

# The GINTA Journal

June - July 1984

Vol. 1, No. 3

## The Maha Sangha MAKES A MOVE

A new and important development in the All-Party Conference, which has been going on for the last few months, was the intervention of the Supreme Council of the Maha Sangha. Unlike many of the political parties whose leaders do not appear to know their minds, the Maha Sangha's representatives were very definite about their views and offered clear-cut suggestions on certain matters. Their contribution stood out in contrast to the vacillations of both the governing party and the other major opposition political parties.

The Government itself had fought shy of calling anything their proposals. Even those proposals placed on the Agenda after discussions in Colombo and New Delhi and consultations with the eminent Special Envoy from neighbouring India, Mr. G. Parthasarathy, whose services the Indian Government had offered and Sri Lanka had accepted.

### SLFP / UNP Performance

The other major predominantly Sinhalese Buddhist party, the S.L.F.P. challenged the U.N.P. Government to produce its own proposals, and when the Government hedged, the S.L.F.P. itself had nothing to offer but confined its contribution to the unfortunate allegation that President Jayawardene had, even before the All-Party Conference in January 10th, 1984, disclosed to them that the Conference was "being held to please Mrs. Indira Gandhi, Prime Minister of India."

President J. R. Jayawardene himself had not only denied this allegation but accused the S.L.F.P. representatives of breach of confidence stating

that all he did say was "that I am sure she (Mrs. Indira Gandhi) would be pleased if such a Conference is held and more so if it is held successfully."

The attitude of the U.N.P. and the stand taken by the S.L.F.P. is reminiscent of the

### Underwood Manivasagan

of the political game that both have been playing in turn since the ill-fated Bandaranaike - Chelvanayakam Pact of 1957 / 1958.

Each party, when in Opposition, had in turn made it impossible for the other to settle the Tamil problem. This has been one important reason why the Tamil problem remained unsolved for more than two decades until it reached such a point that the whole world became concerned about the consequences of the failure to find a solution.

In the early stages of the All-Party Conference arrangements, there had been room to hope that Mrs. Sirimavo Bandaranaike and her

S.L.F.P. would adopt statesmanlike attitude. But any hope of the S.L.F.P. contributing to find a solution faded as the S.L.F.P. hardened its attitude. The S.L.F.P. ultimately pulled out of the Conference complaining inter alia that the Government had no firm proposals to which the S.L.F.P. could make a considered response. Through all this U.N.P. - S.L.F.P. exchange one could see the shadow of the Civil Disabilities imposed on Mrs. Sirimavo Bandaranaike.

### Definite Stand

By contrast to the performance of the major political parties, the supreme Council

of the Maha Sangha had very definite proposals to offer on certain matters and they did not mince their words about their thinking behind those proposals. The statement issued by the Ven. Palipana Sri Chandananda, Maha Nayake Thero of the Asgiriya Chapter of the Siyam Nikaya, Director, Supreme Council of the Maha Sangha, as it appeared in the **Daily News** of March 30, 1984, is significant. It shows that far from claiming infallibility in political matters, they are willing to give a hearing to anybody who could offer a better solution or suggest a better approach.

Whether one considers the proposals of the Maha Sangha  
(Continued on page 12)

## The Devil in Paradise

President J. R. Jayawardene, while in Hong Kong after his visit to China, told a press conference that Sri Lanka had not been able to get the United States, Britain and India to help in dealing with the Northern problem. He said that he would accept help "from the devil himself to break the back of the terrorist problem."

Speaking of the Devil in a Paradise like ours, we might remember that our Biblical ancestors lost the original Paradise and were left naked and ashamed because they sought knowledge from the wrong source.

The Ven. Hewanpola Ratnasara Thero, chairing a Bishop Leo Nanayakkara memorial lecture on June 6th stated that Sri Lanka should be able to deal with the problem in the

North without getting any foreigners into Sri Lanka for the purpose. We don't want any foreign intervention for any reason, he added.

Mr. Mervyn de Silva, Editor **Lanka Guardian**, stated in the course of a lecture at the Centre for Religion and Society on 30th May that if we start importing foreign terrorists from any country to deal with our terrorists, we will end up by having in Sri Lanka the very thing we fear: INTERNATIONAL TERRORISM.

The T. U. L. F. thinking appears to be that getting foreign experts from any country to deal with the problem in the North would be "a dangerous and irresponsible attempt to further escalate the level of violence in the Tamil areas through the suit of a military solution".

## PRACTICAL

## DISENFRANCHISEMENT

## OF TAMILS

The Parliament of Ceylon which became a single Chamber Legislature with the Constitutions of 1972 and 1978, presently consists of 169 Members. Of these only four ethnic Tamil Members are still left: 1. Mr. K. W. Dewanayagam, U.N.P. Member, Kalkudah, in the Batticaloa District; 2. Mr. C. Rajadurai, T. U. L. F. renegade who crossed over to the U. N. P., representing Batticaloa; 3. Mrs. Pathmanathan, not elected but an appointee of the U.N.P. to succeed another renegade who crossed over to the U. N. P. - Mr. Kanagaratnam, who had represented Pottuvil in the Amparai District, at the 1977 General Elections; and 4. Mr. S. Thondaman, the Ceylon Workers' Congress Chief, now part of the U. N. P. Parliamentary group, who is the third member for Nuwara-Eliya-Maskeliya

### Not a single M. P. for North

There is not a single Tamil Member in Parliament today for the entire Northern Province consisting of five Districts of Jaffna, Killinochchi, Manner, Vavuniya, and Mullai-

tivu, where one finds the greatest concentration of Tamils, nor for the Trincomalee District of the Eastern Province.

### One for a million Tamils

The entirety of nearly a million Tamils of the hill country and plantation areas are represented by only one member, the third member for Nuwara Eliya - Maskeliya, Mr. S. Thondaman, a Minister of the U. N. P. Government.

These four Tamils now in the Legislature are all members of the U. N. P. Government Party. There is not a single Tamil member in the Opposition which, till the events of July, 1983, provided the country with a Tamil Leader of the Opposition (T. U. L. F. Leader, Mr. A. Amirthalingam.)

### Disenfranchisement of Plantation Tamils

The stages by which this disenfranchisement was reached began with the passing of  
(Continued on Page 12)

THE  
**CINTA**  
JOURNAL

of the

Ceylon Institute for  
National and Tamil  
Affairs

President:  
V. Manicavasagar

Hony. Editor:  
Underwood Manivasagan

Head Office:  
78/1, Ward Place,  
Colombo 7. Sri Lanka.

Circulation &  
Advertisement:

Sinnadurai Building  
182, Messenger Street,  
Colombo 12. Sri Lanka.

## WHY NO COMMISSION OF INQUIRY?

Mr. Paul Sieghart, Chairman of the Executive Committee of International Commission of Jurists (ICJ), in his Report titled, "Sri Lanka - a Mounting Tragedy of Errors" (April 1984) has called for "a full inquiry into the origins and sequence of the events of July-August 1983 and the two prison massacres."

He was a guest of the Government of Sri Lanka when on a visit here recently.

## URO Emerges To Promote Peace and Harmony

The emergence this June of the United Religious Organisation (URO) is a landmark in the history of Race Relations in Sri Lanka.

A group of men of goodwill representing each of the four major religious and every one of the nine provinces met at Ramakrishna Hall on 25th June 1984 in a full day session to chalk out ways and means of bringing ethnic peace and communal harmony to a land torn by three major race riots in six years and bedevilled by continuing ethnic conflict since 1956.

The organisation also plans among other things to promote the establishment of an impartial, independent and permanent human rights commission.

The next issue of 'The CINTA Journal' will carry reports on the work of URO.

# ON THE PRESENT SITUATION

His Excellency J.R. Jayawardene  
President,  
Democratic Socialist Republic  
of Sri Lanka.  
President's Office, Colombo.

Your Excellency,

One of the objects of this Institute is the maintenance of harmony and goodwill between the various communities in Sri Lanka and the promotion of national unity.

The Institute is against a division of the country and recognises the integrity and sovereignty of our motherland as a whole.

At a meeting of the members of the Institute held on 29th April 1984, the Resolutions attached to this memorandum were unanimously adopted: these Resolutions reflect the perceptions and feelings of the Tamil people of Sri Lanka, and it was decided that Your Excellency be pleased to take note of these Resolutions, and that the Government take appropriate remedial measures to arrest the panic that is gripping the

Tamil people, and to ensure the safety of their person and property.

The Tamil people, particularly in the North and East now live in terror; for years they have been treated as second-class citizens not equal in dignity and status to their Sinhala brethren; they have been subject to humiliation, intermittent physical assault, destruction of life and property, and repression; In recent times these acts have increased in frequency and intensity leading to killing of Tamils, destruction of their property, disrupting families, rendering large numbers homeless and unemployed, and causing many, fearing for their personal safety to quit their motherland and seek refuge in foreign lands.

We do not condone the violence of the militant youth: we condemn their acts. We realise it is the function and duty of the Government to stamp out terrorism, but we condemn the acts of the security forces who in the process

have unleashed a climate of terror, killing and causing physical injuries to innocent civilians; the lives of many have been lost and property estimated at several millions destroyed, caused by the wanton reckless, indiscriminate acts of trigger-happy men of the services; to say that innocents too suffer as it is not possible to distinguish militant youth from innocent members of the public seems somewhat frivolous and does not bear examination.

These acts must cease, and it is the function of the Government to stop this; As a first step the Institute suggests that the men of the services should be trained and tutored to use their fire arms only if and when necessary and after due warning; if what is now going on is permitted to continue it can result in the decimation of the Tamil people.

Your Government was the first to recognise and identify the just grievances of the Tamil peoples which no pre-

Letter to President  
J. R. Jayawardene

From  
V. Manicavasagar  
President, CINTA

vious Government ever did; But despite the assurance of remedying these grievances, Your Excellency's Government for some inexplicable reason has hitherto failed to resolve these grievances. What should have been done 7 years ago was left undone and the tragedy which followed can be attributed to this neglect. The present situation calls for urgent remedial measures. One of which could be a just and fair political settlement, recognising that the Tamil speaking peoples are citizens of Mother Lanka, and should be treated without discrimination and distinction based on the principle that all citizens have equal rights and duties; This should be achieved without any more delay.

The Institute looks forward to Your Excellency's Government for such action as would ensure peace and amity amongst the peoples of the island.

V. Manicavasagar (Sgd.)  
President

## Resolutions of CINTA

Adopted on 25th April 1984 and sent to His Excellency, President J. R. Jayawardena with the letter published above

### Activate APC

3. WELCOMES President Jayawardene's summoning of the All Party Conference to resolve the ethnic problems and stresses the need for a political solution based on meaningful negotiation between all parties concerned, and appeals to the President to activate the Conference into continuous session to find a solution acceptable as much to the Tamils as a viable alternative to a separate State as to the Sinhalese concept of an United Sri Lanka. Postponements with long intervals may impede the search for an acceptable solution.

### Repeal PTA

4. PROTESTS at the reported intention of the Government to introduce amendments to the Prevention of Terrorism Act. 48 of 1979 "in order to give more teeth to the anti-terrorist operations" by increased powers of search and arrest by Army officers, suspension of the ordinary law as regards access to lawyers, Habeas Corpus applications, disposal of dead bodies without inquests which has led the

Tamil people to believe that what is sought is a military solution.

REQUESTS the President to repeal the Prevention of Terrorism Act as its operation is a violation of Human and Fundamental Rights.

### Renounce Violence

5. CONDEMNS the violence of the militant youth, as well as the acts of violence on innocent citizens by the Security Forces which has unleashed a reign of terror on the Tamil people who live in a state of tension and fear.

### Set up Citizen Committees

6. ASKS that in the absence of elected Representatives of the Tamil people in Parliament, the non-functioning of the Jaffna Municipal Council and the Jaffna District Development Council, a body of ordinary citizens and public servants of the area be established in every village with a representative Central Committee in Jaffna to keep the Government and the people regularly informed of the state of affairs in the

North and East, and enable it to take corrective and preventive measures against Military excesses and violations of human and fundamental rights.

### Restore Normal Train Service

7. STATES that an essential condition for the return of normal conditions to the Jaffna Peninsula, is the restoration of the normal train service from Colombo to Kankasanturai, as it stood in 1982, enabling the flow of men and material between Jaffna and the rest of the country.

### Replace Repression by Negotiation

8. EMPHASISES what it had set out in its letter dated 1st September, 1982, from the President of CINTA to the President of Sri Lanka that -

"unity cannot be imposed from above and disunion avoided by resort to mere repressive legislation like the Prevention of Terrorism Act" and that "such legislation can never be a sound basis for nation building" and "Repressive measures must be immediately replaced by genuine attempts at negotiated settlement."

# The CINTA Journal

Vol. 1 — June - July — No. 3

## National Security and Minister Lalith

Just before Christmas 1984, what was termed the "All-Party Conference" which had been promised in 1977 and repeatedly demanded for the next six years was finally summoned. Everyone then hoped that such a Conference would find a way out of the ethnic conflict so that what happened in August 1977 and what happened again in shorter intervals in 1981 and still again in July 1983, would never happen again,

Dr. Colvin R. de Silva described the July 1983 events as:

"utterly inhuman, soul-searing, mind-shattering, heart-rending and socially traumatic events (of July 1983) which took the shape and content of a primitively barbarous onslaught on the Tamils in the Sinhalese areas of our country."

### Hopes of settlement

All hopes, therefore, centred on the All-Party Conference which the President at last decided to summon. Almost every section of the people pinned their hopes on the success of this Conference. The Tamil people too who had suffered so much repeatedly within six years lived in hope that something would be done. But they have no illusions about what had happened and what might happen. It was vital that this Conference should get on with its work without delay and find a lasting solution early.

### The new emphasis

But hardly three months after discussions began on January 10th, the country was told of the postponement of the Conference sittings from March 21st to May 9th, 1984. During this March-April period, by a strange coincidence, the Government, Parliament, Radio, Television and the Newspapers in the country concentrated not on the on-going negotiations for a settlement of ethnic problems, but on the question of suppressing or "wiping out terrorism", on measures for national security establishing a National Security Fund, declaring a Zone of Surveillance over our seas to the North, telling India to mind her own business after consenting to have the good offices of a distinguished Indian Envoy to help in solving our Ethnic conflict.

There was the new emphasis on "wiping out terrorism." This was the second attempt. It had been tried in the latter half of 1979 when there was an unprecedented declaration of Emergency over the Jaffna District and a Directive given to the present Army Commander to "put an end to terrorism in all its forms", after arming him with the Prevention of Terrorism (Temporary Provisions) Act. No. 48 of 1979. It was thought that the job had been done.

### Energetic Minister

This time the Government has chosen its most energetic and able Minister and put him in charge of the new Ministry of National Security, also making him the Deputy Minister of Defence. It had to be admitted that once he decided on a policy, he pursued it with competence, energy, and imagination which won him recognition both within the Government ranks and outside.

The new situation which involves not merely awareness of the military requirements of national security but a knowledge and understanding of what produces the terrorism that the Government wants him to wipe out. One hopes that he will have the will to apply in practice what he is now known to say as to how to handle the situation.

### Hopes Lalith raises

The Tamils, of course, have no illusions about what Ministers are capable of doing for them and to them. Nevertheless one has to note the pronouncements of the Minister in charge of National Security made at Kalutara:

"Terrorism cannot be wiped out with terrorism" (Daily News of 12th March 1984)

### Root causes

Lalith was able to see what some of his Government colleagues apparently still do not, when he said on the same occasion:

"But at the same time, we must also look at the root cause for this violence. Talking with several young boys who had been arrested for terrorist activities, I found that they were driven to terrorism through disgust with the education system. Most of them have scored good marks at their Advanced Level examinations and have watched from the sides as students who have scored much lesser marks than those getting into the Universities while they have to wait outside."

"They too have problems; we must realise this."

Unfortunately, not all members of the Government are known to think in the same way. Mr. A. Amirthalingam, the then Leader of the Opposition, had pointedly drawn the attention of President J. R. Jayawardene in a letter to him dated 3rd January 1979 to Hansard, Vol. III (2) No. 6, column 1237, where he said that Mr. Cyril Mathew had stated:

"Terrorism cannot be stopped and has never been stopped by means of the law. Terrorism has been stopped by terrorism."

Mr. Cyril Mathew is a very senior Cabinet Minister and even his recent pronouncements only confirms his earlier attitude.

### Political ability and diplomatic finesse

Mr. Lalith Athulathmudali has also won another feather in his cap. More than anybody else of Cabinet rank, he has consistently followed a policy of being restrained in his reference to India showing a realistic appreciation of the geo-politics of the Indo-Ceylon region. From the point of view of the Sri Lankan Government, the President could not have sent a better envoy to India.

Combining political ability with diplomatic finesse, Mr. Lalith Athulathmudali apparently succeeded in satisfying the Indian authorities that the only trouble in Sri Lanka was a little bit of terrorism, especially in the Jaffna Peninsula - a matter with which India need not concern herself.

But the safest and the surest safeguard for national security is to convert the Tamil people of the North into true and loyal friends of the Government and people of South. This will be a far more effective and permanent way of establishing national security than surveillance zones and periodical anti-terrorist drives.

## Pseudonyms and amendment to PCL

The Minister of State recently announced a Cabinet decision to amend the Press Council Law to prevent the use in newspapers of pseudonyms or fictitious names used by author.

As stated in the *Island* of 28th May 1984, the use of pseudonyms, pen-names or nom-de-plume has been a time honoured and cherished journalistic tradition.

Apart from doing violence to the spirit of Article 14 (1) (a) of the Constitution which entitles every citizen to the fundamental right of freedom of speech and expression including publication, the proposed legislation would inhibit investigative journalism.

Such amendment requires that the names of journalists and authors be disclosed in the reports and articles that are published. This leaves journalists and reporters exposed to the reprisals by those who resent such disclosures or revelations made in matters of public interest. This involves physical danger to journalists and writers as well.

As the *Island* warns, "in an age which has seen rowdy demonstrations opposite the houses of respected Supreme Court judges, journalists championing unpopular causes will be made sacrificial victims to thugs and hired hooligans."

The Civil Rights Movement, in a statement issued to the press, has set out some of the practical consequences to news reporting that would flow from this attempt to prevent the use of pseudonyms. The CRM too has emphasised that a newspaper reporter's freedom to report the true news would be affected if his name is to be published as the person who collected the news.

As the statement adds "what is important to the public is what is said, not who said it."

—Shan

## PRESCRIPTION FOR PEACE

by Dr. J. T. Xavier  
M.B.B.S. (Cey.) F.R.C.S. (Eng.)

Dr. J. T. Xavier is the author of "The Land of Letters" (published 1977) which has a forward by the late Rev. Dr. X. S. Thani Nayagam, who was Emeritus Professor of Indian Studies, University of Malaya, Kuala Lumpur. The Rev. Dr. has referred to Dr. Xavier as "an admirable exception of a medical man in practice, having research publications to his credit in fields like epigraphy, etymology and anthropology."

In the present article, Dr. Xavier is limiting himself to the ethnic crisis in Sri Lanka.

—Editor

"Ethnic crisis" is a convenient form to cover up what is in reality an economic crisis. An inevitable feature of the economic crisis caused by dishonesty and incompetence of the men at the helm of affairs has been the moral degradation of Sri Lankan society.

The lawlessness that is rapidly spreading throughout Sri Lanka is also a result of necessity, of poverty and want and of the ever widening gap between the 'haves' and the 'have-nots', and between the politically powerful and the powerless downtrodden sections of Sri Lankan society. Necessity has no law.

### Prescription for Peace

The Hindu philosophers of ancient India have taught us that there can be no peace without SAMADHANAYA or equal distribution of wealth (and opportunity). This is why the Sinhala and Tamil term for peace is SAMAA-DHAANA (Continued on page 11)

Language or mediawise "standardisation" in processing marks for admissions to the University was something inherited from the U.L.F.-S.L.F.P. regime of the nineteen seventies (1970's). The Sectoral Committee under Minister Pieter Keuneman recommended that it be discarded from 1975 but the Board of Ministers reversed that recommendation the following week.

To the credit of Mr. J. R. Jayawardene, as soon as he became Prime Minister, he abolished it at one stroke on his accession to office even before anybody could campaign for it.

But now voices are being raised again to push the formula of media or language-wise standardisation into the scheme of University admission under one pretext or another. This early action of Mr. J. R. Jayawardene, soon after he became Prime Minister in 1977, is significant.

#### A cause for youth resentment

This matter is not unrelated to the conditions that fuelled the resentment and anger of youths in the North. We have evidence of this from the retired Superintendent of Police, Mr. S. K. Chandrasekera, who giving sworn testimony before the Sansoni Commission in October 1979, referred to the friendly conversation he used to have with the late "terrorist" Sivakumaran of Urumpural. These are Mr. Chandrasekera's own words:

"The whole night I had a chat with him. His grievance was that he was a bright student, but unfortunately the year he sat for his University entrance, standardisation of marks had been introduced and he could not enter the University. He was frustrated and he had something against society. I asked him to come and see me in my office.

## UNIVERSITY ADMISSIONS

### Mediawise

## Standardisation

### Again?

Then I had him produced in Court in the morning and got him bailed out. Even at his funeral Sivakumaran's mother had said that Sivakumaran was friendly with me. That was because I used to advise him."

More recently, our Minister of National Security, Mr. Lalith Athulathmudali, had also discovered the influence in Tamil youths of procedures relating to unequal access to University education. According to a report in the SUN of 5th May 1984, he is reported to have said:

"But at the same time, we must also look at the root cause for this violence. Talking with some several young boys who had been arrested for terrorist activities, I found that they were driven to terrorism through disgust with the education system. Most of them have scored good marks at their Advance Level examinations and have watched from the sides as students who have scored much lesser marks than they getting into the Universities while they have to wait outside."

#### Formulas only to keep Tamils out?

Yet one still finds both bureaucrats within educational circles and chauvinistic politicians outside who

are constantly striving to look for formulas, procedures and even "principles" so that they can evolve a method to keep Tamils out of higher education.

The extent of the damage this does to national unity and the agony it causes to Tamil parents and students is reflected in a Memorandum sent to the Prime Minister, Mrs. Sirimavo Bandaranaike, by the Parents' Association of Jaffna on 24th October 1975. A slightly abridged text of this Memorandum under the title "Parents' concern over Unequal Access to University Education" was placed before the Sansoni Commission of Inquiry. The text is reproduced below. It was made available by the well known Educationist, Mr. K. Nesiah:—

#### Unequal Access to University Education

"For five successive years the Government has followed a policy of racial discrimination in the matter of University admissions. Five years ago, a Jaffna Town Hall Conference held on Human Rights Day (10th December, 1970) expressed its deep concern to the Prime Minister at the new scheme of admissions, which required of Tamil entrants to the Science and Science-based faculties a higher minimum aggregate than of their Sinhalese and Muslim

counterparts. The present formula, miscalled "standardisation," in effect requires different minima in different subjects for the two ethnic groups; if anything, the discrimination against Tamils has assumed graver proportions. All these five years the voice of protest has been raised by aggrieved parents and the public, but has gone unheeded. And incomprehensible to them has been the unusual procedure, and publicity given to it, this year—the Sectoral Committee consisting of Minister Pieter Keuneman and a group of Ministers recommending on 1st October that language-wise 'standardisation' in processing marks for admission be discarded from 1975 (retaining 30% District Quotas just for a few years) and the Board of Ministers reversing that recommendation the following week! We seem to be back again almost where we were, so far as Tamil candidates are concerned!

And very incomprehensible to the public why language-wise 'standardisation' of marks was ever thought of when the Commissioner of Examinations has reported that the manipulation of marks by the marking examiners is "neither possible nor probable"; if this is accepted, there is no justification for media-wise 'standardisation.' Especially in the Science subjects, where 50% united undivided Sri Lanka."

of the marks are for Multiple Choice Questions and 30% for structured questions. And, if all is fair, why refuse re-scrutiny of scripts?

"Higher education shall be equally accessible to all on the basis of merit," is a right enshrined in the Universal Declaration of Human Rights. A UN Report notes: "Any discriminatory practices in this field imply a refusal to recognise equality before the law."

#### Departure from the cardinal norm

The District Quota System: The Keuneman Report considers this a "wide departure from the cardinal principle of selection on merit" and that it conferred only marginal benefits and sometimes none at all on the educationally underprivileged districts. The main beneficiaries from the scheme, the Report points out have been "students from more affluent families who had their primary education in relatively less developed districts but their secondary education in developed district." On the social repercussions of the DQS, the Report quotes a Committee of Officials as saying how in schools like Ananda, Royal and Visaka, two sets of students in the same class who sit the same examination after having followed the same course for a period of two years or more find to their dismay that one group of students who obtained lower marks secure admissions to the University, while the other with a higher aggregate of marks does not get selected; it goes on to speak of the latter group's bewilderment and bitterness and the resulting "brain drain" where the parents are professionally qualified and can emigrate with their families. Keuneman could have with equal or greater force spoken of the anguish of Tamil students and the

(Continued on Page 11)

## All-Party Conference - Why Long Postponements?

### COLVIN CAUTIONS

We have become well known for having taught the Japanese and the world 40 years ago that hatred does not cease with hatred. It is to be hoped that we have not in return picked up the policy that the Japanese have now discarded of talking peace while quietly preparing for a Pearl Harbour attack.

The hope of all men of goodwill both in Sri Lanka, in India and elsewhere, was that the All-Party Conference or Round Table Conference will smoothen out the ethnic conflict which had resulted in tragedy since 1956.

A long postponement was declared by the Government from March 21st to May 9th,

1984. It came as a complete surprise and was objected to by many of the parties, particularly those representing or interested in the grievances of the Tamils. The Tamil leader, Mr. Amirthalingam, was alarmed that this might merely be an excuse for the Government to shift the attention from the Conference Table to concentrate on active measures against "terrorism" in the North. The Government was accused of trying to seek a military instead of a political solution.

#### Importance of All-Party Conference

Dr. Colvin R. de Silva, the well-known lawyer and elder statesman, speaking on the importance and significance of the task before the All-Party Conference, described the task before it as one "the successful performance of which would ensure not only the survival of politically independent Sri Lanka but also the start of a fresh process of establishing mutual confidence among the communities which is the necessary cement of a

#### Dr. Colvin's warning

Dr. de Silva then sounded a warning which all those concerned might do well to keep in mind. He said: "But if we falter and fail, the consequences can be too frightening to contemplate. It could be havoc—social, political, economic and cultural havoc—such as will make the horrors of July 1983 seem a minor, if ignoble episode in historical memory. A havoc, moreover, which the Government of the day may well not have the means to bring

under control because, as recent experience shows, the State's instruments of control may well get out of control themselves in such a situation. We had enough experience in those July days, and also before and since, that there are definite limits to the use of the Police and Armed Forces in that type of situation. Should those limits be seriously exceeded for long, We have enough examples from other countries of the trends set going. I refer to the military take-overs in the name of law and order and the depressing, repressive regimes that they introduce. Is it necessary to add that internationally, the havoc I speak of will destroy our image as a civilised people."

# "Stop Talking To Amir"

**Question:** WHAT SHOULD INDIA DO TO ALLAY THE FEARS OF INVASION?

**Answer:** "THEY SHOULD STOP TALKING TO AMIR"

This was the ninth of 24 questions and answers at an interview which is said to have taken place at the Janadhipathi Mandiriyaya on 7th April, 1984, between Senior Editor of "India Today," S. Venkatnarayan, and President J. R. Jayawardena, as published by **The Island** in its issue of Sunday, 15th April, 1984.

The Sinhala-Tamil New Year April week, which fell between the dates of the interview and its publication in the Sri Lankan Newspaper, was one of the most tragic in Jaffna.

News of the contents of the interview could not have failed to send shock waves in many quarters, particularly among the Tamils of Sri Lanka.

## Amir's hopes in 1977

Mr. Amirthalingam, as T. U. L. F. leader, had re-entered Parliament in 1977, full of hope that Prime Minister J. R. Jayawardena's U. N. P. Government would take meaningful steps to keep the pledges contained in the U. N. P. Manifesto which not only showed an understanding of why the Tamils demanded a separate State, but also promised to summon an All-Party Conference to deal with the grievances of the Tamils.

When Mr. J. R. Jayawardena became Prime Minister and Mr. Appapillai Amirthalingam, Leader of the Opposition, soon after the General Elections of 21st July, 1977, there was great expectation of communal amity and hopes, especially among the Tamils, that something would be done to deal with their long unremedied grievances.

The shattering events of August, 1977, made a solution even more urgent. Mr. Amirthalingam persisted in his belief that Mr. Jayawardena would do something, though as time passed the hopes of many Tamils began to fade.

## Amir's six year faith in J. R.

That Mr. Amirthalingam continued in that belief for the next six years without any sign of an All-Party Conference, perhaps explains the T. U. L. F. failure to take even one non-violent step in the direction of "liberation" the way to achieve which, they had proclaimed so loudly in their Election Manifesto of 1977.

## JR TELLS 'INDIA TODAY'

### THE SHOCK INTERVIEW

Though Tamil was made a National but not Official Language in the New Constitution of 1978, Tamils realised that it made little difference to them, for it was not, in fact, being implemented. Mr. Amirthalingam, however, was for the greater part of these six years, in constant touch with President Jayawardena, clinging to the belief that Mr. Jayawardena was sympathetic. According to Amir, the trouble was from pressure groups within his own party and outside and from obscurantist bureaucrats who would not implement even promises made by Mr. J. R. Jayawardena.

## The damage to Amir's standing

U. N. P. Government members and even President Jayawardena do not seem to have realised the extent of the damage that was being done to Mr. Amirthalingam in his standing with the Tamil people by his relying entirely on the dialogue with Mr. Jayawardena to find a solution, completely abandoning, in fact, all that he Amir, had undertaken to do during the election campaign to "liberate" the Tamil community. This was particularly disappointing to Tamil youths.

Youths everywhere take seriously and earnestly, causes they are asked to espouse and promises that are made. Tamil youths prior to 1977, already hurt by mediawise standardisation and other discriminatory policies, had been treated to the rhetoric of Mr. Amirthalingam, the eloquence of Mr. Sivasithamparam and the more earthly fulminations of Mr. Yogeswaran on Tamil grievances and the need for a separate State as a solution to their miseries.

Both Mr. Amirthalingam and Mr. J. R. Jayawardena should have realised what was likely to happen. Instead of doing something meaningful to keep their election promises, each of them let matters drift. Tamils had to face repeated racist attacks all over the country on a scale and intensity that had never been witnessed in Sri Lanka's entire history before. This could not fail to anger and embitter Tamil youths.

Further, under the umbrella of the Prevention of Terrorism (Temporary Provisions) Act. operations against "terrorists" in the North and East involved not only killings of a number of youths but the arrest and detention of many whose treatment had led to numerous Nabeas Corpus applications with allegations of torture being made in our courts of law.

## Tamil hostility to J.R. - Amir Dialogue

All this only produced more resentment against Mr. Amirthalingam and the T.U.L.F. for having done very little else than placing faith in Mr. J. R. Jayawardena's Government.

That Tamil youths were becoming increasingly hostile to Tamil parliamentarians was reflected in the violence that they ultimately unleashed on some of the T.U.L.F. leaders, including Mr. Amirthalingam. They hijacked Mr. Amirthalingam's car leaving it damaged in a cemetery. They also had injured one of his Parliamentary lieutenants, the then M.P. for Kopay, Mr. Alalanderam. Prior to hijacking Mr. Amirthalingam's car, a youth had asked him what he had done all these years. Mr. Amirthalingam might have passed that question on to Mr. Jayawardena on whom he had relied so much.

## U.N.P hostility to Amir

There seems to have been little understanding of the role Mr. Amirthalingam was playing or the sacrifice he was making by relying almost entirely on his continuing dialogue with the Government. Whenever he strayed a little away from close association with the governing U. N. P. party and contacted S.L.F.P. leaders, especially Mrs. Sirimavo Bandaranaike, he was branded as a trouble maker and a promoter of terrorism.

The U. N. P. Government even went to the extent of an unprecedented Vote of No Confidence on the Leader of the Opposition, not realising that Mr. Amirthalingam was the best friend they had if Tamil problems were going to be solved peacefully.

As if to complete the picture, President J. R. Jayawardena reacted to the horrible July killings of Tamils

and widespread destruction of their property by practically outlawing from Parliament Amirthalingam and the T.U.L.F. members who had lawfully come into the Legislature as members of a recognised party campaigning on the demand for a separate Tamil State.

Driven out of the Legislature by the Sixth Amendment, and forced out of the country by danger to his very life, Mr. Amirthalingam was told that when the All-Party Conference was finally summoned, he could participate only if he took the oath renouncing the demand on which he had been elected and which had been treated as lawful for more than seven years.

## Cold-shouldering Amir

It was, therefore, a sad state of affairs for Sri Lanka when, having consented to have the good offices of an eminent Indian Envoy, Mr. G. Parthasarathy, to help in sol-

ving the ethnic problem, President Jayawardena goes to Delhi and meets him and the Indian Premier, Mrs. Indira Gandhi, but does not meet his erstwhile Leader of the Opposition, Mr. Amirthalingam, who was able to speak to the Indian leaders on Sri Lankan Tamil problems just as Mr. J. R. Jayawardena had done.

Mrs. Indira Gandhi herself has expressed her appreciation of Mr. Amirthalingam's restraint in spite of what she terms "his anguish at what had happened to his people".

Unfortunately, all the 'national' dailies in English and Sinhalese and more than half in Tamil are in control of either the Government or Sinhalese Buddhist groups. Mr. Amirthalingam's image as a leader of the Tamils has been deliberately and systematically tarnished by the media.

## Amir never sought Indian military intervention

Few seem to be aware of what Indian Government leaders themselves have said—that at no time did Mr. Amirthalingam or his T.U.L.F. supporters ask for India's military intervention in Sri Lanka to help the Tamils here out of their problems.

(Continued on Page 11)

## The Case of Indian Fishermen

The cases of six Masters of six Trawlers seized by Sri Lankan authorities in December 1983, came up before Mr. J. G. Aseervatham in the High Court of Jaffna. These Indian fishermen had later been released on bail furnished by the Rotarians.

State Counsel, Mr. Thambiah appeared on behalf of the Attorney-General. Mr. R. Balasubramaniam, Attorney-at-Law, was retained by the Indian High Commission to appear for the six suspects.

The Trawlers had been seized and the Masters arrested because it was alleged that they had entered and were fishing in Sri Lankan waters. No indictment had been filed for the last six months.

The suspects had filed affidavits denying that they were arrested in Sri Lankan waters and complained that their detention in Sri Lanka without any indictment amounted to indirect imprisonment.

When the case was called on the 4th June 1984, Mr. Balasubramaniam for the suspects informed Court that he had interviewed the Attorney-General about the undue delay and that the Attorney-General had agreed to have the matter expedited. State Counsel, Mr. Thambiah told Court that on instructions from the Attorney-General, he was not proceeding against two of the suspects.

In the circumstances, the High Court Judge released the two suspects and ordered that their boats in the custody of the Kayts Police, together with the articles taken from these boats, be returned to them. He also ordered that the two Masters be permitted to return to India with adequate protection.

The remaining four cases were to be called for further steps on 15th June 1984.

The late Mr. S. Kathiravelpillai, M.P. for Kopay and one time Secretary of the Federal Party, in his short pamphlet "Co-existence, not Confrontation" refers to "discrimination, aggression, genocide and the creation of a neo-communal empire over the Tamils.

Mr. Kasi Choksy, Senior Counsel, representing the Ceylon Workers' Congress before the Sansoni Commission, introducing its Memorandum pointed out that "those who were attacked and suffered loss of life, injury to person and damage to property belonged almost wholly to one community, the Tamil community, both of Ceylon and Indian origin."

"In his opening speech before the Commission, Mr. Choksy also submitted that "the distinct trend in the disturbances of August-September, 1977, was that there had been a common objective for violence and that objective was to cause harm to a particular community, in this country. I say so because the data available show that the victims of this violence were almost entirely Tamils."

He also pointed out that from the evidence available, the Commissioner would see that in the hill country "It was an open season during which the plantation workers were hunted down."

# The Crime of Genocide

James Manor, writing in the November 1983 edition of *The World Today* in an article titled "Sri Lanka: explaining the disaster"—that is the events of July 1983, had this to say: "Disaster is a very strong word, but the violence which engulfed Sri Lanka in late July and early August of this year certainly justifies its use. The riots which consisted almost entirely of attacks on the Tamil minority by the majority Sinhalese, stopped well short of 'genocide', a term used by some Tamils but in scale they almost certainly exceeded the other two major conflagrations which occurred on the Island in 1958 and 1977. The Government's figure of just under 400 deaths is a serious underestimate."

## Removed on account of Censorship requirements

The crime of genocide, however, has caused sufficient concern to the United Nations Organization for it to result in a Convention on the Prevention and Punishment of the Crime of Genocide, which was approved by Resolution 260A (III) of the General Assembly on 9th December 1948, and entered into force on 12th January 1951. The terms are set out below.

The holocaust of 1958 after the anti-Tamil language riots

of 1956, followed twenty years later by the racist massacres of Tamils in 1977, 1981 and 1983, have made the Tamils realise that the threat is not merely one to "liberty and pursuit of happiness" but to their very existence and physical survival as a people.

And finally there are the puzzling statements made by Mr. J. R. Jayawardene himself in the interview he gave to Mr. S. Venkatnarayan, Senior Editor of "India Today" on April 7, 1984.

In answer to questions, President Jayewardene stated—

- (a) "The worst India can do is to invade us. If they invade us, **that is the end of the Tamils in this country.**"
- (b) "If there is an invasion of Sri Lanka by India, that will solve the Tamil problem here for good. **There will be no Tamils left here.**"

All this may be confusing but to talk of "the end of the Tamils in this country" or that "there will be no Tamils left here," if India invade Sri Lanka, is alarming.

— Editor.

Approved by Resolution 260A (III) of the General Assembly, 9 December 1948; entered into force on 12 January 1951. 78 UNTS 277 (1951.)

The Contracting Parties,

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world;

Recognizing that at all periods of history genocide has inflicted great losses on humanity; and

Being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required:

Hereby agree as hereinafter provided.

**Article I.** The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

**Article II.** In the present Convention, genocide means any of the following acts com-

## U.N. Convention on the Prevention And Punishment of the Crime of Genocide

mitted with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such:

- Killing members of the group;
- Causing serious bodily or mental harm to members of the group;
- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or part;
- Imposing measures intended to prevent births within the group;
- Forcibly transferring children of the group to another group.

**Article III.** The following acts shall be punishable:

- Genocide;
- Conspiracy to commit genocide;

(c) Direct and public incitement to commit genocide;

(d) Attempt to commit genocide;

(e) Complicity in genocide.

**Article IV.** Persons committing genocide or any of the other acts enumerated in Article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

**Article V.** The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

**Article VI.** Persons charged with genocide or any of the

other acts enumerated in Article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

**Article VII.** Genocide and the other acts enumerated in Article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

**Article VIII.** Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the

prevention and suppression of acts of genocide or any of the other acts enumerated in Article III.

**Article IX.** Disputes between the Contracting Parties relating to the interpretation, applications or fulfilment of the present Convention including those relating to the responsibility of a State for genocide or any of the other acts enumerated in Article III, shall be submitted to the International Courts of Justice at the request of any of the parties to the dispute.

**Article X.** The present Convention of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

**Article XI.** The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any non-member State to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

(Continued on Page 7)

By not extending the closure order on 18th January 1984, the Competent Authority lifted the ban on "Saturday Review", after an "officially imposed ban lasting 231 days". It is a weekly English newspaper published in the North, dealing mainly with the problems of the Tamil people.

The first order of the Competent Authority banning the paper had been made in July 1983, so that its voice remained stifled during the period of the greatest tribulations of the Tamil people in recent times - the widespread and well-organised racist attacks on Tamils in July 1983.

The enforced silence during the July 1983 riots was particularly unfortunate as even

### A Sinhalese Editor for a Jaffna - based English 'Tamil' paper

After an absence of more than 7 months, "Saturday Review" re-emerged on 18th February 1984 but without its former Editor. The Board of Directors (all Tamils), however, made an acquisition when they obtained the services of Mr. Gamini Navaratne, a Sinhalese journalist, as the Editor. It was an imaginative appointment and it required courage on the part of Mr. Navaratne to accept it.

Mr. Gamini Navaratne was already a journalist of repute when the Saturday Review made its first appearance on 31st January, 1982. His articles were a popular and regular feature in Saturday

cated to aims and objectives "chief of which are the preservation of the human and fundamental rights of ALL the people of Sri Lanka and the promotion of understanding between the various communities specially the Sinhalese and the Tamil peoples."

The main sources of information ordinarily available to the people of this country radio, television, 'national' daily Newspapers in English, Sinhalese and most of even Tamil newspapers - are all under the control or influence of either the Government or Sinhalese Buddhist proprietary groups.

There is no English or Sinhalese daily, and hardly even an English weekly, in the hands of a Tamil group.

# Lalith's Timely Reminder

Recent news reports show that there is, at least one man in the Cabinet (Lalith) to tone down the anti-Indian war dance that has been going on recently in some quarters in this country, supported by a couple of Senior members of the Cabinet who should have known better. As Mr. Lalith Athulathmudali himself has said, he is the man in charge of national security and most qualified to pronounce on matters relating to it. This is a timely and necessary reminder to all concerned.

We need to remind ourselves that India is our only neighbour for a thousand miles all round (except for little Maldives several hundred sea miles away). We might also keep in mind the Finnish Prime Minister's reply to an American question about Finland's neighbour, U.S.S.R. He had said quoting Machiaveli "a small country is wise to find its friends close by and its enemies far away" (vide Editorial The CINTA Journal, Vol. 1 No. 2, page 3).

At a function to commemorate the second death Anniversary of Bishop Leo Nanayakkara, held at the Centre for Religion and Society, Mr. Mervyn de Silva, Editor, **Lanka Guardian**, speaking on the theme - "Ethnic Strife - International Dimensions" gave a lucid explanation as to why Sri Lanka must not expect any military intervention on her behalf from either the United States, China or Pakistan.

### The "Three Myths"

Two days earlier, at a seminar held at the Sri Lanka Foundation Institute under the auspices of the International Centre for Ethnic Studies

(I.C.E.S.), Sri Lanka born Professor Ralph Bultjens of the New School for Social Research, New York, dismissed as "three myths" what he found circulating presently in this country, namely -

- (1) the thinking that India would invade Ceylon;
- (2) that the United States of America would come to the help of Sri Lanka, if India invaded Ceylon;
- and (3) that after the General Elections due in India, some benign influence would operate in Sri Lankan affairs.

We are ultimately bound to discover that the true interests of our national security are best served -

firstly, by laying within Sri Lanka itself the foundations for unity and loyalty based on equality and justice of ALL communities within Sri Lanka, and secondly, by promoting genuinely friendly relations with our closest neighbour India which our politicians both in the South and the North never fail to claim, when they are in an expensive mood, as the source of their culture, their religion and even their political inspiration.

In fact, President Jayawardene, in a recent interview with Indian Journalist, Venkatarayan, of **India Today**, containing many surprises, concluded by saying that India was "the secret" even of his health. It is up to our President to see that India is not also the source of his worry. We are sure that National Security Minister, Lalith Athulathmudali, can help in this.

## 'SATURDAY REVIEW' and GAMINI NAVARATNE

their political representatives, the Members of Parliament for the entire Tamil North and some in the Eastern Province, were no longer in the Legislature to tell the country and the world what had happened and was still happening to them.

Though the ban on the paper was lifted in mid January 1983, an order of the Competent Authority dated 24th January 1984 directed that all articles should be submitted to the Competent Authority (Government Agent, Jaffna) for prior approval. The censorship is still on.

Whatever views one might hold about the attitude or policies of "Saturday Review" on various matters, one thing was clear - it was the one English newspaper and that too only a weekly, which sought to ventilate the grievances and articulate the hopes, the fears and the anxieties of the Tamil community in Sri Lanka.

Review. He came to be respected as a Sinhalese journalist who saw that the Tamils had been wronged and had the courage to speak out his mind.

### The Government must know the full facts

It is important that the Government should have knowledge of the full facts about the situations in the North and East and the real problems and difficulties of the Tamils, if it is to govern with wisdom or in fact to govern at all.

Saturday Review has helped in this, first, under Mr. Sivanyagam, throughout 1982 and during the first half of 1983, and now since 1st January 1984, under Mr. Gamini Navaratne. It is difficult to see what quarrel the Government can have with a paper and an Editor who has had no hesitation in proclaiming to the world in the very first issue after the ban (vol. 3 no. 1) that Saturday Review is dedi-

It is difficult to appreciate why the Government should place censorship restrictions on a rare Jaffna - based English paper with such laudable objects and a courageous Editor behind it.

It may be remembered that some of the most vocal critics of the Saturday Review were the T. U. L. F. leaders who, during the later stages, were treated to some scathing comments by its former Editor. However, the T. U. L. F. itself protested against the ban on the Saturday Review, as they recognised that it was performing the important function of ventilating the grievances of the Tamil people and drawing attention to events incidents and situations which were being either overlooked, or deliberately ignored or misinterpreted by the other media.

—Underwood Manivasagan

### The Crime of... (Continued from Page 6)

After 1 January 1950, the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid.

Instruments of accession shall be deposited with the Secretary-General of the United Nations.

**Article XII.** Any Contracting Party may at any time, by notifications addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the

territories for the conduct of whose foreign relations that Contracting Party is responsible.

**Article VIII.** On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a proces-verbal and transmit a copy of it to each Member of the United Nations and to each of the non-member States contemplated in Article XI.

The present Convention shall come into force on the Ninetieth day following the date of deposit of the twentieth instrument of ratification or accession.

Any ratification or accession effected subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

**Article XIV.** The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effective by a written notification

addressed to the Secretary-General of the United Nations.

**Article XV.** If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

**Article XVI.** A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General-Assembly shall decide upon the steps, if any, to be taken in respect of such request.

**Article XVII.** The Secretary-General of the United Nations shall notify all members of the United Nations and the non-member States contemplated in Article XI of the following:

- (a) Signatures, ratifications and accessions received in accordance with Article XI;
- (b) Notifications received in accordance with Article XII;

(Continued on Page 8)

## S. J. V. Remembered

31st March 1984 was the 86th Birth Anniversary and 26th April 1984 the 7th Death Anniversary of Mr. S. J. V. Chelvanayakam, the founder of the Federal Party and the Leader of the Tamils of Sri Lanka for a quarter of a century preceding his death in 1977.

More than any other Sri Lankan Tamil leader since Independence, Mr. Chelvanayakam taught the Tamils to respect themselves as a Community. With many disadvantages tying him down, he carried on a sustained campaign teaching his people to fight for their rights along non-violent Gandhian lines.

Though he failed to leave behind a Party structure and

Party men adequate to the task of "liberating" his people, he nevertheless inspired the Tamils not to cow down to what he felt was a systematic and well-planned attempt to relegate the Tamils to an inferior position as citizens of Sri Lanka.

It is only fitting, therefore, that such a man should be remembered at least during the Anniversary of his Birth and Death in March and April. We take the opportunity of the earliest issue of the CINTA Journal since the Anniversary dates to publish extracts of tributes made on the Tamil Leader.

—Editor.

## LEADER WHO NEVER DESPAIRED

"Chelvanayakam has sometimes been called 'the Gandhi of Ceylon;' but as compared with Chelvanayakam the Mahatma had a much easier task. In the first place, his struggle was a clear-cut one; here was a country, under his leadership, fighting for its freedom against an alien power; the issue was clear and easily intelligible. Chelvanayakam's struggle was an internal and complicated struggle; the issues were ill-defined. How far could he go and where should he stop? Secondly, though the Mahatma had to face 30-40 thousand British bayonets, he had 300 million people behind him; Chelvanayakam had only a meagre community behind whose very right to be in this country has occasionally been questioned. Also, because of the fact that India's case was clear-cut, the Mahatma had

was concerned, consisted in in saying "No" to every proposal or amendment of Mr. Chelvanayakam. The requests he made were turned down and the agreements he tried to reach with those in power, except in one or two matters always fell through. Yet looked at from another point of view, herein lay his success. In spite of utter apparent failure, he never gave up. The wind had blown consistently and with almost irresistible force; but the flame had not been quenched; it had hardly flickered.

"What then was Mr. Chelvanayakam's achievement? About 450 years before the Christian era, the Carthaginian armies had invaded Italy and defeated the Romans in every battle; but Cincinnatus, the Roman Dictator, would not give up. And the Roman

by Rt. Rev. S. Kulendran

international opinion heavily, if not overwhelmingly, on his side. Chelvanayakam's case was hardly known to the outside world and therefore he had no such support. It is, therefore, obvious that the Mahatma had every advantage over Chelvanayakam.

"Looked at from one point of view, Chelvanayakam's political life was one of unrelied failure. When first he tried to explain the meaning of Federalism, he was misinterpreted and laughed at. The press (except for his own weekly paper which was merely his echo) all other agencies of mass media were always against him. In Parliament, except for a brief period, his part consisted merely in saying "No" to everything that was brought up; and the record of Parliament, as far as its own part

Senate passed a resolution thanking him, because "he had not despaired of the republic". The logic was, "If he did not despair, why should we?" The Tamils of Ceylon, in like manner, looked upon this gaunt and baggard men, stricken by disease, who could hardly walk and could hardly speak above a whisper, who through a life of continued failure and disappointments, yet had not despaired; and they asked themselves, the question, "If he did not despair, why should we?" This then is Chelvanayakam's achievement; that he has taught the Tamils of this country to believe in themselves".

Courtesy:

"S. J. V. Chelvanayakam, A Tribute" published by Arul M. Rajendran, 1978.

# ON

## CHELVANAYAKAM

## THE MAN

Mr. V. Manicavasagar was approached by the CINTA Journal and asked if he could recollect his association with Mr. S. J. V. Chelvanayakam, especially during Mr. Manicavasagar's career as a lawyer and judge. We give below what Mr. Manicavasagar had to say:

Mr. Chelvanayakam died seven years ago. His memory lives in the hearts of the people of his community as well as the nation for he sacrificed an extensive and lucrative practice at the Bar, and devoted his time, his money and energy to secure by peaceful means equal rights for his community so that they may live in their motherland with dignity and self respect.

I knew him as a man. My association with him was mainly at the Bar. I was not not in politics. As a Junior I read in his chambers, and I remember with gratitude the guidance and advice he gave me. I recall his telling me, "disclose the whole truth bearing on the facts relevant to your client's cause, and do not distort the facts to gain an advantage for your client; you do that and the law will look after the rest." To my personal knowledge he did not deflect from this standard.

the case was listed for hearing, Mr. Chelvanayakam was retained as my leader. At the conference on the day prior to the trial he realised an important fact had not been pleaded by me. On moving an adjournment to amend the plaint, the Judge enquired how he had with his experience omitted to plead such a vital fact. Mr. Chelvanayakam took the blame entirely on himself and did not utter a word that I was responsible.

On another occasion having failed in a case before the District Judge of Colombo in which I felt I should have succeeded, I advised an appeal. I was in sole charge as my

have the just grievances of the Tamils redressed, he participated in and accepted the Vaddukoddai Resolution of 14th May 1976 demanding separatism.

I am inclined to think that he had his reservations on this for on an occasion of a social visit when I expressed myself strongly against the demand for separatism, he replied: "We have pitched our claim high because successive Governments turned a deaf ear to some of our just and vital rights, but we really need a federal set up or autonomy to manage the internal affairs in our traditional lands."

The grievances are still there. The Jayawardene Government identified and acknowledged that the omission to remedy them have led to a demand for separatism but apart from identification, the grievances still remained unremedied. I wonder if Mr. Chelvanayakam was alive with his non-violent, peaceful approach, whether the present tragedy which afflicts the nation and the Tamils would have reached this depth.

### The Crime of- (Continued from Page 7)

- (c) The date upon which the present Convention comes into force in accordance with Article XIII;
- (d) Denunciations received in accordance with Article XIV;
- (e) The abrogation of the Convention in accordance with Article XV;
- (f) Notifications received in accordance with Article XVI.

**Article XVIII.** The original of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to all Members of the United Nations and to the non-member States contemplated in Article XI.

**Article XIX.** The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

by  
Mr. V. Manicavasagar

President, CINTA and Ex-Justice of the Supreme Court.

His professional conduct was of the highest order and he gained the confidence of the Bench and the respect of his colleagues and clients. I was not surprised when in a civil suit before the District Court, Judge Dias said: "Mr. Chelvanayakam, I accept with confidence the facts as stated by you on behalf of your client." This was a grand tribute and it came out as the opposing Counsel fell short of this standard and had the reputation of suppressing facts inimical to his cause or distorting them.

Mr. Chelvanayakam had a clear and incisive mind, and trod the path of relevancy in eliciting evidence.

Juniors who had problems in their legal work had ready and easy access to them. After a long day in the courts, he would find the time in an afternoon to listen patiently, discuss their problems and advise them on the lines on which they should proceed. I took advantage of this many a time, and I know of many who did.

One incident reveals his consideration for a Junior. I had drafted a plaint and when

client, an English Lady, had not the funds to retain Senior Counsel. On the other side was an eminent King's Counsel assisted by a busy Junior who got silk the following year. They realised my case was good, but could have got my appeal rejected on a technical ground. I discussed the matter with Mr. Chelvanayakam who said that I had a winning brief. He intervened in the matter unasked by me outside the court and was able to persuade the other side that this was a case where justice should prevail. The case was settled by the appeal being allowed. The only disadvantage my client suffered was to forego the appeal costs. These are qualities which are rare.

Mr. Chelvanayakam gradually gave up his practice to serve his community. He fought steadfastly to gain equal rights for the Tamil community in certain areas where they had been deprived of them. As founder of the Federal Party, he believed in an united sovereign state and to my personal knowledge felt that separation was not a prudent step. But failing to



# A LAWYER'S LAWYER

Mr. Chelvanayakam had in the last thirty years or so, built himself into the structure of our national life. It is perhaps true to say that his departure has left bereaved not merely the members of his family but also the members of a whole community...

He was a man of great forensic skill. He found no need to make a spectacle of the case he was appearing in for the amusement and encouragement of an uninitiated gallery. Nor was he anxious to provide headlines for the newspaper reporters. He was indeed a lawyer's lawyer. He

His death however creates no impact on the calendars of the courts in which he used to practise. That is of course because from nearly 30 years ago he gradually withdrew from his very lucrative practice in order to devote full time to promote and fight for the interests of the Tamil speaking people; added to this was the fact that he was greatly handicapped by illness during the evening of his life. I make no reference to Mr. Chelvanayakam's skill as a political leader and parliamentarian. They will, I am sure, receive

- Victor Tennekoon -

Ex-Chief Justice of the Supreme Courts.

had a deep knowledge of legal principle, an analytical mind and such a command of the language as to enable him to express himself simply but forcefully and convincingly; he set for himself rigorous standards of hard work and devotion to duty. His courtesy to witnesses and opposing counsel was proverbial.

He practised in the Courts in an age when it was the fashion to bully witnesses in cross-examination. Chelvanayakam set an example of courtesy and dignity. He was indeed the picture of a gentleman in search of truth.

## THE DEFENDER OF MINORITY RIGHTS

The late Mr. S. J. V. Chelvanayakam is one of those leaders whom friend and foe alike honoured and respected. His integrity, sincerity of purpose, self-sacrifice, perseverance in the face of almost insuperable difficulties made even those who did not agree with his political creed appreciate his point of view and go out of the way to meet even partially some of his demands without violating

DR. M. C. M. KALEEL

their own convictions. Those members of the Federal Party which he led loved him and literally worshipped him. They knew that he was fighting not for any advantage for himself but for the future welfare of his community. Chelvanayakam was a great admirer of Mahatma Gandhi and followed Gandhian principles of non-violence throughout his political life. He never worked in secrecy but

recognition in other places and in other ways. Suffice it to say that his success as a lawyer was only a small facet of a career which had its full flowering in another sphere.

As a lawyer Mr. Chelvanayakam will be remembered and honoured as a great model for civil lawyers practising in the highest or the lowest courts of this country. As a politician his death has been like a great tree falling. It has left his friends and supporters surprised to see how bare the landscape is without him.

always announced publicly what he proposed to do next in the result that the authorities were able to take preventive measures to foil his efforts...

Chelvanayakam did not fight for the Tamil cause alone. Whenever or wherever he found people being unjustly treated he promptly took action to see that justice was done. For instance, in February 1976 when the Muslims who gathered in the Puttalam Mosque completely unarmed were shot down by the Police causing six deaths and injuring many more, he was the only M.P. who promptly demanded from the Prime Minister Sirimavo Bandaranaike to appoint a commission to inquire into the incident.

On the 26th day of April 1977 Chelvanayakam passed away and a multitude of humanity gathered in Jaffna from all parts of the island to pay their last respects to the great leader.

# Some Home Truths for CONQUERORS AND WOULD-BE CONQUERORS

It has been noticed throughout history that it is only after once powerful rulers fall from power that they are heard to exclaim in regret that while they were ruling there was no one courageous enough or honest enough to tell them a few home truths when they were in power.

Even in small Sri Lanka, there were, at least, three occasions when Prime Ministers feeling secure in their Parliamentary majorities have been swept away from Office when put to the test of a General Election, and their Parliamentary support was reduced to a few miserable votes.

This happened to Prime Ministers of both the major Parties in turn in 1956, 1970 and 1977. At least one of them is reported to have commented bitterly that there had been no one bold enough to have advised him while in office about what the true situation was over which he had been presiding. Such a situation is not confined to Sri Lanka. The fate of the Liberator of Bangladesh might be recalled.

Conquerors and would-be conquerors, Liberators and would-be Liberators all over the world ought to benefit from the advice that the Cynic Philosopher, Diogenes gave Alexander the Great. What Diogenes had said or might have said on various matters and situations has been the subject of numerous

articles in recent years in magazines and newspapers both here and abroad.

Diogenes himself was a Cynic Philosopher, who was not only a contemporary of Alexander the Great during the latter part of the 4th Century B.C., but was also a product of the Great Age of Greece which, produced men like Socrates Plato Aristotle and Diogenes himself who died in 332 B.C.

The *Tribune* (Sri Lanka) in some of its publications in 1978 and 1979, had various references to Diogenes. The text of the conversation between Diogenes and Alexander the Great is given below with courtesy of the *Tribune* of 7-10-78:

### Alexander Humbled

It was in the early hours after midnight and before dawn. The room where Diogenes lay was in darkness except for a dim flicker from a lamp in the neighbourhood when the silence was disturbed by a Captain of the Forces and a Palace Boy who dismounted from their horses and repaired to where Diogenes lay in deep contemplation.

The Captain spoke; "Diogenes, Alexander the Great, the Great Conqueror of Conquerors and King of Kings, commands your presence before dawn in his Palace."

"I do not know who Alexander is," said the Master, "Go tell him Diogenes

walks the streets of Athens till noon and he has no time for him."

The intruders left and narrated to Alexander what Diogenes had told them.

Alexander, at dawn, when the rays of the sun were breaking into the room of the Master, presented himself before Diogenes.

"I am Alexander the Great" proclaimed the Conqueror.

"I am Diogenes the Cynic," replied the Philosopher.

"I am the Conqueror of Conquerors," continued Alexander.

"You have not conquered yourself," retorted Diogenes.

"People call me the Great Alexander, the Conqueror of Conquerors".

"I call you a fool. You are unaware of the path of true happiness. You are surrounded by place-seekers and sycophants. You take yourself too seriously. You are surrounded by persons who are enriching themselves and ruining the City. They crawl before you and strut before the people. They flatter you and destroy many in your name. You do not know the difference between a rascal and a good man, and a fool and a wise man. Alexander, you are the biggest fool who has stood before me. Become wise before they destroy you."

"Diogenes, I am thankful to you for your advice. You have shaken me up. I want to save the City."

"Then save yourself from your friends."

"Am I then to embrace my enemies?"

"Listen to them and put them out of your way."

"With what am I to build this City?"

"With wisdom and compassion not only in your speech but also in your deeds. Be large, be fair, be kind to all men. Do not hurt the feelings of men. Visit the poor. See for yourself the needs of your people. Let your happiness depend on their happiness and not on the fortunes of those around you."

"Diogenes, what can I give you for the advice?"

"You can do me this favour.

Do not stand between me and the sunlight" and the Master turned away from Alexander.

Alexander left the Master's presence a humbled but wiser man.

## Cleanliness for Political Life

"Mr. Speaker Samuel James Velupillai Chelvanayakam was born in Ipoh in Malaysia in 1893. Ipoh is known in Malaysia as cleanest city in that country. Perhaps it was in the fitness of things that Mr. Chelvanayakam's political life was marked with a cleanliness unknown in contemporary politics sometimes....

"He entered this House in 1947.... He was defeated in 1952 because, as it turns out, his views were too early for his own people. In 1972 he resigned to protest against the Constitution which he believed was unjust to his people. Mr. Chelvanayakam

was a lion at the Bar when he left it. The Bar was a loser but politics was a gainer. Mr. Chelvanayakam was a lion in politics and a lion of his people when death took him away. Politically, not only the Tamil people but all the people of this country are the losers while death has been the gainer....

"In appearance he was delicate, mild in manner, meek. He spoke hardly audibly but what he said his voice found resonance in thousands of Tamil hearts, and not only in Tamil hearts".

Minister of Trade, speaking on the Condolence Vote National State Assembly-6th September 1977.

In a previous issue of the CINTA Journal, (Vol. I, No. 2,) we set out a speech by the Mr. S. W. R. D. Bandaranaike, where he had described Federalism as a solution to the conflicting interests of the various communities. The question of devolution, federalism, regional autonomy and decentralisation has today become very much topics of earnest public debate.

It is relevant to remember that when the Donoughmore Commissioners were in Ceylon between 13th November 1927 and 18th January 1928, holding thirty-four sittings at Kandy, Jaffna, Batticaloa and Galle, they were confronted with what they had described as the Kandyan claim for "self-government in the Kandyan provinces" suggesting a federal structure of three self-governing areas for Ceylon. This matter was examined by the Donoughmore Commission.

#### Kandyan claim for self-governing areas

Referring to this the Commissioners said that the appeal was made by an influential Kandyan party for self-government of the Kandyan provinces, and that his appeal was strongly and skilfully supported in evidence before them by the representatives of the Kandyan National Assembly.

## Kandyan Sinhalese

# THE FIRST TO ASK FOR A FEDERAL STATE

The Commissioners set out the Kandyan scheme put forward by the Kandyan National Assembly as follows: "A scheme for dividing the island into three self-governing areas.

- (1) the Northern and Eastern Provinces in which the Tamils predominate,
- (2) the Kandyan Provinces,
- (3) the Southern and Western Provinces peopled mainly by Low-Country Sinhalese.

Each of these three communities would thus be granted a government of its own, the Kandyans would preserve their national iden-

tity and would no longer be in danger of being sacrificed to the pressure from the South and North. For purposes affecting the welfare of the entire island these three Governments would be united in the Federal Government, thus ensuring that no one section would be in a position to dominate over the others."

This Kandyan scheme for a federal structure was not supported by the Tamils or by the larger section of the Sinhalese.

Rejecting this Kandyan proposal for self-government, the Commissioners stated: "It is our confident hope that their pride in their ancient Kingdom and historic institutions will

form part of a larger national protagonism and that the Kandyan identity will best be preserved, and receive its noblest fulfilment, in the growth and final emergence of a strong and united Ceylonese nation."

#### Policy of Comprehension not of Domination

The Commissioners concluded their observations by expressing the confidence that "Low-Country Sinhalese would realise that the true policy for the country is one of comprehension and not of domination."

They went on to say ".... To Ceylon it is desirable that there should be a full knowledge on the part of those responsible for its

government of both the physical and the mental conditions under which the various main sections of the people, Tamils, Kandyans and Low-Country Sinhalese, pass their lives. It has occurred to us that to help on this knowledge the State Council would do well to carry on its functions at places in close contact with the life of these different sections. In other words we would propose that there should be occasional meetings of the State Council at Kandy and Jaffna. We are aware that certain practical difficulties will arise in the carrying out of this proposal but we do not think that questions of the provision of accommodation and of the expense that this would involve should stand in the way of a real recognition of the equality of status of the High and Low Countries."

#### Meetings in Kandy and Jaffna

It is significant that in their summary of recommendations, the Commissioners said in paragraph 16: "There should be occasional meetings of the State Council in Kandy and Jaffna."

# MUSLIM PARTICIPATION AND THE AMITY DIALOGUE

An Editorial appeal to let dialogue replace death and destruction was made in the Muslim bilingual English and Tamil monthly paper, *Al-Islam* in the July-August 1983 issue. *Al-Islam* followed this up in its Volume IX, No. 8 of its November 1983 issue, writing further on the importance of the Peace Conference with a warning about the dangers present and expressing fears of what failure would mean. Extracts from the text of the Editorial is given below.

"In our Shawwal - Dhul Quadha 1403 AH (July-August 1983 CE) issue commenting on the July holocaust and the tensions and friction that had taken hold of the Country, we appealed most urgently to 'Let Dialogue Replace Death and Destruction...'

"Of course, we would be very unrealistic if we became smug enough to believe that everything was alright.

#### Disaster-if a single wrong move

"The hate gospels, the extremists, may appear to have been silenced, but it would be a tragedy to lull ourselves with the feeling that the path to national reconciliation racial and religious amity, is now clear of obstacles. The situation is still

so fluid, very fragile, that a tingle wrong move could turn so disaster, and given an opportunity for the goondas and "vultures-in-human-form" to be set loose on the innocents by their scheming masters.

#### A Public Secret

"In fact, it is a 'public secret', something that the Government itself has acknowledged, that the extremist forces that unleashed the murders, rape and arson in July had planned to attack us, the Muslims too. This resulted in the Muslims of this country, who had never demanded separatism and had lived for centuries harmoniously with the other communities, particularly with the majority, to go through many anxious and tense weeks...

"Albamdulillah, hatt measures have been taken not only to curb these acts but even to counter the false impressions and charges that were aimed at setting the majority against us....

#### National Accord

"We are certain that the majority, of Sri Lankans today realise that there is no other alternative to a national accord. There can be no peace if there is to be victors

and vanquished, attackers and victims. No reconciliation or harmony too can be brought about if one community is going to arrogate itself the right of lordship and reduce the others to a position of serfdom. No peace can emerge out of injustice to the majority or humilistion to the minority.

"The consequences of the tragedy that befell Sri Lanka in July-August are still being heavily felt—the colossal international damage to our

## "Let dialogue replace death and destruction"

reputation, the adverse effects on our economy with millions of rupees being diverted from funds meant for development to rehabilitation, unemployment, but on top of all, the opportunity that was provided for a foreign power to meddle in the country's internal affairs.

"The last point is one we hope will penetrate deep into the craniums of those who believe that burning and killing is a sure method of preserving, protecting and

fostering national unity, culture or religion. The lessons of history, in fact Sri Lanka's own history, should show these elements that internal feuds can only lead to foreign intervention which only result in harming and local language or culture. Thus it should be very clear to those advocating violence against other to 'preserve our culture, race or religion' that by doing so they do more harm than good to the causes they espouse.

#### Muslim Representatives

"As we said three months ago it is essential that representatives of the various communities and religions should be represented at 'peace conference' if there is to be a lasting solution. This is particularly so with regard to us Muslims. We are a separate religious and cultural entity whose case seems to be going by default for Muslim Members of Parliament seem neither to have the will nor the power to speak up for us.

"In addition, they let their party loyalties take precedence over the rights of the community. Stark evidence of this was the action by leaders of a Muslim organisation invited for a discussion with the President recently....

#### The 'silent minority'

"A cynic recently aptly dubbed our community 'the silent minority' for the completely ineffective, almost indifferent way Muslims react to national issues and developments. It's time we either galvanised our present political and community representatives to be effective representatives of our interests and rights, or, if they lack the guts and the vision and are so weak in iman, find replacements to serve as our spokesmen.

# Who is a Tamil? Who is a Sinhalese? CHINESE PRESIDENT

## PUZZLED

On Monday 21st May 1984, while President J. R. Jayawardene was briefing President Li-Xinian of the People's Republic of China on the ethnic conflict in Sri Lanka, President Li is said to have appeared "uncertain about who the ethnic Sinhalese and who the ethnic Tamils were."

The Journal (U. N. P.) - Vol. II, No. 24, has the following report on what followed:

"President Jayawardene pointed to Ambassador Newton Samarasinghe and said 'he's Sinhalese' and pointing to former Ambassador Mahendran said 'he's Tamil'.

President Li: I can't tell the difference

President Jayawardene: Nor can I."

Both the Chinese and the Sri Lankan Presidents could not tell the difference between Sinhalese and Tamils. But the men who killed Tamils and destroyed their houses and shops knew how to find that out in July 1983. In many instances Tamils and their places of residence and work had been carefully noted. The racist attackers had lists of Tamil homes and shops.

On the streets the thugs and the hoodlums could always engage in conversation with somebody suspected to be a Tamil or ask him to read a Sinhalese newspaper. This has happened over and over again in 1956, 1958, 1977, 1981 and 1983.

James Manor, writing in "The World Today" describing the violence against Tamils in late July and early August 1983 as a "disaster" exceeding in scale the other

## Stop Talking...

(Continued from Page 5)

President Jayawardene has, in fact, asked exactly what the 'terrorist' youths had in substance demanded of the Indian Premier: "Stop talking to Mr. Amirthalingam". The youths claimed that Mr. Amirthalingam no longer represented the Tamils.

Having helped to immobilise Mr. Amirthalingam and other T.U.L.F. leaders as representatives of the Tamil people, President Jayawardene apparently does not know to whom to turn to negotiate a proper settlement. Hence the recent move to call in and rely on religious leaders of the various communities to find a political solution!

major conflagrations on the island in 1958 and 1977, stated that this was only possible because far more of the violence was organised than on previous occasions.

As to whose hand was behind the July '83 violence, James Manor, who had also studied and written on the earlier riots in Ceylon, said: "... This time, however, was different and the principal conspirators came not from the Marxist Left, as official comment would have us to believe, but from a faction within the Government."

Tarzie Vitachchi writing in "Emergency '58 - The Story of the Ceylon Race Riots" had this tragic tale to relate of what happened when racist killers in the '58 riots could not tell the difference between Sinhalese and Tamils.

"Young Annesly Mendis of Moratuwa and a friend of his both employed as Technical Assistants in the Irrigation Department at Polonnaruwa, decided to flee the district with their families as the terrorism was now directed against Government officials. They set out from Polonnaruwa in two cars, taking the Giritale-Naula road, expecting to reach Matale by circuitous route. Mendis, in his old Ford Prefect, carried his wife, her few months old child, and an ayah. Soon after they set out Mendis's car developed engine trouble. They managed to sputter in to Giritale, but there the Ford packed up. Here they were advised by the Engineer Dias Abeysinghe

## University...

(Continued from Page 4)

relatively larger "brain drain" of Tamil families. If we thought about it, in the world of today, with so many bright prospects everywhere, and the new concept of life-long education, no one will agree to become to second class human, with less equality and less dignity than his fellows, and less chance of self-fulfilment, grounded in his native land.

## "Common Intellectual Estate"

There are no doubt regional imbalances in educational provision, due to neglect of various kinds in the past. Let us however not deceive ourselves. Everywhere in Lanka, are not social differences more pervasive than geographical or ethnic? May be, under the DQS, the under-privileged

to take the road through the Elahera Irrigation Department camp to Naula, as he had received information that the more direct Habarana Road would soon become dangerous. Mrs. Mendis, the baby and the ayah were transferred to the other car and three friends who had come along for the ride transferred to the Ford. The important thing was to get the women and children away. Mendis tinkered around with the Ford and managed to get the engine working again. As they were about to set out a youth called Leo Fernando - who had changed his name discretely from the Tamil Fernandopulle after the Gal Oya riots - was offered a lift. They were now five in the car - Mendis, Fernando, a young man named Walatara and two others. The Ford limped into Diyabadduma and was promptly surrounded by 200 terrorists. The leaders greeted them with a hostile question: "Aren't you a Tamil?" They protested that they were Sinhalese. Mendis was forced out of the car and asked to recite a gatha - a Buddhist stanza in Pali. Being a Methodist he knew no gathas. He had also a bad stammer and the fear made it worse so that he could not explain himself. The mob began to beat him up. Bleeding from his head and ears Mendis ran down the street. They shot him in the back. Insatiable, they then dragged Leo Fernando out of the car and hacked him to death without any palaver. In the confusion the other occupants of the car escaped into the jungle and reached Colombo two days later. Mendis's body was carried, tied to pole like a shot animal, to far side of the bazaar..."

will become still more so. Adding to the social inequalities in the country, denying that we are one nation and a democracy, the proposed area-quota system may well turn out to be further divisive force.

Nor can a young nation, with a long way to go on the road to national unity and identify and all sided development, afford to lose its way on the by-path of racial discrimination, in higher education of all things. The University it is that can serve as "the common intellectual estate" binding the generations and the nation together. In this great task it has to function against the insistent demand everywhere for enhancing human capability. Let not Sri Lanka's leaders betray this obligation to the nation and humanity."

# Sarath in Parliament

An effective Opposition in Parliament is a prerequisite for healthy Parliamentary democracy. The unanimous decision of the three-Judge Bench of the Supreme Court, allowing the appeal of the Communist M.P. for Kalawana, Sarath Muttetuwegama, is welcome news, whether or not one contributes to his Communist ideology.

The freak General Election results of July 1977 had given the U.N.P. four fifths of the seats in Parliament with just about 50% of the popular vote, while the S.L.F.P. with nearly 30% of the total popular vote had only eight seats to show in a Parliament of 169.

All the seasoned veterans and brilliant debaters of the left lost their Parliamentary seats and are no longer in Parliament. President J. R. Jayawardene had bemoaned a weak opposition and the absence of men like Dr. Colvin R. de Silva, Dr. N. M. Perera, Mr. Pieter Keuneman and Mr. Bernard Soyza. Yet measures taken by the Government weaken the Opposition still further. The powerful

unofficial leader of the Opposition in the country, Mrs. Sirimavo Bandaranaike, was unseated on being deprived of her civic rights. Two T.U.L.F. members from the Eastern Province were won over by the U.N.P.

The Opposition was further decimated by the consequences of the July 1983 race riots and the Sixth Amendment to the Constitution.

In these circumstances, the voice of the Communist Member of Parliament for Kalawana is of undoubted importance to the people facing increasing economic difficulties, and above all to the voiceless Tamils struggling for their rights and having to live with measures taken under the Prevention of Terrorism Act and in the name of national security.

It has been said that Sarath Muttetuwegama "is the most effective voice in Parliament." He has established himself as an undaunted fighter against corruption, violation of Human Rights, oppression of the less favoured classes and injustice to racial or religious minorities.

## PRESCRIPTION...

(Continued from page 3)

(M). Exploiters of fellow human beings will find the infallible Eastern prescription for peace "sama-dhanaya" unpalatable and unacceptable. Can we, the Sri Lankan inheritors of Hindu-Buddhist culture, accept the peace formula of our Indian ancestors, re-sell our excess ammunition to those involved in border disputes and use the foreign exchange thus earned for constructive and humanitarian purposes?

There can be no salvation for Sri Lanka without an honest examination. All of us have failed and our sectarian leaders have failed most in performing their duties and fulfilling their obligations to those who have placed trust in them. The 'Tigers' and Tamils have been identified to be the main cause of all the problems faced by Sinhala Buddhist Sri Lanka in the same way as Hitler discovered the German Jews to be the main cause of the economic problems of Aryan Germany. Hitler's costly, drastic and destructive remedy ended in the permanent division of Germany.

## We need a Gandhi

The need of the hour is a leader who will not be led by

the mobs, or even by his own advisors. We need a Gandhi who sacrificed his life for the cause of a United Independent India. Our own sectarian political leaders in the North and South should see the academy award winning picture "Gandhi" at least thrice to study and discover the source of Gandhi's incredible power in subduing British state terrorism and in initiating the disintegration of the mighty British Empire. Gandhi's prescription of truth, honesty and courageous non-violence is what we need more than ever before in Sri Lanka.

Let our leaders learn the lesson of Gandhi and the truth of the teaching of the Buddha that there is no greater power than the POWER OF LOVE AND FEELING FOR FELLOW HUMAN BEINGS, and sincerity of purpose in serving mankind. The Indian masses knew that Gandhi felt for them, wept with them in their moments of sorrow and worked for their welfare and liberation from foreign exploitation.

If we do not have a Gandhi already reborn in Sri Lanka, is it not possible for one of our political leaders to cast off his sectarian cloak and metamorphose into a Sri Lankan Gandhi, a national leader who will be loved and respected by all the citizens of this country?

# TRAGEDY AT THE UNIVERSITIES

The killings, by police firing, of two University students, one at the Peradeniya University on 19th June 1984 and other near the Colombo University the next day, must have come as shock even to a people already used to a succession of crisis events.

These unfortunate incidents have occurred against a situational background which has made Parliament for the twelfth time in a series of monthly renewals, keep the country under continuing EMERGENCY since June 1983. The government has also since 11th June 1984 imposed a blanket censorship applicable to both local and foreign news despatches in certain matters.

Justifying the government handling of the situation arising out of the campus incidents, the Minister of National Security, Lalith Athu-

lathmudali stated that when the government takes a firm stand it is accused of over-reacting but that if it doesn't, it is called a weak government doing nothing in a crisis.

The full facts behind the campus shooting incidents have not been made public yet. But the picture of conditions at the University reflected in the evidence given by the Vice-Chancellor of the Peradeniya University, Professor Leslie Panditharatne at the Kandy Magistrial inquiry into the death of the medical student H. B. A. Padmasiri on the 19th June, will evoke the anxious concern of both the government and all sections of both the government and all sections of the people of this country.

The question that arises in the minds of many is 'what were the University Authorities doing all this while?'

# Chinese Aid to Build our Supreme Court

A report in the UNP *Journal*, dealing with President J. R. Jayewardene's briefing of President Li-Xinian of People's Republic of China, regarding the ethnic situation in Sri Lanka and the connected problems, also referred to the Sri Lankan President's state visit having "clinched People's Republic Of China's assistance to build a new Supreme Court in Colombo." The *Journal* continued: "In talks with President Jayewardena here,

President Li-Xinian said that although China had been considering various possible projects in industry and agriculture, it had now decided that the balance loan could be spent on the Supreme Court."

It looks as if, having had the benefit of a briefing on Sri Lanka's ethnic problems, the Chinese President decided that what was needed most in Sri Lanka was the promotion of JUSTICE.

# The Maha Sangha ...

(Continued from Page 1) on subjects like Citizenship and Regional Councils satisfactory or not is a different matter. But one should be thankful for the forthright and unequivocal manner in which they have been placed before the All-Party Conference.

## Maha Sangha Initiating Dialogue

A most welcome move is the initiative the Maha Sangha has taken in establishing a dialogue not merely with the major political parties of the South but for the first time with the main Tamil political party, the T.U.L.F. It was an imaginative step which met with immediate response from Mr. Amirthalingam. The discussions were said to have been friendly.

The T. U. L. F. leader is also reported to have stated earlier that he was confident that the Buddhist clergy could be persuaded to agree to a reasonable settlement (The Island, 1st February 1984.)

Unfortunately, the reactions of both the U. N. P. and the S. L. F. P. are puzzling. The Government which had showed reluctance to place any firm proposals before the Conference, is reported to have "come to general understanding about the main principles" with the Maha Sangha (Daily News, 14th March 1984.)

On the other hand, Mrs. Sirimavo Bandaranayake, the leader of the S. L. F. P. which has chosen to walk out of the Conference table, is said to have informed the Maha Sangha "that the S. L. F. P. was against both Regional and Provincial Councils" and that "the S. L. F. P. leader agrees to the S. L. F. P. view being announced by the Maha Sangha at the Round Table Conference and we did so" said the Director of the Supreme Council of the Maha Sangha (The Island, 14th March 1983).

## The Constitution and the Maha Sangha

It should be no surprise that the Maha Sangha should

ultimately decide to make such a move formally and openly. Section 9 of the 1978 Sri Lankan Constitution states:

"The Republic of Sri Lanka shall give to Buddhism the foremost place, and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana while assuring to all -eligious the rights granted by Articles 10 and 14 (1) (e)''

This was practically a reproduction of the 1972 Constitution adopted by a S. L. F. P. dominated Parliament.

However, the importance of the Buddhist Sangha has always been there whether the Constitution gave it a privileged position or not. The Maha Sangha has always exercised a powerful influence over the lives and thinking of the Sinhala Buddhist people in every village and town in the island.

Unfortunately, the Maha Sangha as a whole does not appear to have pulled its weight even when the situation had demanded it on several occasions since Independence, in times of crisis or tragedy.

Groups of Bhikkhus had, of course, been active politically as, for example, the Eksath Bhikkhu Peramuna which is said to have helped the late Mr. S. W. R. D. Bandaranaike to win the General Elections in 1956, or the various groups of Bhikkhus who campaigned against the Bandaranaike-Chelvanayakam Pact of 1957 and the Chelvanayakam - Dudley Senanayake Pact of 1965.

## Not making its influence felt sufficiently

But it has to be said that in times of national tragedies, like the all-island racist attacks on Tamils in 1956, 1958, 1977, 1981 and 1983 the Maha Sangha as a whole had not made its influence felt sufficiently either by intervening promptly and effectively to stop the racist attacks or by participating actively in alleviating the tremendous human sufferings that resulted.

There were, of course, a few individual Bhikkhus, like Ven. Hewanpola Ratanasara, and even Buddhist laymen, like Dr. A. T. Ariyaratne who during these tragedies in 1958, and 1977, are known to have taken the risk and openly gone about to trouble spots appealing to people not to indulge in attacks on the Tamils and to observe non-violence. It was not enough merely to make a formal statement over the radio on the Government's suggestion.

If the Supreme Council of the Maha Sangha now uses its undoubted power and influence to bring peace and goodwill into resolving the ethnic conflict, they would then be able to confer the greatest blessing on this country since independence.

## Buddhism for all mankind

One aspect of this matter need to be pointed out. Politicians have done their best to make it appear that the Buddhist clergy is interested only in the Sinhalese people and the Sinhalese language. Buddhism being for all mankind, politicians should be told by the Maha Sangha itself that, when it comes to doing what is fair and just in matters of this world, the Buddhist Sangha would be equally concerned about all the people in Sri Lanka whatever their ethnic group.

Politicians forget that the Mahavamsa relates how the Buddha himself successfully resolved a dispute between two Naga Kings in Northern Ceylon. There can be no doubt that his success was due to the fact that non-attachment and loving kindness were the essence of his approach to all problems.

Mahatma Gandhi himself, who was from Gujrat and not a Tamil, is venerated in almost every Tamil home in Sri Lanka. It should not have been very difficult for a saintly and religious Sinhalese Buddhist personality to win the trust and confidence of the Tamils in the North and East.

# PRACTICAL ...

(Continued from Page 1)

political power from the British to the majority community, whose leaders, within a year of Independence in 1948, resorted to certain measures which, in effect, disenfranchised a million Tamils in the hill country areas and contributed to the election of many non-Tamil members in the rest of the country.

After their disenfranchisement, in the General Elections of 1952, not a single Tamil member was returned from the hill country or the entire

plantation areas. It was only at the General Elections of 1977 that with the effluxion of time some plantation Tamils were able to elect the one Representative in the person of Mr. S. Thondaman.

The failure of the Government to provide adequate and effective protection, led to the T. U. L. F. M. Ps keeping away from the Parliamentary sessions at Kotte from July onwards. The Colombo residence of the T. U. L. F. President, Mr. M. Sivasithamparam, was burnt to the ground. (The residence of the Jaffna M. P. Mr. Yogeswaran had already been destroyed in 1981). There

had been numerous threats to kill the M.P. for Trincomalee. Most of them ultimately left with their families for India. The State had failed to provide security for the Tamil members of Parliament from the North and East.

## Constitutional blow

Then came the constitutional blow. The Government that had permitted the demand for a separate State as a lawful demand, and provided opportunities to the Tamil people to vote for or against such a demand at General Elections and Presidential Elections, suddenly reacted to the horrors of the anti-Tamil

attacks of July 1983, not by dealing with the attackers but by constitutionally outlawing the demand for a separate Tamil State on which the Tamil representatives of the North and East had been elected into Parliament.

The effect of the Sixth Amendment to the Constitution on 8th August, 1983, was to keep out of Parliament the real Representatives of the Tamil people in everyone of the predominantly Tamil districts of the Northern Province and Trincomalee in the Eastern Province.

In short the Tamils, though numbering nearly 2 3/4 millions or nearly 18 % of the popu-

lation of Sri Lanka, have hardly 3 % of the seats in Parliament presently.

The carefully orchestrated campaign of the Government-controlled and predominantly Sinhala-owned news media, by trumpeting aloud the sin of a separate State and the crimes of terrorism, seeks to cover up the helpless plight in which Tamils have been placed both in parliament and outside.

Printed at New Leela Press, 182, Messenger Street, Colombo 12, for Publisher-Ceylon Institute for Tamil and National Affairs, 78/1, Ward Place, Colombo 7, on 4-7-1984.