

C I N T A

Journal

Vol. 1 No. 1

December 16, 1983

The scramble for Truth

Among the many strange things connected with the recent racist atrocities on Tamils in July-August, 1983, one was what might be called the scramble for "truth".

After everyone of the racist assaults on the minorities that has now become a noticeable feature of the Sri Lankan political scene, attempts have been made to search for the "truth" behind the evil that had surfaced with frightening regularity.

Riots of 1915

After the Sinhalese-Muslim riots of 1915, a persistent campaign was launched by popular leaders led by Sir Ponnambalam Ramanathan to demand a Commission appointed to investigate the true facts behind the tragedy. It was opposed by the Sinhalese Member of the Legislative Council, Mr. Obeyesekere, who characterised what had happened as the result of

Jayewardene as Premier readily agreed with the proposal of the Tamil Leader of the Opposition to have a Commission of Inquiry appointed. But when Mr. Sansoni, an ex-Chief Justice of the Supreme Court who was appointed as sole Commissioner, finally submitted his report in 1980, neither the Government nor the Opposition appear to have been interested to have it tabled in Parliament and discussed. Apparently there were some truths in it which were unpalatable to one side or the other - to the government and the opposition. Nothing was done and no meaningful steps were taken to implement the proposals Mr. Sansoni had embodied in his Report, particularly his recommendations that the victims (the great majority of whom were Tamils) should be compensated fully. On the other hand, the Government

again and attacked mainly Indian Tamils, there was only talk but no appointment of any Commission of Inquiry. Even the Commission under Mr. Alles, ex-Judge of the Supreme Court, to inquire into the limited conflict between the Sinhalese and Muslims in Galle in 1982 and its report have been brushed aside into the region of limbo, and whatever truths may be embodied in the findings of that inquiry have not been made known either to Parliament or the public.

But to discover the truth behind by far the ugliest and the most calculated and destructive of attacks on the Tamil minorities in July - August, 1983, nothing has been done so far in spite of demands for an impartial Commission of Inquiry, preferably an International Commission. Instead of the findings of an impartial body, what we are getting now is pamphlets embodying what is claimed as "Truth" and "Facts".

But whatever the attitude of Governments, whether democratic or dictatorial, all over the world, they are keen that the people should learn or appreciate the official version of what they wanted the people to believe which they equate to the truth. The trouble is as an English writer Whately, once said "Every one wishes to have the truth on his side, but it is not every one that sincerely wishes to be on the side of truth".

Myth of Aryan Supremacy

The notorious Goebbels of Nazi Germany believed that you have only got to repeat a lie over and over again to have it believed as the truth by the people. That was how they built up the myth of Aryan

implemented what Mr. Sansoni advised the T. U. L. F. to do i.e. to give up the demand for a separate state. The Government went one step further and in fact outlawed the demand but did not think it fit to carry out the recommendation of the Commission to grant full compensation to the victims.

Indian Tamils Attacked

However unpleasant the findings of investigatory Commissions may be in certain quarters they throw up at least some truth which would otherwise have lain hidden or been conveniently forgotten. In August 1981 just four years later when racists went berserk

"nobody's trying to become somebodies". The Government refused to appoint a Commission, but, at least, it ordered payment of compensation by the villages wherever atrocities had been perpetrated.

That was under the British. But it seems strange that, even after independence, the ugly events of the Language Riots of 1956 and the widespread assaults on Tamils in the race Riots of 1958 went without any official attempt to discover the truth. There was no Commission or even Committee of Inquiry.

20 years later

When 20 years later, racist assaults took place again on an even larger scale, the government under Mr. J. R.

Underwood Manivasagan



Some Thoughts on

Appapillai Amirthalingam

Until the eventful week in July 1983 changed the complexion of Sri Lankan politics, Appapillai Amirthalingam was the Member of Parliament for Kankesanthurai and Leader of the Opposition. Now he is out of Parliament. He is also out of the country. But he is still the Secretary General of Tamil United Liberation Front. He still remains in fact the leader of the Sri Lankan Tamils, no matter what laws parliament may pass.

Sacrificing his legal career, Mr. Amirthalingam devoted himself to the cause of the Tamils of Sri Lanka for nearly 30 years. For the greater part of this period, he advocated a Federal solution for the Tamil problem and opposed any demand for a separate state. But the way the two governing parties, S.L.F.P. and the U.N.P. handled the Tamil problem, drove him to espouse a separatist cause, after Sinhala as the only official language and Buddhism as the State religion were enshrined in the new

supremacy. Though that myth was shattered, lesser men are now trying to promote it by measuring noses.

The truth can sometimes be very embarrassing both to governments and to politicians alike. In Britain where, being a democratic country, truth gets more easily discovered, the Mercurial Labour Leader, Aneurin Bevan, once silenced his political opponents who had complained of his forceful criticisms by saying: "Let us do a deal. You stop telling lies about us and we will stop telling the truth about you". Some similar arrangement might be considered between the Governing Party and the Opposition.

But the way the world reacted to the events of July-August, 1983, in Sri Lanka, drove the Sri Lankan Government and many Sinhalese Buddhist groups, to start a well organised campaign to "tell the world the truth" because they felt that the image of Sri Lanka had been tarnished. Nobody seems to have examined closely exactly what it was that is alleged to have tarnished the image. It is always good to tell the truth for ultimately truth

(Continued on page 2)

republican constitution of 1972.

At the General Elections of July, 1977, the T.U.L.F. under Mr. Amirthalingam's leadership achieved what no other Tamil party or leader had done since Independence in 1948. They won every seat in the Northern Province and four more in the Eastern Province making the T.U.L.F. the largest party outside the Government and enabling Mr. Amirthalingam to become Leader of the Opposition.

One would have expected the T.U.L.F. to settle down immediately to prepare themselves to "achieve liberation" as promised in their election manifesto or equip themselves to solve the problems of the Tamils. Instead Mr. Amirthalingam and his T.U.L.F. cohorts in parliament indulged in the luxury of "Victory Celebrations" or "Vettivilla" at Ramakrishna Hall, Wellawatte and elsewhere. It is difficult to appreciate their view if the victory they chose to celebrate or to understand over whom they thought they had scored the victory. Within weeks of the victory celebrations, the Tamil people were reeling under the most ferocious racist attacks on them since 1958. The tragedy of August 1977 was repeated with smaller intervals in August 1981 and finally in July August, 1983 when the killings were swift and destruction complete.

In the face of three race riots in six years against Tamils in Sri Lanka Mr. Amirthalingam and his T.U.L.F. band of MPs showed increasing helplessness until in July/August 1983 they were not even present in Sri Lanka to attend to the victims of the tragedy. India reacted to the horror this time. Indira Gandhi took a hand and the T.U.L.F. became active again.

Mr. Amirthalingam is still the leader of the Tamils in Sri Lanka - the Sixth Amendment notwithstanding.

This is not the time to

(Continued on page 12)

Dr. HUDSON SILVA - A MAN SRI LANKAN YOUTH COULD EMULATE

In a message dated 10th August, 1973, to the Sri Lanka Eye Donation Society from Mr. J. R. Jayewardene, then Leader of the Opposition in Parliament, Mr. Jayewardene stated that "Akshidana" (eye donation) had become a household word and that the Eye Donation Society had succeeded in making 'eye donation' a national habit.

In the same year, 1973, in another message Swami Premath mananda of the Ramakrishna Mission, holding that vision is the greatest gift of God to man, said that the gift of eyes was second only to the gift of life and that "donating one's eyes to a sightless person is a two-edged virtue for it takes the donor one step nearer the spiritual vision and equips the receiver to marvel at the wondrous creation of God". All that was in 1973, 12 years after Dr. Hudson Silva founded the Ceylon Eye Donation Society in 1961.

Household Name

Today the Sri Lanka Eye Donation Society is probably the most successful voluntary organisation in Sri Lanka, with branches all over Sri Lanka, from Matara in the South to Jaffna in the North. In the 10 years after 1973, Dr. Hudson Silva has become a household name and his work in the field of eye donation has made him and the Sri Lanka Eye Donation Society recognised all over the world for the unique achievement in having supplied over 11,000 eyes to 112 cities in 41 countries. 1,000 of these eyes have been gifted to various institutes all over India - Madras, Delhi, Bombay, Hyderabad, Bangalore, Vellore, Thi-

ruchirapalli, Coimbatore, Tiruvandram and Udaipur.

The high esteem in which Dr. Hudson Silva was held abroad for his eye donation work is reflected in the International Honours that came pouring in a flood over the last five years.

International Awards

In 1978 the Health Ministry of Japan awarded him a Certificate of Appreciation. In 1979, he received the Melvin Jones Fellowship. In 1980, Mr. Silva received the Social Service Medal of Govt of Taiwan, the Social Service Medal from King Hussein of Jordan and the Knighthood of Terpar Riddar Order of Sweden. In 1981 he received the Prakash Award of Tamil Nadu (India), the First Class Award of the Govt. of Indonesia and the Dag Hammarskjold Award for Science from Belgium. The Order of the Sacred Treasurer (SUIHO - ASHE) was conferred on him by Govt. Japan in 1982. In 1983, he was awarded the star of Distinction (SITARAE - INTIAZ) by President of Pakistan.

AM these after 25 years of continued and devoted social service which began with an article on eye-donation in the 'Sunday Lanka Deepa' of 19-1-1958. But it was not merely honours that came from abroad. Both Heads of Governments and private organisations vied with each other to grant material help and donations in money which enabled Dr. Hudson Silva to put up a massive structure of about 40 rooms in a four-storied building which is nearing completion in an area within a few hundred yards of the B.M.I.C.H. and within a stone's throw of the Sinhalese Sports Club. This is to be used for running of an International Eye Hospital.

In the face of obstructions

All this was a unique achievement for a man who worked tirelessly in the face of obstruction and attempts to humiliate him. What he built up was purely a voluntary organisation. The nature of the work is little known to those who have not partici-

pated in it. The Daily News in its editorial of 31st January, 1973 stated: "In this country where any voluntary endeavour is faced with an obstacle race devised by the all-powerful bureaucracy, the Eye Donation Society has come up against more than its merited share of harassment".

Dr. Hudson Silva's work involved setting up at any time of the day or night, rush to remove the eyes of someone who had just died and keeping them carefully stored in specially made boxes and taking them to the International Airport to rush them to whichever part of the world they were needed. It is not generally known that Dr. Hudson Silva himself, fairly early in his medical career faced a Disciplinary Inquiry by the Public Service Commission for "telling the truth" about what was happening at the Eye Hospital, Colombo. He was interdicted for pub-

lishing an article in the Newspaper after his patience had worn out writing nearly a hundred letters, pointing out the shortcoming at that institution like the use of stale drugs etc. When he received on response he finally decided to write to the papers. The result was a Public Service Commission Inquiry and Interdiction. It was to the credit of the Public Service Commission that they added a rider that this did not debar him from being employed again in Government Service. This enabled Dr. Hudson Silva to become a Medical Registrar of Birth & Deaths for Maradana, which he calculated would help him in his Eye Donation work.

The story of Dr. Hudson Silva and his Eye Donation work has also been told in an article in the prestigious Readers Digest which sent out, as it normally does, a special staff to check on its story before deciding to publish it.

The struggle to achieve what he finally did for the cause of eye donation, on which he had set his heart is a lesson for our youths for here is a man who faced difficulties of every sort and overcame them while at the same time without official or other help, conferring the blessing of sight on hundreds of man women and children all over the world and in Sri Lanka. The story of how he did this will be told in another issue of this journal.

The Scramble...

(Continued from page 1) has a habit of getting known. But if the attempt is really to play down what the Tamils had suffered in these race riots, it reminds one of the mother-in-law's approach who wanted her daughter-in-law not to scream too loud when brutally assaulted by her husband and because the mother feared that her son's reputation with the neighbours might be tarnished.

Even after a Commission of Inquiry, many matters which should have been more properly investigated remain a mystery. There were several such mysteries which Mr. Sansoni himself could not unravel though the sitting of his Commission went on for nearly 2 years. One such mystery was the way in which the high frequency radio of the Jaffna Police Station was used to transmit messages calculated to inflame the communal passions of the Sinhalese. Mr. Sansoni found this broadcast message to be completely false but he was unable to discover the truth as to who was really responsible.

Whether it is the truth that is being disseminated or not, the importance of what the people believed in or come to know has led all modern government to seek to control the media, particularly in countries which are openly dictatorial or only pay lip-service to democracy. The taking over of the press, sealing the press and censor-

ship are all attempts to control the people's knowledge of the true facts, though in times of grave emergency the regulated withholding of information might be necessary. Yet the withholding of truth is sometimes a worse deception than a direct misstatement. Knowledge of the real truth should strengthen a democratic Government. Above all, it is important that the Government itself should be equipped with the true facts if it is to function properly as a Government.

But the scramble for truth is still on and apart from government machinery and men, many other groups have joined in the claim for a monopoly of the truth. As Ruskin said "Without seeking, truth cannot be known at all. It can neither be declared from pulpits, nor set down in articles, nor in any wise prepared and sold in packages ready for use". We might also remember Meterlinck's comment: "A truth that disheartens because it is true is of far more value than the most stimulating falsehood".

But one can understand the embarrassment of politicians in power when faced with the reality of truth. The disaste of politicians for truth is well known. Perhaps that is why G-Bernard Shaw resorted to his technique: "My way of joking is to tell the truth. It's the funniest joke in the world".

CINTA Journal

A Fortnightly of

Ceylon Institute of National and Tamil Affairs

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Head Office:

78/1, Ward Place, Colombo 7. Sri Lanka

Circulation &

Advertisement:

66, Chapel Street, Jaffna. Sri Lanka

Printers:

Kalanilaya Atchaham

303, K. K. S. Road, Jaffna. Sri Lanka

Would be Mujibur Rahmans of Sri Lanka

Commenting on the number of Tamils from Sri Lanka who claim to speak for the Tamil community in the Island, a veteran Indian Statesman is reported to have made the remark that when the Pakistani massaores in Bangladesh created a problem for India with the influx of fleeing Bengalese, the Indian Premier, Mrs. Indira Gandhi, had to deal with the views of only Mr. Mujibur Rahman as representing the Bengalese nation. In the case of the Tamil minority of a small country like Sri Lanka, however, they have had to listen to a dozen Mujibur Rahmans each one of them claiming to represent Tamil opinion in this country.

It is high time that the accredited leaders of the Tamil people - namely those elected by the people at the General Elections of 1977 should learn to speak with one voice. Whilst taking into account the thinking of those who are known to be devoted to the cause of the Tamils, Tamil leaders should be able to speak with authority as to what their people really want - instead of confusing and rendering more difficult the role of all those who are trying to help in the process of finding a solution to the Tamil problem in Sri Lanka.

CORRECTION

The caption to the article at the bottom of Page 8 has been stated as "I Insecure". It should have been stated as "I have fears, future in".

Editor

The CINTA

Journal

Vol. 1

16th December 1983

No. 1

A PEOPLE WITHOUT A VOICE

Never at any time since independence in 1948 has the Tamil community in Sri Lanka been so helpless and so very much without a voice in the country.

After winning every one of the 14 parliamentary seats in the Northern Province, where one finds the greatest concentration of Ceylon Tamils, the Tamil United Liberation Front (T.U.L.F.) which had also annexed 4 more seats in the Eastern Province in the 1977 elections to the eighth Parliament, now finds itself completely out of the legislature. There is hardly any parliamentary representation now for 1.87 million Sri Lankan Tamils.

The nearly million strong 'Indian' Tamils, mostly of the plantation areas outside the Northern and Eastern provinces, are represented by only one member, cabinet Minister S. Thondaman, Second member for Nuwara Eliya-Maskeliya. The 'Indian' Tamil elected representatives had disappeared from parliament 25 years ago after post-Independence laws deprived that section of the Tamil community of the vote they had enjoyed since grant of Universal Adult Franchise to Ceylon in 1931.

Apart from their absence in the Legislature, not a single elected Sri Lankan representative of the Northern Province is in the Cabinet, nor has there been one in any Cabinet since 1956. The much advertised District Development Councils hardly function in the North and East. There are of course 4 Members of the Tamil community in Parliament; yet only one of them (Mr. K. W. Dewanayagam (Kalkudah), could be said to be properly elected. One (Mr. Rajadurai - Batticaloa) is a renegade who crossed over from the T.U.L.F. to the party in power. Another (Mrs. Pathmanathan) is a mere nominee of the party in power, as successor to a renegade (the late Mr. M. Kanagaratnam - Pottuvil) who, like Mr. Rajadurai of Batticaloa, crossed over to the party in power from the T.U.L.F. The fourth (Mr. S. Thondaman - Nuwara Eliya - Maskeliya) represents not the Sri Lankan Tamils but mainly the Tamil plantation workers of the central and adjacent provinces. It is also true that three of them are in the cabinet but they do not represent the community that is hardly able to raise its voice even through the media.

The media itself is almost entirely controlled either by the Government authorities or by those who belong to and promote the interests of the majority community. Amazing as it may appear, Sri Lankan Tamils do not run or control a single 'national' daily newspaper, either in English, Sinhalese or even in Tamil. There is only one 'National Daily' and that too only in the Tamil language (the *Virakesari*), not controlled by the majority community. Here too the proprietors are not Sri Lankan Tamils. The paper which could be said, in recent years (since January 1982) to articulate the grievances and demands of the Sri Lankan Tamils was the weekly *Saturday Review* which, however, has been sealed since 1st July, 1983, and its voice stifled almost as if in expectation of the role it might have played to ventilate the grievances of the community at the time of its greatest suffering since Independence. The tabloid in Tamil, known as *Eelanadu*, is mainly a regional paper confined mostly to the North.

To add to the tragedy the Tamil elected representatives are not even in the country, are now in almost self imposed exile in India.

Unrepresented in the legislature, without any representative in the Cabinet, with all its better known leaders absent from home, and without even a proper newspaper to articulate their views, with Government in control of much of the media (including broadcasting and television), this pathetic condition of the Sri Lankan Tamil community by its very helplessness creates a serious problem.

It is in the interests of good Government that the grievances of any section of the people should be made known for awareness of a problem is a pre-requisite for satisfactory remedial action by Government. To stifle the voice of a people has at all times, in all countries, been productive of only more trouble sooner or later. This is why it is important that newspapers and journalism should be permitted to express themselves fearlessly within the limits of the law so that the Government may not be out of step with reality.

In the context of the campaign for national unity that it is sought to promote both through the constitution and otherwise, it is imperative that the voice of all sections of the people should be heard fully both in the Legislature and outside and through the press. This is particularly the need of the section like the Sri Lankan Tamils who in the very language of the U.N.P. manifesto have been driven by unremedied grievances to demand a separate state. It is in the national interest that their problems and difficulties are articulated in Parliament and reflected in the media. The sooner this is done the better are the chances of good and effective Government, and the more solid the foundation of national unity.

That the voice of a people should be heard is not only a pre-requisite to the health and happiness of that people but is also important for the continued existence in power and authority of the ruler, whether he be a democratic President or a despot. It is this which enables the rulers to know the problems and difficulties of a people and their feelings and attitudes. We have had instances in the past of Kings and Princes even going out disguised among their people to know their problems and listen to what they were saying. It is, of course, possible for a strong ruler like Louis XIV of France, to feel as he did when he said "I am the state", and rule as an absolute monarch without the controls of a Parliament ('State's General'). What he actually succeeded in doing was to prepare itself the way for the French Revolution that ultimately removed the Bourbon monarchy.

Since July 1983, the voice of the Tamil people is hardly heard in any sphere within Sri Lanka. All that we hear now is an echo of the declarations and statements made by a handful of one time T.U.L.F. Parliamentarians who fled the country fearing for their safety, and are now in almost self-imposed exile abroad, mostly in India. The Sri Lankan Tamils here remain without a voice and without any proper leader. Perhaps, it was a recognition of this that led to one time Leader of the Opposition and General Secretary of the T.U.L.F., Mr. A. Amirthalingam, to make a request to Cabinet Minister, Mr. S. Thondaman, of the Ceylon Workers' Congress and the sole representative in Parliament of "Indian Tamils", to "look after the interests of the Tamil community in Parliament".

The tragedy is that the T.U.L.F. leaders had left neither Party machinery nor men behind to "look after Tamil interests" even outside Parliament, particularly having regard to the many heart-rending problems that have emerged in the wake of the most vicious racist attacks that the community has faced in its entire history.

What makes the plight of the Tamil community even more serious is that the Hindu religion to which the great majority of the Tamils belong, and the organisational structure of their religious institutions, does not lend itself to the existence of a "Hindu clergy" comparable to that of the Catholic or Buddhist clergy who, in Sri Lanka, have never failed to voice the aspirations of their people and have played such a prominent part in looking after not only the religious or spiritual but also material interests of their adherents. It is significant that the Christian clergy alone have raised their voice, particularly since independence whenever they felt that the minorities have been subject to unjust or oppressive measures, but Hindu religious leaders in Sri Lanka on the other hand, been the most ineffectual group of men when it came looking after the interests of Hindu Tamils or voicing their grievances. They do not stand comparison in any way either to the well organised, constitutionally privileged Buddhist Sangha or the highly educated and closely knit Christian clergy.

It is this absence of a Sri Lankan Tamil voice at so many levels of national life in the Government, in the legislature, and in the media or in other spheres which Sri Lankan Tamils find most humiliating and gives them a feeling of great insecurity. All that tend to make a people desperate.

This is why while looking for a solution without further delay the Government should restore the voice of the Tamil people at all the levels from which they have almost disappeared-viz. the Government, the legislature and the media.

About CINTA

In the nineteen sixties at a time of political turmoil following the so-called Social Revolution of 1956, when the main Tamil political Party, the Federal Party (F.P.) was demanding a Federal state but repeatedly proclaiming that it was their "firm conviction that the division of the country in any form would be beneficial neither to the country nor the Tamil-speaking people", a group of Tamils got together in a strictly non-political organisation called the Ceylon Institute for National and Tamil Affairs ("CINTA"). CINTA has never aspired to being an alternative to any party.

It was felt that Tamil political leaders tended to concentrate on constitutional and parliamentary affairs while the very real problems of the Tamils were being adequately attended to or placed before the Government and the nation at large. This explains the main objects of CINTA as set out in its Constitution. These are -

- "The maintenance of harmony and good-will between the various communities in Ceylon and promotion of national unity.
- The preservation and development of the Tamil language, culture, art and crafts.
- Fostering the social, Educational, Economic and general well-being of Sri Lanka as a whole".

For the greater part of its existence the activities of this Institute have been under the guiding influence of Mr. V. Manicavasagar, who continues as the present President and is no mere figurehead. He is an ex-Justice of the Supreme Court and is also the chancellor of the University of Jaffna.

Another active member was the late Mr. C. Renganathan, Q.C., while Mr. J. K. Ratnanandam as Hon. Secretary devoted much time and energy to the affairs of the institute till he found himself compelled to leave the island as a result of the recent riots. Others who contributed to shape the affairs of the institute were the late Mr. S. Somasunderam, the late Mr. C. Loganathan, Mr. S. Sivasubramaniam, Mr. K. C. Thangarajah, Mr. M. S. Kandiah, Mr. I. Nagarajah, Mr. C. Carthigesan, Mr. Rajah Asirwatham, Mr. V. Kanapathipillai, Mr. G. A. Gnanamuttu, Dr. Bertam Basthiampillai, Mr. A. C. Nadarajah, Mr. S. Thirunavukkarasu and Mr. R. L. D. Selvaratnam.

Among the chief efforts of the institute were the preparation of papers and

(Continued on page 12)

POSITIVE PROPOSALS To Recreate Unity & Harmony

Since the outbreak of the ugly racial incidents of July, 1983, there has been a spate of Proposals, Seminars, Discussions, Formations of Committees (for peace or justice or both or for harmony) in a search for a solution to the ethnic problems that have bedevilled the Sri Lankan scene for more than quarter of a century since 1956. But one month before the tragedy, the Bishop of Jaffna, Rt. Rev. Dr. B. Deogupillai had felt that the situation called for an attempt to solve the Tamil problems

without delay. He, therefore, addressed a letter to the Prime Minister, Rt. Hon. R. Premadasa, setting out what he called "SOME POSITIVE PROPOSALS FOR A SUITABLE SOLUTION TO THE PROBLEM OF THE TAMILS IN SRI LANKA".

The text of the letter is as follows:-

"I wish to present to you for your consideration some positive proposals for a suitable solution to the problem of the Tamils in Sri Lanka.

That the Tamil people had

real grievances was clearly accepted by the United National Party's 1977 Election Manifesto, where it was stated: "There are numerous problems confronting the Tamil-speaking people. The lack of a solution of their problems has made the Tamil-speaking people to support even a movement for the creation of a separate state. In the interest of national integration and unity, so very necessary for the economic development of the whole country, the Party feels such problems should

be solved without the loss of time and the Party when it comes to power will take all possible steps to remedy their grievances in such fields as education, colonisation, use of the Tamil Language, and employment in the public and semi-public Corporations". An All-Party Conference was promised to "solve these problems and implement its decisions".

When the people voted overwhelmingly the UNP to power, they also gave it the mandate to implement this promise, which was given added credence through incorporation into the Government's first Statement of Policy in Parliament. But this promise, like so many other promises, has remained unfulfilled.

Learning from the experience of other countries, the Government should, even at this very late hour, attempt to seek a settlement with the Tamils. This to say: Give in to the legitimate demands of the Tamil people, and give up the idea that force alone could prevent the division of the Country. Up-to-date the Government has not taken any positive steps to solve the problem of the Tamil people.

Now, I present a few positive steps that could be taken to solve the Tamil problems:

1. As a first step, let the draconian Prevention of Terrorism Act be repealed forthwith. This would create a better political climate for discussions.

2. The Tamils in the North and East are asking for their right of political self determination, because before the advent of the Portuguese in the 16th Century A. D., they had an independent Tamil Kingdom with the Capital in Jaffna. Therefore, the Sinhalese have no right to rule over them now. Once this right is recognised, the Tamils of the North and East would be willing to live with the Sinhalese and co-operate with them on terms of equality and justice. They would be willing to accept a Federal type of Government with a Central Government at the top.

3. What the Tamils are asking is nothing but justice and equality before the law and the use of their language for all purposes, equality of opportunity in education, employment and in the

political administration of the country. But, before the Sinhala Only Official Language Law, the Tamils are not equal to the Sinhalese. They have been reduced to the status of second-class citizens in Sri Lanka. Therefore, Tamil also must be made an Official Language of the country.

The Bishops' Conference of Sri Lanka issued a statement to this effect in December 1981 suggesting also that English could be made a link language. A copy of this statement was sent to the President of the Republic and to the Hon. Ministers of the Government.

4. This year, the Government in its Statement of Policy read in Parliament announced that English also would be made a National Language. (At present, English has absolutely no recognition in the Constitution of Sri Lanka). Early action must be taken to implement this good proposal.

5. The so-called Indian Tamils must be given full citizenship.

6. In order to make the people participate fully in the political administration of the country let the old Sinhala Ratas be revived: Raja Rata, Uda Rata, Ruhuna Rata and Maya Rata. Add to these a Northern Rata and an Eastern Rata. Let the Police Force come completely under the control of the Ratas. (The present D. D. Councils are of little use. They are only local Government bodies fully controlled by the President of the Republic and without any real power. They have been used by the President to divide the Tamils)

7. Finally, the Army of occupation must be removed from the North and the East. The Tamils of the Northern and Eastern Provinces are neither a subject race nor a conquered race.

Mr. A. Amirthalingam, Secretary of the TULF has publicly announced that the M. Ps of his Party would be willing to resign their seats in Parliament and re-contest them calling upon the people to give them a mandate to endorse "any reasonable solution" that could be reached with the Government in respect of the problems of the Tamils. This he has done in spite of the real danger from the militant youth. He is quite confident that 90 percent of the people would support the TULF's new move.

This seems to be the best opportunity to take action to recreate the unity and harmony that existed among the different ethnic communities of Sri Lanka."

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Date of Incorporation: 02-05-1979

TRANSFERABLE FIXED DEPOSIT SCHEMES

PERIOD	INTEREST PAYABLE PER ANNUM	
	MONTHLY	AT MATURITY
7 Months	—	15%
9 Months	—	16%
1 Year	18%	20%
2 Years	18%	22%

Principal Lines of Business: Pledge Loans for Merchandise
Guaranteeing Bank Loans
Hire Purchase Finance
Intermediate Finance

FINANCIAL INFORMATION

	For the accounting year ended 31st March 1981	For the accounting year ended 31st March 1982	For the accounting year ended 31st March 1983
	Rs. ,000	Rs. ,000	Rs. ,000
Share Capital	100,	100,	100,
Reserves	—	300,	560,
Perpetual Debentures	585,	597,	597,
Deposits	3,444,	6,615,	10,157,
Borrowings	—	—	—
Profit before Tax	193,	191,	644,
Profit after Tax	193,	191,	324,
Dividend declared	25%	30%	—
Proposed dividend	—	—	30%

★ under audit

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All - Party Parley on Tamil Problem:

With the country recovering from the most savage race riots of the century, with fear and uncertainty still in the air, President J. R. Jayewardene has taken up the firm decision that his Government will not enter into negotiations or even a dialogue with anybody unless they first declare that they are against a separate state in Sri Lanka. This stand by the President has been affirmed recently when he returned to the island after his talks with Prime Minister of India Mrs Indira Gandhi.

This political posture that emerges directly from Parliament adopting the Sixth Amendment to the Constitution which became law on 8th August, 1983. The preamble to this Act states that the purpose of the Sixth Amendment was to safeguard the independence, sovereignty, unity and the territorial integrity of Sri Lanka. The main provisions of the Sixth Amendment consisted of an insertion after Article 157 of the Constitution of a new Article 157(a).

Sixth Amendment

Clauses (1), (2) and (3) of Article 157 (a) read as follows:

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.

2) No political party or other association or organization shall have as one of its aims or objects the establishment of a separate State within the territory of Sri Lanka.

3) Any person who acts in contravention of the provisions of paragraph (1) shall, on conviction by the Court of Appeal, after trial on indictment and according to such procedure as may be prescribed by law, (a) be subject to civic disability for such period not exceeding seven years as may be determined by such Court; (b) forfeit his movable and immovable property other than such property as is determined by an order of such Court as being necessary for the sustenance of such person and his family; (c) not be entitled to civic rights for such period not exceeding seven years as may be determined by such Court; and (d) if he is a Member of Parliament or a person in

such service or holding such office as is referred to in paragraph (1) of Article 165, cease to be such Member or to be in such service or to hold such office.

And also Clauses (7), (8) and (12) which read as follows:

7) Every officer or person who was or is required by, Article 32 or Article 53, Article 61 or Article 107 or Article 165 or Article 169 (12), to take and subscribe or to make and subscribe an oath or affirmation, every member of, or person in the service of, a local authority, Development Council, Pradeshiya Mandalaya, Gramodaya Mandalaya or public corporation and every attorney-at-law shall— (a) if such officer or person is holding office on the date of coming into force of this Article, make and subscribe, or take and subscribe, an oath or affirmation in the

Every person who is elected or nominated as a Member of Parliament on or after the coming into force of this Article shall not be entitled to sit and vote in Parliament unless he takes and subscribes or makes and subscribes an oath or affirmation in the form set out in the Seventh Schedule.

12) In this Article, "civic rights" means— (a) the right to obtain a passport; (b) the right to sit for any public examination; (c) the right to own any immovable property; (d) the right to engage in any trade or profession which requires a licence, registration or other authorization, by or under any written law.

Legal Sanction Against Eelam

The Sixth Amendment to the Constitution therefore made unlawful and illegal straight away any activity or

"... The U. N. P. too... showed understanding of the TULF demand for a separate state by explicitly stating that the failure to redress the grievances of the Tamils... had driven them even to demand a separate state..."

Tamils commenced, None of the T.U.L.F. M.Ps of the North or East could therefore be present when Government was stamped into introducing the Sixth Amendment. President Jayewardene's explanation for precipitating this important piece of legislation was that "the Sinhalese people had reacted and he had to accede to their wishes". That such a vital change to the Constitution should have been introduced in the absence of the elected representatives of the Tamil people who were in the Opposition, is a sad commentary on the type of democratic Government Sri Lanka could boast of. The Government's offer to provide protection for the M.Ps if they chose to be present looked strange in the face of its widespread failure to

had decided on a demand for a separate state. That is the chief object of the Party in its Vaddukoddai Resolution of 14th May, 1976. The main constituent element in the T.U.L.F. was the Federal Party which only a few years before in its General Election Manifesto of 1970, and even in its earlier Manifesto of 1960, had "appealed to the Tamil-speaking people not to lead their support to any political movement advocating the bifurcation of the country".

When the T.U.L.F. under the Federal Party Leaders embodied the demand for a separate state of Tamil 'Eelam' in their Manifesto at the General Election of July 1977, the S. L. F. P. Government, whose measures had driven the Tamil parties to this demand, accepted the T.U.L.F.

The Question of Prior Conditions

form set out in the Seventh Schedule, before such person or body, if any, as is referred to in that Article, within one month of the date on which the Article comes into force; (b) If such person or officer is appointed to such office after the coming into force of this Article, make and subscribe or take and subscribe, an oath or affirmation, in the form set out in the Seventh Schedule, before such person or body, if any, as is referred to in that Article, within one month of his appointment to such office.

The provisions of Article 165 and Article 169 (12) shall, *mutatis mutandis*, apply to, and in relation to, any person or officer who fails to take and subscribe, or make and subscribe, an oath or affirmation as required by this paragraph.

8) (a) Every person who is a Member of Parliament on the coming into force of this Article shall not be entitled to sit and vote in Parliament unless he takes and subscribes or makes and subscribes an oath or affirmation in the form set out in the Seventh Schedule. (b)

organization or political party which was in any way, directly or indirectly, involved in the establishment of or in the demand for a separate state in Sri Lanka. It imposed adequate legal sanctions against making such demands.

The Sixth Amendment created a problem immediately for the T.U.L.F. or Tamil United Liberation Front with its 16 members, the largest political party in the Opposition, with its Secretary General, Mr. Appapillai Amirthalingam as the Leader of the Opposition.

At the time of the outbreak of the race riots of July, 1983, none of the T.U.L.F. Members were in Colombo; all of them were at the Annual T.U.L.F. Convention at Mannar. In the face of wide spread killings of Tamils and the indiscriminate and unbelievable attacks on persons, destruction of property all over the country, all the T.U.L.F. leaders and almost all the well-known Parliamentarians soon fled the country and took refuge in neighbouring India. None of them attended a single sitting of Parliament since the attacks on the

provide security for the Tamils in general and for its unpardonable lapse in permitting the repeated killings into waves of political prisoners in custody on the 25th and 26th July 1983 in the Welikade Prison.

Urgency for A Dialogue

But the strangest development of all was that, in the urgent search for political

as a recognized legal Party and enabled it to campaign for a separate state as a lawful demand.

All - Party Parley

While the S.L.F.P. permitted the T.U.L.F. to carry on its election campaign before the Tamils asking them to support its demand for a separate state, this was treated as quite a lawful de-

by A Special Correspondent

solution to the Tamil problem by dialogue and delicate negotiations, to prevent the further escalation of a serious situation, President Jayewardene should find it necessary to insist on the prior condition of disavowing any support or claim for a separate state before negotiations could begin.

This was a morally unjustifiable and politically indefensible stand for the U.N.P. leader to take. The T.U.L.F. at its inaugural meeting, even before the U.N.P. came into power,

mand. The U.N.P. too, then in the Opposition, in its own Election Manifesto of 1977, did not attack the T.U.L.F. claim for a separate state but in fact showed understanding of the T.U.L.F. demand by explicitly stating that the failure to redress the grievances of the Tamils in various fields like education, employment and colonization, had driven them even to demand a separate state.

To meet this situation, however, the U.N.P. in its
(Continued on page 8)

WADAMUNAI: Squatters invade...

One of the most disturbing events of the period following the July-August, 1983 Race Riots, was the invasion of a portion of the Maduru Oya Scheme in the Kalkuda Electorate by several thousand squatters led by a Buddhist Monk alleged to have the support of a couple of Cabinet Ministers. This was an action taken in the face of official Government disapproval and active opposition of no less a person than Mr. K. W. Dewanayagam, Minister of Home Affairs.

The significance of Mr. Dewanayagam's opposition must not be lost sight of. He is the only Sri Lankan Tamil, who is a Cabinet Minister in his own right. Whatever may be said of his stand with regard to the various Tamil parties, or his position with regard to Tamil problems, he, at least, had the courage to fight the elections in a predominantly Tamil area on the United National Party ticket. He won.

Of the other two Tamil Members of the Cabinet, one represents the "Indian Tamils" of the Ceylon Workers' Congress (Mr. Thondaman) and the other is a renegade who after quarter of a century in the Federal Party and the Tamil United Liberation Front, crossed over to join the United National Party and become a Minister in the Cabinet.

'Dewa' in a Dilemma

Mr. Dewanayagam, with all the weight that he must have commanded as a long-time Member of the U.N.P. and a loyal supporter of the Government and the President, appears to have been helpless in resisting the encroachment in an area close to where the Tamils were settled and in an area within his electoral influence.

Mr. Dewanayagam is, of course, an inveterate enemy of the T. U. L. F. for their separatist stand. He is also known not to deal with any Tamil problem in such a manner as to cause embarrassment to the Government. Yet he has not hesitated to take a strong stand on this illegal encroachment of land within his district.

President J. R. Jayewardene has found it necessary to speak out on this matter in a statement issued on November 8, 1983, by the Office of the Chief Government

Whip, which said.

"President J. R. Jayewardene addressing the Government Parliamentary Group Meeting today explained the position regarding the problem of illegal settlers especially on land coming under the Maduru Oya scheme of the Mahaveli programme".

The President also appealed to Members of Parliament who may have sent people to the area to bring them back saying that no one had any right to allocate lands in this manner; it is the function of the Government, adding: "The President said that foreign countries which had assisted in the Maduru Oya project had questioned whether lands were to be distributed in this manner".

The President also warned: "No one, he said, would be above the law and they would have to deal with offenders on an equal footing whatever position they held."

But in spite of all this official declaration, the matter still remains unsolved. The 'Lanka Guardian' of November, 1, 1983, dealing with this matter had this to say: "The problem of 'settlers' or 'illegal encroachments' on

**"He always appears
on the scene after
there is a communal
disturbance; he did so
in 1971 and 1977 alike
Now..."**

the banks of the Maduru Oya touches the Mahaveli project, the great white hope of Sri Lanka's economic planners.

Encroachers: Entirely Sinhalese

The new issue of several thousand 'squatters' has already resulted in the extraordinary action of Home Minister Dewanayagam, in summoning a press conference in which he openly criticised the Lands Minister, his colleague who is in charge of the Mahaveli Ministry. It produced a clash of words between the newly appointed Polonnaruwa District Minister, Mr. Paul Perera and the Chief Incumbent of the Dimbulagala Temple who threatened to crown the District Minister with his personal umbrella

Mr. Perera withdrew hurriedly from the argument but not before he claimed that these squatters consisted of I.R.C's, J.V.P'ers and kassippu dealers. Mr. Dewanayagam one of the U.N.P's Tamil leaders claims that the entire lot are Sinhalese and Chief Incumbent is mainly responsible for their presence, which changes the ethnic balance in his area. The Dimbulagala Monk says that he has helped settle Sinhalese, Tamils and Muslims, and 80% of them are U.N.P. supporters".

by

A Staff Writer

It augurs ill for everybody when the Government shows helplessness in the face of open lawlessness merely because they happen to be members of the majority community or are supporters of the governing Party.

The "WEEKEND" Sunday issue of October 30, 1983, sets out the text of a letter sent by Minister Dewanayagam to the Weekend in connection with the Dimbulagala Monk and his role in the illegal encroachment of land in

Pope speaks ex cathedra because it is the truth, so also the venerable Priest thinks that when he says anything it is the truth. This is not true. The whole of that encroachment is marked by the names of the places from where they came so as to preserve their identity, there is not a single Muslim or Tamil name. I went round personally to all the places and talked to some of them.

"Does the priest expect the people of this country to believe that after the

specially for this priest to start this just after the July 24 holocaust on Tamil minorities. He always appears on the scene after there is such communal disturbance; he did so in 1971 and 1977 alike.

Priest turns

Law breaker

"What is this shadow boxing he is doing saying that we should stand for a united Lanka and protect the sovereignty of the country;

incidents on July 24 and thereafter that the Tamils will opt to live side by side as a community when they are still fearing to come back to their own homes in the affected areas where they have lived for years in amity and now they fear them as their bitterest enemies?

Falsehoods and Provocations

"Apart from this there are a number of falsehoods. I do not wish to enter into a controversy over this matter, but I cannot allow statements to go uncontradicted. This is not the first time he had tried to encroach into this area. He brought a number of people in 1972 and, I did not allow him. He again tried in 1977; then also I did not allow him. This was during the S.L.F.P. regime. This is his third attempt.

"He talks of the acting District Minister indulging in an anti-national exercise. I think the acting District Minister should have taken up the challenge and seen whether his umbrella will break or the Acting District Minister's head will break. I cannot understand a Buddhist monk who should preach the precepts of the holy one indulging in the illegal acts such as these. He is positively engaging in anti-Government activities, and is a positive danger to the security of the nation.

"His present action is being watched by the whole world, and this is an act which has been included and pointed out by the enemies of the Government as continuing anti-Tamil atrocities,

what is he talking of a united Lanka when he marches into my electorate. I who am part of the Government of united Lanka he speaks of, who for the last 20 years fought the T.U.L.F. at every stage against all its policies and I who am keeping the people of my district with me; people of whom 48,000 voted for the President in this election, much more than the whole of Jaffna district.

"It is this priest who is now an ally of the anti-Government forces under the phraseology he mouths of protecting the sovereignty. He is a law-breaker and should have been dealt with like any other law-breakers.

"His vague statements lead the people to believe that there are large numbers of Indians settled in the Batticaloa district. The 1971 census gives the number of persons of Indian origin as 7,925. The 1981 census gives the number of persons of Indian origin as 3,868.

"The reduction is due to the repatriation. Of this total number 60 per cent are stateless persons, others are citizens. The Indian Tamils form only 1.2 per cent of the population of the Batticaloa district. The percentage is very much less than the Mannar - Mullaitivu area where it is 13 per cent. These persons were settled in the following areas. In the 1971 communal disturbances the people who were drawn from upcountry came and settled down in Punanai.

Plight of

"Indian Tamils"

"Let us examine the re-

(Continued on page 7)

..and 'Dewa' Reacts!

(Continued from page 6)

asons why they came. They were driven out from the areas where they lived and made the place their homes. They came and settled on very difficult terrain where there are no irrigation facilities and not even drinking water and where there were no future prospects of development of this area. But on the contrary the priest's encroachers are not persons harassed or chased out of their homes. They came because they want to get land which is being developed by the Government, with special facilities and Government assistance.

"When these poor people were driven away they came to places where they thought they will have security of person and property and elementary human rights which any human being is entitled to. The last Government tried to evict them through its forest officers. They burnt their huts and prosecuted them in the Batticaloa courts. I appeared

and defended them. I in turn filed action for arson against their officers, some of whom were Assistant Conservators of Forest. The officers appeared before the Magistrate and when asked by the Magistrate whether they set fire to the huts, they admitted that they did so and the Magistrate asked them to come ready to go jail, because one cannot set fire to somebody else's house even if it is in your land.

"Faced with a problem where his officers had unwittingly placed themselves in this predicament, Mr. Felix Dias Bandaranaike called me for a conference to settle this question. In the conference we discussed the illegality and otherwise of these people of Indian origin settling on Crown land; when a person of Indian origin irrespective of the fact that he is an Indian, if he is a citizen, why cannot he have the same rights and privileges like any other citizens. It was decided that people of Indian origin can settle on

state land or any irrigation scheme and for the first time people of Indian origin were given L.D.O. permits in the Wadamunai scheme. There is a pact or agreement drawn up between me and Mr. Felix Dias Bandaranaike called the Bandaranaike - Dewanayagam pact, with various conditions of which one was the right to obtain land for Indians. The other was to withdraw the cases against those officers, and those who could not be settled to go back to the places from where they came. The cases were accordingly discharged on both sides.

"Unlike the Bandaranaike-Chelvanayakam Pact, the terms of this pact were fulfilled. I have in the course of a debate referred to it and produced it in Parliament and is part of the Hansard. I still have the original with me. So you will see what there was about these encroachments. They were taken note of and were regularized by the last Government.

"The settlers are scattered in various places at differ-

ent times because they came whenever there was a disturbance and were driven away, unlike the peaceful deliberate encroachment for pastures new. In 1977 when the Hon. Gamini Disanayake came to my electorate he spoke to some of these Indian settlers who had come from Nuwara Eliya District and he knew them. They gave him a reception and he promised to help them. Some of them were sent from the Hambantota district and from Kataragama to be settled there. What a tragedy, foxes have holes and the birds of the air have nests to rest, but man has no place in this country to rest his head because he is of Indian origin.

To put the

Record straight

"It is time we revised our sense of values. I am interested in trying to put the record straight, because this

priest is trying to take shelter for his law-breaking exercise by drawing a red herring of purposeful settlement with a sinister motive of creating a separate Tamil area. It is factually correct that every time there was a settlement of Indian origin in my district, it was occasioned by communal violence in the Sinhalese areas where these people lived.

"This priest has from 1960 been indulging in this pastime of hunting the Tamils out of this area. The villagers of Uthuchennai are Tamils who lived in Polonnaruwa and driven out in 1960. So let not this priest and his ilk blame anyone for the Indians seeking to run away from their areas. This kind of person and his pseudo-nationalism is an anachronism in the present day democratic set up of His Excellency J. R. Jayewardene's Government where every community, minority and majority, has an equal place in this Government."

NATIONAL UNITY & JAFFNA TRAIN

The 1980 Statistical Pocket Book, published by the Department of Census and Statistics, recommending places of interest in Sri Lanka to Tourists, refers to "The Jaffna Peninsula 386 kilometers from Colombo; this traditional home of the Tamils" and concludes with a one line paragraph "Four trains also operate daily between Colombo and Jaffna". That was in 1980. We have a different tale now in the closing months of 1983. At present we hardly have one train every other day either up or down.

One of the factors modernising and unifying the modern Nation State was the steady improvement in the communication net work. Every road that was built and every railway line that was laid helped to modernise the State and unify the Nation.

It is in this context that the establishment of the railway lines, emanating from Colombo and extending in all directions, helped to bring the country and its people together. Particularly, in the case of distant Jaffna, where one finds the greatest concentration of Sri Lanka Tamils, the railway line to Kankesanurail completed in 1903 played no small part in bringing the Tamil into regular and constant contact with

the rest of the country and the other communities in the South. In fact, as Sri Lanka Tamils from the North began to move out into the rest of the country, especially to Colombo, there was a constant flow of Tamils moving up and down from the North to the rest of the country. These are the unseen chains that bind a nation together and promote national unity.

It is against this background that one has to view the discontinuance of the entire train service to Jaffna by the Government, with Transport Minister Mohamed giving as an excuse the burning of the coaches of the Yal Devi at Kondavil on 2nd July 1983. This was one of four passenger trains running between Kankesanurail and Colombo, apart from the goods trains. The railway lines remain free and were technically in a condition to operate trains from Colombo to Jaffna and back. What was burnt was only one of several trains to and from Jaffna. Yet right up to the race riots of July-August 1983, there was no passenger train service from Colombo to Jaffna, causing immense hardships to the vast number of Tamils in Colombo, Jaffna and the rest of the country, whose families were stranded at one or another.

The situation became far more serious when with the outbreak of the race riots of July on the 24th, 1983, hundreds and thousands of Tamils from all over fled or tried to flee in the direction of Jaffna. It required much protest and a good deal of persuasion from Tamil forces for the Government, and the Minister of Transport Mohamed to decide to send even a few trains to carry refugees with armed escort.

Even after things had come back to normal, as calmed by the Government, and passenger buses began plying to Jaffna, Minister Mohamed decided to run ONLY one train and that too originally leaving at 7 a.m. in the morning on alternate days from either end, so that Tamil passengers could travel in the safety of daylight at reasonable hours at a time when they still lived in fear and insecurity. For some reason known only to the Minister and his bureaucrats, the time of departure from Jaffna was changed to about 2 p.m. in the afternoon, with the train then arriving in Colombo after 10 p.m. round about midnight. The panic this caused in the aftermath of the racist attacks that the Tamil people had already been through, prompted many people to refrain from travelling for fear of what could hap-

pen after night fall. There were many protests including a letter to the Minister from the President of CINTA, but it appears to have had no effect on the Minister.

Further, the Minister's public excuse that he could not find coaches to provide the service to Jaffna, is such a lame one that it is obvious that the withholding of the normal railway service to the people of the North, was meant to be a punitive measure. Before the burning of the train at Kondavil, and for years before that, there had been, at least, four trains daily to Jaffna, one in the early morning, one in the afternoon and one, known as the Mail train, at night, in addition to the State Express early in the morning. Now, there still is only one train and that too on every alternate day.

Minister Mohamed may think that he has the approval of some elements in this display of withholding a necessary service for the Tamils. In fact, earlier in the year, the M. P. for Polgahawella had demanded in Parliament: "Teach the Jaffna people a lesson. Withdraw buses from Jaffna and send them to Polgahawella". But the Minister must realise that the ordinary Sinhalese in this country are cultured and decent people who would not approve of

such Ministerial action which adds to the hardships of the Tamil people who had already suffered much. The real damage Minister Mohamed has done and is still doing is to national unity. The curtailment of free movement all over the country hinders the normal communication and coming together of the people which is in the interest of national unity.

It is time that President Jayewardene took over the matter and decided the question of the train service to the North in the greater interest of national unity which now more than ever has, according to the Government, become so important in the history of our country. Right from his taking office as Prime Minister in 1977, Mr. J. R. Jayewardene has repeatedly stressed the need for national unity and a harmonious relationship between the various communities.

In any event, the answer to any damage to trains in the Jaffna District or attacks on train passengers in Anuradhapura, Kurunegala, Polgahawella, Ragama or Colombo areas, is not to discontinue the train service but to provide adequate security for the people whoever they may be and that is the primary function of Government which it cannot shirk.

Who Failed to Read- The writting on the wall?

The incidents of the last week of July 1983 shook Sri Lanka and startled the world. But a glance at the chronological table of events in Sri Lanka for 1983 will show that ethnic violence and violence and indiscipline in general at various levels of national life had been noticeable almost continuously for more than two months before especially since the mini election of mid-May, 1983.

The events as reflected by reports in the daily Newspapers and other media showed a steady and rapid escalation of violence over several months with the shooting of two members of the armed services near the polling booth and the army running amok at Kandarmadam in Jaffna on the 18th of May, 1983. But the violence was not confined to Jaffna. There were also violent incidents with ethnic undertones in Vavuniya, Mannar, Batticaloa, the Peradeniya University Campus and above all in Trincomalee; almost daily from the beginning of June for more than a month there was some incident in the Trincomalee District in which either a Tamil was killed or a Tamil house or shop set on fire.

Disposing dead bodies without inquest

In July the situation had become so bad that, apart from the emergency that was declared from May 18th, 1983, there was an Emergency Regulation introduced in early June providing for the disposal of dead bodies without an inquest; there

was a Press Censorship for University news from the 19th of July, 1983, and a general Censorship of news relating to violence and terrorism from 21st July, 1983, just two days before the racial attacks on Tamils began on a major scale.

That the Government itself was aware of the dangerous situation that had built up is reflected in its belated and restricted attempt to summon an All-Party Conference for the 20th of July. The manner in which the Sri Lanka Freedom Party reacted to this call for round table talks is significant. The S.L.F.P. thinking has been referred to in the issue of the SUN of 20th July, 1983, in its front page as follows:

The Sri Lanka Freedom Party, the country's major opposition political grouping will not take part in today's all party summit to discuss the problems of terrorism.

S L F P Charges

In a statement issued yesterday, the S.L.F.P. levelled twelve charges against the government for what it called 'an ignominious record of encouraging terrorism in all its forms in this country'.

Even the Communist Party of Sri Lanka in a letter to the President by its General Secretary, K. P. Silva, informing the President of the Party's decision to keep away from the conference made the following points as reported in the 'Island' of 21st July, 1983:

"A fruitful discussion of the problems of the Tamil people could only take place if there was participation of

all recognised political parties as well as other organisations of Tamil people in Sri Lanka.

Even such a discussion could be successful only if an atmosphere conducive to it prevails in the Northern and Eastern provinces.

The responsibility to create such an atmosphere and the ability to bring it about rested mainly on the government."

Neighbouring countries Concerned

From abroad concern for what was happening in Sri Lanka indicates that neighbouring countries were alarmed about events in the island even before the killing of the 13 soldiers on July 23rd, and the large scale ethnic violence that followed. Even before this incident India is reported to have expressed its deep concern over developments in the North with specific reference made to Emergency Regulations enacted in June especially regarding the disposal of dead bodies. This was given front page treatment in the Island of 21st July, 1983, under the title: "INDIA FLEXES MUSCLES OVER NORTHERN ISSUE" —

On the every same page there was another Headline: "PRESS CURB ON NEWS RELATING TO VIOLENCE & TERRORISM." Even then very few suspected that the biggest of all post-Independence race riots was only three days away, and was to rock an unsuspecting nation on the 24th of July 1983.

APPRECIATING (a) the declaration made by H. E. The President that the U.N.P. was formed to unite all races, communities and religions under one banner, that the U.N.P. was free of racial or religious discrimination and that anybody thinking on communal and caste lines had no place in the Party, and (b) the assurance given by H.E. that all citizens of the country regardless of race or religion will be protected. (H.E. The President at the U.N.P. Executive Committee Meeting of 25.9.1983).

REMEMBERING that the Muslim Community throughout the island, led by the All Ceylon Muslim League, as resolved at its Annual Sessions in Malwana (with the then Leader of the Opposition, Mr. J. R. Jayawardene, as Chief Guest) supported the UNP at the 1977

(Continued on page 9)

The Question of...

(Continued from page 5) Manifesto promised to summon an All-Party Conference. After its overwhelming victory of 23rd July, 1977, the U.N.P. Government in its first Statement of Policy neither summoned an All-Party Conference nor did it make any attempt or even suggest that the demand for a separate state would be treated as unlawful. Both the Tamil people and the Tamil leaders were therefore left with the impression that the demand was quite a lawful one and that if they could persuade their Sinhalese brothers that the right of self determination was a just one then, they could achieve what they wanted.

When the General Elections of July, 1977, was followed by the race riots of August, 1977, certain quarters attributed the calamity to a demand for a separate state, but no move was still made to treat separatist activities as unlawful. In fact Prime Minister J. R. Jayewardene speaking in Parliament on 18th August, 1977, in dealing with the communal disturbances stated that he was not asking the T.U.L.F. to give up their demands for a separate state (Tamil Eelam) but that he would only caution the leaders to be more careful about what they say. This was part of the speech which has now come to be well-known as "Peace or War" speech (vide Hansard of August 18th, 1977).

After all this and the ugly spectacle of a repeat performance of the race riots in August 1981, the Government entered into a dialogue with the T.U.L.F. on the question of finding a solution through District Development Councils. Even then, it was never a prior condition that the T.U.L.F. Leader should first give up his demand for a separate State.

On the other hand, in the Presidential Elections of October, 1982 and the campaign that preceded it, and also in the campaign in connection with the Referendum of December, 1982 the

Government never took up the position that the demand for a separate state was unlawful, or that the T.U.L.F. was illegal by virtue of such a demand. The Government in fact provided facilities for championing the demand for a separate State in permitting the Tamil Congress Candidate, Mr. G. G. Ponnambalam (Jr.) to appear on television and over the radio to campaign for a separate state as the main plank of his Presidential election campaign—thus continuing to give the Tamil people and the entire world that the demand for a separate state by the Tamils was being treated as quite a lawful and permissible demand.

After permitting the Tamil people and its leaders to base their thinking and their action on a demand for a separate state as quite a lawful matter for almost a decade, it is neither fair nor just nor politically wise for the President or the Government to suddenly turn round and insist on the giving up of the demand for a separate State as a prior condition for any dialogue or negotiations or conference with the Tamil leaders.

Whatever reason or excuse there may be for the sudden outlawing of the separatist demand, there can be no justification whatsoever for insisting on any express giving up of the demand as a prior condition before agreeing to sit with Tamil leaders at the conference table. One finds it difficult to understand that such a condition should have come from a statesman of repute like President J. R. Jayewardene. Even ex-Prime Minister Mrs. Srimavo Bandaranaike who would normally have been expected to exploit the difficulties of the U.N.P. in power appealed to him to get on with the work of negotiations and dialogue with the Tamils without such a prior condition. As reported in "The Island" of 10th October, 1983, in the front page, Mrs. Bandaranaike's position was clearly stated as follows:

MUSLIMS FEEL INSECURE

The above is, in fact, the title of the Editorial Comment of "THE DAWN", a fortnightly Publication of the Muslim League Youth Fronts, Volume I No. 1 Friday 28th October to 11th November 1983.

This is not surprising. Mr. Halim Ishak, Member of Parliament for Colombo Central, has also recently stated in Parliament that the Muslims feel insecure. The Muslim population is now just over 1 million. The great majority of them are Tamil-speaking. The front page of this issue

of the "Dawn" sets out the text of a Resolution unanimously adopted by the working Committee of the All Ceylon Muslim League, which was sent to the President, His Excellency J. R. Jayawardene, the Prime Minister, Honourable R. Premadasa and Mr. N. D. T. Panditharatne, President of the United National Party, by its joint Secretary, Mr. A. L. M. Hashim.

The text of the Resolution, which indicates the fears, anxieties and urgent problems facing Muslims, is as follows:



Article 26 of the Universal Declaration on Human Rights adopted and proclaimed by the General Assembly of the United Nations on December 10, 1948, sets out the Human Rights with regard to Education and Higher Education as follows:

- "1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children."

International Covenants

Article 13 of the International Covenant on Economic, Social and Cultural Rights sets out:

- "1. The State Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for

Right to Education & University Admissions

- the maintenance of peace.
2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right;
 - (a) Primary education shall be compulsory and available free to all;
 - (b) Secondary education in its different forms including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means and in particular by the progressive introduction of free education;
 - (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means and in particular by the progressive introduction of free education;
 - (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
 - (e) The development of a system of schools at all levels shall be actively pursued, adequate fellowship system shall be established, and the material conditions of teaching staff be continuously improved.
3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State."

by Scrutator

Responsibility to protect Rights

Sri Lanka has ratified both the International Covenant on Economic, Social and Cultural

Rights and the International Covenant on civil and political Rights.

In dealing with these Declarations and Covenants on various Human Rights, one may well keep in mind "THE STRUGGLE FOR HUMAN RIGHTS" as set out by Martin Ennals in a preface to the International Bill of Human Rights - an Amnesty International publication of July, 1978:

"All of us belong to one family: mankind. Every member of our family has the same fundamental and equal rights. Each of us is entitled to have these rights respected and each of us has a responsibility to protect those rights for all others.

Differences of race, sex, language and colour do not change these rights. Nor do differences of property, social origin, political ideas or religious beliefs. Everyone, regardless of who they are and what they do or think, is born with human rights.

Yet every day, in country after country, these rights are being violated. People have the right to food; hundreds of thousands are starving. People have the right to work; millions are unemployed. Please have the right to freedom of thought; tens of thousands are imprisoned and tortured for

their beliefs. People have the right to be free from discrimination; everywhere racial prejudice is rampant; the poor are victimised, minorities are denied access to equal rights.

Each violation of human rights, wherever it occurs, is a threat to the welfare and dignity of the entire human family. The protection of human rights therefore is a worldwide responsibility which transcends all racial, ideological and geographical boundaries. This is the fundamental belief which has given birth to the international struggle for human rights,

The most widely recognised statement of human rights is the United Nations Universal Declaration of Human Rights. This was adopted by the United Nations General Assembly on 10 December 1948 "as a common standard of achievement for all peoples and all nations."

The declaration has had an immense impact throughout the world. Many nations have enshrined the various articles of the declaration in their constitutions and laws. The declaration is a statement of principles with an appeal to "every individual and every social organization" to promote and guarantee respect for the freedoms and rights it defines. Member states of the United Nations had already pledged themselves to observe and respect human rights by adhering to the Charter of the United Nations.

To give Legal form

To give legal form to the provisions of the declaration, the United Nations have adopted two international covenants which are legally binding upon every nation which becomes a party to them.

These are: (a) The International Covenant on economic, social and cultural rights. (b) The International Covenant on civil and political rights.

The covenant on civil and political rights is completed

(Continued on page 11)

Muslims Feel...

(Continued from page 8)

General Elections and ensured the victory of the Party with an overwhelming majority;

COMMENDING the steps taken by the government to promote the religious and cultural advancement of the Muslim Community and to appoint Muslims to high positions like Speaker of Parliament, Cabinet Ministers, District Ministers, Deputy Ministers, Chairman of Corporations etc. in recognition of the support extended to the Party by the Muslims;

CONSIDERING the massive financial aid and employment opportunities provided to Sri Lanka by governments, organizations and individuals in Muslim countries due mainly to the honoured place given to the Muslim community by UNP government in Sri Lanka;

RECALLING the unstinted support given by the Muslim community for the victory of the UNP at the DDC Elections, Presidential Elections, Referendum, Local Government Elections and the

by-Elections;

RECOGNIZING that Sri Lanka should continue to be a Unitary State, the Muslim Community having expressed in unequivocal terms their opposition to the demands of the 'Separatists', have given their fullest support to the government in the emergency situation created by the recent communal disturbances although Muslims too became the victims of violence in many places;

REGRETTING that since of late the Muslim community appears to be discriminated against by having to lose some of the rights and privileges

enjoyed by them as well as important positions of honour, trust and responsibility hitherto held by them on merit as a matter of right or reward for their loyalty, competency and dedication;

THE ALL CEYLON MUSLIM LEAGUE, while expressing its deep concern, dismay and frustration over the circumstances in which Hon. M.A. Bakeer Markar had to resign from the office of Speaker of Parliament, Hon. M.A.M. Abdul Majeed and Hon. M.L.M. Aboosally had to resign from the offices they

held as District Ministers for Batticaloa and Ratnapura respectively;

RESOLVES to take stock of the present political situation in Sri Lanka as it concerns the Muslims and to appraise H.E. The President of the fears entertained by the Muslims as to what their future is going to be so that the present trend to reduce the Muslim Community to the positions of being mere hewers of wood and drawers of water may be arrested.

The Question ...

(Continued from page 8)

was clearly stated as follows:

"In reply to the question as to where she disagreed with the UNP's position that the TULF must renounce separatism before any talks are held, Mrs. Bandaranaike said:

Srimavo Speaks

"The TULF must finally renounce separatism but that need not be before negotiation. Mr. Amirthalingam explained his problem and I must say that the problem was found the position was understandable. Rightly or wrongly, though we do not endorse their views the people of the North voted for a separate state. Of course it was good election slogan for the T.U.L.F. But that is the TULF's mandate as he told me. If he were to turn back on that mandate, he must get the approval of at least his party at a conference. But what are they to tell the conference? If they get some concrete offers some practical alternative proposals, then they can tell their people, let's consider this, let's discuss, this is what is offered.... we are going to have an all-party conference with all the major parties, UNP, SLFP etc. and let us at least negotiate. The TULF can try to persuade their people. If you are interested in negotiations, you cannot ask one party to come to the table after giving up their main demand.... that's not the way to open talks, if you are serious. We are all interested in a political solution and settlement... not for the sake of the Tamils but for the sake of the Sinhalese and the Tamils and the whole country. If you accept that attitude, they you must approach in a different spirit. This is a serious crisis and those who lead the people must think very, very seriously and act with courage and sincerity, you must be bold and take the people, the whole country, into your confidence. The Government's recent conduct has not inspired any confidence among the Sinhalese or Tamils".

In an effort to Promote dialogue

The Citizenship Committee for National Harmony under the leadership of Ven. Ratnasara, Rev. Fr. Tissa Balasuriya of the Centre for Religion and Society, and Mr. Godfrey Gunatileke of the Marga Institute, in the recommendations to the Government published in all the National Daily Newspapers, referred to this need for negotiations without prior

conditions in their year first recommendation as follows:

"(1) The trends towards confrontation should be reversed by political dialogue and negotiations between the two communities. But the Government and the TULF, mindful of their present constraints, should agree to begin negotiations for a *modus vivendi* in a united Sri Lanka - without insistence on categorical positions on the part of either."

Rev. Somasiri Perera, President of the Sri Lanka Methodist Church, and presently spokesman for the National Christian Council echoed the same urgent need, in his address to the Annual Conference of the Church as reported in "The Island" of 22nd October, 1983. It states:

"The Methodist President noted the cry for separation 'is a recent cry' and 'is the result of our failure to find a just solution'. The only answer to terrorism, violence and the cry for separation was a just and fair solution through peaceful negotiation and dialogue 'and this has to be done immediately', he said".

The Government must get on with the negotiations and succeed this time. The country cannot afford a failure.

Aftermath of Delhi talks

The latest press report from Delhi still reflected an unfortunate state of affairs. Both the President who is attending the Commonwealth Conference, and the T.U.L.F. leaders who are flying between Delhi and Madras, appear to be issuing statements which indicate that each side is fighting shy of meeting the other although they are nationals of the same country. The people of this country, Sri Lanka, are bound to consider it a crying shame that while each of the two parties concerned have no hesitation in welcoming the good offices of a foreign though friendly neighbour, each does not find it feasible or comfortable to deal with each other directly.

Reduced to a formula, if Mr. J.R. Jayewardene can have dialogue with Mr. Parthasarathy or Mrs. Indira Gandhi without any prior conditions, and if Mr. Amirthalingam can talk to Mr. Parthasarathy or Mrs. Gandhi, also without any prior conditions, why cannot Mr. J. R. Jayewardene and Mr. Amirthalingam talk to each other without any prior conditions? To do otherwise would be leading the dialogue into a *reductio ad absurdum* as far as prior conditions are concerned.

Mr. S. Nadesan Q. C.:

The inner cover page of a Civil Rights Movement publication of October 1981, under the title THE FRANCHISE, in connection with the Golden Jubilee of Universal Franchise - 1931 to 1981, contains the following statement on the role played by Mr. S. Nadesan, Q. C., as a defender of Human Rights. This brief passage runs as follows:-

"This year marks yet another golden jubilee. On 7th October 1981 S. Nadesan Q. C., founder member of CRM, completes fifty years of practice at the Bar.

CRM rejoices in S. Nadesan's extraordinary record of half a century of vigorous defence of human rights both before the courts and tribunals of our country and in other ways such as in the Senate, in the Bar Council, and through his writings and publications. It places on record its appreciation of his unique and continuing contribution."

CHAMPION OF HUMAN RIGHTS

Mr. S. Nadesan is presently engaged in fighting a case over the closure of a press in the North.

Mr. S. Nadesan on Freedom of Speech and Freedom of the Press.

In the written submissions by Mr. Nadesan, Q.C., to the Supreme Court in a recent press closure case the following extracts on the Freedom of Speech and the Press is worth noting:

"The freedom of speech and expression is an essential pre-requisite for the purpose of successfully working democratic institutions. If democracy refers to a form of government which is to be conducted by means of an organised public opinion, any clog or fetter that may be imposed on the citizen's right to express themselves on public questions, virtually would amount to preventing effectively the formation of that very opinion which is the admitted basis for the working of a democratic government. But although the freedom to express oneself ought to be freely granted, care has also to be taken to see that the freedom is not abused. In this modern age of ours when the means available for the dissemination of information and opinion are so widespread and

effective, the need does arise of safeguarding not only the interests of other citizens in so far as their right to reputation is concerned but also of ensuring that the freedom of speech shall not be used for the purpose of subverting the organised civil government of the day.

In the case of American Communication Associations Vs. Dodds (1950) 339 U. S. 382, 94 Law Edition 925 to 927, the Supreme Court of America has observed:

"Freedom of Speech, press, and assembly are dependent upon the power of Constitutional Government to survive. If it is to survive it must have power to protect itself against unlawful conduct and under certain circumstances against incitements to commit unlawful acts. Freedom of speech does not comprehend the right to speak on any subject at any time."

Mr. Nadesan also quoted the following passages from the paragraphs of written

as many sources of information as he likes; and it is equally the duty of the press which provides the information to seek it from as many sources as possible. If however the sources of information become concentrated in one or restricted to a few bodies, then the formation of ideas is limited. It is in such circumstances only proper that the source of information available to the public should be enlarged rather than restricted; therefore there can be no justification for interference with the freedom of the press.

(d) In a free society, the victory of persuasion over force could be ensured and achieved only by permitting public discussion. Mr. H. W. Jayewardene Q. C., on Freedom of the Press

Two other eminent Counsel, Mr. H. W. Jayewardene, Q. C. and Mr. H. L. de Silva, Senior Attorney-at-law, have in the submissions they made to the Constitutional Court, on the Press Council Bill, 1973, drawn pointed attention to certain aspects of Freedom of the Press. Mr. Jayewardene, Q. C., submitted:

"It is submitted that in a system of government based on universal suffrage both the issuer and recipient of information express themselves through the ballot. In such a system there is always a tendency on the part of those in power who wish to maintain their position of power, to control the publication of data and opinion. because it might ultimately affect their tenure. Therefore, it is not uncommon to see those in power hedging themselves in with restrictions on the publication of data which would be the basis for the formation of public opinion."

Mr. H. L. de Silva, Senior Attorney-at-Law, in his submissions referred to the difficulties that Newspapers face on deciding what is "the truth".

"Philosophers and poets, publicists and propagandists, and even politicians, have through the ages expounded what in their view is the truth or what is proper and seemly or moral. But each has taught and advocated his own view of what is the truth. Each has had his own conception of the moral excellence that satisfies standards of good conduct. If freedom of expression is guaranteed by the Constitution, how can the Press Council decide for the newspaper what is the "truth" or what is "proper"?"

the recipient that public opinion has its birth. The press provides the data by which such opinions find their fullest expression. Therefore it is man's right as the recipient of information to look to

DECLARATION OF JUDICIAL INDEPENDENCE

Just next door to the Cathedral of Christ the Living Saviour, where less than two months ago eloquent tributes were paid to that dauntless fighter for human rights, the late Bishop Lakshman Wickremasinghe, there gathered together at the BMICH, men, who, by virtue of their position, could contribute much to make Sri Lanka a place really worth living in. They are the men who dispense justice in this country.

The year end Annual Conference of the Judicial Services Association has always been a notable event. This year the Conference held on Friday 9th December, 1983 was particularly important, by reason of the open declaration of Judicial Independence by acting Chief Justice S. Sharvananda who gave the keynote address and by the President of the Association Mr. Wimal Wickremasuriya, who made a fighting speech in his welcome to the participants.

Present on the occasion were Supreme Court, Appeal Court, High Court, District

Court, and Magistrate Court Judges. Present also were Mr. Nissanka Wijeratne, the Minister of Justice and Mr. Shelton Ranaraja Deputy Minister.

Question of Judicial Independence

Certain developments in recent years including the emergence of a powerful Presidential Executive, and the existence of an overwhelming majority of the governing party in the legislature have tended to bring the question of judicial independence to the forefront of public attention.

It is to the credit of the legal profession that at the first hint of intimidation of Judges, the Bar Association led by its President Mr. Herman J.C. Perera rallied to the defence of the Judiciary in no uncertain manner. The statement of Acting Chief Justice S. Sharvananda and the declaration of the Judicial Service Association, President Mr. Wimal Wickremasuriya therefore constitute a timely

reminder to all concerned that our judges are no creatures either of the Executive or of Parliament and that they intend to dispense Justice without fear or favour. This has also been the theme of comments made by Justice Ratwatte before retirement and the thrust of Chief Justice Neville Samarakone's speeches on several occasions.

Yet one might keep in mind the favourite quotation of Bishop Lakshman Wickremasinghe with which Civil Rights lawyer Mr. Desmond Fernando concluded his funeral oration on 25th October, 1983.

"The condition upon which God hath given liberty to man is eternal vigilance."

Slave to only our Conscience

Addressing the Conference Mr. Wickremasuriya, the President, declared that the Judicial Services Association upholds the independence of the Judiciary and said:

to command both the respect and affection of the Tamil people whom he never failed to regularly visit and console during the days of their greatest tribulations. Yet, though he raised his voice repeatedly to protest against the violence meted out to the Tamils in the Race Riots of 1977, 1981 and 1983, he never failed at the same time to direct

of Tamil plantation workers. Only the 'Catholic Messenger' had the courage to publish it in its issue of Sunday, 3rd July, 1977, under the caption "Mete out Justice to Plantation Workers". The signatories included, besides the Right Rev. C. Lakshman Wickremasinghe, Bishop of Kurunegala, five other Bishops of various denominations.

at
BMICH
by acting Chief Justice
S. SHARVANANDA
and Judge
WIMAL
WICKREMASOORIA

"The talking point today appears to be the independence of the judiciary and the President of this Association, I have the authority of and I claim to voice the sentiments of the members of the entire association,

"For myself and among us members, there has not been for a moment any intention to abdicate our independent way of thinking and judging to extraneous influence.

"We shall and we will continue to be slave to only our conscience and act in terms of its dictates. This is how it is, how it should be, and how it will be."

(The text of Acting Chief Justice Sharvananda's keynote address to the Judicial Services Association will appear in our next issue.)

'The condition upon which God hath given liberty to man is eternal vigilance'

It we have chosen as a title to this article only the name without the 'Right Reverend', it is because the late Lakshman Wickremasinghe was much more than a dignitary of the Anglican Church. He was above all a human being whose humanity never failed to touch and influence those he came into contact with. He was second to none in championing the cause of human and civic rights in Sri Lanka.

Raised his voice Repeatedly

It was the same inborn response to the sufferings of humanity that made him raise his voice repeatedly whenever he became aware of oppression or injustice. This was why few men particularly from the South could be said,

his thought, speech and action towards peace and communal harmony. Perhaps, that was why he was able to command a hearing anywhere in Sri Lanka or for that matter anywhere abroad.

It was the same humanity that led him in association with five other Bishops of the National Christian Council, to submit a Memorandum to the Prime Minister, Mrs. Sirimavo Bandaranaike, early in 1977, on the plight of Tamil workers in the plantation sector resulting from the way in which the land alienation process and the rationalisation of estates was displacing large numbers

They cautioned with prophetic foresight: "The recent shooting of workers on Devon Estate followed by the looting, arson and physical violence at Sanquhar and Delta Estate indicate the insecurity and fear which these Tamil estate workers face. A pattern of communally motivated terrorism in certain areas appears to be evident. We cannot but condemn such acts of terrorism. If corrective measures are not taken soon, the resultant sufferings and destruction will have one consequence on the nation" What they feared unfortunately proved true in the tragedy that Sri Lanka faced

in August, 1977, within a month of the change of Government.

Bishop Lakshman Wickremasinghe's reaction to the 'Race Riots' of 1977, 1981 and 1983 will be serialised in subsequent issues of 'THE CINTA JOURNAL'.

Mr. Desmond Fernando was elected Secretary of the C.R.M. the same day Bishop Wickremasinghe was elected

Chairman in 1978 and they had worked together since then.

What we publish below is an extract of a fitting tribute to him by the Secretary of the Civil Rights Movement of Sri Lanka. Mr. Desmond Fernando on 25th October, 1983 at the prayer service held at the Cathedral of Christ the Living Saviour prior to the funeral:

"To the office of Chairman of CRM he brought those qualities of personality for which he is well known—moral and spiritual courage; personal honour, intellectual integrity and a deep and abiding concern for human suffering (Continued on page 12)

Right to..

(Continued from page 9)

by an Optional Protocol which provides individuals with the possibility for making complaints if they believe these rights have been violated.

The two covenants and the optional protocol came into force in early 1976. By early 1978, almost 50 nations had become parties to them. The General Assembly of the United Nations has repeatedly encouraged all its member states to do likewise.

All governments should try progressively to improve the living conditions of their citizens. For example, they should try to guarantee the right to work, the protection of the family and the right to social security, education and health care. They should do this without discrimination of any kind. The states which ratify the covenant on economic, social and cultural rights agree to implement these rights and to submit progress reports regularly to the United Nations.

Fair trial for all

All governments should protect the life, liberty and security of their citizens. They should guarantee that no one is enslaved and that no one is subjected to arbitrary arrest and detention or to torture. Everyone is to be given a fair trial. The right to freedom of thought, conscience and religion and to freedom of expression is to be protected.

The covenant on civil and political rights establishes an 18 Member Human Rights Committee which receives compulsory reports from all states bound by the covenant. Complaints about states violating the covenant may be submitted to the committee by other states where the complaining state and the state complained against have declared their willingness to accept this procedure. Individuals may make complaints if their nation is a party to the Optional Protocol.

In this way, individual governments volunteer to become accountable to an international body for protecting the human rights of their own citizens. This is a principle which needs to be extended in practice until it embraces the entire world.

Nowhere in the community of nations should there be a place where human rights can be denied to anyone. Nowhere in the human family should there be anyone who is ignorant of those rights.

LAKSHMAN WICKREMASINGHE

Parthasarathy's Role in Sri Lankan Politics

The part played by India and its Special Envoy, Mr. G. Parthasarathy, since the outbreak of the anti-Tamil July/August, 1983. Riots, has been the subject of public statements and private comments at almost all levels in Sri Lanka.

One look at the Map of the Indian Ocean littoral explains why the geo-politics of the region practically compels India to take a greater interest in Sri Lanka than is done by any other country. Mrs. Indira Gandhi, Prime Minister of India, put the whole Indian approach to Sri Lanka in a nutshell when she said "India is not just my country".

Nevertheless there is no sadder commentary on the political bankruptcy of both Sinhalese and Tamil leaders than that they should have found it necessary to have the good offices of an Envoy, no matter how distinguished, at any country however friendly it may be, to help in settling the problems between the two communities who have been living for centuries in Sri Lanka itself.

The Sinhalese-Tamil ethnic conflict had become a major problem more than a quarter century ago. But, instead of

sustained effort to deal with the problem, what we have had were hurriedly made pacts promoted by one party in power and soon broken in the face of protest by the other predominantly Sinhalese based party in opposition.

It was only after the Tamils, driven by three decades of dilly-dallying, were pushed by unremedied grievances into demanding a separate state, that the United National Party, led by Mr. J. R. Jayewardene, saw the reality of the problem, recognised what was behind the Eelam demand in his Election Manifesto of 1976, and indicated the U. N. P.'s intention of calling an all-party conference if returned to power.

It was a pity that while the Sri Lanka Freedom Party regime, from 1970 to 1977, carried on as if the Tamil problem did not exist, and drove the Tamils to demand a separate state the U.N.P Government since 1977 made a show of Commissions, Committees, Dialogues and only after three race riots accepted the all-party conference approach to deal with Tamil problems.

And now we are faced with an unconcealed interest in the problem from the big brother

across Palk Strait. This was inevitable. Fortunately, almost everyone of the major parties, including the S. L. F. P., C. P. and the L. S. S. P. have all adopted a very responsible and realistic attitude welcoming the friendly good offices of India in helping to bring the two parties within Sri Lanka together to solve the Tamil problem.

VICTIMS OF RACIAL VIOLENCE

The question of relief and rehabilitation of thousands of victims of the fourth and worst "Race riots" since Independence is one that requires the continuous and honest attention of all those concerned above all the Government, which today in Sri Lanka as in most other countries controls almost every aspect of a man's life. Piece-meal measures are not going to be of much help. What is wanted is a well thought policy worked out by those who look upon the victims as their own people (and not as foreign enemies) and carried out by officials who are really interested in working the measures decided on.

Relief and rehabilitation will naturally depend on the category of persons to which the victims belong.

The problems of the various categories of victims will be dealt with in our next issue.

The case of employees of the Government, Corporations and Mercantile sector is being handled by the Co-ordinating Committee for Displaced Employees (Refugees)

President: Mr. K. Rajasingham

Secretary: Mr. I. T. Sambandan

The Committee has drawn the attention of the Government and Mr. Bradman Weerakoon to certain aspects of their problems arising out of their unfortunate experiences, fears of insecurity, attempts to intimidate, lack of housing and lodging facilities.

The Committee asked
1) that employees com-

It is a pity that Sinhalese and Tamil leaders could not get together to solve a domestic problem without any outside help. In fact, it reflects the extent of the tragedy that leaders on both sides should have gone to India and made open declarations that they have no intention of meeting each other there as if it was desirable that they should avoid each other.

It is time that both sides, and particularly the Government put aside all insistence on formalities and courageously took what false prestige to deal directly with the representatives of the Tamil people and settle what has long been calling for a solution.

pleting 20 years of service be permitted to retire if over 45 years of age

2) transfers to the North and the East.

The Committee felt that Mr. Bradman Weerakoon was appreciative of their difficulties and Problems these proposals are now before the Cabinet for consideration but the matter remains unsettled.

Laksman...

(Continued from page 11)
ferings and human dignity.

"His commitment was deep and passionate, but his judgement was never clouded by emotion. Every issue was subjected to his rigorous intellectual scrutiny. He was meticulous in his search for truth and in his search for a clear and moderate manner of expressing that truth.

"It was Bishop Lakshman's fate to hold the office of Chairman of CRM during the greatest assault on the freedom and dignity of the human person in recent history. Bishop Lakshman was a great patriot and recent events brought him deep grief. His anguished concern for the tragedy that befell our country in July and August, at which time he was abroad, moved him to visit Jaffna as soon as he returned to Sri Lanka, an experience which took great toll on him.

Mr. Desmond Fernando concluded the tribute with one of Bishop Lakshman's favourite quotations.

"The condition upon which God hath given liberty to man is eternal vigilance."

About CINTA

Continued from page 3

memoranda on matters affecting the nation and the Tamils as for example-

The plight of plantations and Land Reforms;

The question of University Admission and standardisation;

Proposals for Constitutional Changes;

District Development Councils;

Representations to the Commission of Inquiry into the August 1977 incidents;

Problems of the July 1980 strikers;

Memoranda to organizations like the International Commission of Jurists and the Commonwealth Conference;

The Prevention of Terrorism Act.

The Institute also associates itself with other organizations like-

The Marga Institute;

The Centre for Religion and Society and Citizens' Committee for national harmony; Sarvodaya -

to promote matters of common interest. In all these matters CINTA acted as an opinion maker, ventilating grievances and to ensure justice being done.

One serious limitation the Institute has had is that most of its members have been and are men busy in their own fields of work, while the affairs of CINTA require time and sustained effort.

Though the Institute had during its existence put out several valuable papers and memoranda, a number of members including the President have felt the need for a regular Periodical, Journal or Bulletin to deal with National and Tamil Affairs, especially on matters which tend to be overlooked by the ordinary national daily newspapers.

At a recent meeting of the Board of Management of CINTA with the President Mr. V. Manicavasagar in the chair, it was unanimously resolved to authorise Mr. Underwood Manivasagan to bring out a CINTA Journal... having regard to (a) the objects of CINTA as stated in its Constitution; (b) the Laws of the country in particular the recent 6th Amendment and any Censorship Regulations that may be in force; (c) the assistance from any source (whether organization or person) which will enable him to carry out the project.

Some...

(Continued from page 1)

indulge in recriminations or in unnecessary criticism.

Mr. Amirthalingam and his colleague, Mr. Sivasithamparam (Nallur MP) are two of the ablest debaters in parliament. But debating skill alone is far from adequate either to achieve liberation or to solve any political problem of a minority in a reasonable way.

Fortunately Mr. Amirthalingam is also the most knowledgeable politician in Sri Lanka as regards the problems and difficulties of Sri Lankan Tamils. He can and must play an important role in any negotiated settlement of the Tamil problem that is being urged by almost all political parties today.

Mr. Amirthalingam's own knowledge and experience should stand him in good stead but he will need the support of the Tamil community to strengthen him in negotiations. What is

wanted on both sides of the negotiation table is not go-betweens or constitutional experts but an honest desire to settle a problem which has been neglected for far too long and which successive governments have been dilly dallying with.

Mr. Amirthalingam must know by now what is the real interests of the people who placed their faith in him in July 1977. All that is needed is true courage to make decisions, he really believes is best for the people. In other words, he must function as a real leader. It may be necessary to consult those who are rightly and genuinely concerned about the Tamils. It is unnecessary and disastrous to permit private family considerations or mudalali influence to determine political moves and attitudes.

The Tamil community in Sri Lanka has suffered enough. Let no Tamil contribute to that suffering any more.