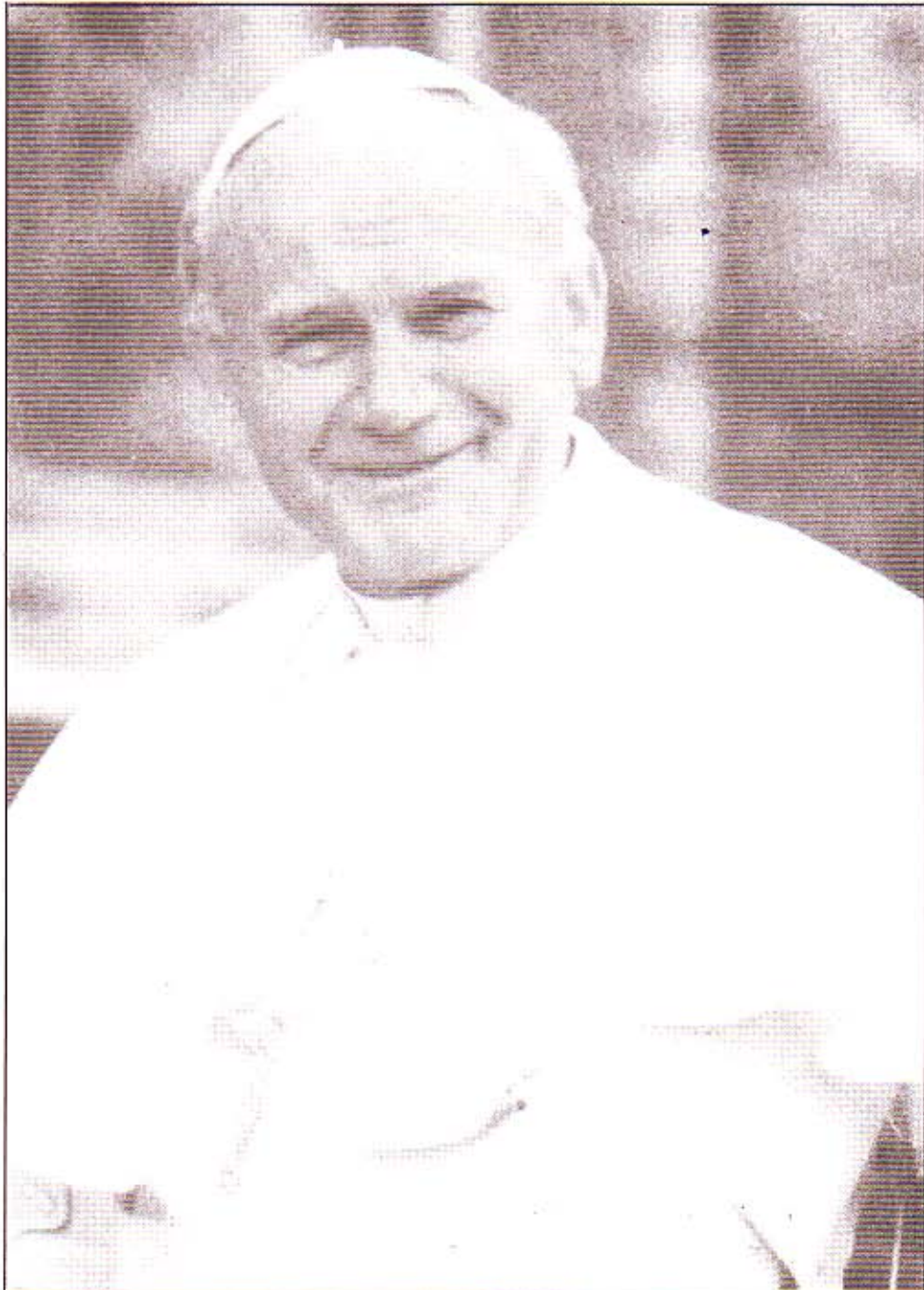


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'Perhaps nothing represents a greater threat to the spiritual fabric of Sri Lankan society than the ethnic conflict. The religious resources of the entire nation must converge to bring an end to this tragic situation.' – Pope John Paul II



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 — Voltaire.

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Pope's Visit and His Message

Whatever view one may have of the role of religion through history in the field of war and peace, the visit to Sri Lanka of Pope John Paul II was a significant one both in terms of its context and message. The context was the ethnic conflict and the resulting war that has brought violence, death and destruction to the people of the island, and the message was one for a just peace and reconciliation.

The response of the leading lights in the Buddhist establishment to the Pope's visit was lamentable and unseemly to say the least. They objected to some of the views he had expressed about Buddhism in his book, 'Crossing the Threshold of Hope', which they characterised as 'mischievous, misleading and malicious misinterpretations'. They held demonstrations and demanded an apology and a retraction from the Pontiff. Eventually they boycotted the Pope's visit alleging that it constituted 'religious aggression'. This is strong language against a person who said he came to Sri Lanka 'as a pilgrim of goodwill, with nothing but peace in my heart'.

It matters not whether the Pope's views corresponded to the 'correct interpretation' of Buddhism. He has the right to freedom of expression to which everyone else is entitled. Even leading Buddhist scholars differ in their interpretations of Buddhism, or for that matter scholars of all religions from their inception have differed, and in fact all religions have splintered on the basis of 'interpretations'. Those who profess to follow Jesus Christ have splintered into various forms of Christianity because of their own understanding and interpretation of the Christian scriptures. Similarly, there have been and are various sects in Buddhism practised in the world, and ancient history of Sri Lanka has been replete with instances when the Buddhist clergy of one sect or the other sought the Kings' patronage and support even leading to violent confrontations including pillage and burning of Buddhist temples. Islam and Hinduism too have had their own division on the basis of differing interpretations.

If the Buddhist Mahanayakes thought that they should contribute their wisdom to the Pope's understanding of Buddhism, they could and should have practised the basic tenets of tolerance and compassion and availed themselves of the opportunity of a meeting with the Pope to make him understand where he had gone wrong instead of displaying their intolerance thus bringing disrepute upon the entire Buddhist population.

What is of interest is that the Pope revealed his own scholarship of Buddhism when he referred to 'the four great values of Metta (loving kindness), Karuna (compassion), Mudita (sympathy), and Upekkha (equanimity) of Buddhism with its ten transcendental virtues and the joys of the Sangha expressed so beautifully in the Theragathas (Buddhist scriptures)'. He added 'To everyone I extend the hand of friendship, recalling the splendid words of Dhammpada: 'Better than a thousand useless words, is one single word that gives peace.' In spite of the offense offered to him by the boycott of his visit by the Buddhist Mahanayakes, the Pope expressed his highest esteem and regard for the followers of Buddhism. To allay the fears arising from complaints of religious conversions under pressure of various kinds, the Pope assured that the Church firmly rejected proselytism and the use of unethical means to gain conversions.

One does not say that whatever the Pope says must be accepted without question on every subject. Even among his own clergy and the laity, arguments are raging in respect of his views on such mundane matters as abortion that has a bearing on the daily lives of ordinary people, or his attitude in respect of spiritual matters like ordination of women.

But the Pope's message of peace and reconciliation was timely and most welcome. Calling for a definitive end to violence, the Pope said: 'Violence in any form is opposed not only to the respect which we owe to every fellow human being; it is opposed also to the true essence of religions'. Referring to the ethnic conflict, the Pope said, 'May all Sri Lankans of goodwill be strong and persevering in their efforts to find a just and peaceful solution to the ethnic conflict which has scarred the life of this nation. . . with its victims, its destruction and its terrible aftermath of suffering.'

Urging all to build the future of the human family on the solid ground of respect for each person's inalienable dignity, equal justice for all, tolerance and solidarity in human relations, the Pope asserted that they should recognise the link between genuine democracy, respect for human rights and development. One hopes that His message would be taken to heart and put into practice by all concerned including those belonging to the Church both in the north and south of the island.

POPE'S VISIT TO SRI LANKA

Pope Urges 'Definitive End to Tragic Violence'

Pope John Paul II wound up a gruelling eleven-day Asia-Pacific tour which took him to Philippines, Papua New Guinea and Australia with a 24-hour visit to Sri Lanka on 20-21 February with a Mass at the seafront of Galle Face Green in Colombo attended by an estimated huge crowd of over 300,000 people. He addressed the crowd from a traditional altar-platform designed by a Buddhist monk, Ven. Mapalagama Vipulasara, famed for his architectural abilities.

The Catholic flock coming from various parts of the island including an estimated 2,000 from the beleaguered Jaffna Peninsula had gathered there not only to see the Pope and take part in the celebratory mass, but also to be witness to the beatification of the 17th century missionary Fr. Joseph Vaz whom he described as a shining star in the Asian sky because of his charity and devotion to Christ.

Fr. Vaz, Catholic missionary from Goa in India had come to Sri Lanka disguised as a labourer in 1687. He worked among all sections of the people until his death 24 years later to consolidate the Catholic community and the Church which had been subjected to persecution for 150 years by the then Calvinist Dutch rulers of the island.

Although about 10,000 Tamil Catholics from the beleaguered Jaffna peninsula were expected to visit Colombo to see the Pope, it is estimated that only about 2,000 eventually made the journey. The absence of the right to freedom of movement for the people of the peninsula accompanied by the time consuming and financially expensive 'visa system' that is rigorously applied to anyone leaving Jaffna has been attributed as the primary reason for this low turnout from Jaffna.

Calling for a 'definitive end to the tragic violence which has cost so many lives' the Pope said in his sermon, 'I encourage the Government and all other parties involved in negotiating a just end to the conflict which has marred Sri Lank-

an life in recent years. . . Blessed are the peacemakers. When lasting peace comes, all Sri Lankans will be blessed and your country will be restored to its full dignity and greatness'.

In her welcome address the President said: 'This visit by your Holiness cannot but instil joy in the hearts of Catholics in this country and all others of the diverse religious faiths in Sri Lanka. You are a messenger of peace not only to the 900 million Catholics the world over, but also to the entire international community. You have been preoccupied with promoting peace and harmony. Your Holiness has expressed concern over the conflict which has affected Sri Lanka for a considerable period of time. You will therefore be pleased to hear my Government has given the highest priority to achieving peace'.

An otherwise tumultuous welcome was sadly marred by the boycott by Sri Lankan Buddhist religious leaders who claimed that the Pope had insulted Buddhism with his remarks in his book, 'Crossing the Threshold of Hope'. The six chairs reserved for the Buddhist leaders remained vacant at the ecumenical meeting of the Pope with all religious leaders held at the BMICH In Colombo which was attended, among others, by six Hindu and Muslim religious personalities.

One of the passages in the book to which the Buddhist leaders took exception reads: 'Buddhism is in large measure an "atheistic" system. We do not free ourselves from evil through the good which comes from God; we liberate ourselves only through detachment from the world, which is bad. The fullness of such a detachment is not union with God, but what is called "nirvana", a state of perfect indifference with regard to the world'.

Characterising this and some other passages in the book as 'mischievous, misleading and malicious' misinterpretations of Buddhism, the Buddhist Mahanayakes demanded a retraction and apology from the

Pope. While the local Catholic hierarchy tried hard to please the Mahanayakes by apologising for any unintended hurt that might have resulted, the Pope neither did retract nor apologise. However the Pope did make several conciliatory remarks and expressions 'esteem' and 'highest regard for the followers of Buddhism' which were obviously not sufficient to satisfy the Buddhist Mahanayakes to abandon their boycott.

The following are excerpts from the Pope's address at the Presidential Secretariat on his arrival on 20 January:

'I am deeply grateful to you, Madam President and Madam Prime Minister, and to all of you, for your warm welcome to Sri Lanka. For many years I had hoped to visit the "Pearl of the Indian Ocean", resplendent with natural beauty, the land of the Mahavansa, a nation proud of its ancient culture, a country known for its smiling, hospitable people. I come as a friend from Rome, where two thousand years ago the venerable civilization which flourished in this country was known and esteemed. I come as a pilgrim of good will, with nothing but peace in my heart. I am keenly aware of your country's rich spiritual heritage, shown not only by the strength of your religious traditions but also by the remarkable harmony and mutual respect which has flourished among the followers of the various religions.

'I wish my visit to be a sign of my profound esteem for all Sri Lankans. In particular I express my highest regard for the followers of Buddhism, the majority religion in Sri Lanka, with its Brahmaviharas, the four great values of Metta, Karuna, Mudita and Upekkha: loving kindness, compassion, sympathy and equanimity; with its ten transcendental virtues and the joys of the Sangha expressed so beautifully in the Theragathas. I ardently hope that my visit will serve to strengthen the good will between us, and that it will reassure everyone of the Catholic Church's desire for inter-religious dialogue and cooperation in building a more just and fraternal world. To everyone I extend the hand of friendship, recalling the splendid words of the Dhammapada: "Better than a thousand useless words, is one single word that gives peace".

'How urgently necessary it is for society to support families, to edu-

cate children in respect for others, and to defend the sacredness of life against every form of violence. May all Sri Lankans of good will be strong and persevering in their efforts to find a just and peaceful solution to the ethnic conflict which has scarred the life of the nation in recent times, with its victims, its destruction and its terrible aftermath of suffering. The most recent steps taken in this direction nurture the hope – which all people of good will share with you – that everyone involved will shun violence and will draw on your traditions of tolerance in pursuing a harmony born of reconciliation and full respect for the diversity of society's members.

‘Tomorrow I shall gather in prayer with the Catholic community of Sri Lanka in order to celebrate the Beatification of Father Joseph Vaz, a holy man and a man of peace, who won the respect of his contemporaries by his humility, goodness and tolerance. I am certain that in honouring the memory of this saintly priest, Sri Lanka's Catholics will be inspired to continue to work for reconciliation and peace in a spirit of service to all their fellow-citizens and in solidarity with them.

‘In thanking the Supreme Authorities of the State for their warm invitation to visit Sri Lanka on this occasion, I wish to assure everyone, of whatever religious, ethnic or cultural background, that the Beatification of the Servant of God Father Joseph Vaz, although principally a Catholic event, is at the same time a sincere tribute to the profound religious traditions of all the people of this land.

‘God bless Sri Lanka! May He grant you peace!

‘Ayubovan! [Sinhalese: long life!].

‘Vanakkam [Tamil: greetings!].’

The following are excerpts from the Pope's address to the ecumenical meeting of religious leaders on 21 January:

‘I am very pleased to have this opportunity during my visit to Sri Lanka to meet representatives of the various religions which have lived together in harmony for a very long time on this island: especially Buddhism, present for over two thousand years, Hinduism, also of very long standing, along with Islam and Christianity. This simultaneous presence of great religious traditions is a source of enrichment for Sri Lankan society.

‘Especially since the Second Vatican Council, the Catholic Church has been fully committed to pursuing the path of dialogue and cooperation with the members of other religions. Interreligious dialogue is a precious means by which the followers of the various religions discover shared points of contact in the spiritual life, while acknowledging the differences which exist between them. The Church respects the freedom of individuals to seek the truth and to embrace it according to the dictates of conscience, and in this light she firmly rejects proselytism and the use of unethical means to gain conversions.

‘The Catholic community hopes that through a continuing “dialogue of life” all believers will cooperate willingly in order to defend and promote moral values, social justice, liberty and peace.

‘I appeal to you and encourage you, as the religious leaders of the Sri Lankan people, to consider the concerns which unite believers, rather than the things which divide them. The safeguarding of Sri Lanka's spiritual heritage calls for strenuous efforts on the part of everyone to proclaim before the world the sacredness of human life, to defend the inalienable dignity and rights of every individual to strengthen the family as the primary unit of society and the place where children learn humanity, generosity and love, and

★ President's Assassination Fears: President Kumaratunga said at the gathering of foreign journalists on 9 February in Colombo that, despite her peace efforts and attempts to reach a political solution to the conflict, it was worrying that she had received intelligence reports that the Tigers were plotting to assassinate her.

She said that a photographer arrested last month at her ancestral home at Horogolla in Attanagalla, some forty kilometres from the capital, had confessed to the intelligence service that he had been instructed by the LTTE to photograph the area and to take pictures of the places which Mrs. Kumaratunga usually visited.

The Government had written to the LTTE leadership about the reports and this issue with other related issues would certainly be taken up during the next round of talks between the two sides.

to encourage respect for the natural environment.

‘Perhaps nothing represents a greater threat to the spiritual fabric of Sri Lankan society than the continuing ethnic conflict. The religious resources of the entire nation must converge to bring an end to this tragic situation. I recently had occasion to say to an international group of religious leaders: “violence in any form is opposed not only to the respect which we owe to every fellow human being; it is opposed also to the true essence of religion. Whatever the conflicts of the past and even of the present, it is our common task and duty to make better known the relation between religion and peace. The only struggle worthy of man is the struggle against his own disordered passions, against every type of hatred and violence; in short against everything that is the exact opposite of peace and reconciliation”.

‘I am certain that the principles of mercy and non-violence present in your traditions will be a source of inspiration to Sri Lankans in their efforts to build a peace which will be lasting because it is built upon justice and respect for every human being. I express once more my confidence that your country's long tradition of religious harmony will grow ever stronger, for the peace and well-being of individuals, for the good of Sri Lanka and of all Asia’.

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NEWS REVIEW

★ **Political Package is Almost Ready:** A political package to resolve Sri Lanka's protracted ethnic conflict has been 'almost finalised', and the Government was ready with plans for the commencement shortly of rehabilitation and rebuilding works in the war-torn areas of the north and east of the island, President Chandrika Kumaratunga announced in Colombo at a lunch hosted by the Foreign Correspondents Association on 9 February.

The President said that she was hopeful of the resumption of talks with the Tamil Tigers, and described as satisfactory the way the current truce between the LTTE and government forces was working in the north and east.

'The Government has almost finalised the preparation of a draft of a political package which we are offering which will be up for discussion very soon with the LTTE and other political groups'. However the LTTE was still reluctant to set a date for the start of negotiations with the Government. 'We have been asking for a date to start negotiations on the political issues. But they appear to be reluctant. They seem to want to get the maximum out of the cessation of hostilities before they start talks' the President said.

The LTTE was insisting that the army should withdraw from two camps in the north before establishing a safe land route with the mainland, but the Government had ruled that out, said the President. However she was confident that negotiations would recommence soon.

Kumaratunga's Government initiated peace talks with the LTTE after winning the elections in August last year, and despite interruptions, both parties signed a declaration of cessation of hostilities in early January.

Referring to previous rounds of talks during which questions relating to the lifting of the ban on the transport of many items to Jaffna and matters concerning the restoration of other basic facilities to the people including the right to fishing in the northern waters were discussed, the President said that money had been allocated and plans for the reconstruction of roads, damaged hospitals, schools and the Jaffna

Library were ready and works could start in two weeks. Transport of equipment and building materials would be difficult without a land route to Jaffna. If the LTTE did not agree to a land route to be opened, then the equipment and building materials would be transported by sea.

She said that government engineers were ready to travel to the northern Jaffna peninsula to commence work with the cooperation of the LTTE.

The President said that her Government believed that the LTTE would agree to a political solution that involved extensive devolution of power rather than the separate state they demanded earlier. 'We are a peoples' Government and we have complete faith in the people. We believe that the people of Jaffna in particular, and in general all the Tamil people of the north and east passionately and desperately want peace. All signs are this is so', the President said.

The cessation of hostilities allowed the Tigers to carry out more political activities among the people, particularly in the east where they had earlier lost control to the armed forces. She conceded that the truce was more advantageous to the Tigers, but at the same time it was good for the military because they did not have to fight. 'It is a good thing that the Tigers have come to realise that they must work politically with the people for their own good', she added.

Taking a swipe at her critics, the President said, 'If anybody believed that with the wave of a magic wand we could within two or three months solve a problem which has been allowed to rot in the worst possible way for several years by the previous government, they were in a dreamland of their own'.

★ **Truce Monitors Meet LTTE Leader:** Monitors from three western nations observing the Cessation of Hostilities between government forces and the LTTE had a rare meeting with the leader of the Tamil Tigers, Velupillai Prabhakaran, on 5 February. Before the foreign team went to Jaffna, President Kumaratunga had a briefing session with them.

Two Norwegians, a Canadian and a Dutchman, nominated by their governments at the request of the Sri Lankan Government and who are heading the monitoring committees of the truce were flown into the

LTTE controlled Jaffna peninsula and had an unannounced meeting with the LTTE leader at an undisclosed location. No details of the thirty-minute session were revealed, but informed sources said that the discussions would have centred around operational aspects of the monitoring process and the appointment of LTTE's nominees to the Committees which has not been completed yet. The government has already nominated its members to the Committees.

Army Brigadier Siri Peiris who accompanied the foreign monitoring team to Jaffna was not present during the team's discussions with Mr. Prabhakaran. It is expected that the discussions would clear the way for the Monitoring Committees to start their work.

*In Jaffna, in addition to meeting Mr. Prabhakaran, the foreign officials also met other LTTE officials led by Tamilchelvam, head of the LTTE's political wing along with LTTE nominees to the Monitoring Committees.

The Monitoring Committees to be headed by the foreigners and comprising nominees from both the government and the LTTE are expected to function in Batticaloa-Amparai, Trincomalee-Weli Oya in the east and Vavuniya-Mullaitivu and Jaffna-Mannar in the north. However the Government says that the work of these is being delayed because of the additional conditions put forward by the LTTE.

★ **Gamini's Assassin Identified:** The woman suicide-bomber involved in the assassination of the late UNP leader Gamini Dissanayake and over 50 others at Thotalanga in Colombo on 24 October has been identified as Ganesh Pushpamalar alias Jayanthi of Ariyalai in Jaffna, the Inspector General of Police, Mr. Frank De Silva told a press conference on 1 February in Colombo.

Pushpamalar was about 30 years old and was living with a man named Ravi and two children in a house at Sidharatha Place in Kirillo-pone for some time and had been travelling between Colombo and Kilinochchi very often. Twelve witnesses in the neighbourhood and another witness who had been seated next to the bomber at the election rally on the day of the assassination had all identified the picture of the bomber and that of Pushpamalar as being one and the same person.

Ravi who was living with her, first denied but later confessed that the suspect bomber was Pushpamalar. Ravi was in detention and was to be indicted in connection with assassination of the late President Premadasa, the IGP said.

The IGP said that the reports of the DNA analysis on the blood samples and on the body fragments recovered from the scene of the crime had been received from Scotland Yard and the Defence Research Agency in the United Kingdom. The analysis disclosed that the blood on the pieces of cloth found on the body of the suspect bomber was that of the same person whose head was found blown off. The analysis also revealed that the body fragments recovered from the scene and the head found on the roof some distance away also came from the same individual. The mouth swabs of the bomber had indicated the presence of cyanide but she did not die of cyanide poisoning.

The IGP added that forensic experts of the Scotland Yard had also established the fact that the suicide-bomber had strapped a bomb around her waist and had identified explosive substance used in the bomb as being composed of a mix of RDX and gelignite.

Asked whether there was any LTTE connection in Gamini's assassination, the IGP said that the presence of cyanide indicates its involvement, but there was no firm evidence yet.

★ Commitment Reaffirmed: President Kumaratunga, in her address to the nation on Sri Lanka's Independence Day, 4 February, reaffirmed her commitment to the peaceful resolution of the ethnic conflict through negotiations with the LTTE.

This is a hard and tortuous path. I do not see ahead of me a path that is clear and easy and free of many pitfalls and dangers. However, this remains the only path to be taken. In order to obtain true freedom for our people, it is absolutely necessary that the war in the north and east should be ended.

It is my most fervent wish and prayer that all communities in our country would have the wisdom and the strength not to loose the hands of peace that have come together, but instead to bind them even stronger, the President said.

'Peoples' Immediate Problems Must be Solved First' — ANTON BALASINGHAM

In a lengthy interview with the press, LTTE's main spokesman, Mr. Anton Balasingham emphasised that the LTTE was not reluctant to negotiate on the political issues but immediate and urgent problems faced by the people such as the economic embargo, restrictions on fishing, plight of refugees and the issue of opening up a passage between Jaffna and the mainland had to be solved first.

Mr. Balasingham added that the Government should dismantle the army camp at Pooneryn for the LTTE to agree to the opening of this route. This should be done to convince the LTTE that the Government had given up the military option.

There had been no serious violations of the Cessation of Hostilities so far and the LTTE expected it to continue. However there were some other issues that needed clarification, for example, the question of the mobility of LTTE cadres carrying arms for their personal security, in the Eastern Province. These matter had to be sorted out by both parties in a written form so that when the Monitoring Committees assumed responsibility they could sort out these problems. The present Cessation of Hostilities should lead to a permanent Ceasefire, Mr. Balasingham said.

The following are excerpts from Mr. Balasingham's interview with Zacki Jabbar of the *Sunday Island* (5 February 1995):

Q — Will the question of devolution, be discussed at the fourth round of talks due to commence shortly?

A — We have been telling the government that the peace process should take place stage by stage and it should be advanced in a progressive form, because the ethnic problem is a complex one. The argument that the LTTE is reluctant to talk about the ethnic problem or devolution is absolute nonsense. Firstly, the immediate and urgent problems faced by the people has to be sorted out, such as the economic embargo, restrictions on fishing, the plight of the refugees and the issue of opening up of a passage to Jaffna and various other issues that affect the people here. For the Jaffna man his immediate and urgent problem is finding work, food, and also the ability to travel to Colombo so that he could contact his relatives abroad — that is his immediate problem not Federalism or Provincial Councils.

In the three rounds of talks so far none of these major issues were sorted — there was only a slight relaxation on the transport of certain items, the issue of the causeway has not been resolved, the embargo on fuel has not been lifted because the army says it is a military item — without fuel economic reconstruction of the north is impossible.

However, the LTTE's movements have not been affected because we have a supply of the necessary fuel from various sources, but it is the civilians who are suffering without fuel. So the fuel embargo should be lifted.

There is also the question of refugees numbering nearly 200,000 as a result of the army occupying several areas. The refugees are now living in camps outside Jaffna town.

We have expressed our regret for asking the Muslims to leave. We had to ask them to go for various reasons at that particular juncture. I do not want to go into those details now but we want the Muslim people to come back and occupy the Navanthurai area.

What we have told the government delegation is that we must first concentrate on the immediate problems, which is not separate from the totality of the ethnic problem. Once these problems are sorted out we could move to the question of devolution.

So after three rounds of talks I would say that we are disappointed that the government has not made any substantial contribution to resolve the problems.

Then comes the question of devolution you are talking about — we did not say that we will not look into the ethnic problem. We are told that the government is working on a substantial set of proposals. Once the proposals are given to us we will study it and respond accordingly — we will have to find out whether it satisfies the aspirations of our people.

As you know the LTTE has been fighting for an independent state for the last two decades, but we are prepared to consider an alternative. If a regional autonomous model with adequate devolution is given to us we will look into it. So it is up to the government to work a satisfactory

Continued on page 8

Continued from page 7

solution. We are not going to suggest anything.

Q - *What exactly are you negotiating for with the government?*

A - Firstly we have been negotiating for the establishment of peace and the restoration of normal civilian life and to resolve the immediate and urgent problems the people face. So we expect the government to resolve some of these crucial issues that are of paramount importance to the day to day existence of our people.

The delay has been caused by the government and not the LTTE. If the economic issues had been sorted out soon we would now be at a stage where issues such as the unit of devolution, north-east merger etc., could have been discussed. All we can do at this stage is to suggest a federal framework which recognises the historical habitations of the Tamil speaking people.

Muslims

We think that the problems of the Muslims particularly in the North-East is inextricably linked to the totality of the national question so any political framework should incorporate adequate devolution recognising the political and cultural identity of the Muslim people, and if the Muslims prefer an autonomous region of their own we would certainly welcome it.

Q - *Is the LTTE prepared to give up the idea of a separate state for Federalism?*

A - There are different forms of Federalism all over the world, with different levels of distribution of power. If an adequate Federal model which attempts to resolve the problems of the Tamils and the Muslims is put forward we would certainly consider it.

Q - *Does the LTTE favour a Confederate State?*

A - I do not want to comment on that. Now that the Government is negotiating with us, let the proposals come from the Government so that we can start from that point. It would not be prudent on our part to make any comments on the proposals at this stage. The confederation idea did not come from the LTTE but from an individual called Arular who has nothing to do with the LTTE.

Q - *What made you break up your negotiations with President Premadasa. Didn't you suddenly let him down by attacking police stations and capturing policemen in the East?*

A - It is true that the negotiations broke down because there were viola-

tions of the ceasefire and a conflictual situation arose resulting in attacks on police stations during which a lot of people were killed. While the Sri Lankan Government accused the LTTE of violating the ceasefire the LTTE said the government was responsible for the violations. Apart from that I do not want to make any further comments.

Q - *Will the LTTE agree to the Muslims and the Sinhalese coming back to the North.*

A - Our intention is to invite the Muslim people back to the North - there were a few Sinhalese people here - people from any community are free to come but we are opposed to state sponsored colonisation in Tamil areas. So far as the Muslims are concerned we have expressed our regret at what happened and are prepared to resettle them in the north once our refugees are allowed to go back to their villages.

Q - *What about the Sinhalese people?*

A - The Muslims and the Sinhalese are two different entities. Thousands of Muslims were living in Jaffna whereas the Sinhalese were a scattered population in Jaffna. They can come - we are not opposed to that.

Once the North is opened to the South and there is free communication then it is always possible for people of all communities to come here.

Where the Muslims are concerned they have a specific problem - several of their people are suffering as refugees, so we have a responsibility to resettle them in their homes.

Q - *Is the LTTE demand that they be accepted as the sole representative of the Tamils reasonable. Will you be prepared to hold a referendum on this question?*

A - The LTTE is not a political party. It is a national liberation organisation fighting for the political rights of the Tamil people for the last two decades. We have the backing of the people. When a political framework is worked out the LTTE will be prepared to face elections or rather it will face the people and allow them to choose their representatives. Until such time it would be hypothetical to talk about a referendum.

Once a political solution is reached, not only the LTTE but any political party could seek representation at a free and fair election. Right now the LTTE undeniably has the support of the people. We cannot survive as a guerrilla movement or liberation organisation without the support the people give us.

Q - *Are you still opposed to a referendum in the Eastern Province to*

determine the question of a permanent merger of the North-East?

A - I do not think that the LTTE will agree to such a proposition because the North and East has been historically the habitation of the Tamil speaking people. This is recognised in all pacts and agreements entered between Tamil leaders and the government from Mr. Bandaranaike onwards up to the time of the Indo-Lanka Accord. Such recognition has been given even by India, so there is no need for a referendum in the East. We opposed the Indo-Sri Lanka Accord because it called for a referendum in the East. Our position is that the Northern Tamils cannot be separated from the Eastern Tamils with a view to holding a referendum in the East.

Q - *You have been critical of President Chandrika Kumaratunga because the government has decided to purchase more arms. Do you still maintain that position?*

A - Of course we will be critical if she continues to build up her armed forces. If she buys modern weapons it shows that the process of militarisation is continuing.

So we will certainly oppose and criticise the government's attempts to build up its armed forces while talking peace because such actions will not create mutual trust.

If the Chandrika Government continues to spend money on arms at this critical time when there is so much of industrial unrest in the south then one would wonder whether she has given up the military option and is committed to peace.

Q - *Do your intelligence sources say that the government is purchasing more arms?*

A - We read it in *The Island* which comes out with various purchases and allocation of funds etc. So that makes us worry - so you are the source of information not our intelligence sources. (Laughs).

ZJ - That shows our neutrality and independence.

Q - *What difference do you see between President Kumaratunga and President Premadasa?*

A - Ranasinghe Premadasa continued a different tradition of politics. What we see in Chandrika Bandaranaike is that she has obtained a mandate from the people on the crucial question of reaching a political solution to the ethnic issue. She is different from Premadasa because she has a mandate for peace from the people and that is one way or the other her strength.

Premadasa continued the tradition

of the UNP regime. The Premadasa regime did not make any serious attempt to resolve the problem. Once the talks failed they resorted to the military option which caused havoc. Further than that I do not want to comment.

Q - *There was a time when President Premadasa was considered a friend of the Tamils what happened for that thinking to change?*

A - The early stages of the negotiations were very cordial and friendly,

both the LTTE and the Premadasa government had the single objective of throwing the Indians out. Once the Indians started to leave the problems started to crop up. Premadasa while recognising the LTTE as the representative of the Tamils suddenly called the other groups for an All Party Conference and he was postponing indefinitely the question of resolving the ethnic problem.

He was also reluctant to dissolve the Provincial Councils. Also the army

after crushing the JVP got confident that they could crush the LTTE. That is how the earlier euphoria died down and the ethnic problems surfaced.

I think the Premadasa government did not take concrete measures to resolve the problem at a time when they had a good opportunity to do so.

Q - *At what stage do you think Mr. Velupillai Prabhakaran will enter the negotiations?*

A - only when we are about to sign a peace agreement.

'We Will Not Run Away From The Peace Process' - FOREIGN MINISTER

Sri Lanka's Foreign Minister, Lakshman Kadirgamar, strongly believes that the new government of the People's Alliance Coalition government led by President Chandrika Kumaratunga can strike a deal with Velupillai Prabhakaran, chief of the Liberation Tigers of Tamil Eelam, and reach a solution to the violent ethnic conflict that has ravaged this island nation for more than 10 years.

In a recent interview with the press Kadirgamar, who was in the USA to brief Secretary of State Warren Christopher and other senior Clinton administration officials along with members of Congress about the peace process, said there were things that now point to the LTTE's *bona fide* quest for peace.

'I am not saying that striking a deal will be easy', he acknowledged. 'There will be complicated questions of substance to be gone into, such as the meaning of devolution, the extent, the area, lots of problems of that kind. But these are problems that we can sit down and talk about'.

However, he said, 'If you are asking me whether the LTTE has a hidden agenda and whether they are really taking us for a ride by pretending to be interested in peace, while all the time they are not, and they are merely going to use the ceasefire to recoup and rebuild, my feeling is that this time around there are a number of circumstances to point to the fact that they are prepared to talk seriously about peace'.

Kadirgamar, the first Minister in the new government to visit the United States, said: 'Timing may be a difficult question. You must not forget that after 10 years of bitter hostilities, it won't be easy for them to come to the

table too quickly, because there is a question of how they are going to explain to their own and so on, and this must be respected. So we have to be patient'.

The Foreign Minister said he believed 'the LTTE is a pragmatic body, they also read and understand the wishes of their own people, of the international community, and my feeling is that they are also searching for an end to the conflict'.

'Their plans and ours may be different', he added, 'but we will only know what the differences are when we actually sit down and talk'.

He emphasized, however, that until then 'we are not going to let our guard down, that would be irresponsible of any government. We will be alert and watchful, but we will not run away from the peace process'. With regard to India's role in the process, Kadirgamar said he was confident that New Delhi would not torpedo the envisaged talks between Colombo and the LTTE.

He acknowledged that he was aware of the deep anger in various circles against the Tigers, particularly after the assassination of former Prime Minister Rajiv Gandhi. 'Frankly, I can't speak for the Research and Analysis Wing (India's intelligence agency) or what their agenda might be. I don't pretend to know anything about that or what their plans are. I can't possibly know'.

'But I can tell you', he added, 'that my impression after my conversation with Prime Minister Narasimha Rao' in December 'is that the Indian government of today is relaxed about the peace process in Sri Lanka. By that I mean I did not get the impression that India was going to sabotage or scuttle it in some way or impede it. On the

contrary, I had a very clear impression that if we solve our problem, as Prime Minister Narasimha Rao said to me, it would be one problem less for India, and they wish us well'.

Kadirgamar said that when he asked Rao whether he could quote him, the Prime Minister 'told me categorically that I could tell the world about it'. The Foreign Minister asserted: 'I do know that the matter of the Rajiv Gandhi assassination is a matter of great concern to India.

'It's a matter of great concern to us in Sri Lanka', Kadirgamar said, 'because here is the Prime Minister of a friendly neighbouring country murdered and the first accused and the second accused in the case are leading members of the LTTE, which is an organization based in Sri Lanka.

'That very simple fact itself makes a major problem for us, of which we take full cognizance. There very well may be forces in India who may very well attempt to wreck this process, but our dealings with the Narasimha Rao government at the moment are perfectly straightforward'.

'There is absolutely no secret understanding between our government and the Indian government about the peace talks', he declared, 'or about Prabhakaran. Nothing at all of that kind'.

Sri Lanka's chief diplomat, a lawyer by training who has practiced law both in Sri Lanka and in London, also noted that 'there has been no request for Prabhakaran's extradition by the Indian government.

While refusing to go into the specifics of the peace proposals that would be offered to the LTTE, Kadirgamar acknowledged that 'you will find that there will be a large element of devolution of power from the centre being offered. But I am not in a position today to tell you the details.

'But you can take it from me', he declared, 'the question of a separate state is not negotiable at all'. Kadirga-

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Peace Process: Negotiations on Political Issues A Priority

by Rajan Hoole

There is today a general awareness of a drift in the peace process. The LTTE, while being evasive on discussing the political solution, is pressing the government to concentrate on reconstruction and demilitarisation. But this is not seen to be the agenda the LTTE has set for itself.

The army, distrusting this state of affairs and anticipating war, is reportedly obstructing the movement of goods to the North on which the ban has been withdrawn. Against this there is the danger that if war is to resume, there would be a strong lobby in the south questioning the need to offer a political solution. If a war is to be fought either way, we may find ourselves back in the desultory years that followed June 1990.

In the face of impending tragedy mainstream Tamil opinion and parties are indulging in evasion to the effect that the LTTE demands (e.g. Reconstruction and movement of goods) are reasonable. But they are not taking the responsibility of demanding that the LTTE go for political talks. It is elementary wisdom that without a political process reconstruction would remain impractical. This raises questions about whether the wishes of ordinary Tamils are being represented at all.

Take some recent statements of a leading TULF MP for Batticaloa. 'The Tigers have demonstrated their sincere wish for peace by calling for a ceasefire', 'If this (PA) government does not solve the Tamil problem, we will not hesitate to topple it'. Of

course the people of the East fervently wished for a ceasefire in the context of a political solution, but not one which allows a build-up for a more ferocious war. The PA may have its limitations. But it is hardly credible that the Tamils want their representatives to topple the PA government and install the UNP. Such game playing underscores the plight of the Tamils.

Take the bottom line of recent messages coming from Tamil elite spokesmen through the press and other important fora: To pursue peace by insisting on a political package which guarantees human rights and democracy is to divide the Tamils from the Tigers; The campaign calling for guarantees on human rights from both sides, launched by the Movement for Peace with Democracy has been described as provoking the Tigers; The government should first attend to the reconstruction of devastated areas of the North-East (presumably lasting several years of unchallenged LTTE control) to create the 'correct atmosphere and confidence' to discuss the political package.

Though coming from apparently independent sources, the message is clear and cohesive. These no doubt reflect what the LTTE wants to say without doing so openly. (See for instance AGOTIC statement, S.T. 1st January).

These messages also act effectively as bait to sections of the peace movement in the South that place a premium on Tamil elite participation and access to the LTTE leadership, over the long and arduous

task of working for a mass acceptance of the values of peace – namely democracy and human rights. The attack on a section of the peace movement was almost explicit and no doubt calculated to divide and to dictate an agenda.

Serious worry on the part of the liberators that people under their iron grip could be divided from them, characterises the pathological nature of the liberation struggle. The remaining phobias follow naturally.

There would be some sense in the attack if there was good reason to believe that a section of the peace movement was in collusion with the government on a psycho-military scheme to neutralise the LTTE and cheat the Tamils of a political solution. This is not just grossly unfair, but is also a wilful maligning of journalists, political activists and those like Vasudeva Nanayakkara in the south who have been active for 20 years and more seeking a just solution to the ethnic problem. The message they have been carrying to Sinhalese villages from Padaviya to Matara is that justice, democracy and human rights for the Sinhalese is inseparable from the Muslims and Tamils also enjoying these rights. We have here a glimpse of the morally decadent and self-destructive impulse of Tamil nationalism.

How messages are signalled from Jaffna, transmitted through intellectuals, religious figures and other operators, and then picked up and campaigned upon by sections of the Tamil elite in Colombo and abroad, is also the story of a divided Tamil society. One, the ordinary Tamil people upon whom silence and suffering are imposed. The other, pandering to their egos at the expense of the former, having over the years surrendered their moral autonomy.

A significant section of the people in Jaffna do know that the LTTE's position of Pooneryn, Elephant Pass and political talks are utterly unreasonable, and have no connection with the Tamil peoples' interests. They also know and fear that if the problem is not settled now, under this government, it is going to be a long haul and a very destructive one.

If President Chandrika Kumaratunga is popular among Tamils because she is seen to offer them peace with justice and democracy, it is left to the LTTE to rethink what they themselves stand for. The

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mar reiterated, 'that is completely out of the question, but short of that, very substantial devolution will be considered.

He said that tangible proposals would be on the table because 'this government is committed to peace. We are not going to be deterred and distracted by obstacles, by problems that will arise'.

Kadirgamar emphasized that President Kumaratunga 'has to go ahead because she has this mandate that forbids her from standing still, she simply cannot. There is a contract with

the people of the country now'.

Taking a swipe at the United National Party that ruled Sri Lanka for the past decade and a half, Kadirgamar said, 'other governments did not have that problem.

'They were basically concerned about settling the problem, we all know that. There was a lot of shadow-boxing and fancy footwork involved and jockeying for position and so on', he charged.

Kadirgamar said the new government was 'in a different situation. The people have told us clearly, massively, to go ahead and sue for peace'.

Tamil people deserve that choice as much as other human beings. Setting up people to make allegations of foul play is just nonsensical.

The articulated hesitancy about political talks as against reconstruction, leaves the feeling that recruits from the East were killed on Northern battlefield just so that the people of Jaffna could have some material benefits and electricity. That would be an insult to the long-suffering people of the North and East alike. The war rather received legitimacy from the absence of a political solution, and that is what the ordinary Tamils want first and foremost. Moreover, in rural areas the course of Tamil politics has trapped people into the vicious cycle of believing that if the LTTE is defeated, they would be cheated of a political solution and be left with nothing for all their loss. The outline of a political solution is the necessary first step, and the government need not feel intimidated or confused on this score.

It is also significant how the East does not feature in this Jaffna-centred discourse. If there is no political process, there can be no significant reconstruction. War will resume after about three months of electricity etc. to Jaffna. The LTTE would vacate the East taking along a new batch of recruits they could not have got otherwise. If all that elected MPs have to offer is to take cover behind asking the government to talk to the LTTE, why did they go to parliament at all? After all, Tamil people elected them to lead, and not the LTTE.

Several soldiers have told pressmen and relatives that they are confused by what was going on. At present the soldier is at a loose end. During the early days of the PA government the Deputy Defence Minister went about talking to soldiers, telling them that the government would not allow a division of the country. That was neither new nor helpful. The LTTE would feel the pressure to enter political talks if it is convinced that it cannot take the military initiative as in June 1990, and then also regain the political initiative through using reprisals against civilians by the forces. The safest course is for the government to take the political initiative, while preparing the army for a clearer role that is sensitive to the people's expectations.

(Courtesy of *The Sunday Times*, February 12, 1995).

U.S. Endorses Govt's Peace Moves

In a sweeping endorsement of the new People's Alliance coalition government's efforts to alleviate the human rights situation in Sri Lanka, U.S. Secretary of State Warren Christopher said here last week that Sri Lanka was one of the 'happy stories' that the State Department could report on in its annual Human Rights Review.

Speaking to reporters briefly at a photo opportunity before going in for his meeting with visiting Sri Lankan Foreign Minister Lakshman Kadirgamar, the Secretary lauded the 'great progress made by Sri Lanka in human rights, which as you can see from our human rights report on Sri Lanka is one of our happy stories'.

In its report, released here February 1, the State Department said the human rights conditions in Sri Lanka had improved significantly from what it was in the past few years. 'The government took important steps to improve its human rights practices', it said and noted that the 'security forces committed significantly fewer human rights abuses in 1994, although some human rights violations still occurred'.

The report, sent to Congress on January 31 to assist in its foreign aid deliberations, said that 'political and extrajudicial killings and disappearances virtually ended in government-controlled areas', and noted the establishment of three regional commissions to investigate disappearances.

Asked if Washington had any qualms that the Sri Lankan government was trying to strike a deal with the LTTE (Liberation Tigers of Tamil Eelam), which the United States on several occasions has described as one of the most ruthless terrorist organizations in the world, Christopher drew the analogy of the peace agreements struck between the Irish Republican Army (IRA) and the British government, the Palestine Liberation Organization (PLO) and Israel, and the African National Congress (ANC) and the former white South African government in Pretoria, where virtually intractable conflicts had been resolved through intense negotiations.

Christopher declared that 'we have great confidence in the Sri Lankan government, and I think for them to have negotiated a cessation of hostilities is highly desirable'.

He pointed out that 'around this troubled world of ours, we are finding some barriers breaking down, in Northern Ireland, in the Middle East and South Africa'. He said the cessation of hostilities and the envisaged

peace agreement between the Sri Lankan government and the LTTE 'is another important step and we hope that it will lead to a resolution' of the ethnic conflict.

Christopher congratulated his Sri Lankan diplomatic counterpart Kadirgamar for 'being deeply involved in the recent negotiations to end the ethnic strife in Sri Lanka'. He said now that a cease-fire has been achieved, which was indeed 'an important step', it was imperative to 'move as promptly as possible toward a final resolution of these matters', of reaching a comprehensive resolution to the conflict.

But he was noncommittal when asked whether the United States would assist Sri Lanka with bilateral aid to push through a settlement and begin the process of rehabilitation, particularly of the areas wracked by violence for the past decade.

Christopher said that Kadirgamar was visiting the United States at a time of 'severe budget stringencies, (but) we will try to keep up some kind of aid program and we will do what we can. That's the best I can say today.'

Kadirgamar in his remarks declared that the relations between the United States and Sri Lanka 'have always been warm (and) cordial' and said Christopher's 'expressions of support for our peace efforts is indeed welcome'.

He said that Sri Lanka was looking to the international community for support and the European countries 'have supported us in a very handsome manner, and I was hoping very much that the U.S. would also bless our efforts'.

Kadirgamar said Christopher's 'very encouraging words' were very reassuring as the Sri Lankan government tries to move the peace process forward.

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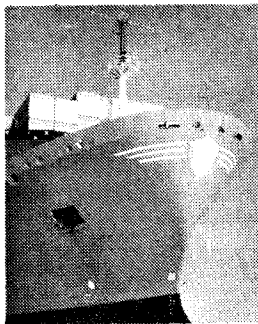
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Time For a New Constitution

(by Dr. S. Narapalasingam)*

The voters from all the communities in Sri Lanka had given a clear mandate in the two successive national elections to President Chandrika Bandaranaike Kumaratunga to settle the ethnic conflict peacefully. Despite some initial difficulties in continuing the peace talks started after the victory of the People's Alliance in the August general elections, the formal declarations to cease fighting with effect from 8 January 1995 (for two weeks initially) and to start the negotiations for power-sharing on 14 January 1995 have given renewed momentum to the peace process in Sri Lanka. A Select Committee of Parliament has been constituted earlier by the new Government as a matter of urgency to undertake comprehensive reforms of the country's constitution including if necessary the repeal and replacement of the existing constitution. It is expedient now to focus on the inadequacies of the present and previous constitutions of Sri Lanka in so far as the rights and aspirations of the Tamil speaking people are concerned. Equally important to another national effort in formulating the constitution are the lessons learned from previous exercises not only in their final outcomes but also in the approaches followed.

The paradigm of regional union of states

The current trends readily observable in the whole world around us appear on the surface to be utterly confusing. Many countries have signed eagerly trading and economic cooperation agreements and some are even prepared to give up some of their rights in favour of common policies hitherto closely safeguarded as strictly sovereign (e.g. currency). Customs and transport barriers that stood along countries' borders are being dismantled. The North American Free Trade Agreement and the European Union are steps taken towards greater integration. Despite the very slow progress made, the General Agreement on Tariffs and Trade is moving the international economy towards globalism. Common defence agreements have been in existence among states for some years. The North Atlantic Treaty Organization continues to remain the

most active. Citizens of the member countries of the European Union are entitled to its passports for international travel.

At the same time we witness groups agitating for greater sovereignty within existing states, intent on some measure of independence. The European states of the former communist bloc - Georgians, Tartars, Ukrainians, Serbs Croats, Muslims in Bosnia, Slovenes, Chechen, Slovaks, etc - have been battling for greater independence and some have already freed themselves from the centre. Even in countries outside Europe (the number is numerous) like Canada, China, India, Iraq, Indonesia, the Philippines, and many African states, different ethnic communities there are agitating for autonomy. The main reason for this trend is the fear (real or imaginary) of the minority groups that their common religion, culture, ethnicity, language or some other shared heritage and importantly their basic rights would be lost as a result of dominant political power exercised by the majority groups.

There are two major reasons for different communities with no common bonds like those mentioned above to have lived calmly within the same geographic borders. Colonialism was one while the other was totalitarianism. There is also another factor that brings together temporarily different communities in a heterogeneous country when they all have a formidable common enemy. This unity lasts only as long as the external threat remains. The apparent unity of different ethnic groups in the former Soviet Union is readily explained to both the totalitarian regime and the threat of major invasion by the U.S.A. and her allies so effectively inculcated in the minds of the people by the state controlled mass media.

The political happenings in Sri Lanka after independence must be seen in this perspective; in this case far from being just a fear of the minority community, the Tamils actually have encountered all sorts of discriminations, deprivations, intimidations and violence under the past governments dominated by the majority community. This was possible under the unitary constitution which ignored the diverse characteristics of the population and gave absolute power to the majority community.

The world has now changed significantly. Colonialism has virtually dis-

appeared and people everywhere do not want totalitarian regimes. People prefer the democratic system especially after its virtues are visible following the end of the cold war and the dismantling of the iron curtain. The vast strides already made in the flow of information which is capable of reaching every corner of our planet have had a great impact in enhancing the awareness of the people about the right to self-expression, freedom and the possibility of developments. Their knowledge on the technological developments and improvements in living standards taking place elsewhere in the world is also expanding. Literacy rates are rising in the less developed countries and autocrats can no longer exploit the ignorance of their subjects to exercise unquestionable authority over them. The life styles of the people in the developed countries (the economies are also market-oriented) cannot be hidden from the people in most developing countries in the new technological era.

The above reality suggests that in multi-racial countries where the different races are settled separately in distinct territories, it is prudent to embody the nation as the microcosm of a regional grouping such as the European Union in respect of its economy, defence and administration. Only then political stability and equitable economic and social development can be assured. In this form the nation will embody the hopes and aspirations of all the different communities domiciled there. The European Union is chosen here as the paradigm of the union of states in view of the great differences in ethnicity and language. Importantly, the arch-enemies in the last world war have joined together to form the Union. The British and the French did not trust each other for decades.

Failure of Past Constitutions

The failure of the various unitary constitutions adopted by successive governments of Sri Lanka since independence to meet the hopes and aspirations of the Tamil community, can be readily understood from the above comments concerning:

- (i) the historical, ethnic, cultural and territorial differences of the different communities that had lived in the island for centuries;
- (ii) the absence of any external threatening force after the departure of the British colonialists to unite all communities against a common adversary; and
- (iii) the absence of a strong national

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* This paper is dedicated to the memory of late Mr. K. Rajasingham (passed away on the eventful day 8/1/95) who inspired me to write on the topic.

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leader capable of either repressing all dissent through terror (as happened in the Soviet Union under Stalin) or getting the support of the members of all the communities by his benevolent rule over all citizens regardless of their race, caste and creed. (There is no doubt that a benevolent ruler, though not expected to be permanent, is much more desired than a ruthless dictator).

The very first constitution of independent Ceylon was accepted finally in good faith by the then Tamil leaders after expressing strong opposition to it. The opposition was based on the fears that the minorities will not have the same rights under a unitary form of constitution without adequate safeguards to protect the minorities against majority domination. The assurances given by the national leaders that the rights of all minority groups would be safeguarded after independence together with the inducements given by way of ministerial appointments to the then Tamil leaders led to the dropping of the earlier demand for further constitutional safeguards for the minorities. Section 29 of this constitution was intended to safeguard the rights of the minorities. The disfranchisement of the Tamils in the estate sector and the legislation enacted by the Parliament compelling Sinhala, the language of the majority community, as the sole official language of Sri Lanka were possible despite this assumed constitutional protection. The disregard of the rights of the minorities was perceived by the Tamils as betrayal of the confidence placed in the earlier assurances given by the Sinhalese leaders. The abolition of the right to seek justice from the appeal court in London and the upper house of the Parliament – the Senate – also consolidated power at the centre where the minorities were powerless.

It is significant that the first constitution of independent Ceylon, written shortly after the end of the Second World War when Britain was united in rebuilding its economy and strengthening its security, would have fitted a country like Britain at that time. Although subsequent constitutions of Sri Lanka were indigenous products, in so far as the rights of the minorities were concerned the first one set the direction for them.

Following the 1948 constitution in which the ceremonial head of State was the Governor General appointed by the British monarch, different Republican constitutions were adopted in 1972 and 1978. These too did not specifically recognize at their very core

the diverse characteristics of the nation. In addition to other drawbacks, they were unsuitable for a country like Sri Lanka once the self-conscious belief, on the part of all her citizens that they individually regardless of belonging to different ethnic groups and areas of domicile were willing to submit wholeheartedly to the collective power at the centre, had been negated by the very actions of the central authority.

The joint statement of 17 Non-governmental Organisations at the 50th Session of the UN Commission on Human Rights held in February 1994, is explicit on the above fact. The following excerpts are relevant here:

'The Tamil population in the North and East of the island, who have lived from ancient times within relatively well defined geographical boundaries in the north and east of the island, share an ancient heritage, a vibrant culture, and a living language which traces its origin to more than 2500 years ago... The Tamil people and the Sinhalese people were brought within the confines of one state for the first time by the British in 1833. After the departure of the British in 1948, an alien Sinhala people speaking a language different to that of the Tamils and claiming a separate and distinct heritage has persistently denied the rights and fundamental freedoms of the Tamil people'.

Only after prolonged agitation by the Tamils to recognize their regional and language rights, intensified more recently with the demand for a separate state of Tamil Eelam that some arrangements were incorporated in the current constitution under the 13th amendment to appease their grievances.

These were superficial in that the provincial councils established under this amendment, (following the agreement reached by the heads of the governments of India and Sri Lanka in 1987) had very limited powers to govern. Subjects which assumed importance over the years such as security, development, resource mobilisation and allocation and administration particularly to the Tamils consequent upon the subjugation experienced through the excessive centralisation of the powers of the government were considered to have not been adequately addressed.

The present constitution of Sri Lanka reduced the powers of the Parliament and introduced a powerful Presidential system in place of the previous Westminster form of government. Since the adoption of this constitution in 1978, several amendments

have been introduced by the UNP government chiefly for meeting the *ad hoc* needs of the party. The Presidential system of government has been criticised by national experts as undemocratic in that the Cabinet of Ministers appointed from the members of the Parliament elected by the people has diminished powers in policy making. The President who presides at Cabinet meetings enjoys sweeping powers over all Ministers and Ministries. The President is also entitled to be a Minister in charge of one or more Ministries, although he or she does not sit in the Parliament and, therefore, is not answerable to this august assembly of elected representatives.

It virtually facilitated an authoritative one-person rule and this was interpreted by some commentators that the 1978 constitution was introduced to satisfy the ego of one individual. Under this constitution which has inadequate checks and balances, the intrinsic opportunities for misusing the Presidential powers were blatantly exploited. No president can remain immortal and in writing constitutions the legislators should give pre-eminence to the interests of the nation and its citizens. This was a flagrant mistake made when the current constitution was written.

The 1978 constitution which deviated significantly from the previous ones by the introduction of the Executive Presidential system of government, has various provisions regarding freedom of thought, freedom from torture, of the right to equality, freedom from arbitrary arrest and detention, and a host of other fundamental rights of citizens. Nevertheless all these rights have been violated because the powers of the Presidency are overriding. Moreover, it is alleged that the Parliament passed bills which were inconsistent with the 1978 constitution using the powers under article 84 of the same constitution. The previous constitutions were not any better in this respect. The abuse of constitutional provisions was also seen from the excesses of the 1970-1977 government.

The important lesson that the Tamils, in particular, have learnt from their experience of having been ruled by various central governments acting under the different constitutions of Sri Lanka, is that constitutional safeguards alone are inadequate. Unless there are effective mechanisms to prevent (by dubious methods) the subversion of the constitutional safeguards written into the document, these cannot guarantee fairness and the fundamental rights of citizens. It can be

argued that if an incumbent government is determined to abuse the constitutional safeguards, ways will be found to by-pass any checks and balances loosely written into the document. Recent political history of Sri Lanka seems to point in that direction.

Another feature of all the constitutions Sri Lanka adopted so far is the ability to change existing provisions or introduce new ones by two-thirds majority of the members of the Parliament. The 1978 constitution has provided for conducting a referendum in certain cases (though these are not unambiguous) prior to the enactment of the relevant law by the Parliament. These arrangements stipulated under a consolidated authority without any other provisos had not provided any protection to the minority community when matters that concern them are legislated. Issues presented as extremely vital to the protection or advancement of the Sinhalese race, even if they infringe on the rights of the minorities are likely to get the two-thirds majority in the Parliament when the voting is mainly along communal lines.

The temptation to subvert democracy through constitutional machinations is great in any country without a strong political culture. Often this is done not in the real interest of the entire nation but for parochial reasons. In Sri Lanka the word 'nation' was used by the narrow minded politicians to mean the country of the majority community. The concept of democracy has considerably wider meaning than what is perceived by many in multi-racial countries. The periodic election of members to the Parliament or the Presidency by the exercise of adult suffrage is only one aspect of democracy.

Great Britain has no written constitution but the principles that determine good and impartial governance are observed by all parties elected to govern. These stem from the long democratic traditions which are firmly rooted in British politics. Written constitutions of other countries where the spirit of democracy is entrenched in their ways of governance have various checks and balances to ensure that the fundamental rights of all citizens are safeguarded. For example, the President of the United States of America can be impeached if he or she has violated the laws of the country. The Watergate scandal that forced President Richard Nixon to step down from the most powerful office in the country is only one recent example to illustrate the point just made.

Leaders and Their Assurances

Time and again the Tamil politicians

had made the enormous mistake of accepting the assurances of the heads of governments with regard to the rights of the people they represent as substitutes for safeguards that should be enshrined in the constitution to protect permanently their rights regardless of changes in leadership and governments. Ironically, the various pacts entered with the government leaders were broken by the very same leaders who succumbed to the pressures of political opportunists and Sinhala chauvinists.

Even after years of experience of committing the same mistake, it was astonishing to read the complaint of the leader of the TULF that the verbal assurance given by the then Prime Minister of India, Rajiv Gandhi, after the signing of the 1987 Indo-Lanka Accord with regard to the provision for a referendum on the merger of the Northern and Eastern provinces of Sri Lanka was forsaken by the previous Sri Lanka government after his death! It is foolhardy to surrender the future of the entire community or for that matter the entire nation to the assurance given by an individual notwithstanding his or her sincerity.

The Western leaders who unreservedly backed the Russian leader Boris Yeltsin must now be regretting after the manner his army attacked Chechnya killing civilians disregarding all norms of civilised behaviour. They failed to judge the transition from dictatorship to democracy from the ways the country has embraced democratic principles, organized democratic institutions and observed human rights. Instead they superficially assumed that the friendship with one individual, Boris Yeltsin, reflected the change towards democratic values cherished by Western societies. Moreover, the Chechnya conflict was perceived by the Western countries which supported the regime of Boris Yeltsin as purely an internal matter. But when the Russian army bombed indiscriminately Chechnya destroying property and killing the civilian population, questions were raised both within and outside Russia as to the wisdom of the international community to regard the massacres as an internal matter. It was very succinctly pointed out by analysts that when the parents of a family inhumanly assault, prevent the mental and physical development and even endanger the lives of their own children, the neighbours in a civilised society just cannot watch such atrocities and ignore the plight of these children even though they belong to others. They cannot accept such parents as belonging to their fraternity unless the miscreants

change their ways conforming to the accepted norms of civil conduct.

The point is that although leaders with a clear vision of the future are needed to bring about the desired changes in a country, it is unwise to assume that the tasks are over until these can remain permanent even after the leaders are no longer in power. Without such type of leaders implementation of the changes cannot be guaranteed and hence the need for foolproof provisions to ensure that it continues under all future leaders as originally intended by the reformers.

The above comments should not be construed as questioning the sincerity of the leader of the new Government of Sri Lanka with regard to the courageous steps being taken towards the settlement of the ethnic conflict through negotiations that will, hopefully, lead to lasting peace throughout the country. Even those sceptics who had some doubts initially based justifiably on the tactics and performances of previous leaders had subsequently changed their attitudes to trust the personal *bona fides* of President Chandrika Kumaratunga. The quality of real national leadership, which has been blatantly absent in Sri Lanka over the past several decades is evident from her ideals revealed at the time she entered national politics in 1994 and her steadfastness to achieve them against considerable difficulties. This quality is conducive for rewriting the constitution of Sri Lanka but as emphasized earlier is not a substitute for the desired constitution itself.

Towards a New Constitution

All political parties in Sri Lanka agree that the present executive Presidential system of government is unsatisfactory and must be changed. Thus an opportunity exists to draw up another constitution for Sri Lanka which, hopefully, will remain permanent and sacred for several generations. For this to happen it is essential that the lessons of the past blunders are considered together with the promised extensive devolution of powers to the North-East region with a view to incorporating, *inter alia*, the foolproof safeguards against the diminution of the devolved powers by future governments.

Unless there is extensive devolution of the powers currently exercised by the central government, any regionalistic system of government will not satisfy the aspirations of the Tamils. The ethnic problem has been allowed to intensify, since the original demand for a federal state was raised by the

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The Case For A Federal Sri Lanka – II

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Devolution in Sri Lanka: A Critique

The Thirteenth Amendment to the Constitution which was enacted in November 1987 introduced a system of devolution of power based on a system of Provincial Councils. The Amendment and the Provincial Councils Act No.42 of 1987, constituted part of the Indo-Sri Lanka Accord, signed by Prime Minister Rajiv Gandhi and President J.R. Jayewardene in July 1987.¹

It now seems clear that the Thirteenth Amendment to the Constitution has failed to introduce substantial devolution of power and that the widespread apprehension that the unitary character of the constitution had been violated, is completely unfounded.

Constitutional theorists generally agree that there is a wide spectrum of federal constitutions which contain different degrees of power for the central governments *vis-a-vis* the devolved units or states.

However unitary and federal constitutions contain certain essential features which make it possible to distinguish between the two. In a Unitary state all legislative and executive authority is vested in a single legislature and a single executive. While certain powers can be devolved or delegated to smaller authorities such as municipal councils or other local authorities, since there is ultimately one source from which these smaller institutions derive their authority, powers delegated can either be withdrawn, or the subsidiary institutions even abolished, at the whim of the central legislative source of authority.

Under a Federal constitution, on the other hand, an essential feature is that there is a clearly defined division of legislative and executive authority. Power is divided between the centre and the states or provinces so that they constitute co-ordinate sovereignties with regard to powers and subjects assigned to them. Furthermore, since federal constitutions are deemed to have

been drawn up as a compact, with the consent of both the central and state/provincial governments, amendment of a federal constitution can only be made with the consent of both the central and state/provincial governments.

In Sri Lanka however, there is no clear cut division of power under the Thirteenth Amendment, between the central government and the Provincial Councils. The Thirteenth Amendment contains three lists spelling out the subjects devolved to the Provincial Councils (List I), the subjects retained by the centre in the Reserved List (List II) and also a Concurrent List (List III). Article 154 G (5) (a) provides that Parliament may make laws with respect to the subjects specified in the Concurrent List 'after such consultation with all Provincial Councils as Parliament may consider appropriate in the circumstances of each case'. Article 154 G (5) (b) provides that Provincial Councils may also make statutes on subjects in the Concurrent List after consultation with Parliament. The mechanism for such consultation was not provided for in the Constitution. It was only on 22nd December 1989, over two years after the enactment of the Thirteenth Amendment, that Parliament decided to amend its Standing Orders to set out a somewhat inadequate 'process of consultation'.²

Article 154 G (6) however, provides that with regard to subjects on the Concurrent List, if any provision of any statute made by a Provincial Council is inconsistent with the provisions of any law passed by Parliament in accordance with Article 154 (G), the provisions of the law shall prevail and the provisions of the Provincial Council statute shall to the extent of its inconsistency with the law, be void. The effect of the provision is therefore to ensure that ultimately all the subjects specified in the Concurrent List, are under the control of Parliament.

Another major flaw in the Thirteenth Amendment to the Constitution is that the first phrase in the Reserved List completely under-

mines the devolution of power apparently devolved under the Provincial Councils List: 'National Policy on all subjects.' Thus the policy even on those subjects in the Provincial and Concurrent Lists can be determined by the central Parliament.

A clear example of how devolution of power can be undermined by this provision is the National Transport Commission Act of 1991.³ The preamble to the Act begins with the words,

'Whereas as it is the policy of the Government of Sri Lanka. . . .'

thereby seeking to justify all the provisions contained therein. Apart from prohibiting a Provincial Council or local authority from having any interest in the ownership or operation of omnibus services, the Bill established a National Transport Commission consisting wholly of central government bureaucrats or nominees, which was empowered *inter alia*, to specify conditions for the issue or renewal of route licences, monitor conditions of passenger service, prescribe the form in which passenger service permits may be issued, determine the rates to be charged for the issue of route permits, to issue such permits, and to ensure the provision of omnibus services on unremunerative routes, determine the fares that may be charged on such routes and to arrange for carriage of goods on omnibuses. This is in spite of the fact that Provincial Council List of powers included the regulation of road passenger carriage services and the carriage of goods by motor vehicles within the Province and the provision of intra-provincial transport services.

The power of the Central Government over Provincial Councils can be seen in several other provisions in the Thirteenth Amendment. Article 154 G(2) provides that Parliament can legislate on Provincial Council subjects if such legislation is passed with a two thirds majority. Article 154 G(11) provides that Parliament can, with a simple majority, make laws in respect of any matter set out in the Provincial Council List, if such law is necessary for implementing any treaty, agreement or convention with any other country, or even 'any decision made at an international conference, association or other body.' Furthermore Article 155 (3A) provides that emergency regulation made under the Public Security ordinance can

override, amend or suspend the operation of Provincial Council statutes. Since the past twenty years have demonstrated that emergency rule is more the rule rather than the exception, and since the previous government passed legislation by emergency regulations on a number of issues which are really outside the ambit of the Public Security Ordinance, there is a real likelihood that this Article could be used to substantially undermine the autonomy of Provincial Councils.

Article 154 Q is another provision which, by virtue of certain sections which seem overbroad and vague, has the potential to permit excessive intrusion of Parliament into Provincial Council autonomy. While Parliament has the power to determine how members of Provincial Councils are elected, their qualifications, the procedure for transaction of Provincial Council business, and the salaries and allowances of members of Provincial Councils, Parliament can also legislate on

any other matter necessary for the purpose of giving effect to the principles of provisions of this chapter, and for any matters connected with, or incidental to, the provisions of this chapter.'

Given the lack of political will at the centre to really devolve power, and the tendency of central government institutions to retain power, the broad and ambiguous provisions of this section could be used to undermine the devolution of power.

The Provincial Councils Act No. 42 of 1987 is an example of legislation passed by Parliament under powers vested in it by Article 154(Q). The Act clearly establishes that the financial powers of Provincial Councils are vested in the Governor who, in fact, functions like the Minister of Finance of the Province. Apart from his/her powers over finance, the general position of the Governor under the 13th Amendment is a major impediment to substantial devolution.

The ambiguities in the Thirteenth Amendment were highlighted in a recent Supreme Court decision⁵ where the court, rather unusually, rejected both the submissions of the petitioner and the respondents and adopted a position that had not been canvassed by either of the parties to the dispute. The question for determination by the court was under which List did the provisions of the Agrarian Services (Amendment) Bill fall.

The Provincial List (List I) contained the following entry:

9. Agriculture and Agrarian Services -

9.1 Agriculture, including agricultural extension, promotion and education for provincial purposes and agricultural services (other than in inter-provincial irrigation and land settlement schemes, State land and plantation agriculture). . .

The Concurrent List (List III) contains the following entry:

8. Agricultural and Agrarian Services -

8.1 Establishment and promotion of agro-linked industries, the establishment and maintenance of farms and supervision of private nurseries;

The Supreme Court after examining the subject matter of the proposed Amendment concluded that it did not come within either section and held that since it dealt with rights of appeal of tenant cultivators, the determination of disputes, the payment of loans etc., the Amendment came under the Reserved List (List II). The decision of the Court revealed the difficulties faced by the judges in interpreting the confusing paragraphs which dealt with the division of power.

While there are some provisions which create the impression that the Governor is meant to be a nominal head of the province, similar to the position of the Governor General and the President under the Soulbury and First Republican Constitutions respectively, there are provisions which indicate that s/he is far more than a nominal head of the province. For example, the Governor is appointed by the President and holds office at the pleasure of the President in accordance with Article 4(b) of the Constitution. The Provincial Council cannot remove the Governor from office but only advise the President to remove him/her. With regard to the summoning, proroguing and dissolution of Provincial Councils, the Governor is required to act on the advice of the Chief Minister, but only,

'So long as the Board of Ministers commands, in the opinion of the Governor, the support of the majority of the Provincial Council'.⁶

Article 154 F (1) provides that the Governor is to act on the advice of the Chief Minister and Board of Ministers,' except in so far as he is

by or under the Constitution required to exercise his functions or any of them in his discretion'. There are several provisions with regard to the Governor's assent to Provincial Statutes, the Governor's power to report to the President that the administration of a Province cannot be carried on in accordance with the provisions of the constitution, *inter alia*, which authorise the Governor to act in his discretion, Article 154 F(2) provides that:

'If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this constitution required to act in his discretion, the decision of the Governor in his discretion shall be final, and the validity of any thing done by the Governor shall not be called in question in any Court on the ground that he ought or ought not to have acted on his discretion. The exercise of the Governor's discretion shall be on the President's directions.

'The question whether any, and if so what, advice was tendered by the Ministers to the Governor shall not be inquired into by any court.'

Furthermore, the fact that the Governor holds office during the pleasure of the President in accordance with Article 4(b) which vests the executive power of the Republic in the President, demonstrates that while the Governor is required to act on the advice of the Chief Minister with regard to the more formal or ceremonial aspects of his functions, substantive executive power remains with the President and his agent, the Governor of the Province.

An analysis of the provisions of the Thirteenth Amendment and the Provincial Councils Act reveal therefore,

- a) that the Central Parliament and Provincial Councils are not 'co-ordinate sovereignties.'
- b) that there is no clear cut division of power between the centre and the provinces;
- c) that the powers of Provincial Councils can be abolished by the central government acting unilaterally;
- d) that there is no subject over which a Provincial Council can claim to exercise exclusive competence or jurisdiction;
- e) that central government institutions either directly or indirectly

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exercise considerable control over Provincial Councils.

These aspects of the legislation and the fact that the discretion exercised by the President or the Governor are couched in subjective terms and are invariably insulated from judicial surveillance, suggest that on the face of the legislation in question, Sri Lanka's unitary character, enshrined in Article 2 of the Constitution, has not been violated.

It is therefore not surprising that Tamil political parties now clamour for 'substantial devolution', totally rejecting the existing constitutional framework, and the views of several of the dissenting judges in the Thirteenth Amendment case, that the unitary character of the constitution had been violated, today seems completely untenable.

representatives of the major parties have sometimes, argued in favour of 'full implementation' of the Thirteenth Amendment and the Provincial Councils Act. While there have been major impediments to the implementation of the existing package of devolution, mainly in the form of central government politicians, officials and legal advisors clinging on to power at the centre, it is clear that the **constitutional provisions are themselves fundamentally flawed** as excessive power remains with the centre or its agents, within a wider constitutional framework which is itself highly centralised in character. Tinkering with the Thirteenth Amendment is doomed to fail. Fundamental constitutional reform, including the introduction of a federal constitution, may be the last chance to preserve a united Sri Lanka.

Federalism : A Panacea?

The case for a federal Sri Lanka has therefore, gained momentum in recent years as attempts to devolve power within the unitary framework of the Constitution, have demonstrably failed to address the demand for autonomy for the Tamil speaking people in the north and east of the country. The increasing awareness among all communities that a political and not a military option is the only realistic basis for a solution to the ethnic conflict, has also highlighted the need to consider imaginative and new models.

There are, however, several challenges, faced by advocates of federalism. Due to historical reasons, feder-

alism has been identified as an essentially Tamil demand. There are also, popular misconceptions about federalism; that the terms united and unitary mean the same, that federalism necessarily includes recognition of the right of secession. Constitutional obstacles also exist. Since the Article that declares that Sri Lanka is a unitary state is specially entrenched, the introduction of a federal constitution will require the support of **both** two thirds of the majority of Members of Parliament, and the People at a Referendum.⁷

Furthermore, even within the federalist constituency, there is disagreement on the vexed question that surfaces in all federal jurisdictions; what subjects should be devolved and what should be retained by the centre? A.E. Dick Howard has observed that:

Ensuring a fair measure of local choice about important questions of policy and government tends to promote experimentation, diversity and pluralism. There must, of course, be devices by which local and state governments are not allowed to frustrate legitimate national interests or to infringe individual liberties.⁸

The tensions between uniformity and diversity is a dilemma for Sri Lankan federalists committed to human rights and devolution of power. If the principle of subsidiarity is applied, should subjects like criminal procedure and secondary education, for example, be devolved? The trend towards the internationalisation of human rights norms would favour the pro-uniformity school, but the danger is that ultimately, the devolved units might be left with little autonomy if every subject with a human rights perspective is assigned to the centre. This dilemma becomes particularly acute when dealing with issues involving language, gender, race, education, the environment and the customary laws of the country.

The case for uniformity in these areas is supported by several considerations. Uniformity and consistency conform with the notion of justice. Rawls has concluded that: 'citizens of a just society ought to have the same basic rights'.⁹

This accords with lay perceptions of what rights mean. Uniform or common notions also help to establish a sense of nationhood. It makes it easier, for the legal community in

particular, to protect and monitor human rights. It also tends to be advantageous to minorities within devolved units, a factor of particular relevance to the Sri Lankan context.

On the other hand, the case for diversity would stress the fact that Constitutions are not only meant to protect rights but also to create structures and institutions which respect and foster pluralism and diversity, and that this too is a human rights imperative. Local choices encourage civic participation, participatory democracy and ultimately, civic education. Diversity allows different systems to flourish, creating a healthy dialogue at different levels of government. Diversity enhances choice and the freedom to choose is the essence of political freedom. Diversity also promotes experimentation with the states/provinces functioning as laboratories grappling with human rights issues.

If Sri Lanka opts for a federal constitution, these issues are bound to surface. For the past 150 years our constitutional evolution and our political culture have encouraged centralisation and a centralised mindset among our political leadership. The tensions are bound, therefore to be great.

Conclusions

Despite these inevitable challenges when the details of a federal constitution are spelled out, the concept of federalism is not as unacceptable as it once was. The stumbling block for a political solution to the ethnic conflict will be the issue of the **unit** of devolution, or the issue of merger as it is popularly known. The question whether the northern and the eastern provinces should constitute one unit of devolution perplexed the Mangala Moonesinghe Parliamentary Select Committee. Here a series of imaginative proposals including a re-demarcation of boundaries, substantial decentralization within the province/s, or even the notion of an Apex Council, where the separate provinces meet separately for certain purposes, but together for others, might have to be considered.

The experience of the Thirteenth Amendment, has demonstrated the urgent need for provincial representation at the Centre. A Senate consisting primarily of elected representatives of the Provinces will be a vital check on the inevitable tendency of the central government to

undermine devolution of power. The Sri Lankan situation also requires power sharing in various areas. The management of ports and harbours, land and environment are sensitive subjects where Boards and Committees consisting of nominees both from the centre and the provinces might have to be created. Regular meetings of political leaders of the centre and the provinces, similar to the First Ministers Conferences held in Canada and Australia might have to be expressly provided for in the Constitution to facilitate the concept of co-operative federalism.

As identified at the outset, there has been the beginnings of a paradigm shift on constitutional reform

with the recognition that federalism constitutes the best constitutional framework for national unity because it is a partnership in government between the peoples of this island. Moreover, it facilitates conflict resolution and democracy through genuine empowerment and the acceptance of diversity as strength. The key question is as to whether all the actors involved have come to this conclusion: if they have not, then the people will lead them to it, in the way that only the people can.

Notes:

¹ The Indo-Lanka Agreement to Restore Peace and Normalcy in Sri Lanka,

July 29, 1987.

² See Standing Order No. 46 A. *Bills and Proposed Statutes Dealing with Matters in the Concurrent List.*

³ See the Hansard of 20 August 1991.

⁴ Article 154 Q d.

⁵ In Re a Petition filed by Somaweera Chandrasiri re A Bill to Amend the Agrarian Services Act No. 58 of 1979. S.C. 2/91.

⁶ See Article 154 B (S) d.

⁷ See Article 83 of the Constitution.

⁸ A.E. Dick Howard, *Protecting Human Rights in a Federal System*. p. 115 in *Comparative Constitutional Federalism* ed. Dick Howard.

⁹ John Rawls, *A Theory of Justice* p. 211.

THE SUB-CONTINENTAL SCENE

War of Attrition

Political Crisis Deepens in Bangladesh

Haroon Habib in Dhaka

'As you are probably aware, Lady Stephen and I will be leaving Bangladesh tomorrow. I will be making a full written report to the Commonwealth Secretary-General. Unfortunately, barring unforeseen and unlikely developments in the next 24 hours, I will not be able to report a successful outcome to my mission and, in recognition of this, I have regretfully come to the conclusion that my continued presence in Dhaka will serve no useful purpose.' These were the concluding remarks of the former Australian Governor-General, Sir Ninian Stephen, at the conclusion of a 39-day mission as envoy of the Commonwealth Secretary-General, Chief Emeka Anyaoku, to resolve the complex political crisis in Bangladesh.

The unceremonious end of the Commonwealth-brokered dialogue between the Government and the Opposition has suddenly changed the political scene. The country is again witnessing the boycott of Parliament and the intense agitation by the Opposition, which were started in March and suspended for a while. The demand for a neutral caretaker government to hold fresh elections has now been strengthened with accusations that the ruling Bangladesh National Party (BNP) manipulated two byelections through violence and fraud.

In his concluding press statement, the Commonwealth mediator - 'facilitator' is the word preferred by the Opposition - did not reply to any question put by journalists. Instead, he put forward some suggestions to Bangladeshis to solve the crisis through discussion. 'You, the people, are the great strength of this country, a strength which you must never undervalue and which will win for Bangladesh a great future provided that wisdom and tolerance can prevail and you can rise above past enmities and the political problems of the present.'

These suggestions and Stephen's disclosure that he had himself forwarded a proposal to resolve the crisis, and that the Government had accepted it, invited sharp criticism from the Opposition. The Awami League, led by Sheikh Hasina Wazed, the main Opposition party, the Jatiya Party of former President Gen. H.M. Ershad (now in jail) and the fundamentalist Jamaat-e-Islami, came out heavily on the mediator for his 'partisan attitude'. First, the Opposition argued, Stephen should not have given any proposal of his own. In a joint statement it denied having received any proposal from the Commonwealth envoy. 'The proposal we received was from the Government,' its leaders said. Stephen had mentioned in his

final remarks that after several rounds of conversation with all concerned, he had put forward his own proposal and it was accepted by the Government.

The Opposition's reaction was communicated to the Commonwealth Secretary-General by the Leader of the Opposition in Parliament, Sheikh Hasina Wazed, who alleged that Stephen played a 'partisan role' and the remarks he made were 'beyond his jurisdiction'. In his statement, Stephen had appealed to the people not to go in for street agitations. 'Violence and uproar will achieve nothing. I urge the people of this country not to go down that road, which leads only to anguish and despair', he had said.

Several political parties, including the Left parties and the fundamentalists, have expressed reservations about 'foreign interference in the internal affairs' of Bangladesh. Stephen also faced street protests in Dhaka and elsewhere by a number of organisations which demanded his expulsion from the country. One of his comments that 'the Commonwealth will not abandon Bangladesh', also invited sharp reactions.

In her fax message to Anyaoku, Sheikh Hasina said that 'Sir Ninian, in his statement, made himself partisan, which has tarnished the image of Commonwealth organisation. Though it contained the Secretary-General's proposal for dialogue and was a decision of both sides not to give any statement without concurrence of the two sides, Sir Ninian gave the said statement siding with the ruling party and without informing the Opposition. The Opposition

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was not informed of any proposal... Moreover, Sir Ninian has claimed the ruling party's proposal as his own proposal'. Anyaoku later denied that his envoy played a partisan role.

Stephen, arrived in Dhaka on October 13, and left on November 21. During his stay, he managed to bring the Government and the Opposition to the negotiating table on a few occasions. His mediation went out of gear finally, but the process of dialogue kept the political atmosphere relatively calm for a few weeks. The situation, which was almost explosive due to the war of attrition and the strong agitation by the combined Opposition, eased so much that Government and Opposition leaders often visited the state guest house, 'Padma', where Stephen stayed. But once he left, both sides again started exchanging hot words, blaming each other for the failure of the talks. The Opposition quickly resumed the agitation programme and the ruling party vowed to resist the 'enemies of democracy', if necessary on the streets.

The mediation failed because the Government and the Opposition refused to budge even an inch from their declared positions. When the negotiations began in the third week of October, most people did not expect a miracle, though there were signs of optimism. What has intrigued many is how Sir Ninian Stephen, who has had a chequered career both in Australia and elsewhere, chose to break the norms and opt to 'side with one party'.

The proposal, claimed to be Stephen's was as follows:

1. The leaders shall agree that: 45 days before the expiry of the 5th Parliament by affluxion of time, the incumbent Prime Minister shall: a. Procure the resignations of all Ministers; b. Select in their place nine members of Parliament for appointment by President to Cabinet as Ministers without portfolio, four to be nominated by her and five by the Leader of the Opposition;

2. The Prime Minister shall thereafter until the expiry of the 5th Parliament only exercise the executive power of the republic in an interim capacity and with the assent of the majority of the Cabinet. In reaching such majority, each Minister and the Prime Minister shall have one vote.

3. The Prime Minister and the Ministers may, in common with other candidates, contest the general election for the 6th Parliament and campaign both for themselves and for their parties, but shall not for that purpose employ any government employees or use any government transport and local protocol, except for the purpose of security and protection. They will not in any way interfere with the election process or with the functioning of the Election Commission. The Prime Minister and the Ministers shall continue in office until the outcome of the general election is known officially and shall thereupon resign. Whoever may thereafter be appointed Prime Minister by the President pursuant to Article 56(3) of the Constitution shall then proceed to designate Cabinet members, Ministers of State and Deputy Ministers.

The leaders further agree that:

1. There shall be established a national consultative committee comprising 10 members of Parliament (five from the government side and five from the Opposition) which may be chaired by the Speaker of Parliament, whose purpose will be to discuss in detail: a. Changes required to strengthen the Election Commission, such that it will have the powers, procedures, staff, resources and independence necessary to ensure that the future general elections are free and fair; b. The content of a legally binding code of conduct to guide political activity.

2. The national consultative committee's decisions will be reached by consensus. In case of failure, the chairman of the committee will discuss the issues with the Prime Minister and the Leader of the Opposition to arrive at a decision.

3. The leaders expect the national consultative committee to produce an agreed interim report within one month of its inaugural sitting. All sittings will be in Parliament.

4. In agreement to the above by the Government and the Opposition, all Opposition parties will return to Parliament and normal parliamentary activity will resume.

5. These proposals are made in the expectation that the Commonwealth will provide appropriate technical assistance for the above process and in other appropriate ways assist and facilitate the implementation of the understanding, if required.

6. As regards amendments of the

rules of procedures, it will be dealt with in accordance with the provisions of the Constitution and the procedure laid down in the rules of procedure of Parliament.

This proposal was rejected by the Opposition on the plea that the proposed national government would not be able to function as the Government and the Opposition would have similar voting strengths and in case of any crisis, there would be a deadlock. In its final formula presented to Stephen, the Opposition proposed an interim caretaker government headed by a neutral person or by a sitting or retired Judge of the Supreme Court. It said the neutral person would be jointly chosen by the Prime Minister and the Leader of the Opposition, and suggested that 10 other neutral persons be inducted into the Cabinet. This was handed over to Stephen on November 17, three days before his departure.

The main point of difference in the two proposals is, while the ruling party is trying to avoid a constitutional amendment, the Opposition is trying to change the Constitution to have a provision for a neutral caretaker government to conduct elections. The other point, possibly a vital one, is that the ruling party is unwilling to reach any understanding leaving out Prime Minister Begum Khaleda Zia, even if she is made an ineffective head of government under an interim national government. But the Opposition is not ready to give any concession by allowing a caretaker government in which Khaleda Zia will have a say. The rigid postures are understandable. If the Opposition agrees to participate in elections under a caretaker government with Khaleda Zia as its head, then its nine-month movement would have been futile. On the other hand, if the ruling party, which has virtually accepted all but one condition of the Opposition, sacrifices Khaleda Zia's position, it will have disastrous results in the election.

The BNP also faced a minor internal revolt, with the vocal Information Minister, Nazmul Huda, and two MPs issuing press statements contradicting the party's stand. Huda, who had been a vocal critic of the Opposition's demand for a caretaker government, suddenly changed his position and suggested that the crisis could be defused only by forming an interim government headed by the Chief Justice of the

country with the judges of the appellate division forming the election-conducting Cabinet. Khaleda Zia sacked the Minister but later 'pardoned' him. One of the MPs, Nurul Islam Moni, was suspended from the party.

The Opposition parties now plan *en masse* resignation from Parliament. Members of all parliamentary groups have submitted their letters of resignation to their party chiefs, following a joint decision. Sheikh Hasina has decided to leave her official residence. The situation seems to be gloomier than ever before. Tension is mounting all over, as both the Opposition and the Government flex their muscles.

Immediately after the Commonwealth mission failed, a number of Western diplomats, including U.S. Ambassador David Merrill and British High Commissioner Peter Fowler, tried initiatives to narrow down the differences. They maintained contact with both the sides. They are yet to see any sign of a solution. And Anyaoku is likely to visit Dhaka once again, to initiate a fresh dialogue.

The Opposition is preparing for a final battle to make the Government swallow the bitter pill. The Government too is determined not to give its enemies a free hand. While Sheikh Hasina threatened to create 'a total deadlock' by enforcing a series of anti-government programmes, the Prime Minister, in a sharp riposte, said the student activists of her party, belonging to the Jatiatabadi Chhatra Dal, were 'enough to resist them (Opposition) and thwart their destructive designs'.

This, however, attracted sharp criticism. 'We are astonished at her remarks. How can a Prime Minister ignore the administration and want to let loose her students on the street to combat the Opposition's constitutional movement?' Opposition leaders wondered at the end of a meeting in Parliament the next day.

The series of Opposition street programmes, including hartals, gheraos and rail and road blockades have hit the economy. Countries giving aid to Bangladesh have repeatedly cautioned that unless conditions are made peaceful, they might reconsider the question of annual aid. Britain, which recently signed several important investment contracts with Bangladesh, said categorically that the failure of the Commonwealth-brokered dialogue may force it to do this.

Even as the Opposition parties planned their countrywide blockades, 48-hour hartals and street marches, the ruling party got an important Bill passed in Parliament – the Representation of the People (Amendment) Bill, 1946, which will empower the Election Commission 'to ensure a foolproof electoral system' and enable it to introduce identity cards for voters. Khaleda Zia said identity cards would stop false voting and the legislation would give more powers to the Commission.

But the Opposition, after an all-party meeting, accused the Government of closing the door for its return to Parliament. It argued that by passing an election law the Government was trying to bypass the real demand – for a non-partisan caretaker government without which free and fair elections cannot be held. The amended law will vest sweeping powers in the Election Commission.

A potent weapon with the Opposition is *en masse* resignation of MPs, which would cause the collapse of Parliament. The date for this is yet to be decided, but the final showdown may come shortly, according to an important Awami League leader. In such an eventuality the

ruling party has only two options – mass byelections or dissolution of Parliament and fresh elections. Opposition leaders have warned the Government that if it decides on byelections, they will put up an 'all-out resistance' to stop such 'far-cical polls'.

The only hope on the horizon now is an initiative by the Bangladesh Federation of Chambers of Commerce and Industry (BFCCI), which convened a meeting of political leaders on December 4 to listen to business leaders on the impact of the political crisis. Salman F. Rahman, BFCCI president, said: 'The parties have asked for a schedule.' But it is uncertain whether the business leaders will make any headway.

The developments indicate that general elections are coming closer. The ruling party believes it will win the next polls. The Awami League considers the coming election as its finest chance to recapture power after 20 years. Both of them, however, ignore the possibility that the Jatiya Party and Jamat-e-Islami may bag enough votes to become key players in forming a new government.

Courtesy of *Frontline*, December 30, 1994.

TAMIL NADU NEWSLETTER

The Lady With An Iron Grip

T.N. Gopalan, Madras

Nothing can shake Ms. Jayalalitha's hold on the throne in the Fort St. George (the Chief Minister's Chair), it looks like. Controversies, scandals, concerted campaigns, denunciations in the press or from public platforms, nothing, virtually nothing seems to unsettle her in the least. She continues with her imperious ways ever more arrogantly, her critics left in a daze as to what this new phenomenon is all about.

Ever since the ghastly stampede at a Hindu religious festival in January 1992 sparked off by mindless security measures aimed at protecting her – which claimed several lives, her regime has been dogged by sensational scandals and lurid controversies, the latest being a lecherous godman from Sri Lanka, now conveniently behind bars. His connections are said to stretch right

upto Poes Garden (Ms. Jayalalitha's residence).

But, by hijacking the International Tamil Research Conference, she was able to attract hundreds and thousands of Tamils to a tawdry show she put up in Thanjavur in the name of promoting Tamil language and culture, thus once again proving her hold on the masses. Crowd turn-outs at any kind of rally have always been a rough indicator of the popularity of the organisers. And in this instance Jaya's storm-troopers had shamelessly converted a purported assembly of scholars into an interminable adoration session, something of a secular equivalent of worship of Hindu gods spread over several days.

Sweeter moments for her to savour were still ahead. A couple of

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weeks after he turned up at the valedictory session of the International Tamil Conference in the face of stiff opposition from many Congressmen, Prime Minister and Cong-I President Narasimha Rao, struck at a bitter critic of the lady — he removed Mr. Vazhapadi K. Ramamurthi as the president of the Tamil Nadu unit of the Congress and installed in his place Mr. Kumari Ananthan, a powerful orator with literary inclinations, but a pussy-footer par excellence.

Nothing could be more pleasing to Jayalalitha than seeing Vazhapadi Ramamurthy deported from the Sathyamurthi Bhavan, the TNCC-I headquarters.

Ramamurthi was made the TNCC-I president nearly six years ago by the late Rajiv Gandhi at the instance of Ms. Jayalalitha herself because he was an inveterate enemy of Mr. G. Karuppiyah Moopanar, a leading figure in the Congress who had refused to pay homage to the 'revolutionary leaderine'.

Together the Jaya-Ramamurthy team toppled the then Karunanidhi regime of the DMK through a series of blatantly unconstitutional and unethical manoeuvres, and shortly thereafter Jayalalitha rode to power with a massive mandate. The TNCC-I president gloated in his new found role as a side-kick of the lady, and in and out of turn he indefatigably sang her praise. But something went wrong somewhere, and the relationship soured.

'I'll topple her the way I eased out Karunanidhi', swore a peeved Ramamurthy and for the last two years he had been carrying on a running battle with her, presenting memorandums to the centre, filing cases against her in the courts, organising rallies against her and so on, on the basis of a series of massive corruption scandals in which Jayalalitha was involved.

And now he finds himself stripped of the very position he was making the most of to embarrass her. His successor, Kumari Ananthan, has made it clear that he has no independent mind of his own when it comes to his party's relationship with Jayalalitha's AIADMK.

'We shall abide by the high command's decision in the matter', Ananthan declared in his first press conference as the TNCC-I president and would not breathe a word of criticism of the state government.

Though he is supposed to be a camp follower of Moopanar who does not take kindly to Jalalalitha, Ananthan could be trusted to fall in line promptly if and when Mr. Rao decides to revive the alliance with the AIADMK. Moopanar himself might not be averse to such an idea if the Congress could get a much better deal in such an eventuality than has been the case in the past.

Jayalalitha's next target has been the State Governor Channa Reddy himself. A volatile politician from the Prime Minister's home state, he was brought in two years ago amidst widespread speculation that the Jayalalitha government would be dismissed, the AIADMK legislature party split and an anti-Jaya coalition government installed.

But this man who had been Governor of four other states and bullied his Chief Ministers — men who had some consideration for protocol or constitutional niceties but who also happened to be men whose political base happened to be rather tenuous — and got away with it, found Jayalalitha, with a strong mass base and little respect for any kind of norms, a difficult nut to crack. She hit back strongly, and her minions in coarser language.

In December last Channa Reddy, apparently peeved that the Centre was not taking his complaints seriously, came out in public denouncing Jayalalitha on various counts. Promptly she responded by demanding in public that he be recalled forthwith.

Incidentally it is months since Jayalalitha called on the Governor and is said to be postponing a planned reshuffle of her cabinet in order to avoid calling on him in that connection. She effected some reallocation of portfolios sometime ago invoking some special powers.

It was in this context Rao's participation in the International Tamil Research Conference — even while the government studiously refrained from inviting Channa for the function — and the latter's keeping away from the state during the PM's visit assume significance.

No doubt the sphinx-like Rao still keeps people guessing. But when he himself is beleaguered, what with the dismal show of the Cong-I in A.P. and Karnataka and general elections only a year away, he might find it difficult to resist the temptation of clinging to Jayalalitha's coat-tails in the hope of wrapping up

20-odd seats to the Lok Sabha.

And so the likes of Vazhapadi Ramamurthi, Channa Reddy and the political maverick Dr. Subramanian Swamy, another anti-Jaya crusader, have all been left to stew in their own juice thanks to the realpolitik of Mr. Rao.

Especially the last mentioned is a hatchet man of the PM, though he is supposed to be heading a non-existent political party. Many a time he has bailed out his friend through such manoeuvres he only is capable of. That such a person has not been able to move the PM to initiate any kind of action against Jayalalitha is an indication of the state of mind of the PM.

Even a more telling commentary on the way corruption charges are handled in this country is the fact that Dr. Swamy's own petition to Channe Reddy seeking permission to prosecute the Chief Minister on various counts is yet to be processed by the Governor for the last one year.

Another petition from the self-same Swamy seeking to unseat Jayalalitha on grounds of corrupt electoral practices still remains locked up in the courts. It looks like almost all the institutions in the Indian civil society have become ethics-proof.

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A STUDY IN TAMIL BIOGRAPHIES

(Responses to Prof. S. Ratnaveevan H. Hoole's Article in Tamil Times, 15 December 1994)

CRITIQUE 1

by S. Sivasegaram, London

The article entitled 'Thamotharampillai and Navala' by S. Ratnaveevan H. Hoole in the *Tamil Times* of December '94 purportedly seeks to point out the three major weaknesses in biographies of Tamils by Tamils, namely those relating to a tendency to boast about the subject, make claims of greatness based on caste, and allow religion-nationalism to cloud the judgment of the biographer. The writer's call for objectivity in writing biographies is commendable but, sadly, historiography has seldom been entirely objective in a world of conflicting interests and the writing of biography even less so.

Weaknesses arising from subjectivity are not unique to writings in Tamil. Even civilisations with long standing traditions in recording events have not been free of subjectivism in the interpretation of events. The demand for a kind of objectivity that portrays the subject of a biography with spots and all is a recent phenomenon. This has, however, not eliminated the tendency to present personalities of certain kinds in a favourable light and those of other kinds less favourably. The tabloid newspapers have perhaps got fairly close to the target of objectivity which Hoole has sought to achieve in relation to C.W. Thamotharampillai, but one would not dare accuse the tabloids of historical objectivity.

Biographical accounts of people considered to be great, generally fail to present the darker side of the individual concerned and writings do tend to be of a propagandist nature. Accounts of the lives of Gauthama Buddha, Jesus Christ, Mohammed Nabi, the naayanmaar, the aalvaars and many sages and saints venerated by people in many countris have invariably failed to report the negative side of their subjects. To me, what matters is the contribution of people to the rest of mankind. The value of a contribution is not altered by recognition by fellow beings or by the lack of recognition. Idle gossip, whether it be hero worship or total condemnation of an individual, is of no real value. The importance of C.W.T. and Naavalal lies in their contributions to the Tamil language and its literature. Naavalal unlike C.W.T. was a subject of public controversy even during his time. There is much of what Naavalal stood for that I consider wrong and

unjust, but that cannot negate the positive contributions of the man to modern Tamil prose. Naavalal had his anti-imperialist side which, like that of Anagaarika Dharmapaala, was flawed because of the social class nature of the nationalism it represented.

Hoole, in the process of arguing the case for objectivity, attempts to persuade us to believe that C.W.T., who incidentally was a convert to Saivism, was a nasty little so and so, unlike other descendants of Hoole's Christian ancestors. Hoole also takes exception to claims that Naavalal translated the Bible. He goes further to assert that it was the Christian missionaries who salvaged the Tamil race, its language, literature and culture from their state of decay and stagnation and that the Tamils moved from Animism via Buddhism and Jainism to an aggressively proselytising Saivism that demanded conversion on pain of death to a more sober religion now which owes much to Christian influence.

I am little interested in family squabbles, even my own, and do not consider these matters very educational, but I should point out that voluntary conversion to any religion has, more often than not, been for material gain. There is far less to be proud of in the way the Jaffna Tamil Vellalar took to Christianity than in C.W.T.'s conversion to Saivism, even if the motivation was as interpreted by Hoole. I have respect for the members of the oppressed castes who changed religion, in recent times to Buddhism, to drive home a point to their oppressors. (This is, however, not an endorsement of the politics of conversion of the missionaries.) I also greatly admire the Tamil and Sinhala Catholics of the island for their show of defiance in the face of anti-Catholic oppression by their Protestant Dutch colonial masters.

I sympathise with the stand taken by Hoole on the question of exaggeration of Naavalal's role in translating the Bible since I am aware of myths in circulation about Naavalal doing the translation from Hebrew. Despite all this, the fact that Naavalal, who was after all an agnostic (non-believer, ignoramus), was asked to undertake the task of revision of the most sacred Christian text is not something one can readily ignore. Has Hoole even considered the possibility that the earlier version of the Bible was rather unreadable. As one who had recently

done some work in polishing up some poor translations, I can assure that revising a bad translation is no less a task than carrying out an original translation. A comparative study of the early Christian missionary translations and that by Naavalal can be revealing in more than one way.

The questionable claim that Christian missionaries salvaged the Tamil race and its language and culture also needs to be seen in the context of centuries of colonial oppression that did immeasurable harm to the culture and self esteem of the people in the colonies. I hope that Hoole does not expect the Amerindians, the Australian aboriginals and Afro-Americans to be grateful to their colonial masters for their civilising influence. It is perhaps a miracle that the Japanese managed to advance culturally and materially without the benevolent influence of colonialism and all that accompanied it. It may also be useful to remember that not long ago, the most advanced centre of learning was in the Islamic world.

Hoole's view of the history of the religion of the Tamils seems to be a little warped. The Tamils did not arrive at Saivism via Buddhism and Jainism. Brahminist influence preceded other North Indian influences. The attribution of aggressive characteristics to Saivism by Hoole ignores the fact that all major religions have had aggressive phases as a result of historical circumstances, and that the religions of Indian origin have had a better track record of religious tolerance than those from the west of the sub-continent.

The fact that Buddhism and Christianity in Sri Lanka came to terms with the caste system is hardly surprising and the resistance of the Muslims to caste considerations is an admirable feature of Islam. Nevertheless, religion does become a tool of oppression when religious establishments have a vested interest in the state, and not merely the caste system but also apartheid, slavery, war and genocide have been condoned if not justified in the name of God and religion.

There are many holes in Hoole's arguments and it will require a lot of space and time to deal with each of them in sufficient detail. I will just deal with a few to illustrate the kind of prejudices that dominates the work contained in his article.

Hoole takes exception to Pathmanathan's notion that 'the Hindu tradition, along with the Tamil language, forms the basis of Tamil identity' on the ground that non-Hindu Tamils would not be Tamils

according to this point of view. The Islamic tradition forms the basis of the identities of the Arab world and Iran. Christian traditions form the basis of the identities of most European peoples, even after religion has ceased to be an important part of European life. The Thai identity is strongly Buddhist. The fact that many centuries of Saivaite Hinduism conditioned the culture of the Tamil people does not mean that the identity is exclusively Hindu. It has been enriched by other religions and cultures. Even the wholesale conversion of the community to another religion may not be able to eliminate the deep impression of the culture of the past several centuries. I like a secular identity for the Tamil people, but that cannot be achieved by trying to wish away what is reality. It is, however, inevitable that the Tamil identity will change with the changing socio-economic conditions and that, I believe, will be in the direction of secularism. Hoole does not spare the Marxist Kailaasapathy either, and accuses him of religio-nationalistic weaknesses, all because Kailaasapathy accepts the generally extant view that Naavaalar translated the Bible. Kailaasapathy is neither biographer nor historian and his acceptance of the prevalent view was not altogether unjustified in the context of the contribution of Naavaalar.

Hoole also seems to be offended by the fact that names such as his are considered foreign by Tamils who accept names of Sanskrit origin as Tamil. Tamil was not Sanskritised in the way other major Indian languages were. The language resisted non-traditional sound and sound sequences for a very long time. Rules for Tamilisation of foreign words were strictly applied and even some available consonant sounds like r and l were not accepted initially in words. Efforts to Sanskritise Tamil during certain periods failed, although there are some Hindu traditionalists in Tamilnaadu who still persevere in using a severely Sanskritised language which hardly sounds like Tamil. Most Sanskrit names entered Tamil in their Tamilised form as did words borrowed from Portuguese and Dutch. Tamil Muslims tended to Tamilise their names of Arabic origin and Catholics too used Tamilised forms of Biblical names. The current affinity for North Indian sounding names has little to do with the Hindu identity and this is not something restricted to the Vellalar. The notion that names should mean something is beginning to fade out, and that may not be a bad thing, ultimately.

Hoole also seems to get some plea-

sure out of drawing upon Hindu mythology which runs counter to the rather puritanical attitudes of the Vellala Saivaite. I think that the attitude of the Hindu towards sex was very healthy at one time and the uninhibited attitude of some of the authors of the puranas stands in stark contrast to those which associate sex with sin and the fall of man. I also believe that Hindu polytheism is a beautiful thing which can coexist with God the phenomenon (not the almighty individual). This flexibility in approach is healthy and should be built upon to develop greater tolerance and accommodation of various faiths and atheism as well as agnosticism as valid and acceptable alternatives.

Finally, Hoole's charge that non-Saivaite contributions to Tamil are not acknowledged is not fair, since Viiramaamunivar and Umarupular have been held in high esteem to this day and Thaninayagam's name is not likely to be forgotten for a long time by those interested in the study of the language. If any useful contribution to Tamil has been ignored for any reason, it is the duty of those who know to enlighten the others. Hoole is dead right in his condemnation of bigotry and I need not remind him that bigotry is not the preserve of the Saivaite Vellala Tamil.

CRITIQUE 2

by E. Sangarapillai, *Universal Teacher*

Histories of great men are the histories of nations. Therefore, sane thinking Sri Lankans in general and level headed Jaffnese in particular will not accept most of the things that had been written by Professor S. Ratnajeewan H. Hoole about the great Thamothersampillai and Navalar in the *Tamil Times* issue of December 15, 1994 for the simple reason that the history of Sri Lanka with special reference to Jaffna can never be complete without the biographies of the two great scholars.

As a graduate of the Madras University and that too as one who received such liberal education from the Madras Christian College having outstanding Christian scholars like Rev. Dr. A.J. Boyd and Rev. J.R. Macphail as my great teachers, I strongly believe that though I am a true Hindu, no one can and will ever doubt my honest motive while defending the honour of such great personalities.

Professor S.R.H. Hoole no doubt has taken the laborious task of going through very many books and periodicals before writing his article

though it is evident that while pretending to deal with the three characteristic weakness of Tamil biographies, he is swayed by a strong fanatic intention which I think is unbecoming in a person of his calibre.

My grand-father the late Vallipuram of Atchuvely died in August 1953 as a centenarian. He knew all about C. Wairavanathar Thamothersampillai since he came of a neighbouring village and was junior to Thamothersampillai only by nineteen years. 'Wairavar' is the name of a Hindu Deity. From what I gathered from my grand-father Thamothersampillai was a Hindu by descent as well as by conviction, but for reasons of English education he pretended to be a Christian as most of the people in those days did. It is a naked truth that if it were not for his pretension he wouldn't have become the first graduate of the Madras University along with Carol Viswanathan. It is quite evident that in his later days he regretted having left his original faith and went back to it in the way Appar Adigal left Jainism and went back to Hinduism. Thamothersampillai had no other consideration such as a desire to be ranked with the Velalas of India. It may be that he had problem children - a daughter who eloped with a Christian young man in the absence of her father and that too in an ugly manner and a son who was heartless to the extent of insulting his dead mother by refusing to perform funeral rites as a son. Our learned professor shouldn't have come forward to wash such dirty linens in public since they were family matters pure and simple.

It is my belief that an average Jaffna man has as his weakness to slander great men like Thamothersampillai and Navalar and more so it is a rude shock to me to see Professor Hoole stoop to such petty level of slandering his forbear Thamothersampillai for the obvious but hidden reason that he had betrayed Christianity. My uncle the late Mr. K.S. Arulnandhy the first indigene to become the Director of Education in independent Sri Lanka had his father who was a staunch Hindu and his mother a true Christian. They both lived a happy and harmonious family life and brought up their son Arulnandhy along Hindu line. Mr. Arulnandhy even used to do readings from the Bible and give explanations to his old mother. That would very well speak to a Hindu son's magnanimity unlike the fanatic behaviour of Thamothersampillai's stubborn Christian son Francis Kingsbury.

To be a Tamil is different from being a Tamil speaking person. Muslims are

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Continued from page 25

not Tamils. If they have Tamil as their language of communication, they become Tamil speaking Muslims. In the same way, anyone who doesn't know Tamil (Thamil) cannot claim to be a Tamil or Tamil speaking somebody. To a considerable extent Hinduism with Saivism as its inner circle has been considered as something synonymous with the Tamil Culture. In that aspect Thamothersampillai as one 'who ferreted out lost Tamil manuscripts through thorough searches including advertisements in the press, comparing the manuscripts found and publishing them with commentary' rendered no less service than Dr. U.V. Swaminatha Iyer. Can't he then be called a great Tamil Scholar? Missionaries no doubt learnt Tamil but learnt with the sole purpose of communicating with the local flock of Jesus Christ. Some of them even learnt Tamil with the sinister motive of picking holes with Tamil works and twisting certain Hindu thoughts to suit their sermons. Dr. G.U. Pope who learnt Thiruvasagam and Thirukkural and wrote objective commentaries was one of the rare exceptions. And none of them can be favourably compared with Thamothersampillai or Navalar. It is a historical fact that the Vaddukkodai Seminary was ultimately closed down by the missionaries on the recommendation of a Commission which pointed out that it was foolish to run the Seminary when their policy of conversion had failed miserably.

Learned professor has even done some character assassination of Arumuga Navalar. Navalar was hailed as the fifth 'Samaya Kurvar' after Appar, Sampanthar, Suntharar and Manicka Vasagar for the simple reason that if it were not for his deep knowledge of Saivism and rhetoric, professor's materialistic minded ancestors would have connived with the Missionaries and succeeded in destabilising Hinduism. Professor must not forget that it was real condescension and magnanimity on the part of Navalar to have agreed to help in the translation of the Holy Bible. Professor's accusation that Navalar supported the Velala people and ignored the so called low-caste people is again baseless in that Navalar belonged to the time of orthodox Hinduism or Saivism and he had no need to become a convert to Christianity in the way Cyrus Kingsbury became a convert. Cyrus Kingsbury was neither so knowledgeable as Navalar nor so economically well off to resist the temptation of becoming a Christian. It is an admitted fact that in those days most of the people who embraced Christianity did so in order to enjoy

certain privileges though of course there were many Hindus who were forced by the cruel Portuguese with swords in their hands to become Catholics. Though there was an American Mission English School affiliated to the Jaffna College a quarter mile from our home, my paternal grandfather who was the richest man in our hamlet Thoppu refused to have his son my father admitted to that school for the simple reason that the Missionaries would use their skilful tactics and convert him to their faith. My father was ninety three when he died in 1975 as a highly literate person in his mother tongue.

According to the professor, the first weakness of Tamil biographies was 'their proclivity only to praise the subject of the biography.' No true scholar will ever go out of the way to engage in destructive criticism leaving out the bright side of things. It was in this fashion that Thamothersampillai's and Navalalar's biographers dealt with their biographies. Professor's second contention is that 'Tamil biographies arise from the fact that they are of Velalas by Velalas.' One need not find it difficult to find an answer to this puzzle. Unfortunately, at a time when Velalas had the singular advantage over the so-called low-caste people, biographies of Velalas were written by Velalas. But with the advent of Modern Hinduism which ignored casteism, anyone who was worthy of praise was praised irrespective of social status. And according to the professor the third Tamil weakness of Tamil biographies 'is to allow their religious national sensibilities to cloud their academic judgment'. In this connection he has found fault with Professor Kanapathipillai, Justice H.W. Thambiah, Professor S. Kailasapathy and some other distinguished scholars. It is more painful to see the professor summon all his courage to criticise even Mahatma Gandhi by mention thus: 'It is because of this tendency that few of us know, that Gandhi held forth in his newspaper *The Harijan* comparing the intelligence of the lower-caste with that of a cow'. Gandhi as everyone in the world knows treated every low-caste with love and compassion and fought for his or her parity of status in society even calling them 'Harijans' meaning God's children. When that was so, it is a real pity to see professor rush in to criticise them so uncharitably when real scholars all over the world fear to do so.

Professor's knowledge of the history of Tamils is indeed not sound. According to his theory 'Tamils have moved from animism to Buddhism and Jainism to an aggressively proselytising Saivism that demanded conversion

on pain of death and confiscation of property to now a more sober Christianised, monotheistic, monogamist and egalitarian Saivism that is even a little Victorian'. I cannot understand what he means by 'sober Christianised... Saivism'. Is he unaware of the history of the Holy Roman Empire and its instruments of torture especially the cruel practice of burning the non-conformists at the stake? While appreciating his high sounding language I totally deride his misconceptions or pretensions. Tamils belong to one of the oldest races in the world and our evolutionary Hinduism is one of the oldest religions of the world, if not the oldest. I entreat the learned Professor to read Dr. S. Radhakrishnan's works such as 'Eastern Religions and Western Thought'. To quote Vincent Smith 'Buddhism is a product of but protest against Hinduism' in the way Protestantism is a product of but protest against Catholicism. Hinduism originated thousands of years before the birth of Jesus Christ. Indus Valley civilisation was a Hindu civilisation and that too a Dravidian civilisation. It is therefore a thoughtless criticism to make such unwarranted remarks about the Tamils and their traditional faith Hinduism.

'Seeing is believing'. If we look at the first leaf of Meihandan Calendar that reminds us of 1st January, 1995 we can see a great tribute given to C.W. Thamothersampillai with the following words: 'C.W. Thamothersampillai's Memorial Day.' When Pillai had left such an indelible mark on the Tamil society, it is a wild goose chase on the part of Professor S.R.H. Hoole to try to undermine his ancestor's greatness with some unacceptable ulterior motive. Let us go by the golden words of great Milton:

'Lives of great men all remind us
We can make our lives sublime.'

Professor S. Ratnajeevan H. Hoole's proper field is Engineering. It is therefore best that he refrains from dabbling in such literary matters so prematurely even if he is an adjunct Professor of the Humanities and Social Sciences. If he oversteps his limits, it will do him more harm than good. I have every reason to believe that there will be a prolonged debate on this sensitive subject since many other ripe scholars will come forward to express their own opinions based not on prejudice but on objectivity.

I am rather optimistic that this humble self will never be taken as a Hindu fanatic since he opted to do Bible study in preference to Moral Instruction during his stay at the Madras Christian College for four years. He followed the Bible class not

to please the College authorities and win favours but to take the best thoughts from the Holy Bible and incorporate them into his belief as Mahatma Gandhi himself did by reading certain important sections such as the Sermon on the Mount and the Ten Commandments. Had this humble self not been properly understood by the student population, he wouldn't have been elected Chairman of Bishop Heber Hall during the academic year 1954/55 in preference to a well accomplished Christian student who is still working there as a Senior Professor. More thoughts from other scholars on this important subject are most welcome.

CRITIQUE 3

by
Sanmugasuntharam, Florida, USA.

I am compelled to reply to the very illuminating article by Professor Hoole appearing in your December 1994 number. He has indeed done a great deal of research evidenced by the copious footnotes and the stated gravamen of this article – the tendency of Tamil biographers to take a partisan attitude towards their subject matter – is tenably true. Traditional Indian (and Tamil) biography is mythologised, idealized portraiture. There is no place for human foibles in it nor is historical authenticity considered relevant. We learn in Tamil to state the merit Nayam of poems and not their defects. As Valluvar says 'To speak ill of some (one) when there are good things to say is like plucking the raw one when there is a ripe fruit'. Nevertheless I agree with the professor about the need to reveal the whole spectrum of a subject's character without tabloid sordidness. From thereon however I disagree with almost everything else he has to say and the revealing footnotes are a bonanza to me to refute his theses which are as tendentious as those he finds fault with in the authors we have just discussed. Take for example his mention of the conflict between the Jains and the Saivites. It is indeed a dark page in the history of saivism and is very regrettable. But what should be remembered about the episode is that it was mainly palace politics and not an act of fanaticism. The Pandyan King the chief player in that incident, was under the influence of the Jains and Queen who was a Saivite was very concerned about the effect it was having on the king and the kingdom. And when the king fell seriously ill the challenge was thrown to the Saivites

and the Jains alike to cure the king, the prize for the victors being the king's patronage and punishment for the losers being either conversion to the victors' religion or death by impalement. Had the Saivites lost they would have suffered the same fate that befell the Jains in that unfortunate event. Compare this with the thousands burnt at the stake by the Christians on doctrinaire grounds, enslavement of millions of non-Christians in Africa, the destruction of whole civilizations in South and Central America and the banishment of Islam from Spain after nearly 700 glorious years of Islamic scholarship and splendour. Dr. Hoole did not even hint at these (this habit is very insidious, is it not professor?).

Let me say that I greatly respect the professor and I am aware that his professional reputation (in Electrical Engineering) is high and I am proud of him. There is absolutely no animus at all felt towards him or any Christians (some of my best friends are Christians!) in spite of not being mealy-mouthed about their exploits.

The author is evidently angry with Mr. Thamotharampillai for returning to his roots. Here was a man apparently full of sensibilities and a deep affection for a heritage which is as old as it is rich and the more he delved into it the more he was in thrall of it. What relevance to him was the story of a Jew who was allegedly nailed to a cross in far away Palestine nearly 1900 years ago by the Roman authorities for calling himself King of the Jews and for other perceived acts of political subversion? What a stigma was a colonial name like Kingsbury which was an albatross reminding him how his parents' minds were mortgaged to the missionaries and the souls sold for a soupson of sour soup! Quite naturally, the Indians would have looked down upon this man, whose father betrayed his forefathers' timeless faith. As an intelligent man he must have known that to say that he converted to Christianity for the salvation of his soul would have been less credible than the proverbial Bhikku who climbed the kitul (toddy) tree to get a view of Sri Pada!

Thamotharampillai did the only thing that a man of intellectual honesty and moral courage could have done. One can only speculate about penchant for the choice of 'Pillai' but at least among the Jaffna Tamils Vellalar that suffix is freely used and does not signify anything. Even the author could call himself Hoole Pillai if he so chooses. (On second thought he had better not!).

I can in fact controvert almost every

one of his significant statements in the article and it is not a vain boast. But I want to deal with at least two of them here. He implies somewhat self-consciously if not self-servingly and with consummate antilogy that some non-Tamil names are not accepted by Tamils as truly Tamilian! Come now, Dr. Hoole you knew all the time that the professional predatory proseletyser's program of changing the name of the prey is one of the initial steps in stripping him/her of identity as a prelude to brainwashing (or psyche-destroying) of the individual. Have we not learnt anything from the Negombo Tamils with names like Fernando who now think that they are Sinhalese because Sinhalese also have Portuguese names, which, of course, they (the Sinhalese) hastily changed to pristine Sinhala name in the recent past. (This ironically leaves Negombo Tamils double outcasts!). Tamils converted to Islam assumed Arabic names and are almost lost to the Tamil community for all practical purposes. There was even a movement amongst them to change Tamil scripts into Arabic!

Dr. Hoole does indeed make a good point in an amusing way about Sanskritization of Tamils' names. (He surely must be aware that 'Ratnajeevan' is Sanskrit.) This is another unfortunate manifestation of some Tamils' deep seated feeling of inferiority while at the same time they go whistling past the graveyard about the greatness of their culture. (Following the Sinhalese, may be, one day Tamils will start naming their kids with chaste Tamil names.) However, it could be said in their defence that at least in the early days, Sanskrit names were chosen for their religious association just like Biblical (Jewish) first names are continued to be used by almost all Christians. But choosing names deliberately not to sound Tamil-like is downright ludicrous.

One last point, for this concerns every person of Dravidian, particularly Tamil origin not just the Vellalars. The word Sudra has absolutely no application to the Tamil community as the word is purely of North Indian provenance. To call a Tamil from Ceylon a Sudra is like an Afrikaner referring to all dark skinned people as 'niggers'. I do not want to appear to hold a brief for the Vellalars but it is significant the Tamil dictionary (I consulted) defines the word Velanmi () as 'generosity, philanthropy, magnanimity', etc., and therefore by extension Vellalar must have been held in esteem as decent and paramount member of the Tamil society. Valluvar

Continued on page 28

himself has apotheosized him, thus: The one who earns his living by ploughing is the one who truly lives; others are sequacious and serve. It should be recognized that it is not the Aryans' taxonomy that matters but it is one's status. Vellalar of Ceylon as land owners built temples and were employers of Brahmins as functionaries therein. In so far as one has no choice about one's birth a Vellalar could be excused for being thankful for his good fortune without being hubristic or even apologetic about it as long as he is not a cultural or a religious renegade.

Saivism is the pre-eminent faith of the Tamils, without a doubt. Our ethos and ethnicity are deeply embedded in Saivism. It is founded in our yonder yesterdays and is coeval with the origins of our people. Its essence is all our mystic musings in our misty past and the distilled wisdom of its distant devotees. Its inspirations are indigenous, its 'lares and penates' local and its invocations vernacular; Its ardent votaries have been steeped in it heart and soul, intellect and emotion.

It is this love and dedication of countless generations that established Saivism as 'the most ancient living faith in the world*'. While recognizing

the great antiquity of their heritage saivites have nevertheless accepted amongst their midst with exemplary tolerance and equanimity those that were spiritually seduced and impregnated with alien faith, their descendants and all their institutions. Whatever one might think of those who have strayed for whatever inducement the nobility of Saivism remains an enduring legacy.

* Sir John Marshall quoted in E.F.W. Tomlin's *GREAT PHILOSOPHERS OF THE EAST*. Arrow Books, 1959.

CRITIQUE 4

by

S. Kandiah, Ottawa, Canada.

The contributions of C.W. Thamotheampillai and Navalar to Tamil language and Saivism respectively will be honoured and fondly remembered for ever. The central motive behind the early Christian missionaries was proselytation. Education was only a means towards that objective. Nevertheless the Tamil people will always remember with gratitude the contribution of the missionaries towards education.

Incidentally Prof. Hoole do you not

realise that there was opposition to the Christian missionary activities in South Ceylon almost at the identical time as that of Navalar in North Ceylon. In the south the opposition was led by Anagarika Dharmapala.

I have heard from my father, how my grand-father and my maternal grand-uncle, both teachers, had under the direction of Navalar along with others had opened Saivite schools and also held regular public religious discourses to stem the tide of missionary crusade in proselytation. They had to exhort the people not to sell their soul for a mess of pottage.

I have also my personal experience of the odds we had to face to start a Hindu school and then to register it as a grant-in-aid school, because of missionary objections, of course behind the scenes.

Thanks to Dr. C.W.W. Kannangara, the entire scenario changed with the introduction of the free education scheme in early 1943 or thereabouts in the face of stiff opposition, media included.

The persons who have written the Biographies are eminent scholars and educationists. They have sought for the honey like bees and not garbage like flies.

READERS FORUM

HINDU PAYING HOMAGE!

I WAS taken aback by the comments in the last paragraph of the article. 'The Subcontinental Scene; Ayodhya, Seshan and Muslims' (T.N. Gopalan, *Tamil Times*, December 1994, pages 20-23).

Mr. Gopalan writes '... But when you have a Prime Minister who would reverentially touch the feet of a Shankaracharya with his head in public... things are not obviously very rosy.'

Prominent Christian political leaders all round the world kneeling in front of the Pope and receiving the Pontiff's blessing, is quite all right. Muslim monarchs, Presidents and Prime Ministers filmed praying to Mecca with foreheads touching the ground, is admirable. But a Hindu paying homage to a religious leader? Not done, old boy!, seems to be Mr. Gopalan's view. I wonder whether he would like to explain?

If Mr. Narasimha Rao is a devout Hindu and if he respects the Shankaracharya, why should he not pay

homage in public? Why should that upset people practising other religions? Mr. Seshan's antics, on the other hand, are of a different nature and there is no common link between the two.

C. Thilakan

138 Ilford Road,
Forest Gate,
London.

ANNA: 'SACRED COW' OR 'SACRED COMPASS'

SO your erudite (?) commentator T.N. Gopalan thinks that the multi-disciplinary contributions of C.N. Annadurai 'might be found rather dubious if any dispassionate analysis is undertaken' (*TT*, Nov. 1994). Bravo! Before Gopalan ventures into such a 'dispassionate analysis', let him convince me first by putting on paper his own credentials in any one of the areas, Anna had contributed to so gallantly for a quarter century (1944-69).

Gopalan indulges in perverse pleasure by calling Anna a 'sacred cow'. In my opinion Anna was the sacred compass who navigated the Tamils (then suffocating from the firm grip of Brahmanism and superstitions) into the 20th century humanism

and self respect. He ploughed many fields; Tamil literature, drama, music criticism, journalism, movie script writing, oratory and politics. And his stamp in each of these disciplines has been firmly visible for those who can see without the blinders. Among his contemporaries, only C. Rajagopalachari (Rajaji) can be counted as an equal to Anna in versatility. But Rajaji flopped badly in politics, after he formed his Swatanta Party.

Gopalan tries to eat his cake and have it also by placing the 1967 Madras state assembly election verdict on the strength of Tamil student revolt against Hindi imposition. Then how come the Congress Party could not reverse the trend in the subsequent elections, if it was such a political force in Tamil Nadu? If the 1967 election routed the Congress Party beyond expectation, the 1971 state assembly election in Tamil Nadu delivered the death nail to the Congress Party's coffin. Was there a comparable student revolt prior to the 1971 election for the DMK to cash in? Then came MGR's three election sweep in 1977, 1980 and 1984. Why the Congress Party could not resurrect itself, even though the Centre ruled by Indira Gandhi dismissed the Karunanidhi's regime in

1976 and MGR's regime in 1980. If Anna's contribution to the Tamil society is so ephemeral, how come the voters continued to place their faith on his proteges (Karunanidhi and MGR) or his protege's protege (Jayalalitha) for a quarter century?

I wonder why the arrogant Chief Election Commissioner T.N. Seshan did not go one step further and state that the CIA arranged with the Yale University to award the honorary degree to Anna. That would have made a fantastic climax to his cock and bull story.

It is within the parish of *Tamil Times* to publish commentaries which freely indulge in 'freedom of expression'. But, why should I (a long term subscriber) pay for such a third rate commentary? If you are not going to improve on the selection of opinion pieces or exercise your editorial scissors, I'm seriously thinking of cancelling my subscription to the *Tamil Times* in the near future.

Sachi Sri Kantha,

Osaka BioScience Institute,
6-2-4 Furuedai, Suita,
Osaka 565, Japan.

FOR A FEDERAL SOLUTION

WE ARE pleased to note that the Government of Sri Lanka and LTTE have agreed to a truce in their conflict. As written in the *Boston Globe* Editorial of January 9, 1995, First grant a federal constitution and then talk about the minor details:

'The simplest and most effective political solution to the conflict between Tamils and Sinhalese would be for the government to grant a federal constitution and then negotiate the precise details of local autonomy with the Tigers. Sri Lanka's territorial integrity could be preserved at the same time the state recognized the reality of Tamil autonomy in the northeast. This is a formula borrowed from American history and is applicable to other inter-communal wars'.

Let us not make the mistake of piece meal solutions like Bandaranaike-Chelvanayagam Pact of the past era. The President has been given the mandate by the people to achieve peace, and the President should not waste this opportunity.

We must remember, once the so called Tamil problem is resolved the Sinhalese problem will start, like the

upcountry and lowcountry Sinhalese will not want each other to rule over the other. A federal constitution will pre-empt that problem. All the federal states will have the right to rule themselves.

Since all the past agreements have been broken, the only guarantee Tamils can have is in changing to a federal constitution.

Once peace is achieved, our Association will work hard to lobby the US and other governments to raise money for the development of all the federal units.

Sri Thillaiampalam,

President,
Eelom Tamil Association of
America,
31 Albamont Road,
Winchester, MA.01890.

OF FRIENDS AND ENEMIES

YOUR correspondent Mr. T. Pathmanathan (*TT*, 15 January 1994) is not at all constructive in his criticism, and in fact he was right when he thought that he could be 'mistaken' for being nit picking. He had nothing to say about the ideas or views contained in the articles like those of Rajan Hoole. He was just complaining of the 'jargon'.

Having been a self-confessed civil servant for a number of years until his retirement, Mr. P must have become familiar with 'minute sheets' in files to pen his comments in a few lines. Not used to the methodology of research in an academic exercise, Mr. P could be excused for blaming Prof. Ratnajeevan Hoole for including what he regards as 'boring details' in what is no doubt a research paper about 'Tamil Biographies'.

Having complained about some columnists using your journal to carry on a personal vendetta, Mr. Pathmanathan indulges in an unwarranted personal vendetta against Prof. Suriyakumaran just because Rajan Hoole made a passing reference to him in his article (probably this may have happened even without the Professor's knowledge and without any 'personal claims' on his part as Mr. P alleges). I am sure the learned Professor, who has made valuable contributions to the clarification of issues relating to ethnic relations, would not be belittled by the innuendos of Mr. P.

One must concede Mr. P's claim that he held positions in Sri Lanka where even classified information was within his reach. He was Secret-

ary to the Ministry of Information (or should we call it Ministry of Misinformation) and Chairman of the State information network, 'Lankapuvath' during the post July 1983 period. This was the time Mr. P's Ministry and Lankapuvath indulged in the most virulent anti-Tamil propaganda on an international scale with the help of the British public relations firm Satchi and Satchi, and no one would underestimate the contribution made by Mr. P in this connection.

Mr. P also recommends to you that there is a 'need for editing some parts of some of the contributions to keep it (*sic*) in line with the broad guidelines' you have set for yourself. What an idea coming from the man who held the position of the chief censor of newspapers in the 1980s when newspapers were required to submit every article, editorial, and news report which were invariably subjected to the most rigorous censorship Sri Lanka had ever known before or since! What he is recommending is nothing short of censorship.

You do not require enemies when you have friends like Mr. P to offer you unsolicited advice. Besides the sensible editorial line you adopt, what is redeeming in your journal is the variety of views expressed in the material you publish. I have no doubt that you would treat the idea of 'editing' contributions by others with the contempt it deserves.

P. Shanmugalingam'

Bambalapitya,
Colombo 4.

Continued from page 15

then Tamil leader the late Mr. S.J.V. Chelvanayagam, consequent upon subsequent actions (and inaction) of successive governments. The earlier modest demand was then an anathema to the Sinhalese as a result of the scare raised deliberately for political gain by the main political parties whose supporters were predominately Sinhalese. They propagated the false view that federalism and separation meant the same concept and conceding to the demand would lead to the annihilation of the Sinhala race!

On previous occasions, the voice of the minority community was not taken seriously by the assembly responsible for preparing the country's constitution. If a constitution is to be accepted by all the communities, it is important that the opinions of the Tamil community are also considered

Continued on page 34

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MATRIMONIAL

Hindu parents seek professional partner for daughter, 36, divorcee, no children, professional, living in Colombo. M 768 c/o Tamil Times.

Srilankan Tamil parents, looking for professional attractive girl, 20-23 years for their US born son, 25 years, US qualified M.B.A. holding professional position. Send recent photo, horoscope, details. M 769 c/o Tamil Times.

Jaffna Hindu brother, Ph.D., Research Analyst in U.K. seeks groom for sister, 26, chartered accountant in London firm. Reply with horoscope. M 770 c/o Tamil Times.

Jaffna Hindu parents seek bride, professionally qualified and preferably living in USA for only son, 28, MS (MBA). Send details, horoscope. M 771 c/o Tamil Times.

Hindu parents (professionals) seek alliance for their daughter, 24 years, 5'2", graduating shortly in Computer Science in U.S.A. Contact 0493 440788 (UK).

Catholic doctor, 57, widower, no children, British Citizen, (origin Sri Lanka), seeks suitable partner, 35-45, religion immaterial, photo appreciated. M 773 c/o Tamil Times.

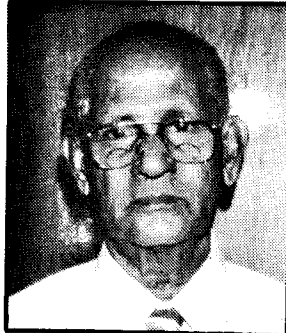
Jaffna parents permanently settled in UK seek suitable professionally qualified Christian partner for daughter, 31, qualified and in employment in UK. M 774 c/o Tamil Times.

Malaysian Hindu parents seek professional partner, fair and tall, resident or P.R., for son, B.A., M.A., A.C.C.A., aged 32 working in London. Send details. M 775 c/o Tamil Times.

Matrimonial

Confidential Introduction undertaken for Tamil Christians only. Feel free to communicate. Nominal fee becomes payable. Dr. Royce Arasaratnam, Doctors Mess, Ipswich Hospital, Ipswich.

OBITUARIES

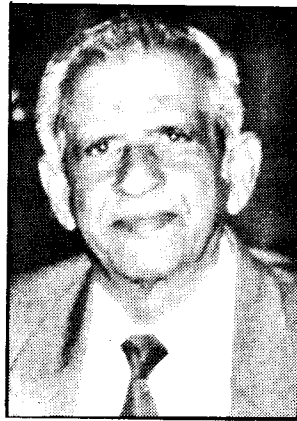


Mr. Joseph, 73, (Nallayan) of Sillalai, Pandatherippu, Jaffna; beloved husband of Annamah; loving father of Anand Joseph, Jean, Basil and Emil; father-in-law of Ramani, Winston Bastiampillai and Cynthia passed away in Edmonton on 30 December 1994. Funeral took place on 2 January 1995. - 17333 - 85 Avenue, Edmonton, Alberta T5T 0P7. Canada.



Mrs. Sivagamasunthary Sitsapesan, beloved wife of Mr. K. Sitsapesan, Ex Director, Department of Water Affairs, Zambia presently of Putney, London; loving mother of Manoharan and Savithiri (UK); loving mother-in-law of Varathan and Rebecca; loving grandmother of Holly, Daniel, Luxshimmi passed away peacefully on 19th January at Queen Marys Hospital, Roehampton and was cremated according to Hindu rites at the N.E. Surrey crematorium.

The members of the family thank all friends and relatives who helped in many ways, sent floral tributes, messages of sympathy and attended the funeral. - 6 Cambria Lodge, 2c Oakhill Road, London SW15 2QV Tel: 081 870 1072.



Mr. Kandiah Mailvaganam - born 3.10.22, (Retired Irrigation Engineer), beloved husband of the late Sugirthamalar (Pathma); loving father of Sivakumar (UK), Dr. Gowry Aum Bahavan, Premakumar (Canada); father-in-law of Pamini, Dr. Aum Bahavan; brother of Nagapoorani, Kanagasingham and the late Mr. Balasingham; brother-in-law of the late Mr. Thillainadesan, Sambasivam, Dr. Paramathanan (UK), Mahadevan, Vimalendran (UK), Mrs. Indrani Jeyapathy; son-in-law of the late Mr. Ratnam and Mrs. Sivayogamalar Ratnam; grandfather of Rajeevan, Sangeeta, Suhania and Ayisha passed away peacefully in Canada on 22.12.94. An Athma Shanthi poojah was performed in his memory at the Archway Murugan Temple on 28.1.95. The members of his family thank all friends and relatives for their messages of sympathy and support during the period of grief - M. Sivakumar, 91 Capthorne Avenue, Harrow, Middlesex, U.K. Tel: 081-868 7054/M. Premakumar, Apt 1712, 65 Thorncliffe Park Drive, Toronto, Ontario M4H 1L4, Canada. Tel: 416 467 7476.



K. Manivanan, born 17.4.70, beloved son of Dr. Kanapathipillai and Kamala of Canvey Island, Essex passed away peacefully on the 21st of January 1995. The cremation took

place on the 26th of January. He is sadly missed by his loving parents and brother Rishikeswaran.

May his Soul Rest in Peace.

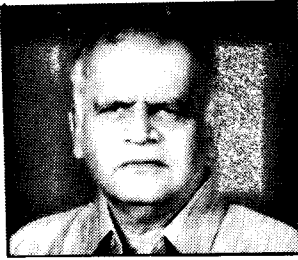
- 2 Cleveland Road, Canvey Island, SS8 0AU. Tel: 0268 514624.



Mr. P.V. Mahadeva (76), beloved husband of Kamalam; loving father of Saratha (UK), Rabi (New Zealand), Raji (Australia), Shantha, Yaso, and Prem (all of UK); father-in-law of Kumar (UK), Marie (New Zealand), Anna (Australia), Thiru, Ramana and Yoga (all of UK); grandfather of Easan, Uma, Kumaran, Devi, Murugan and Krishika (UK), Ramesh (New Zealand), Rebecca and Rachial (Australia), passed away in Maidstone, U.K. on 6th February 1995. - 1 Bonnington Road, Vinters Park, Maidstone ME14 5QR. Tel: 01622 755076.



Sinnathankachchy (88), beloved wife of the late C.S. Muttu Tamby of Kantharodai, Sri Lanka; loving mother of Gnadanadhevi, Paskaradhevan, Kangadhevi, late Karunanandan, Seethadhevi and Jeyadhevi; mother-in-law of Rajendram, Rathymalar, late Sangarapillai, Vasanthathevi, late Subramaniam and Kulasingam passed away in Kantharodai on 9.2.95 and was cremated on 10th February. She leaves behind 14 grandchildren and 20 great grandchildren - Mrs. Seethadhevi Subramaniam, 129B Seely Road, London SW17 9QX. Tel: 0181 715 6099.



Mr. Spencer Selvadurai Sabalingam, Retired Co-operative Inspector, Sri Lanka, born in Nallur and lived in Manipay; beloved husband of Megalambigai; loving father of Puvirajan (Australia), Jeyarajan (Canada), Ranarajan (New York), Vasantharajan (Virakesari), late Gowry, Mano (UK) and Esha (Canada); father-in-law of Latha (Australia), Thaya (Canada), Bavanie (New York), Suganiya (Sri Lanka), Sivanandan (UK) and Lakshman (Canada); loving grand father of Nishanth, Cynthura (Gowry) and Sayon - passed away in London on 24.12.94 and the funeral took place on 31st December. - 91 Edna Road, Raynes Park, London SW20 8BS. Tel: 0181 543 8716.



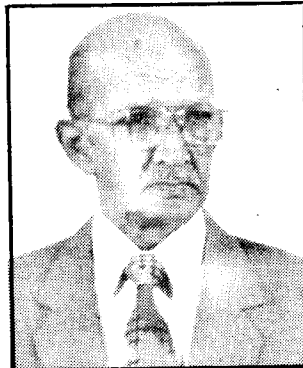
Nagaretnam Shanmuganathan (63) of Karampan West, Kayts and Nalur; a teacher in Sri Lanka, Ethiopia, Siera Leone, Nigeria and England; beloved husband of Varatha (Malar); loving father of Sutharshini and Ambalanath (U.S.A.), Priyatharshini and Rupatharshini (U.K.); son of the late Nagaretnam and Nagamah of Karampan West; son-in-law of the late Ponnampalam and Thillaiammah of Velanai West; brother of the late Maheswari, Pathmanathan (Canada), Vamadevan (Sri Lanka), Thiagarajah (U.S.A.), Ramachandran, Chandrakanthi, Varathaladchumy, Puvaneswari (all of Sri Lanka), Pushpakanthi (U.S.A.), Vijayanathan (Canada); brother-in-law of the late advocate Thuraiappah, Arumugam (S. Africa), Balasundaram (Canada) - passed away peacefully in St. Mary's Hospital, Paddington on 6.2.95. Cremation took

place on 12.2.95 at the Golders Green Cremation Grounds. Sadly missed by family, relatives and friends. - 9 Wolseley Road, Wealdstone, Harrow, Middx., HA3 5RZ. Tel: 0181-427 1549.



Pasupathippillai Periyathamby - beloved wife of late Periyathamby, loving mother of Dr. Arasaratnam (UK), Rajanayagam (Solicitor and Editor of Tamil Times, UK), Parameswary, Nadarajah, late Shanmuganathan and Maheswary, mother-in-law of Lihini (U.K.), Regina (U.K.), Selvaratnam (Male), Sivasothy, Sumana and Sivayoganathan (C.W.E.); grandmother of Ananthi, Ananda, Rudran (U.K.), Shanthi Manohar, Selvabarathy, Krishanthi, Thamayanthi, Priyanthi, Subothiny, Vasuki, Sivachelvan and Menaka, expired on 12 December 1994. Cremation took place on 17 December 1994 at the General Cemetery, Kanatta, Borella, Colombo. - 19, Park Street, Dehiwala.

IN MEMORIAM



First death anniversary of **Saravanamuthu Ilakanathan (Kud-dy Mama)**, Retired Shroff, Hatton National Bank Ltd., Nuwara Eliya, Sri Lanka; son of Late Mudaliar and Mrs. Saravanamuthu of Sandilipay North; son-in-law of late Dr. and Mrs. Subramaniam of Malaysia (formerly of Thirunelveli North and Uyarapulam, Anaicodai); who passed away on 18th February 1994.

Sadly missed and affectionately remembered by sister

Mrs. Ratnamathy Ratnarajah; dearest wife Leela; loving daughter Urmila; son-in-law Kuharajah; fondest grand daughters Shobana and Ranjana; all his in-laws, friends, nephews and nieces in Sri Lanka, U.K., U.S.A., Canada and Australia.

Kuddy Mama ! No one can take your place for your sense of humour, jokes and affection. Sweet memories of you will always remain fresh in our thoughts. - Mrs. Leela Ilankanathan, 58 Ringwood, South Bretton, Peterborough PE3 9SH. Tel: 0733 262760.



In cherished memory of **Dr. K.S. Nadarajah**, Ilakkia Viththagar Navatkuliyoor Nadarajan, Retired Director of SLBC/Rupavahini/Film Corporation who attained Moksha on February 17th 1994.

'Life's race well run
Life's work well done'.

Thangarane Nadarajah, Mahiinan and Malathi Nadarajah, Vatsala and Karuna Chinniah; grandchildren Diva Sudha, Praveena, Anchela and Aron and The Tamil Literary Community of Sri Lanka and Canada.



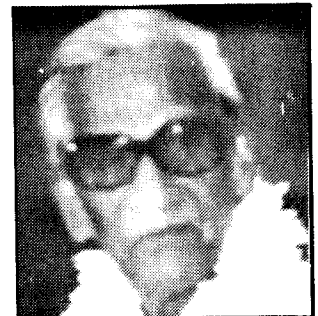
In loving member of **Mr. Chelliah Sivasampu** on the third anniversary of his passing away on 9th March 1992.

Sadly missed and fondly remembered by his two sons. - 15 Wolsey Way, Chessington, Surrey KT9 1XQ.



In loving memory of **Mrs. Rasamah Appiah** of Kondavil East, Sri Lanka on the first anniversary of her passing away on 12.1.94.

Sadly missed and fondly remembered by her children Saraswathy Kanagasabapathy, Panchalingam, Pusparanee Somasundaram, Jeyarane Ratnarajah, Dr. Balasunderam, Vimalarane Vamadevan and Indrane Rasiah; sons-in-law Vamadevan and Rasiah; daughters-in-law Rajeswary, Monique, Shantha; grand children Kirupaharan, Karunakaran, Ranji Mahaligam, Kunam Satheesan, Dr. Nirmalakumar, Pathmini Yogarathnam, Tharmakumar, Chandrakumar, Kalanithy, Shamala Pangayatselvan, Pascal, Raviraj, Prabalini Gnanasagaran, Sunilraj, Nimalraj, Shiralini Kajendran, Uthayaraj, Anusha Pathmanathan, Sanjit, Anusiya, Anoja, Vasuki de Silva, Hari Pradeep, Vamini, Girija, Rajeev and Prajeev.



In loving memory of **Mr. Chittampalam Subramaniam (Orator)** on the first anniversary of his passing away on 18th February 1994.

Sadly missed and fondly remembered by his wife Annaratnam; children Kandasamy, Gnanarangini, Pathmasany, Chitsabesan and Dr. Vasanthan; son-in-law Dr. Puvanarajan; daughters-in-law Malini, Kumuthini and Dr. Premila; sister Mrs. Sinnammah Somasegeram; nephews Dr. Sothinathan and Kanagasabai; grand children Janani, Vaani, Senthuran, Yamini, Lohita, Praneeta, Thayalan, Anjali, Mahen, Mithran, Lakshman and Rishi.

FORTHCOMING EVENTS

- March 1** Amavasai; Ash Wednesday.
- Mar. 5** Sathurthi; first Sunday of Lent.
- Mar. 12** Second Sunday of Lent.
- Mar. 13** Eekathasi.
- Mar. 14** Pirathosam.
- Mar. 16** Full Moon.
- Mar. 17** Pankuni Uthiram; Feast of St. Patrick.
- Mar. 19** Third Sunday of Lent.
- Mar. 25** Feast Day of Annunciation.
- Mar. 26** Fourth Sunday of Lent.
- Mar. 27** Eekathasi.
- Mar. 28** Pirathosam.
- Mar. 30** Amavasai.
- April 29** 6.30pm MIOT Annual Muthamil Vizha at Kelsey Park School, Manor Road, Beckenham, Kent BR3 3SJ. Tel: 0634 376517, 0181 460 5235.
- At the Bhawan Centre, 4A Castletown Road, London**
- W14 9HQ. Tel: 071-381 3086/4608.**
- March 4** 7.00pm Bengali Music Concert by Shynali Basu and her students.
- Mar. 19** 6.30pm Flute Concert by Pandit Hariprasad Chaurasia.
- Mar. 26** 6.30pm Variety Entertainment.

Mr. Katiravelu Rajasingham - An Appreciation

January 8, 1995 is an eventful day for all Sri Lankans. It was the day the ceasefire agreed by the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam came into effect removing a major obstacle to the peace process. Sadly to many Sri Lankans who were fortunate to have had some acquaintance with **Kathiravelu Rajasingham**, it was also the day that shocked them. Mr. Rajasingham passed away on the same day unexpectedly after his second bypass heart surgery in London. He was nearing his 70th birthday, which would have been on 18 March 1995. He hoped to witness the return of serenity to Sri Lanka and the Tamils in the North and East to live in dignity as equals to their counterparts in the rest of the country.

I came to know him in January 1950, when I was just a schoolboy unaware of the world I would be entering after completing my school education. To many boys of my age, he was the intellectual we all aspired to be one day. He had already obtained his Bachelor of Arts degree of the University of London before I knew him. Unlike other degree holders known to us then, he was different in that he had a broad perspective of the Western and Eastern ways of life. He was pragmatic and accepted, without forsaking our culture, those customs of the Western society, which he considered as worthy for him and his family.

Mr. Rajasingham remained throughout a humble person and never boasted his academic achievements even when we were adolescents. I became aware of his extraordinary intellect, after I grew up and started discussing worldly matters with him. His knowledge of English literature was vast having been interested in the subject since he was a youth. I was fascinated by his passion for reading.

I was a Ceylon Government University Scholar studying in England, when Mr. Rajasingham came here first in 1962 on a private visit. I was able to feel the desire he must have had for a long time to visit the land of Shakespeare, Milton, Byron and Wordsworth. It was for him a dream that came true. He considered voyaging to foreign lands an important part of education, useful for gaining firsthand knowledge about other societies and cultures. During his visit he also travelled to France, Spain and Italy. His subsequent travels took him across the globe from Guyana to New Zealand and to countries in Asia and Africa.

To him the learning process was endless. He firmly believed in Auvaiyar's maxim 'Kattathu Kaiman Alavu; Kalathathu Ulakalvu'. He had an enormous appetite for learning.

It was around this time that I introduced my friend and contemporary in Cambridge the late Professor A. Thurairajah, formerly Dean of the Faculty of Engineering, University of Peradeniya and later Vice-Chancellor of University of Jaffna to Mr. Rajasingham. I never realised then that both had so much in common. He had retired from Government service having served in various positions from Assistant Assessor to Deputy Commissioner in the Inland Revenue Department for nearly a quarter century. He also worked in Zambia for a short period as Tax Consultant. Both subsequently served the Tamil community first through the organisation 'Oottru' which operated in Jaffna and later through the 'Data Dev' which they founded along with others in Colombo. Mr. Rajasingham assisted the Tamil Times in 1987 to enable the periodical to maintain its high standard and usefulness.

Having known the late Professor Thurairajah very intimately, it was quite fitting that he was invited by Mr. Rajasingham to be the Chief Guest on the occasion of the ceremonial release of his book 'AT THE CROSSROADS' (A critique on the Hindu way of life) in Colombo on 10th April 1993. I could visualise how the meeting of two minds had been so easy from the contents of this book. It is a great loss to the Tamil community that both are no longer with us to render service at this crucial time. His book reveals the intellect of a searcher of truth characteristic of those philosophers who had in the past questioned the conventional beliefs.

The July 1983 communal riots had a profound effect on his vision of the future of his motherland. He was the President of the organization - Coordinating Committee of Displaced Employees - that was formed in the aftermath of the pogrom to assess the situation in which he and thousands of his compatriots were in and to take remedial measures for redress. This arrangement helped the many displaced Tamil employees to be on their feet again.

I have known Mr. Rajasingham to be a very methodical and determined person. When he set a target, he invariably achieved it. He admired the sacrifices made and the determination shown by the Tamil youths in fighting for the legitimate rights of the community. He did not have any doubts about the course of action taken to win the rights of the Tamils. The

only time to my knowledge his determination failed was when he did not return alive to Kingston from the hospital in Ealing after his second heart surgery. All of us were confident as he himself was that he would recover soon to give guidance to his family and serve the community at large.

I know the difficulty he experienced to come to London in 1994 with his beloved wife to get treatment for his deteriorating heart condition. All of us were glad when the efforts made by his two sons to bring the parents to London succeeded and they arrived on 23rd October 1994. But no one expected his demise within such a short period. There is, however, a small consolation that during his final visit to England he has been cheerful in the company of his loving wife, all his four children, all his six grandchildren and other close members of his family.

He had dedicated his book quite deservingly to his beloved wife. She was a part of him in as much as he was a part of her and their mutual affection and love admired by all who knew the couple well were unique. It is difficult for me at this time to contemplate how she will come to terms with herself without the most precious possession she had with her for 45 years. Her devoted husband had mentioned in his book, that she adhered to rites and rituals meticulously and he was inspired by her firm dedication to her faiths and beliefs. Perhaps she will find some solace from continuing these acts as before. Humans need to have faiths and beliefs to overcome such ordeals.

I consider writing this appreciation as my duty that I should perform with veneration to 'Aththan' as I have always addressed him, who has been to me an inspirator as well as a mentor.

Dr. S. Narapalasingam.

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Mr. Kandiah Thirugnanachandran – An Appreciation



Born in the small town of Satu Pahat in Malaysia, on 9th July 1940, Mr. Thirugnanachandran was the second son of Mr. & Mrs. Nagamuthu Kandiah of Pannallai, Tellipallai. The family returned to Sri Lanka in 1949.

Thiru had his early education in Mahajana College, Tellipallai, entered the University of Ceylon, when he was seventeen and obtained his B.Sc. in mathematics. In 1974, he married Dhayalaguneswary, second daughter of Mr. M. Vairavapillai, retired Deputy Auditor-General and Mrs. Vairavapillai. They had two daughters Thiru Nayani and Tharani who are students of University of North Middlesex and Latimer Girls School, Edmonton respectively.

Thiru had completed a few parts of Cost and Management Accountancy before coming over in 1981 to the U.K. where he completed his final examination. He had worked as an Internal Auditor in the Central Bank, C.T.B., Leather Corporation and was Accountant of the Reclamation Board.

Known to his friends as Thiru and to his family as Chandran, he was a quiet person by nature. The basic tenet of his personality was to endure any hardship in life, with forbearance and courage. He always refrained from being 'a source of trouble to others' and disliked all trivialities in life and was aware of the frivolous nature of things which tend to attract the ordinary mortals. Even during the period of his brief illness he manifested his strength of will, by showing courage and independence in his actions. He was much concerned with his family's welfare and showed great devotion towards his daughters' education. His honesty and integrity at work earned him high regard from his employers and colleagues alike.

His mortal body has departed from our midst but the fondest memories about him will always remain with us.

V. Rajayogeswaran.

Sivatharini Presents Three Veena Artistes

Sangeetha Vidwan Smt Sivatharini Sahadevan, Director of the London Academy of Veena presented three veena artistes Miss Ghayathri Veeravagu, Miss Gheetha Sunderalingam and Miss Anusha Balavigneswaran at the Tenth Anniversary Kalai Vizha of the Walthamstow Tamil Sangam at Waltham Forest Theatre on 21st January 1995.

The audience was treated to an excellent recital of the melodious tunes from the Veena and was appreciative of the high standard achieved by the young artistes. They have a bright future ahead of them and most of the credit should go to their teacher, who is a product of The College of Carnatic Music, Madras, which conferred on her the title of 'Sangeetha Vidwan'. She was under the tutelage of Sangeetha

Mamani Professor K.P. Sivanantham and upholds the high tradition of the college.

P. Shan.

Canadian Parliamentarian Congratulates Chandrika

Mr. John Sola M.P.P. for Mississauga East in Canada has congratulated President Chandrika Kumaratunga on her decision to extend the ceasefire with the Tamil Tigers. He states, 'what a wonderful way to begin your presidency, setting the stage to potentially resolving the civil war through diplomacy and negotiation rather than conflict, and save innocent lives from further destruction. If you succeed in bringing a permanent and just peace to your country, perhaps other areas of conflict such as Bosnia and Chechnya, will follow your lead. As a Canadian, I am proud that my government was among the first to agree to monitor the ceasefire'.

Vocal Concert – Manorama Krishna Prasad



'Full many a gem of purest ray serene,
The dark unfathomed caves of ocean bear'

Manorama Prasad's vocal concert on 28th January at Wembley brought to my mind the above lines. The Eastern Fine Arts Promotions should be congratulated for having 'discovered' such a captivating artiste.

The concert began briskly with a Varanam in the Raga Nalinakanthi. Although Nalinakanthi has been a rare and unexplored raga, the artiste was able to portray its characters in full. This was followed by the Krithi 'Sri Vathapi' in Sahana. Sahana is a popular raga both sweet and pleading. Usually it is presented at the later stages of a concert in order to explore its intricate nature.

Manorama's swift transition to Saathinjane added momentum to the concert. Both the violinist and the miruthangist equally demonstrated their mastery in this Pancharatna Krithi. Manorama's artistry was evident in the sharp contrast between the strong Arabhi and the much softer Sahana. Then came the Alapana in Natakurinji – a delightful raga which was explored by the artiste in every direction. The Rupaka Krithi – Mamavasa was delivered in charismatic style.

It is difficult to say that 'Balagopalam' in Bhaiyaravi was the main item. The Ragam-Thanam-Pallavi set to Kalyani

Raga and Thripudai Thala itself had created another climax along with the Ragamalika in Hindolam, Sama and Kanada. The timely delivery of the Danasri Thillana brought the concert to a rhythmic close.

The two highlights of the concert were the Krithi in Bhairavi and the Ragam Thanam Pallavi in Kalyani. The artiste took the Raga Bharavi step by step from its depth to its heights – at every relevant Swara, she was able to bring out the fineness of the Raga. Also of exceptionally high standard were the Niraval and the subsequent Swara.

I believe this performance marks the entry into the London musical scene of an exceptional vocalist. It is the musical maturity of the young instrumentalists that enabled them to give appropriate support on this occasion. The renderings of Kartik Rangunathan, a student of Dr. Laxmi Jayan, of the Ragas – Natakurinji, Bhairavi and Kalyani reflected his talent and commitment to music. Jason and Jonathan Pararajasingam, disciples of Kripakaran, exhibited professional traits in their Thani Avartanam with a switch into 'Thisram, Kandam and Misram'. The Thambura was serenely played by Gayitri Manikkavasagan, who herself has been active in the arts world along with her medical studies. The programme was ably announced by Sri Ranjan.

Jana.

Continued from page 29

and discussed in earnest with the view to arrive at a consensus. Partisan interest must give way to the broader national interest aimed at ensuring unity in known diversity. It is harmful to the national interest to pretend that there is only one supreme race in Sri Lanka.

All communities in Sri Lanka are in favour of a democratic and socialist system of governance. The present constitution of Sri Lanka notwithstanding the contradictory and unacceptable dictatorial powers it bestows to the Executive President is referred to as that of the Democratic Socialist Republic of Sri Lanka. The 1976 Vaddukkodai Resolution of Tamils mentions the word socialist as seen in the relevant part reproduced here - '... the restoration and reconstitution of the Free, Sovereign, Secular Socialist State of Tamil Eelam. . . . There cannot be objection from any side in accepting the principles of democracy and socialism in the new constitution. Similarly, the need to provide absolute safeguards in the constitution to prevent violation of human rights has been demonstrated by the horrible massacres which occurred in the recent past in Sri Lanka.

There should not be any room for abusing power at all levels and all persons elected or appointed to power-

ful positions must be compelled by law to adhere to the established codes of conduct. No one, however powerful should have the leeway to act outside the law. Those who resort to unlawful methods of conducting public affairs, instigate or take part in communal violence and violate the rules of good governance should pay the price for their treacherous acts. Provisions concerning impeachment and deprivation of civic rights of leaders in responsible positions should be quite explicit in the constitution.

Just reforming the present constitution without changing its basic structure will be ineffective to address the ethnic issue as well as the undemocratic features in it. Besides, the complete independence of the judiciary without interference by any other body or the head of government in executing its functions must be assured. There has to be an impartial body to which all citizens either as individuals or as groups can seek redress when they feel that their constitutional rights are violated by the collective body or any individual establishment. Attention is drawn to the European Court of Justice which fits in with the chosen paradigm.

With regard to the devolution of powers, the paradigm of the European Union highlighted in this paper illustrates how unity in diversity can be achieved while retaining the identity

of different groups. The whole economy of the union will have to be strong and its growth self-sustaining and balanced between different states for its security and existence in a unified form. The mobilisation and allocation of funds from the EU budget especially to develop the less developed areas of the member states according to predetermined criteria is also worth noting. The pro-Europeans strongly believe that the current and the anticipated changes towards integration without surrendering their national identity are essential for strengthening the security and the economy of individual states. No one in their normal senses can claim that their own national identity, language and ethnicity are being forsaken by the union of bordering states. The same concept can be adopted with regard to the diverse regions within countries in arriving at an acceptable and viable system of governance. The emphasis is on the concept and the union in our context must be considered as the whole nation just as the United States of America. Will Sri Lanka take this reliable path to permanent progress and unity or that which leads to discontent, unrest, instability and eventual fragmentation of the nation? The answer should be obvious to those keeping abreast with the global trends discussed in this paper at the very outset.

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