as the Sirimavo-Sastri Pact, India agreed to confer citizenship on 5.25 lakh persons along with the

natural increase in their numbers over a period of fifteen years. This agreement was followed by another in 1974 as a result of which India was to receive another 75,000 persons of Indian origin within a period of two years, after those who come under the first agreement had been repatriated. The entire process was expected to be completed by October 1981. Sri Lanka, in turn, agreed to absorb 3,25,000 persons by the first agreement and another 75,000 persons by the second as its nationals at the rate of four Sri Lanka nationals for every seven repatriated to India. The crux of the problem was the linkage of conferment of Sri Lanka citizenship on persons of Indian origin with the actual number repatriated. On the persuasive representation made by the Ceylon Workers Congress, it was decided in 1967 that the grant of Sri Lanka nationality would be with

reference to number of persons registered as Indian citizens and not actually repatriated, but this concession was withdrawn a few years later.

Through it is not the major thrust of this paper, a few significant features of the Sirimavo-Sastri pact must be underlined. It is

By **V. Suryanarayanan**

the tragedy of India-Sri Lanka relations that this agreement, which had a great bearing on the lives of thousands of people of Indian origin, was finalised by the two governments without taking into consideration the feelings and views of the plantation workers. All trade unions in the plantation areas, though rivals amongst themselves, were unanimous in their opposition to the Sirimavo-Sastri pact. The

Ceylon workers Congress, the most representative organisation of Indian Tamils, vehemently opposed the Sirimavo-Sastri pact. The continuing trauma suffered by the people made the party revise its stand later and co-operate with the Government in the implementation of the agreement. S. Thondaman, the president of the Ceylon Workers Congress, has mentioned that the people of Indian origin were reduced to a status of "mer-

chandise" by the two countries in the name of "good neighbourly relations". To quote Thondaman:

We are a community of human beings with soul, mind and body with personality and cannot be apportioned between countries like beasts of burden at others whims and fancies only to maintain good neighbourly relations. Humanity cannot be converted to merchandise in this modern age.

Other representative organisations of the plantation workers also opposed the Sirimavo-Sastri pact. C. V. Velupillai, the well known intellectual and President of the National Union of Workers, characterised it as an unjust and inequitable agreement. The United Plantation Workers Union, Ceylon Plantation Workers Red Flag Union, United Lanka Estate Workers Union, New Red Flag Plantation Workers Union, Ceylon Estate Status Unions, Lanka Industrial Naznagam and Sri Lanka Plantation and Estate Industrial Workers Union also raised their voice of protest against the agreement which was concluded "without ascertaining the wishes of the stateless people".

In terms of natural rights the people of Indian origin should have been Sri Lanka citizens by virtue of their long residence over two or three generations and also signal contributions to the country's economic fortunes. More than any other section of Sri Lanka population, the plantation workers have contributed so much for the prosperity of Sri Lanka for so little. They formed the bulk of labour which turned the malaria infested forests of Sri Lanka into smiling plantations of tea, rubber and coconut. During the second world war, they sustained the essential industries in the export sector and, by continuing to provide labour, they prevented the diversion of Sinhalese farmers to the estates from the vital food producing areas.

(To be continued)

HOW'S THAT, ST. MATHEW?

The Sailendra king constructed two viharas, Raja Raja Perumpalli and Rajendra Perumpalli there.

According to Gandavamsa the three main centres of Theravada Buddhism in South India were Kanchipuram, Kavirippumpattinam and Madurai.

Budhaghosa, the great commentator of Theravada scripture, lived in different times at different places in South India. At Mathura, he lived with Buddhmitta and wrote Papanasudani, a commentary on Majjhima Nikaya. At Kanchipuram he lived with Ven Jothipala and wrote Saratthapakksmi, a commentary on the Samyutta Nikaya. The chronicles of Sri Lanka tell us about his sojourn in Sri Lanka where at Anuradhapura his great work Visuddhimagga and other commentaries were composed in the reign of king Mahanama (409-431 A.D.).

A contemporary of Budhaghosa was Buddhatta Thera, who lived and worked in Kanchi, Kavirippumpattinam and Anuradhapura in Sri Lanka.

The author of Cula-vamsa, supplement to the Mahavamsa carrying the history of Sri Lanka from Mahasena (334-362 A.D.) to Parakramabahu-II (1236-1268), was Dharmakirti (13th C. A. D) who hailed from the Pandya country. He organised in Sri

This is a continuation of the address by the Vice-Chancellor of the Tamil University, Tanjore, Prof V. I. SUBRAMANIAM, at the Convocation of the University of Jaffna on 11th February:

Lanka an international conference of Buddhists. The Dattuvamsa is also assigned to him.

Many centuries of continued intellectual exchange between Tamil Nadu and Sri Lanka in Buddhist studies as evidenced by epigraphs, foreign notices and Pali scriptures is further confirmed by the literature of Tamils.

The earliest strata of Tamil literature called the Sangham collections have direct and indirect references to Buddhist tenets. Some Sangham poets have identifiable Buddhist names. It is in the epics Silappathikaaram and Manimekalai proofs of Buddhist influence of an incontrovertible nature are found. While Silappathikaaram which deifies a woman of the merchant community and unites the three traditional warring kingdoms of Tamil Nadu, Manimekalai for the first time unites Chaavakam (the modern Sumatra) and other countries of the South Asia in its fold, while unfolding the story of Manimekalai, the daughter of Koavalan and Madhavi. The author, Cittalai Sattanar of Madurai was well-versed in Buddhist literature and logic. The Jataka

stories were familiar to him. The rigorous logic adopted by Buddhists are elaborately described by the author even at the cost of the requirement of an epic poem. The logical tenets of Manimekalai have no parallel in Buddhist or Sanskrit texts but found to have resemblance in the Tibetan texts. It is too early to say who borrowed from whom.

But the similarity of the tenets will not prevent us in making an inference that they had a wider spread. The 30th chapter explains the Hinayana School of Buddhism. Vanchi the capital of Cheras, like Kanchi, had a flourishing Buddhist congregation. The sea goddess Manimekalai was popular in the South Asian countries including Cambodia. The Manipallavam is identified as the Nainativu of Sri Lanka. The heroine Manimekalai was converted to Buddhism by Aravana Adigal who is identified by some as Dharmapaala born in Kanchi, went to Nalanda where he became the head of the University.

During the Bhakti movement Gnana Sambantha defeated Saariputta, who belonged to the Theravada School, in a dispute. The Naayanmars and Alvars held disputes with Buddhist scholars in Madurai, Kanchi,

Bodhimangalam. Nagapattinam had a strong Buddhist conclave even after the defect in disputes led by the Alvars and Naayanmars. Rajaratnakari (A. D. 819) mentions about a Buddhist king of Sri Lanka embracing Saivism at Chidambaram during the times of Manikavasakar.

Another piece of Tamil literature of which remnants are found is Vimbisarakatha. The Grammar Viira Cholaiyam (11th C.A.D.) marks a turning point in the history of Tamil grammar which has been translated into Sinhalese also.

Besides the direct references, the Dharmapala, which is a solace to the young and old, the rich and poor has innumerable parallels in the well-known Thirukural and other works which are classed as the eigheten anthologies in the history of Tamil literary tradition.

Any country which practises Buddhism in South Asia cannot forget its great debt to Tamil Nadu especially to Kanchi and Nagapattinam. Neither China nor Japan nor Sumatra or Burma has failed to remember its great debt to Tamil Nadu. How can Sri Lanka? the next door neighbour forget the role of Tamil Nadu in the spread of Theravada Buddhism and the great intellectual exchanges between its monks and those in Kanchi?

The Dhammapada defines a wise man thus: 'He is not thereby a wise man merely because he speaks much'. Those words of caution worthy of emulation indeed is a fitting pada to close this address.

Saturday Review

SRI LANKA

At the time of our going to Press, there was considerable speculation in political circles in Colombo and the Press that there might be a Cabinet reshuffle shortly, with the replacement of

(Continued From Page 1)

Supreme Court..

newspapers and the SATURDAY REVIEW. Thereby the Competent Authority has infringed the fundamental rights enshrined in Article 12(1) and 12(2) of the Constitution.

"By reason of the closure of the SATURDAY REVIEW, I have been deprived of learning valuable information and of dispassionate and non-partisan views and news which appear in the SATURDAY REVIEW, and which I cannot obtain from any other source or publication. I am also prevented from publishing my weekly column. Thereby I have suffered damage which I am entitled to recover..."

The two applications were taken up before Mr. Justice D. Wimalaratne, Mr. Justice Abdul Cader and Mr. Justice Rodrigo.

Mr. Justice Rodrigo dissented from the decision of the other two judges to grant leave to proceed with the applications. The hearing will be taken up in due course.

Sold Out!

It's all sold out. Not Sri Lanka, not yet.

Not even Trincomalee, not yet.

But the first issue of the re-born SATURDAY REVIEW.

Within the boundaries fixed by the freedom-loving Jayewardene Government and our limited technical and other resources, we managed to bring out the paper last Saturday—after a forced absence of 232 days.

We regret we cannot order a reprint of the first issue, as requested by those who failed to secure a copy.

To ensure an unbroken supply of the most outspoken weekly newspaper of recent times, the best thing to do is to place a regular order for one year, six months or three months.

J.R. NO SUPERMAN

some senior—and very old—Ministers with young blood.

But what's the use? We have seen the best of them at work and they have proved to be nothing but mediocre.

The deadwood should have been chopped off long ago.

The recent floods have shattered the hopes of the Jaffna farmers who already

five Ministers are in the running for succession if and when Mr. Jayewardene, now approaching 78, is no longer on the scene.

All of them are using the Sinhalese Buddhist "card" to press their claim, each posing as a greater defender of the majority race and faith than the others. The

By Our Political Correspondent

Whatever the changes, I would suggest that the President be relieved of some of the Ministries and departments that he is now burdened with. At 78 years, he is too old to carry on such a heavy load.

After all, as we have said in the SATURDAY REVIEW before, he is no Superman.

Within the ruling right-wing United National Party, dissension has reared its head with what the Minister of Finance, Mr. Ronnie de Mel called the other day "petty empire building". At least

chauvinistic activities of at least two of them are known to have directly contributed to the July ethnic violence.

Mr. Jayewardene himself appears to be a tired and disillusioned man, especially after the unfortunate events in July, which not only earned a bad name for him and his Government internationally but also neutralised many of the economic gains made during the UNP's seven years of office. There is speculation that Mr. Jayewardene might step down shortly, which is what has activated the power struggle within the party...

SPORTS

JAFFNA LADS GET READY

It is really heartening to note that after a six-month lull in sports activities in the North, due to unforeseen circumstances, the Jaffna schools have geared themselves to play "King Cricket" this season.

The school most likely to participate in inter-school friendly engagements are St. John's, Jaffna Central, St. Patrick's, Jaffna Hindu, Jaffna College, Hartley, Union, Mahajana, Kokuvil Hindu, and Skanda Varodaay. Most of these cricket—playing schools are infused with young blood who are capable of holding their own with the few experienced and talented ones.

Fourth-year coloursman Panchalingam Thirukumar leads St. John's this year. This youngster, a menacing opening bowler, caught the eye of the Ceylon Schools' Selectors who had named him among the first seventeen of the fourteen-member team that is touring Australia at the moment.

Deputy Y. Muraleedaran, George T. Ragulan, wicket-keeper and opening bat B. Chandrasekar, T. S. Bartlett, T. Vaheesan, J. Kadirgamanathan Sumenthiran and Chandrakumar all seem as-

sured of their places. If Chandrasekar does not take the field, then Nishanathan may have to take his place behind the wickets.

Among those knocking at the door for permanent berths are Dayaharan Jesuratnam, Preman Jayawerasingham, Jeyanthan Anandaramah, Sumethiran and Mahendrarajah.

Of these five Jesuratnam, a cricketer of no mean calibre, had impressed a great deal on as under 15 and 17 cricketer while at Hartley and St. John's. Though examinations kept him out of cricket last year, it is hoped that Jesuratnam will dispel all fears that may exist in the minds of critics and observers by his skill and prowess. Spinner Jeyanthan Anantharajah may also be tried out. He possesses a varying length and flight.

Mahendrarajah and Jayawerasingham are two others vying for the opening berth.

The Johnian team is in the capable hands of two knowledgeable cricketers, K. S. E. Xavier and Canagiah Sooriyakumar, the former Tamil Union opening bat.

were handicapped by the delay in the seasonal rainfall.

According to the Additional Government Agent, Mr. Panchalingam, the floods had damaged 80% of the to-be harvested paddy, and 50% of to-be plucked chilles and onions. Potatoes, the newly found 'gem' of the Jaffna farmer suffered the worst damage.

Mr. Panchalingam further said that as chilles and onions did not come under the Crop Insurance Scheme, the authorities were not in a position to give relief of any nature to farmers who were mainly engaged in the cultivation of these crops. So far as the potato cultivators were concerned, he said that the Government Agent had requested the Department of Agrarian Services to import seed potatoes immediately.

He also said that as there were many defaulters who did not live up to conditions laid down with regard to the loans granted by the Department of Agrarian Services, giving relief to affected farmers in cash also presented problems. A rescheduling of loans had to be done in order to help such farmers, he said.

Jaffna farmers, who have suffered badly by the floods, are heavily indebted to banks and money-lending institutions. Some have even pawned their jewellery at Banks.

As a forum for free comment and express on of opinion, the columns of the SATURDAY REVIEW will be open to any point of view within the limits of law and reason and—for the present—the censorship rules.

Please keep your contribution as short as possible.

If the return of unused material is desired, please enclose a self-addressed stamped envelope.

DARING RESCUE

Six gun-toting youths forced open the lock-up of the Mallakam Magistrate's Court on Monday afternoon (20th February) after the Court had adjourned for lunch, freed two youths awaiting trial and drove away with them.

Police sources say the freed suspects Krishna Raj and Papaharan—both arrested by the K. K. S. Police just 12 hours earlier—have information about the Kattankudy Bank robbery.

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