

Tamil **TIMES**



VOL XX No. 7 ISSN 0266-4488 15 JULY 2001 90p



Daring Suicide Attack on Airport



Damaged Planes (top) and a dead suicide bomber (below)



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*"I do not agree with a word
of what you say, but I'll
defend to the death your
right to say it."*

-Voltaire

**Tamil
TIMES**

ISSN 0266 - 44 88
Vol. XX No. 7
15 JULY 2001

Published by:
TAMIL TIMES LTD
PO Box 121, Sutton,
Surrey SM1 3TD
United Kingdom
Phone: 020 - 8644 0972
Fax: 020 - 8241 4557
Email: prajan@gn.apc.org
editor@tamiltimes.org
admin@tamiltimes.org

ANNUAL SUBSCRIPTION

UK/India/Sri Lanka.....	£15/US\$25
Australia.....	Aus\$45
	(Australian Bank cheques only)
USA.....	US\$35
Canada.....	Can\$40
All other countries.....	£20/US\$35

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For a Government of Peace And Reconciliation

Sri Lanka is in the grip of a deepening political crisis. At the centre of this crisis stands President Chandrika Kumaratunga whose recent actions in her capacity as Executive President have drawn widespread condemnation not only from opposition political parties, but also from wider sections of civil society. Even some of her hitherto genuine well-wishers have begun to question the propriety and wisdom of her decisions.

Despite protestations to the contrary, there is no doubt that her decision to prorogue parliament on 10 July was motivated by political expediency. The governing Peoples Alliance lost its majority in parliament on 22 June when the Sri Lanka Muslim Congress, one of its coalition partners, defected to the opposition. The opposition parties led by the UNP submitted a no-confidence motion against the government and sought an early debate on it. However, the governing party tried to postpone the debate until August 6 ostensibly to gain time in the expectation that it could in the meantime shore up its numbers in parliament. By delaying the vote, the government also kept open the option of dissolving parliament and holding early elections. The last parliamentary election was held in October 2000, and in terms of the Constitution, parliament cannot be dissolved until a year has elapsed. Governing party strategists calculated that if the no-confidence motion was delayed until August, then the President would be able to prorogue parliament for two months and then dissolve parliament in October leading to early elections in which the governing party expected to secure a majority of seats. But the opposition parties became wise to what the governing party was up to and submitted a petition signed by 115 MPs - a majority in parliament - requesting the Speaker to fix 18 July to debate the motion. Faced with the prospect of certain defeat of her government if the motion was debated and voted upon, the President prorogued parliament for 60 days. This action by the President has been denounced as a clear subversion of the basic principles and practices of parliamentary democracy.

Immediately following the prorogation of parliament, the President also announced her decision to hold a referendum on 21 August. The question the people are asked to answer at this referendum reads: "Is a new constitution as a matter of national importance and necessity needed for the country?" Her action in this regard has been criticised as a cynical and costly diversion serving absolutely no purpose other than to provide a convenient cover for the suspension of parliament by its prorogation. Almost all major political parties have publicly stated that a new constitution is necessary to replace existing one. In fact the PA and the UNP went before the voters last October in the parliamentary election promising a new constitution and the overwhelming majority cast their votes in favour of these two parties thus indicating their wish to have a new constitution. Even the other political parties that won seats in parliament supported the replacement of the present Constitution. Therefore it can be said that the people have already answered the question now being posed at the 21 August referendum in the affirmative. But what has happened is that these two major parties have so far miserably failed to collaborate with each other to carry out the people's mandate.

Since the last general election, instead of working together to bring about a solution to the protracted ethnic conflict and to produce a constitutional reform package, what the people witnessed was a shameless struggle by these parties for retaining power or regaining power. Substantial sums of money or promise of positions of power was on offer to tempt wavering MPs to crossover from one side to the other without any regard being paid to policy or principle or personal or political integrity. In the pursuit of power and position, corrupting the democratic process had become an overriding preoccupation. While the governing party has been desperately seeking to retain its hold on power, the opposition UNP has been devoting all its energies solely to the task of overthrowing the government and regain power.

Whatever fate the PA government may face because of the loss of its majority in Parliament, the reality is that Mrs Kumaratunga is constitutionally entitled to continue in office for the next five years as the elected President. As the parliamentary equation stands now, it may be that the PA government can be toppled by mobilising all the opposition parties to vote against it on the no-confidence motion. But it is doubtful whether the opposition parties can provide an alternative stable government. The opposition is comprised of disparate political parties with sharply contradictory policies. One cannot envisage

age the prospect of the JVP, TULF, TELO, ACTC and SU (Sihala Urumaya) sitting together in harmony in a cabinet of a UNP-led coalition providing a stable alternative government.

It cannot be denied that the prorogation of parliament and the announcement of a costly and meaningless referendum have aggravated the pre-existing confrontational nature of politics relegating to the background the most important problems facing the country. As a first step to reduce the current level of confrontation, the prorogation of parliament should be rescinded and the proposed referendum cancelled.

The hard reality that has to be recognised is that neither of the

major parties acting by itself or in coalition with other smaller parties can provide the people with a stable government that is capable of tackling the most important problems presently facing the country - the issues war and peace, democratic and constitutional reform and human rights and humanitarian concerns.

In this context, the suggestion that commends itself as productive, purposeful and practical is the setting up of an Interim Government of Peace and Reconciliation, for a specified short period in a spirit of partnership and power-sharing, committed to a minimum programme that includes the reactivation of the peace process, constitutional and democratic reform, the abolition of the Executive Presidency and substantial devolution of powers.

Daring Suicide Attack on Airport

In one of their most daring military operations, about 20 LTTE suicide bombers attacked the military airbase at Katunayake and the adjacent Bandaranaike International Airport, 20 miles north of the Sri Lanka's capital Colombo. At the end of a fierce six-hour battle that began before dawn on 24 July, 13 Tamil Tigers and seven security personnel lay dead and hundreds of millions of dollars worth of aircraft destroyed smouldering on the tarmac.

Three of the suicide bombers blew themselves up while security forces in a fierce shootout killed 11. Seven security personnel were killed in the fighting and 12 were wounded. Two civilians were also injured in the crossfire - Palitha Senarath Yapa, a journalist of the Rupavahini and a Russian engineer working for the Sri Lankan airline.

Following the attack, the international airport shrouded in plumes of black smoke, was closed to traffic, the airport was shut down immediately, outgoing flights cancelled and incoming flights were diverted to Chennai and Thiruvananthapuram in South India. All passengers and other civilian employees in the complex were evacuated to hotels. The police cordoned off the area surrounding the airport and clamped a curfew covering the entire Negombo area and adjacent villages.

Around 3.30am on 24 July, a suicide squad of over a dozen Tamil Tigers, hailing from the Black Tiger wing of the LTTE, with explosives strapped around their bodies, dis-

guised in military fatigues and carrying rocket-propelled grenades, anti-tank weapons, 40mm grenade launchers and general purpose machine guns, having first sabotaged the power supply in the area, cut through the perimeter fence to penetrate deep into the airbase without being noticed and launched one of their most spectacular assaults that attracted widespread coverage in the international media.

In the course the battle lasting more than four hours, they destroyed or damaged eight military aircraft including four Israeli-built Kfir fighter-bombers, one MiG 27, two combat helicopters and three small trainer aircraft. They also blew up an oil dump and sprayed rockets and tracer fire around the cordoned-off airbase area before moving into the civilian international airport.

The attack appears to have been meticulously planned in a typical LTTE's "do and die" operation. Iqbal Athas, of Jane's Defence Weekly in Colombo, said: "An attack of this magnitude cannot have been planned in two weeks. I suspect it must have been done over six or eight months. They chose a time when there were only Sri Lanka Airlines planes on the ground and none belonging to foreign airlines."

As civilians and airport personnel fled in confusion and fear, sometimes into the path of crossfire between the attackers and troops, the Tigers set about destroying three Airbuses of the Sri Lankan Airlines and damaged two others - five out of the national carrier's fleet of 12 - leaving three long

piles of molten metal in front of the terminal. The loss in respect of the civilian aircraft alone is estimated at \$350 million.

As the attackers fought a running battle with soldiers, they left a trail of havoc at the airport with aircraft blazing on the runways. The fires lit up the dawn sky around the airport, witnesses said.

This daring suicide attack by Tamil Tigers on Sri Lanka's only international airport may have put the final nail in the coffin of a Norwegian peace bid, analysts said in Colombo. "The peace process is now officially non-functional," said Jehan Perera of the National Peace Council.

The 10-hour blitz through the tightly guarded airforce base and the international next door was typical of the many daring suicide strikes by the LTTE described by many international analysts as the most formidable and ruthless guerrilla organisation in the world.

For instance, in January 1996, a suicide squad of Black Tigers drove through the streets of Colombo a truck laden with a large quantity of explosives and rammed it into a building complex housing the island's central bank turning the 15 storey-building into rubble and leaving over 100 persons dead and over 1200 injured. They have carried out many similar daring operations before and since including the present one.

Among the aircraft that were destroyed on the ground were those on which foreign tourists had just alighted from destinations such as

Maldives. According to officials, one mortar was fired into the transit lounge and commandos killed one of the assailants within the terminal building. The charred body parts of others including the one who was thought to have set off a suicide bomb inside the terminal building were later seen strewn among the bullet ridden suitcases, clothing and shattered glass panels.

"The attack demonstrates the ability and willingness of the LTTE to select targets without regard for the safety of civilians, including tourists," the U.S. State Department said in a travel warning issued after the latest attack sent scores of tourists scrambling for cover.

The attack sent hundreds of workers and passengers - from Australia, Britain, France, Germany and Italy, India, Pakistan and the Maldives - scrambling for cover as gunfire and explosions ripped through aircraft.

In spite of the continuing 18-year-old armed conflict between government troops and the Tamil Tigers and while most fighting has been confined to the country's north-east turning the area into a virtual war-zone, tourism, the country's main revenue earner, has continued to flourish in the north-central, central, western and southern parts of the country though there have been sporadic major attacks by the Tigers in the capital Colombo and other areas outside the north-east. But the latest attack on the airport and the harrowing ordeal the tourists, caught up in the battle that raged between the troops and the Tigers, must surely cause irreparable harm to the island's tourist industry.

"There were people running everywhere and ducking for cover under counters," said Australian businessman Noor Crookshanks. "There were several children ... some wailing, and anxious parents were trying to rush them to safety in a flurry," he said.

"I've never been so scared in my life," said Astrid de Jong, who was waiting for a flight back to the Netherlands when the gunfire broke out, adding "Sri Lanka is beautiful, but I'm not coming back until this is all over."

The island's tourist industry is certainly bound to be a casualty due to the latest LTTE attack. Arrivals in the

first four months of this year were up above 7 per cent over the same period in 2000 when Sri Lanka earned about \$375 million from tourism.

The LTTE attack on the airport and the airbase coincided with the 18th anniversary of anti-Tamil pogrom of July 1983.

Analysts also believe the attack was also designed to weaken the military's air power, which the LTTE had to contend with. On July 2 the Tigers warned the Government to stop bombing LTTE positions, after a series of air raids during June this year in the north which the Tigers described as "provocative aggression".

Even as the wreckage of its military and civilian air fleets lay smouldering on the tarmac, the Sri Lankan airforce launched retaliatory air-strikes against Tamil Tiger positions in the north of the island. The air strikes will do little to answer critics who question as to how 15 to 20 suspected Tamil Tigers managed to infiltrate the heavily guarded Katunayake airbase and the adjoining civilian airport.

Security at the airbase and the airport is normally very tight with multiple roadblocks. Normally even wallets are searched at the entrance to the Bandaranaike airport. The attackers apparently smuggled themselves inside this high-security area under the cover of darkness using a canal connecting the Negombo lagoon with the airbase.

But the question remains how the attackers managed to penetrate the airbase and the airport supposedly protected by the tightest possible security.

Sri Lanka has its own crack team of commandos trained in anti-hijacking operations, but they were not deployed to guard the aircraft and the terminal even two hours after the neighbouring airbase was hit, police said.

The military and intelligence establishment has become the target of severe criticism for having failed to prevent this debacle. "How could this devastating operation take place in a location where security could be expected to be exceedingly tight," asked the state-run Daily News, which rarely criticises the military. "The enormity of the lapses could be gauged by the

realisation that the terror operation could have been months in the making and under the very noses of the law enforcers," it said.

What is worse is the report that the Tiger suicide squad numbering around 20 enjoyed a picnic near the tightly guarded international airport and adjoining military air base before launching their devastating attack.

It would appear that the attackers had used a luxury 26-seat coach to get near the military and civilian aviation complex, and the police are now trying to track the whereabouts of this vehicle.

Despite the enormous damage resulting from the LTTE attack, Sri Lanka's international airport was reopened on the day after the attack. The first flight was UL 679 with 160 passengers from Sydney, diverted to Madras just before it was to have landed at almost the exact time when the attack was launched by the LTTE on the previous day.

The President has ordered a full inquiry into the incident. A statement issued on behalf of the President and the Government, while calling "on all people to act with calm and restraint," said that the "Government will remain undeterred by this attack, and will not be weakened in its resolve to save the public in general and the Tamil people in particular from the terror of the LTTE."

Reactions to the LTTE attack were typical reflecting the current polarisation that characterises the island's politics, specifically the acrimonious relations between the ruling and the opposition parties. While the governing party accused the opposition UNP of not condemning the LTTE attack, the UNP has blamed for abrogating its responsibility "to ensure the safety of life and property of the people of this country."

The Janata Vimukthi Peramuna (JVP) in a statement said "The President should take the responsibility for the present situation that followed the dawn attack by LTTE."

As the devastated airport and the airbase were cleared, the authorities were also dealing with the remains of the 14 unidentified and unclaimed men, some who blasted themselves to pieces and others who were killed in the "Battle of Kattunayake". □

● TWO KILLED IN PROTEST MARCH

Sri Lanka's political turmoil spilled onto the streets of its capital on Thursday 19 July as two persons were killed and over 60 injured on 19 July when armed police tried to prevent thousands of demonstrators participating in a march which had been banned from entering the capital for an opposition United National Party (UNP) organised rally to have been held in Maradana in the capital later in the day. Life in Colombo was brought to a standstill during six hours of pandemonium as police failed to stop angry demonstrators slipping into the city in defiance of a ban demanding the resignation of President Chandrika Kumaratunga's government, and the re-summoning of parliament.

The main battles between the police and demonstrators took place at Nuge-goda just outside Colombo where UNP's Assistant Deputy Leader Gamiini Athukorale was leading group of more than 7,000 people trying to enter the city and at the Peliyagoda junction where the party Deputy leader Karu Jayasuriya was leading a crowd of over 10,000. The younger UNP MPs including former president late Ranasinghe Premadasa's son Sajith Premadasa and former presidential candidate late Gamiini Dissanayake's son Navin Dissanayake were leading large groups of protesters. The police blockaded all entrances to the city center with jeeps and buses, saying they would not allow the marchers to "disrupt life in Colombo." The police liberally fired rubber bullets and teargas canisters and baton charged crowds of demonstrators who attempted to breach police barricades.

In the city's two main hospitals, most of the 60 wounded were treated for wounds from rubber bullets fired at close range or lacerations from police batons. According to medical circles, one of the two dead was hit by live ammunition and the other by rubber bullets.

Tamil United Liberation Front (TULF) MP, Mr V Anandasangaree, said that by stopping people from holding a peaceful procession and rally, President Kumaratunga was infringing the right to free movement and free speech. "The country is heading towards dictatorship. The Chandrika

News in Focus

Kumaratunga government is driving people to revolt," he said.

A statement issued on behalf of the Government said, "The Government wishes to express its deep sorrow about the loss of lives caused during the protest campaign conducted by the UNP on Thursday and extend its condolences to the bereaved families and relatives. It also wishes to express its sorrow at the injuries caused to others and hoped they would make a quick recovery." The statement added that "the Government however wished to reiterate that the UNP led by opposition leader Ranil Wickremesinghe should bear full responsibility for the damage caused to life and property. This unfortunate situation was the result of the provocative acts organised by the Opposition using thugs to achieve its petty political objectives."

The death of at least two people from bullet wounds and the injuring of many more as a result of police action against a predominantly peaceful demonstration in Colombo constituted the use of excessive force on the part of the police, the London-based international human rights organisation, Amnesty International, said condemning the police action.

Amnesty International also condemned the invoking of the 1981 Referendum Act by the government. The Act bans all processions between the calling of a referendum until after the result is announced, other than May Day, religious or social processions, and the latter must not contain anything that may affect the referendum result.

Political analyst Dayan Jayathilake said the huge numbers of protesters that filled streets Thursday should give the opposition a boost. "Opposition parties have returned dramatically to the center stage of politics by garnering the par-

ticipation of thousands of supporters," he said.

The country appears set for political and civil unrest as opposition parties planned more anti-government protests, a day after the violent incidents of the previous day which saw two persons killed and over 60 injured.

UNP leader Ranil Wickremesinghe said he and other leaders would meet soon to plan their next action to force the hand of President Kumaratunga to re-summon parliament to face a no-confidence vote against her government.

"We will take our campaign to every village, this is just the beginning, We are going to do everything to see that the democratic rights of the people are protected. They are very dear to all Sri Lankans," Mr Wickremesinghe told reporters.

● REFERENDUM

The proclamation by the President on 10 July following the prorogation of parliament and directing the Commissioner of Elections to hold a referendum has attracted widespread criticism not only from opposition parties, but also from many civil rights organisations, academics and civil society leaders.

The question that the voters are asked is whether the country's constitution must be changed or not.

According to the President, the constitution making exercise following the referendum is to begin from scratch, setting aside the draft so painstakingly prepared by a Parliamentary Select Committee (PSC) over a period of two years and placed before Parliament on 3 August 1997 which was withdrawn later following the refusal of the UNP at the last moment to support it. The exercise is expected to begin in right earnest after the referendum, assuming that a majority says "yes" to a change in the constitution.

"This Constitution necessarily must be changed some day by somebody, if a stable Government capable of solving the burning problems of the country were to be established," she said addressing meeting with trade union representatives on 20 July.

Expressing frustration at the failure of her previous efforts, the President said that all efforts by her government to change the Constitution since 1996

were thwarted due to the inability to obtain the two thirds majority in Parliament under the present system of representation. It was due to this reason that the Government decided to hold a referendum to obtain a clear mandate from the people and the decision was by no means a step to avoid being defeated by the no-confidence Motion."

The need for a new Constitution has arisen more than ever before, because the 1978 Constitution and the electoral system presently in operation has prevented the formation of a stable government working majority, she said.

She promised to consult the Maha Sangha (the Buddhist clergy), leaders of ethnic minority communities, scholars of eminence, and all political parties before finalising the new constitution. She said that a draft of the new constitution would be placed before parliament as a bill "within a short period".

Though the President did not indicate the changes to the Constitution she had in mind at this meeting, in her latest TV broadcast, she highlighted the need for the abolition of the executive presidency, changes to the electoral system and the setting up of independent commissions to be responsible for the judiciary, public service and conduct of elections. Significantly she did not mention devolution of powers to the regions or provinces as a rea of her concern. However she said that the only solution to the ethnic crisis was the implementation of the new constitution in which the issues of the minorities would be addressed.

Under the new constitution, all elections- Presidential, Parliamentary, Provincial and Local Government polls would be held on the same day, she added. Almost all the opposition parties have formally expressed their support for the pot symbol indicating their opposition to the call by the government to change the constitution at the forthcoming referendum. The TULF however has not made a formal declaration as yet.

The decision to ask the public support for the pot symbol according to most political parties is a tactical move to thwart government efforts to subvert democracy. "There are serious doubts as to how the government will interpret a positive mandate. So we are call-

ing for the people to vote in the negative," SLMC leader Rauff Hakeem said. UNP's media spokesman Dr Karunasena Kodituwakku too said that the UNP would be supporting the pot symbol.

The JVP however took the position that while the party had informed the Election Commissioner that it would support the pot symbol, it had not determined what it would tell the people.

The sole ACTC MP Vinayagamoorthy said that his party too would call for a rejection of the government's call for constitutional change as it would not be possible to prevent the referendum.

"It does not seem that we can prevent the referendum. We will call for the people to vote for the pot symbol," he said. He will proceed to Jaffna on August 3 and hold meeting till the 15 to call for support for his party's position.

TULF Vice President V Anandasangari said that his party had neither decided nor informed the Elections Commissioner of its decision on the referendum. "This is a very serious matter. We will make a decision at our Central Committee meeting on August 4. We don't want to say anything one way or another. But we will definitely tell the people that the government is trying to cheat them and let them decide," he said.

The Sinhala Urumaya's position is that it will support the pot symbol to stop the dismantling of the unitary status of the constitution.

In spite of earlier reports to the contrary, the JVP is definitely against the referendum and it categorically denied reports that the party was "neutral" on the referendum. Though the JVP did not participate in the protest demonstrations led by opposition parties led by the UNP on 19 July, it held 21 rallies in different parts of the country, other than in Colombo, on 24 July against what it described as "the President's dictatorship and to the fraudulent referendum", and calling for the re-summoning of parliament.

The JVP said it would abide by the rule-book which prohibited demonstrations and protest marches during the run-up to the referendum. "Agitation campaign will be held totally under the existing rules and regulations. Colom-

bo city was not specifically selected as the police, like last week, would prevent people from the outstations travelling to Colombo," a party spokesman said.

Sixteen political parties including the PA and its constituents - LSSP, CP and SLMP as well as the MEP which is now a member of the government had indicated that they would campaigning for a 'Yes' vote at the forthcoming August 21 referendum while 17 parties including the UNP, TULF, SLMC, Sinhala Urumaya and the United Lalith Front will be campaigning for a 'No' vote, information submitted to the Commissioner of Elections reveals.

According to information given to the Commissioner of Elections, political parties backing a 'Yes' vote are:- Eelam People's Democratic Party, United National Alternative Front, United Socialist Alliance, People's Liberation Solidarity Front, Desha Vimukthi Janatha Pakshaya, People's Alliance, Democratic United National Front, Mahajana Eksath Peramuna, Ruhunu Janatha Party, Lanka Sama Samaja Party, The Liberal Party, Sri Lanka Freedom Party, Sri Lanka National Front, Sri Lanka Progressive Front, Sri Lanka Mahajana Pakshaya and Communist Party of Sri Lanka.

Political parties backing a 'No' vote are:- United National Party, United Lalith Front, Eksath Lanka Podujana Pakshaya, United Socialist Party, Eksath Sinhala Maha Sabha, People's Liberation Front (JVP), Up-country People's Front, The National Union of Workers, National People's Party, Jathika Sanwardhana Peramuna, Tamil United Liberation Front, Democratic Workers Congress (P Wing), Democratic Left Front, Sri Lanka Muslim Katchi, Sri Lanka Muslim Congress, Socialist Equality Party, Sinhala Urumaya and Sinhala Mahasammatha Phoomiputra Pakshaya.

'Neutral' Political parties:- Illankai Tamil Arasu Katchi, Eelavar Democratic Front, Eelam National Democratic Liberation Front, Tamil Eelam Liberation Organisation, New Left Front, Nawa Sama Samaja Party, Puravesi Peramuna, Democratic People's Liberation Front, People's Freedom Front, Muslim United Liberation Front, People's Front of Liberation Tigers and All Ceylon Tamil Congress.

● IMPEACHMENT MOVE AGAINST PRESIDENT

Sri Lanka's opposition political parties on 20 July appointed a panel to draw up articles of impeachment against President Chandrika Kumaratunga whose government has been reduced to a minority in Parliament.

A five-member committee of Opposition legislators was named at a joint meeting of opposition parties which claim to have the support of 115 MPs, a majority in the 225-member assembly.

"We have agreed to have a committee of experts to draw up the chargesheet against the president and have it ready for approval by all the constituent members of the joint opposition in less than two weeks," a spokesman said.

He said the decision was taken at a meeting in the Parliament building. The building itself has been shut down following the prorogation of the Parliament by the President until September 7 in a move to prevent a near certain defeat of her government in a vote of no-confidence.

The Opposition move to impeach Kumaratunga is designed to prevent her from dissolving Parliament after October 10, when the assembly completes one year since the last general elections, and holding parliamentary elections with a view to securing a majority of seats.

To get the Speaker to consider or entertain a motion of impeachment against the President, a simple majority in Parliament is enough. But the opposition would like to have two thirds of the MPs to sign the motion because the Speaker would then have no alternative but to accept it.

The opposition knows that two thirds is not easy to get, because as of now, it has only 115 out of the 225 MPs with it. It will need 150. Given time, we are likely to get two thirds, because there are democratic minded MPs on the government side too," said an UNP MP.

The UNP led opposition is worried about as to what position the Speaker, Mr. Anura Bandaranaike, who happens to be the younger brother of the President, would adopt in regard to any impeachment motion. Hence the bid to secure a two-thirds in support of the motion.

● PROROGATION STAYS, RULES THE SPEAKER

Speaker Anura Bandaranaike on 15 July rejected a request by opposition parties urging him to re-summon Parliament that had been prorogued by the President 10 July.

In a letter addressed to the Leader of the Opposition Ranil Wickremesinghe, the Speaker said that the power to prorogue Parliament vested in the President by the Constitution is not expressly qualified by any precondition for its proper exercise. The full text of the Speaker's letter reads:

"I refer to the discussion had with me by you, as Leader of the Opposition along with certain other MPs who have signed the notice of motion of no confidence in the government that was handed over to me and the request contained therein, and the note of legal submissions given to me by Mr. Choksy P.C. Having given careful consideration to the aforesaid matters, I have to reply as follows.

The power to prorogue Parliament by Proclamation vested in H.E. the President by Article 70 (1) of the Constitution has been exercised by the issuance of the Proclamation which has brought the session of business to an end, subject to the provisions of Article 70 (4) which allows the continuance of all matters that have not been disposed of at the time of prorogation to be proceeded with, during the next session that is due to commence on 7th Sept. 2001. Assuming that the said Proclamation does not suffer from the taint of invalidity and is legally operative, no Parliamentary business can be conducted during the inter-sessional period.

Unless the Proclamation, *ex facie* the document, bears evidence of invalidity which precludes its acceptance, the Constitution has not expressly conferred on me any jurisdiction, power or authority to inquire into its validity or pronounce thereon. I find no such evidence and cannot therefore reject the Proclamation on any such ground.

The power to prorogue Parliament vested in the President by Constitution is not expressly qualified by any precondition for its proper exercise, nor is there indication of the requirements that need to be fulfilled or as to the nature of the reasons which may prompt the

exercise of the power. The only fetters placed on the exercise of the powers of the President, of which I can take cognisance are to be found in the proviso to Article 70 (3) which do not arise for consideration in this case.

I have considered the submissions that the President is by virtue of Article 42 of the Constitution responsible to Parliament for its exercise as a ground for subjecting the exercise of the power of prorogation to the control or review by Parliament. I am not persuaded that this is a sufficient basis for me, as the Speaker of Parliament, to review the decision of the President to prorogue Parliament on the alleged ground that the prorogation was calculated to thwart consideration of the motion of no confidence that was sought to be moved in Parliament.

While the motives for issuing the Proclamation of prorogation may be open to objection or criticism as a misuse of power, I do not find it possible to infer therefrom any implied power vested in me, as your Speaker, to override the Proclamation of prorogation, re-summon Parliament and continue with the conduct of Parliamentary business that was intended to be transacted in the session that terminated with the impugned act of prorogation.

While I am at all time conscious of my duty and responsibility to protect and safeguard the rights of Parliament, yet I do not think I can exceed the legal limits of the powers which the Constitution has conferred on me in the course of that endeavour. Though, my own personal opinion may be at variance with what has been done on this occasion in the matter of the prorogation, I am myself bound by the Constitution and cannot therefore overstep the limits of my powers.

For these reasons, I am sure it will be appreciated why I cannot accede to the request made by you."

The Speaker's ruling has angered many in the UNP leadership who have expressed doubts about his 'loyalty' to the party which he belongs, the UNP. Anura Bandaranaike crossed over from the SLFP to the UNP to become one of its leading figures in a fit of spite against his elder sister, Chandrika Kumaratunga, when the latter became the leader of the SLFP. Besides his ruling on the subject of prorogation,

Anura's decision to go abroad on 21 August at a time when the country is embroiled in serious political crises due to the prorogation of the Parliament and the impeachment motion against the President to be moved by the opposition is to be handed over to the Speaker is seen by his doubters as a deliberate attempt on his part to evade facing his responsibilities as the Speaker and as a member of the UNP. Though Anura's foreign trip was planned and arranged long before the current political crisis developed, Anura's detractors are spreading the story that his decision to go abroad at this critical time is motivated by his inherent 'brotherly affection' for his sister President. They say, 'blood is thicker than water' and that is what is determining Anura's action.

It is in this backdrop, that Anura's former secretary, Laj Wickramasinghe, has revealed a piece of crucial information that had hitherto remained secret and unknown to the public. According to him it was Sunethra Bandaranaike (his eldest sister), Harry Jayawardena and Krishantha Cooray who negotiated the terms under which the Chandrika Kumaratunga, as the Peoples Alliance leader, agreed to give her approval of and support for Anura being elected as the Speaker. One of the conditions Anura agreed was to hand over (which he did) an undated letter of resignation from the post the Speaker to the President.

● AI ON THE RIGHT TO PEACEFUL PROTEST

The death of at least two people from bullet wounds and the injuring of well over 30 more as a result of police action against a predominantly peaceful demonstration in Colombo on Thursday (19 July) constituted the use of excessive force on the part of the police, the London-based international human rights organisation Amnesty International said in a statement on 20 July condemning the police action.

Achinte Perera from Algama and Manjula Prasad from Janpatha St, Colombo 15, both supporters of the United National Party (UNP), died whilst participating in a peaceful protest called by a coalition of opposition parties in Sri Lanka. The post mortem reportedly reveals that death was caused by live ammunition from a T56 automatic

weapon, the type used by the police and the army.

Amnesty International also condemned the invoking of the 1981 Referendum Act by the government. The Act bans all processions between the calling of a referendum until after the result is announced, other than May-day, religious or social processions, and the latter must not contain anything that may affect the referendum result. "This is an absolute infringement of the rights to freedom of expression and assembly. People of all political persuasions must recognize and respect each other's right to gather peacefully and express their opinions without fear for their safety," Amnesty International said. The organization is fearful that if these rights are not observed and guaranteed by the state that the period leading up to the referendum will become increasingly violent and polarised and result in many more serious human rights violations.

It is reported that the vast majority of people who took part in Thursday's demonstration were unarmed and peaceful. Amnesty International has no reports of arms being used or shots being fired by the demonstrators. Those who did indulge in violence threw stones from the street. However the police have admitted using live ammunition, rubber bullets and tear gas. There is also film footage of a police officer handing a large knife to a person in civilian clothes thought to be a member of the security forces or a member of one of the government parties.

Amnesty International reminds the Sri Lankan authorities of the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials which state: "In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life" and "Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles.

Amnesty International urges the President of Sri Lanka to instruct all law enforcement agencies to strictly observe these principles during the current tense political situation. It also calls on her to ensure that Sri Lanka observes the right to freedom of expression and

assembly which will assist in defusing the high tensions.

● REFERENDUM, A COSTLY DIVERSION - CRM

Prorogation of Parliament, when a no-confidence motion is pending, though apparently permitted by the Constitution, is not in the spirit of democracy. The discretion to prorogue Parliament should only be used for good reason that is clearly in the national interest, the Civil Rights Movement has said in a statement.

The referendum is a costly diversion which appears meaningless due to the way it is phrased, which is as follows: "Is a new constitution as a matter of national importance and necessity needed for the country?"

The people are being asked whether they want a new Constitution, without it being specified what this Constitution would be.

Since all major political parties have stated publicly that there should be a new Constitution, they should as a matter of urgency communicate this formally to the President, together with a commitment to actively engage in a constructive process of formulating a constitution which could command the necessary majority. The Referendum should then be cancelled. This would enable attention to be concentrated on the pressing problems that face the country, by far the most urgent of which is the armed conflict that daily causes untold misery to thousands. The people have a right to expect their representatives to act responsibly in the national interest.

● CALL FOR A GOVT OF PEACE AND RECONCILIATION

"The President's decision to prorogue Parliament in the face of a 'No Confidence Motion' against the government and a petition signed by a majority of the members of parliament calling for an early debate on the Motion, is clearly a subversion of the basic principles and practices of parliamentary democracy. The integrity of the parliamentary process is called into question when Parliament is prorogued for expedient and partisan reasons. Furthermore, the decision to hold a non-binding referendum during this period is a cynical attempt to divert attention from

the blatantly anti-democratic act of prorogation by executive fiat.

"In addition, the wording of the question to be placed at the referendum - "Is a new constitution as a matter of national importance and necessity needed for the country?" - shows a measure of contempt for the public's understanding of the issues relating to constitution making. The objective of the referendum needs to be clarified. There is confusion as to whether it is purely consultative or the first step towards the adoption of a new Constitution through extra-Constitutional means. The Constitution is a social contract among all the groups and communities living in a society. It should be an agreed text based on a broad consultative process as well as a multi-party consensus. In the absence of this, to even attempt to frame constitutional issues in a yes/no format at a referendum, is to question the very legitimacy of the process of Constitution-making.

"The confrontational nature of recent political developments compounds the current national crisis and relegates to the background the key issues of the war, related security, economic and humanitarian concerns, questions of governance and the spiraling cost of living. Given the above and the inability of any one political formation at present to form a stable government on its own, we believe that a coalition of forces around a minimum programme of peace and democratic reform for an agreed period of time, is necessary for the country. Accordingly, we urge the immediate rescinding of the Presidential orders proroguing parliament and calling for a referendum. We also recommend the setting up of a 2-year Interim Government of Peace and Reconciliation in the spirit of partnership and power sharing, committed to advancing the peace process and democratic reform. This government should comprise the incumbent President, a Prime Minister who commands the confidence of Parliament and representatives of political parties who agree on a minimum programme of peace and democratic reform. Our proposal is not to be confused with proposals from sections of civil society and the polity that favour the setting-up of a 'National Government' with the objective of excluding minority parties and prosecut-

ing the war.

"We totally reject this. What we favour, instead, is the formation of an Interim Government of Peace and Reconciliation to implement a Minimum Programme which includes the following elements: 1. Re-activation of the peace process; 2. Constitutional reforms including the abolition of the Executive presidency, establishment of five Independent Commissions, electoral reforms, substantial Devolution of powers and a commitment to enhance the protection of human rights. 3. The strengthening of the existing Bribery Commission and Human Rights Commission.

"We appeal to all political parties to rise above partisan interests and address the current crisis. We call on members of civil society to defend and promote democracy and peace at this critical juncture in our history."

The signatories to the above appeal are: Sunila Abeysekere, Radhika Coomaraswamy, Sunanda Deshapriya, Rohan Edrisinha, Ketheshwaran Loganathan, Paikiasothy Saravanamuttu, Jeevan Thiagarajah and Joe William

● REFERENDUM, A RUSE FOR DEVOLUTION

The ultra Sinhala nationalist Sihala Urumaya said that the August 21 referendum on the need for a new constitution was but a ruse to push through the backdoor the rejected devolution package that the President wanted to push through earlier.

Mr. Tilak Karunaratne, Sihala Urumaya leader and former MP, said that his party had told the Election Commissioner that it would campaign against changing the constitution in the run up to the referendum on the issue. He pointed out that President Kumaratunga had not mentioned devolution when she set out her ideas on a new constitution in her telecast. What she had mentioned was the need to replace the Executive Presidency and the setting up of independent commissions to oversee the work of certain key state institutions. Mr. Karunaratne said that these things could well have been introduced through an amendment to the present constitution because two thirds of parliament would have endorsed the changes without any fuss. Now, there was an attempt to bring in the old and rejected

devolution package through a vague referendum. If the majority said "yes" to the question on the need for a new constitution, it could be taken as a blank cheque to bring in any kind of constitution including one with the discredited devolution package.

● DEMOCRATIC PROCESSES MUST BE SUPREME

The National Peace Council in Sri Lanka, in a press release issued on 12 July said, "President Chandrika Kumaratunga's decision to prorogue Parliament until September 7 and to conduct a referendum on August 21 to obtain the people's consent for a new constitution have come at a time when a motion of no-confidence against her government was to be placed before Parliament. The democratic governance of a fragmented and multi-ethnic society that is trapped in a civil war is not like a game of chess, in which pieces can be moved about at will to win the game. On the contrary, the governance of a country is a responsibility of the most serious proportions in which the legitimacy of institutions has to be preserved and the very lives of the people are at stake. As a politically non-partisan civic organisation, the NPC stands for the integrity of democratic processes which must not be used for purposes of partisan political advantage.

"By suddenly proroguing Parliament, the President has effectively blocked Parliament from proceeding with the no-confidence motion against her government and thereby prevented a legitimate democratic process from unfolding. Further, the President has announced an unexpected referendum on a yet unspecified new constitution at a time when the ethnic conflict is still far from being resolved and the war between the government and LTTE continues.

"On the last occasion when the government presented a constitutional bill before Parliament, it was scuttled by the opposition which even burnt copies of the draft constitution in Parliament. While that was not responsible conduct on the part of the opposition, the present process that the President has adopted is one that is at variance with generally accepted principles of conflict resolution. In a metaphorical sense, it appears as if the cart is being placed before the



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horse. The National Peace Council expresses its grave concern at the recent political developments which could aggravate the present political crisis and lead the country further down the road to instability and division. But we believe that steps taken can also be retraced. We reiterate our position expressed last week that the national priorities that the politicians need to address are first, to recommence the Norwegian-facilitated peace process in a reinvigorated manner to enable a ceasefire, and to work out the framework of a possible negotiated political settlement with the LTTE. Second, to set up the independent commissions which, by common consent, are deemed to be essential for the good governance of the country and ensure that they too serve the purpose of inter-ethnic justice and reconciliation.

"We repeat our call on the people of our country, who are suffering from the consequences of the prolonged war not to be misled by the rival political forces who are prepared to use various means to retain or obtain political power. The arrest of student activists

in Jaffna on the charge of being LTTE supporters has generated widespread public protest in the north-east. We have observed the use of communal fears and antagonisms to mobilise sections of the people to one side or the other. The heavy-handed suppression of popular movements is not the answer to the people's yearning for their human rights and democratisation. We call on the people and civil society organisations not to permit politicians to strengthen their own positions to the detriment of national harmony. We also call on the government to negotiate with the opposition and jointly devise a suitable political framework by which unilateral actions of grave political consequence will not be taken any more. We call on them to also jointly take steps to engage in negotiations with the LTTE, after which the people's consent for constitutional reform may be obtained at a referendum. The LTTE can contribute to this process by itself engaging in positive political gestures instead of waiting for the government and opposition to first settle their differences. At a time when

the confidence of the general public in political parties and politicians has been eroded to a great degree, the people's confidence in democratic and peaceful conflict resolution processes needs to be carefully nurtured and not undermined."

● **JOINT CALL FOR
A 'YES' VOTE**

A Joint statement by SLFP-LSSP-SLMP-NSSP Members of Western Provincial Council states: The main factor that led to the present political crisis is the attempt to form a "National Government". It was the attempt of the chauvinist oppressive forces both within and outside of the Government. It is clear that the suppression of minority agitations, break up of Left forces and the smashing of campaigns of working masses constituted the agenda of this "National" Government. In order to face this challenge, the president has used the power of Executive Presidency to prorogue parliament and set a date for a referendum. This has opened a radical way forward to abolish the dictatorial constitution and to establish

a democratic, peaceful condition.

The inability to arrive at a political solution to the national problem and the dreadful militarisation of the entire society, on the other hand, the inability to mobilize the masses to challenge the unfavorable conditions placed by the imperialist system led by the World Bank, created the present crisis. This has affected all sections of the society and the reactionary forces attempt to utilize this hapless condition of the masses to establish a chauvinist oppressive "National" Government. Though this danger has been temporarily countered by the action of the President, it is not eliminated. This threat can be faced only by building a Left- Peace movement throughout the country, that fights to protect the living standards and the welfare of the masses and truly work towards equality, national and regional sharing of political power and general freedom. In the forth coming referendum the question of making a new constitution on the basis of the following four principles is posed:

1. The abolition of the Executive Presidency;
2. To include independent commissions to protect civil and human rights;
3. A mixed electoral system that justly represent the wish of the masses in the parliament;
4. To include provisions for a political solution to give equality, national and regional sharing of political power to all communities, justly and fairly, in order to stop the war and establish peace.

Clearly there is only one answer to this question. We must say "yes". We indicate this is the only answer that can be given for the sake of peace and democracy, even by a person who sharply criticizes and attacks the President and her advisers.

We emphasise that a Constituent Assembly should be called once a mandate is obtained in this referendum. This Constituent Assembly could start with the present MPs, but called at a separate place. But it is incomplete. The Constituent Assembly should have representations from all political parties and organizations of both the North and the South, including those who are outside the parliamentary democracy. Similarly to represent the present devotion all Chief Ministers should be in-

cluded. Thirdly several reputed experts nominated by the President should also be included.

The Constituent Assembly thus formed could create a constitution that defends peace, freedom and democracy and could convert itself to be the transitional parliament that starts the election process. This is what should be done today. The masses led by the working people, should mobilize to move along this progressive radical path. Racist oppressive forces should be countered and defeated. Whether it arises in the work place, or in the streets or in conspiracy, we should defeat this menace.

Disregarding party affiliations, we appeal to all Left- Peace sections to rise up for this historic task." The statement has been signed by: Mahesh Almeda, Hon. Minister of Industries, Fishing, Tourism, Probation & Child care, and Social Service, Western Province; Dr Vickramabahu Karunarathne, MPC Western Province New Left Front, Gen. Sec. Nava Sama Samaja Party; Ananda Tissa Perera MPC Western Province, National Organizer, Lanka Sama Samaja Party; Renuka Perera, MPC Western Province, National Youth Congress, Sri Lanka Mahajana Party.

● 'REFERENDUM FRAUDULENT' SAY THREE UNIONS

A joint statement issued by the Ceylon Mercantile, Industrial and General Workers Union (CMU), the Ceylon Bank Employees Union (CBEU) and the Confederation of Public Service Independent Unions (COPSITU) on the current political situation in the country, takes the view that the political crisis has arisen because the PA government has lost its majority in Parliament, the prorogation of Parliament by the President, and the decision of the President to hold a national referendum.

The statement laments that the most important outcome of the government's loss of majority in parliament, is "the fact that the President allowed the State of Emergency to come to an end on 4th July". This, according to the union leadership is not because she had decided to restore the democratic rights and civil liberties of the people that had been severely suppressed under the Emergency regulations, but because she feared a government motion to ex-

tend it would have been defeated in Parliament.

"The highly significant fact for the masses to realise is that the war against the LTTE and the maintenance of 'security measures' by the armed forces does not and never did require the invocation of 'emergency powers' to make regulations under the Public Security Ordinance, for the maintenance of 'public security'," the statement said.

The unions denounce the move to have a referendum as being "utterly fraudulent" and claim that it neither indicates what are the changes envisaged, or by whom and by what means any change is to be effected for whatever reason. "We have no reason to believe that the constitutional changes made under the present system will be for the benefit of the working class or the masses of the people. What we need is the organised and independent power of the people, and especially the working people, outside Parliament, for the defence of their interests in the current crisis of global capitalism, in which this country is trapped."

● VARSITY TEACHERS EXPRESS OUTRAGE

Thirty-nine teachers of the University of Peradeniya have urged the government to desist from its reckless and unprincipled course of action that may have tragic consequences for the nation.

A news release signed by these teachers says the government should let Parliament exercise its rightful functions, paving the way for free and fair general elections under the protective cover of new enlightened legislation that would have effectively depoliticised the organs of government.

"As for the referendum the question whether most people want some constitutional change is unnecessary because it is self evident that they do. The question is obscure because it is not formally linked to a precise set of constitutional proposals. It is a worthless diversion because the need of the hour is not constitutional change so much as virtuous governance by selfless men of principle and it is premature because Parliament has not voted on it.

"Consequently this proposed referendum is an exercise in futility and a callous waste of public funds-an insidious way, perhaps, of inveigling the peo-

ple to say 'yes' to something they might want, in order to impose upon them something they might detest. Moreover the sordid culture of election malpractice now endemic will surely bedevil the referendum as it did all recent elections," the release said.

The teachers say they wish to make public the sense of outrage and moral indignation at the untimely prorogation of Parliament, and the decision by the government to hold a hasty and ill-conceived referendum in complete violation of democratic convention and all norms of decency in conducting affairs of the state.

● NORWAY PEACE BID ON THE BACKBURNER

Norway's attempts to revive its tottering peace bid in Sri Lanka have suffered a major blow due to unprecedented political turmoil in Sri Lanka.

President Chandrika Kumaratunga's surprise suspension of parliament earlier this week to head off a move to oust her government has further aggravated the acrimony between her party and the opposition.

"It was essential that there was a bipartisan agreement on the peace process," an Asian diplomat said in Colombo. "Now that both parties are battling for parliamentary power, the peace process will be on the backburner."

The country seemed on the verge of salvaging the Norwegian peace process when on June 22 Kumaratunga held closed-door talks with main opposition leader Ranil Wickremesinghe to agree on a fresh initiative.

The meeting quickly degenerated into a political slanging match with Kumaratunga casting the first stone by accusing Wickremesinghe of demanding that a ban on the Tamil Tigers be lifted before talks with the separatist group. Wickremesinghe shot back charging that it was Kumaratunga who called for removing the January 1998 ban on the rebels, declaring a truce and easing economic sanctions against the guerrillas.

Earlier this month, Sri Lanka's Foreign Minister Lakshman Kadirgamar announced that Oslo named a four-member team headed by Deputy Foreign Minister Raymond Johanssen to revive their peace efforts here.

Kadirgamar said the government

was committed to a political settlement and that air attacks against the rebels two weeks ago were in self-defence to prevent a rebel offensive against the northern peninsula of Jaffna.

The Liberation Tigers of Tamil Eelam (LTTE), which wants an independent state in northeastern Sri Lanka, warned that the air attacks will "permanently damage" peace prospects, but they have refrained from commenting on the political crisis here.

Kumaratunga has vowed she will bring a new constitution before the end of this year to resolve the long-running Tamil separatist conflict as well as restore political stability. While she has stopped short of announcing what form or shape the new constitution will take, Western diplomats said the government was trying to reinvent the wheel.

Kumaratunga in August 1995 introduced a devolution plan to address Tamil demands for greater autonomy, but it was shot down by the rebels as too little and by Sinhalese hardliners as a sellout to the minority.

The Norway peace bid is overshadowed by political manoeuvring in the national parliament where hardliners on both sides of the ethnic divide are united in their desire to see the government fall.

The Tamil parties want to overthrow the government because it is fighting the Tamil Tigers and the Sinhalese nationalists want to see the administration out for allegedly trying to push through devolution proposals giving more rights to the Tamils and for not prosecuting the war properly.

● COMMISSION TO PROBE JULY '83 RIOTS

President Chandrika Kumaratunga has appointed a Presidential Commission to inquire into and report on the nature, causes and extent of gross violations of human rights and damage or destruction of properties committed in the course of ethnic violence during 1981-1984 with special reference to July 1983.

The Commission is being appointed under the Inquiry of Commissions Act in response to numerous representations made by a large number of national and international organisations.

This Commission will go into the worst incidence of ethnic violence com-

mitted in the recent history of the country including the destruction of Jaffna Library in 1981. The commission will be known as Truth Commission on Ethnic Violence with a wide mandate to inquire into report and make recommendations so as to prevent recurrence of such violence of human rights in the future and to promote national unity and reconciliation among all communities.

The commission comprises the following:

Former Chief Justice S. Sharvananda, President's Counsel S. S. Sahabandu, and President's Counsel and former MP M. M. Zuhair.

The Truth Commission on ethnic violence has also been mandated to inquire and ascertain persons, groups, and institutions directly or indirectly responsible for such violence and to decide the nature of relief to be provided to such victims or their dependants.

The appointment of members of this commission will be made by the President effective from July 23.

● RAPE: MORE WOMEN'S ACTION URGED

A prominent women's organisation based in eastern Sri Lanka, the Suriya Women's Development Centre, Batticaloa, has called for greater "Women's activism against militarisation and the culture of violence". This call came in a statement issued by SWDC regarding the recent incident of rape reportedly committed by security forces and police personnel near a check point in Maradana, Colombo.

The SWDC's statement said:

"There has been an alarming escalation of war-time violence against women. Sexual violence committed by armed forces against Tamil women has been multiplying. Marginalised women are subject to violence by those who are in power that is further entrenched by patriarchy and the culture of violence.

In addition to the recent incidents that happened at Mannar and Kaluthawalai, now what has happened in Maradana explicates the attitude that one can evade punishment if the violation is forced on a powerless and marginalised women.

The major factor that contributes to the persistence and the increase of war-

time violence against women is that the violators always belong to the forces of the state. The state, with its accumulated power, always tries to safeguard its forces.

However the state is expected to be considered responsible for the violations of human rights committed by its forces. We urge that state and its administrative and judicial sector should not defend and protect the violators.

We seriously feel that the activism regarding wartime violence against women is inadequate. We are in a situation where we all women, by accumulating our strength with the help of individuals and social institutions that advocate social justice have to create a corresponding activism to enforce changes at the level of civil society and the state.

In this regard, we, Suriya Women's Development Center calls for the strengthening of women's activism against war, militarisation and the culture of violence."

● UN SLAMS RECRUITMENT OF CHILD SOLDIERS

Sri Lanka's Tamil Tigers have stepped up their recruitment of child soldiers - some as young as 12-years-old - breaking a promise made three years ago, a United Nations agency said on 20 July.

Carol Bellamy, director general of the United Nations Children's Fund (UNICEF), said the long-running Tamil separatist conflict on the island continued to cause "immense suffering and violations of children's rights".

In a statement she urged the Liberation Tigers of Tamil Eelam (LTTE) to live up to a commitment made in 1998 to the Secretary General's Special Representative for Children and Armed Conflict, Olara Otunnu.

The LTTE leadership had promised Otunnu, who visited rebel-held areas in May 1998, that they would not recruit children below the age of 17 years and that no one below 18 years would be deployed as combatants.

The Tigers are fighting for an independent state in northeast Sri Lanka for the Tamil community.

"In the years since Mr Otunnu's visit, the UN has observed increasing recruitment activity in and near schools and has received increasing number of

complaints from parents," Bellamy said in a statement released in New York and Geneva.

"UNICEF calls on the government to take urgent steps to liberalise the current constraints to humanitarian access, to resolve the acute teacher shortage in the areas worst affected by the conflict and to remove military presence from schools," the statement said.

It also noted that Norway's attempts to broker peace in Sri Lanka have been stalled and urged both parties to the conflict to "renew and re-double their efforts to find peace, the most precious right of every child in Sri Lanka."

The UNICEF said its deputy executive director, Andre Roberfroid, met with senior LTTE representatives in February this year to express the UN's growing concern over the increasing problem of child soldiers.

In March this year, international human rights group Amnesty International highlighted the case of three children below the age of 12, who were believed to have been enlisted by the Tigers, although the group denied having recruited them.

International aid officials working in areas held by the LTTE in the island's north also say the recruitment of children has been stepped up, with the group staging street dramas aimed at luring youngsters to take up arms.

The Sri Lankan military says it is aware of a systematic recruitment drive in recent years aimed at attracting child soldiers.

Defence ministry spokesman Sanath Karunaratne said 17 Tiger rebels had surrendered to security forces and police in the first three months of the year and three of them were children below the age of 17.

An army commando-style operation in December killed 18 Tigers. Fourteen of them were teenage girls Karunaratne said, adding the remains of the victims were returned to the rebels through the International Red Cross.(AFP)

● NO CENSUS IN JAFFNA AND LTTE HELD AREAS

While the rest of the island was getting ready for the final headcount with shops, offices and other establishments closing early to let people reach home by 6 pm, there was no sign of the cen-

sus enumeration in Jaffna and the LTTE-held territories in the North and East.

The Director General of Census Mr.D.G.W.Nanayakkara said that no census related work could take place in Jaffna and other LTTE controlled areas because the government staff engaged in the work were threatened by the LTTE. It was earlier announced that international agencies like ICRC and UNHCR would do the job for the government, but persistent opposition to the census resulted in these organisations not being co-opted.

The non-LTTE Tamil parties too had opposed the census operations in the North. Even the Eelam Peoples' Democratic Party (EPDP), which is part of the government, opposed the census in the Jaffna peninsula. An EPDP spokesman had told the press that President Chandrika Kumaratunga had agreed to exempt Jaffna from the operations.

The Tamil parties were opposing the census on the grounds that a headcount now would be detrimental to their interests. Thousands of Tamils who had fled the area due to war and want in the last 17 to 18 years and who may like to come back when peace is restored, will not be included in the count. Since the number of parliamentary seats and some other entitlements from the state are based on population, a low census count will result in the reduction of the number of parliamentary seats and other entitlements.

According to the last census in 1981, Jaffna district had a population of 830,000. According to Tamil sources, the estimated population now is 450,000. Government puts it at 500,000. According to Tamil sources, the LTTE held parts of the Wann, from Mannar in the west to Mullaitivu in the east and from Vavuniya in the south to Kilinochi in the north, have about 300,000. About 25% of Batticaloa district and 15% of Trincomalee district are in LTTE hands, these sources say.

Sri Lanka's population growth had come down from a peak of 2.84% in 1953 to 1.67% in 1981, Mr.Satharasinge said. The estimated population growth rate in 1999 was even lower, at 1.4%. In 1901, the total population was only 3.5 million. It is now 5 to 6 times

(continued on next page)

A Presidential Gambit

Nirupama Subramanian

If politics were a mere board-game that people took out of the cupboard to play on a rainy day, then President Chandrika Kumaratunga deserves to be congratulated for a master move that checkmated her opponents and sent them scrambling to ponder their next move. But politics is real-life business. And in a country like Sri Lanka where governments are elected by popular vote, it is also about respect for Parliament and democracy. By that standard, Kumaratunga fell short of expectations when at midnight of July 10, she prorogued Parliament, clearly to preempt a no-confidence motion tabled against the minority People's Alliance (P.A.) government, and simultaneously announced a referendum on August 21 on the need for a new Constitution. It was a move reminiscent of the tactics of the late Junius R. Jayewardene, the "old fox" who devised the 1978 Constitution to give himself sweeping powers as the country's first Executive President. Kumaratunga loves to hate that Constitution which is still the country's first law, but she showed that she was not above using the powers it gave her when it came to a question of ensuring her government's survival.

While the prorogation was clearly a move to side-step a test of strength in Parliament for her minority government, the referendum was the sweetener - Kumaratunga's pitch to the people that she actually hated the authority and powers

vested in her by the Jayewardene Constitution which she had no choice but to use reluctantly in the face of an un-cooperative Opposition, and that she was waiting only for the people's mandate to change it.

The move represented by far the most powerful act yet in Sri Lanka's rapidly unfolding political drama, which began with Kumaratunga's sacking as a Minister of Sri Lanka Muslim Congress (SLMC) leader Rauff Hakeem in June, the subsequent walk-out from the government by MPs aligned with him reducing the P.A. coalition to a minority in Parliament, in turn prompting the Opposition parties led by the United National Party (UNP) to move a no-confidence vote against the government. Matters seemed to be moving to breakpoint in early July, when the government was scheduled to take up the motion for the monthly extension of the Emergency Regulations.

With just 109 MPs in a 225-member House, the P.A. did not have the parliamentary strength to get the Emergency extended. Spearheaded by the UNP, the Opposition claimed it had 115 members who would oppose the motion. The debate on the Emergency was poised to become the government's first test on the floor of Parliament.

There was panic in the ranks of the government, which was clearly visible in the hysterical propaganda it resorted to,

painting dark pictures of chaos and civil unrest if the move for the extension of the Emergency was defeated, and accusing the UNP of being hand-in-glove with the Liberation Tigers of Tamil Eelam (LTTE). It was true that the ban on the LTTE would lapse if the Emergency could not be extended. But the state-run media, stooping to alarming levels of inaccuracy, warned that terrorists would roam free, prisoners would have to be released, checkpoints would have to be dismantled and the armed forces would be unable to take military action against the LTTE.

Flouting a government advisory to restrain from publishing graphic photographs, the state-run Daily News devoted four pages one day to a pictorial extravaganza of LTTE bombings, suicide attacks, assassinations and killings of civilians. That was when Kumaratunga served the first ace.

Again, falling back on the powers vested in her by the Constitution - that she likes to describe as bahubhootha - she banned the LTTE under the country's tough Prevention of Terrorism Act, Section 27 of which permits her to promulgate regulations to this end. She also declared every district in Sri Lanka a "security area". She also invoked the Public Security Ordinance, from which the Emergency regulations flow, to maintain essential services and call out the armed forces. The government was thus able to put off the debate on the Emergency indefinitely. Analysts wondered why Sri Lanka needed an Emergency at all when a state of near-Emergency could be declared through other means available to the President, and the Opposition protested that it only proved that all the hype and hysteria directed against it were misleading.

Anyway, beaten at the semi-finals, the Opposition prepared for what it believed would be the finals, the no-confidence motion. At a meeting of parliamentary party leaders, the UNP said it wanted the debate and vote on the motion to be conducted over a span of three days, between July 16 and 18. But the government said that would be inconvenient, as the national Census was due to be taken on July 17.

Instead it proposed August 7 to 10 as its preferred dates. It seemed like a not-so-subtle ploy to prorogue the House and dissolve it. The Constitution allows the President to prorogue Parliament for a maximum of 60 days, and bars any disso-

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that with the estimate being 19 to 20 million.

The latest detailed figures pertain to 1999, when the Crude Birth Rate per 1000 population was 17.5, and the Crude Death Rate per 1000 population was 6.0. Infant mortality per 1000 live births was 15.9 in 1997.

● MEDIA ACCESS TO WAR AREAS

The Sri Lanka n government has lifted restrictions placed on media personnel to travel to the war-torn north and east of the island country, the state.

The Special Media Information Center said in a statement that journal-

ists who intend to report activities and civil life in the war areas are now free to travel there. Earlier, approval from the Defense Ministry had to be obtained to enter these areas.

Pro-Tamil Tiger media organizations had attempted to portray a negative and misleading picture on the government and security forces activities in the war areas. Now journalists could visit these areas in order to obtain first hand information, the statement said.

Earlier this year, the government lifted censorship on news items concerning the war between government forces and Tamil Tigers in the north and east of the country.

lution of the House for at least one year after a round of elections. In this case, that date would come on October 10, and pushing the debate to August would safely take Kumaratunga to the date when she could prorogue the House till she was allowed to dissolve it. In view of this, the UNP did not consent to the dates proposed by the government. Instead, all 115 members (excluding the Speaker, who is a member of the UNP, but does not count during voting) on the Opposition benches signed a letter to the Speaker asking him to schedule the debate for a day after the Census.

Meanwhile, nervous that all this would lead only to early elections, several members of the P.A. tried to push for a national government, and Prime Minister Ratnasiri Wickremesinghe said he had had talks with UNP leader Ranil Wickremesinghe on this. But according to him, the UNP backed away at the last minute.

Although the signatories to the letter to the Speaker included those who had not yet indicated their support to the no-confidence motion but only wanted an early debate, the UNP projected this letter itself as a sign of its impending victory, its supporters giggling with delight at the prospect of the upcoming battle in Parliament. But their joy was short-lived as Kumaratunga served up her second ace.

The prorogation of Parliament by itself was not unexpected, though its timing seemed to have caught the Opposition unawares, but it was the referendum that was the real stunner. There were cries that Kumaratunga had resorted to a dictatorial and anti-democratic move, but the Opposition could do little else about it, for both prorogation and the holding of a referendum are well within the powers granted to the President under the 1978 Constitution, a document that the UNP itself approved when in power.

There is some hair-splitting on whether the President can prorogue the House when the government has already lost its majority, but that is more a moral rather than a constitutional argument. The other point that the Opposition is trying to prove is that there cannot be a referendum on changing the Constitution. But the 1978 Constitution is clear that only a proposed legislation to amend or replace the Constitution cannot be put to the people, whereas Kumaratunga's question for the referendum is couched in the most general and political terms.

The question for the referendum is: "Do you agree that the country needs a new Constitution, which is nationally important and an essential requirement?" The wording has caused anger and confusion in the Opposition, as this is a question with which no one really disagrees.

It is the contents of the new Constitution that are in question, they argued. "It is like being asked to sign a blank cheque," fumed Karunasena Kodittuwakku, spokesman of the UNP. It is perhaps this line that the Opposition will seek to sell to the people in the referendum campaign. It is likely to argue that the move is a ploy to bring in through the backdoor the 2000 Constitution Bill that the government withdrew from Parliament last August following protests by the Sinhalese, led by the Buddhist clergy, that it gave away too many powers to the Tamils. The UNP, which had a role in drafting the Bill, had distanced itself from it in the last minute, citing the transitional provisions that allowed the retention of the Executive Presidency till the present incumbent completes the full term of office. The UNP and Janatha Vimukthi Peramuna will base their campaigns on the premise that the new Constitution is nothing but the old draft document, hoping to arouse Sinhala ire against the President.

The announcement of the referendum has struck a blow to the solid phalanx that the Opposition projected before it was announced. The Tamil political parties that put down their names in support of the no-confidence motion are now not so sure if they can oppose a new Constitution, particularly if it will mean concessions to the Tamil minority. The Tamil parties may decide that the means adopted by Kumaratunga may well justify the end, that is, a new Constitution.

But for that, they will first need to know what is going to be in it. Although many of them were publicly opposed to the 2000 Constitution Bill as offering "too little", privately they acknowledged that this was as good as it could get and hoped that it would be passed. But their decision on the referendum is certain to be influenced by the LTTE's reaction to the latest developments. As yet, it is not clear where the LTTE figures in Kumaratunga's plans to push through a new Constitution, or what implications this has for the Norwegian-backed process to get the two sides together for peace

talks. For the Tamils, and all the others who want the see powers devolved to the minorities, there will also remain the disappointment that Kumaratunga could have held a referendum on a new Constitution any time since 1994, but chose to do it only when her government's survival was threatened. Kumaratunga's campaign for the referendum is also not likely to provide any reassurance to the minorities.

The main issue for her campaign is a new Constitution for changes to the electoral system to enable the formation of a stable government that does not have to depend upon an "unreasonable" minority party like the SLMC for survival. This will mean an all-out campaign for the Sinhala vote, which in turn implies playing down on the prospects for devolution and concessions to the minorities in a new Constitution.

Kumaratunga made only a passing mention of these possibilities in a televised address to the nation giving reasons for the prorogation and the referendum. Furthermore, it is also not clear yet how Kumaratunga, if she wins the referendum, will go about changing the Constitution. A referendum is not legally binding on Parliament. For it to be morally binding, Kumaratunga has to show that at least 65 per cent to 70 per cent of the respondents backed her at the referendum. The new document then has to get a two-thirds vote in the House even after the referendum. Kumaratunga can circumvent this requirement by turning the present Parliament into a Constituent Assembly, where constitutional changes can be brought about by a simple majority. But that too will need a resolution to be passed by Parliament, where her P.A. coalition is in a minority. Any move to form a Constituent Assembly will also be opposed by the Opposition and civil society groups as being "extra-constitutional". Kumaratunga has promised to have the new Constitution in place within a year, and called on all other parties to form a "broad alliance" with her government to help her achieve the goal.

She also hinted at what the new Constitution might be, or at least what might form its basis, when she said that the 2000 Constitution Bill had everything that the Opposition wanted, including the abolition of the Executive Presidency and the setting up of independent commis-

(continued on next page)

An Island in Crisis

Our Colombo Correspondent

● Fear Street Battles

In Colombo citizens fear the major showdown between the Government and the opposition to spill from the parliamentary arena to the streets, both sides threatening to bring to the city at least a million of their followers to demonstrate in their support.

Government trade unions pulled out their members for a lunch hour show of support on July 10 at Lipton Circus and the UNP retaliated next day with a massive show of strength at busy Maradana junction. Both are vital centers and traffic snarled all over the over-vehicled metropolis for over four hours.

President Chandrika Bandaranaike Kumaratunga, presiding at a strategy session of the central committee of her Sri Lanka Freedom Party (SLFP) on July 12 instructed her parliamentarians and district organizers to bring their supporters to Colombo for the demonstration, the date of which had not been finalized. She wanted over a million people, about one-twentieth of the country's total population.

Not to be outdone, main opposition United National Party (UNP) leader Ranil Wickremesinghe threatened to parade more than that number of his

party-men to demand the resignation of President Kumaratunga's government and the summoning of parliament. The first such demonstration had been fixed for July 19.

Police have tightened security and the Defence Ministry has declared Colombo city a high security zone and had deployed armed forces to assist the police. A sense of insecurity is slowly creeping into the minds of the people as political instability increased.

On July 13 a delegation of the leaders of the opposition parties led by Ranil Wickremesinghe met Speaker Anura Bandaranaike to persuade him to hold the sitting of parliament as scheduled on July 16. They submitted that the prorogation of parliament by President Kumaratunga on the midnight of July 10 was mala fide as it was intended to safeguard government from certain defeat.

"With imminent defeat facing her Government in Parliament by an opposition which on July 9 produced proof they were in the majority, Kumaratunga took the only constitutional way out for her to buy time - to prorogue Parliament by a maximum two months for September 7," constitutional lawyer K. N. Choksy submitted to the Speaker,

successor, President Ranasinghe Premadasa, resorted to prorogation as a means to buy time to destroy an impeachment motion that was being planned against him. This is the first time that a referendum will be held while Parliament remains prorogued. Had Kumaratunga sought such a referendum for a new Constitution two or three years ago, when the government was drafting the 2000 Constitution Bill, she might have won praise. But now, there is no getting rid of the nagging suspicion that the prorogation and the decision to hold a referendum were both moves by a cornered government to ensure its short-term survival. □

(Courtesy: Frontline)

who later ruled that under the Constitution he had no jurisdiction in the matter to question the President's action.

● Midnight Meeting

When the joint opposition submitted a no-confidence motion on July 7, the Government attempted to defeat it by inducing some opposition MPs to cross over. When that failed it resorted to the strategy of delaying the debate till August 7 thus giving the President time to prorogue parliament for two months and then dissolve it on October 10 which constitution permits. The constitution bars dissolution during the first year of parliament's 6-year life span. If the Government is defeated during the first the President is mandated to invite another parliamentarian whom she thinks enjoy the confidence of the parliament.

Opposition stalled the Government's plan to delay the debate on the no-confidence motion on July 9 by submitting a letter signed by 115 Members of Parliament, a clear majority in the 225-seat legislature, requesting the Speaker to fix the debate for July 18-20. The Speaker fixed party leaders meeting for July 13 to decide the date of the debate.

Speaker Bandaranaike, Kumaratunga's younger brother, called on her on July 9 for breakfast and told her that he would act to uphold the best traditions of democracy thereby hinting that he would give priority to the no-confidence motion.

Kumaratunga seeing all her efforts to draw a few UNP MPs to her fold and to bring back some of the Sri Lanka Muslim Congress (SLMC) MPs fail found revolt brewing within her own ranks. SLFP secretary general S. B. Dissanayake, once her trusted friend was advocating a National Government and hobnobbing with the UNP thus earning her ire.

Sensing that the demand for the formation of a national government was becoming popular she asked the prime minister to talk with opposition leader Wickremesinghe. They had three rounds of discussions and involved Prof. Peiris to identify the areas on which the national government should concentrate. They identified three areas - ending the war, developing the

(Continued from page 17)

sions concerning elections, the judiciary and the public service.

But the Constitution may not be uppermost in her mind when Parliament reconvenes on September 7 at the end of the period of prorogation. The no-confidence motion remains pending before the House, and unless Kumaratunga wins new friends between now and then, it would once again challenge her government's existence, even if she emerges from the referendum victorious. It was in 1982 that Sri Lanka's only previous referendum was held, when President Jayewardene used it to avoid holding elections and extend the life of Parliament by a full term. His

economy, democratizing the government - for action. Talks collapsed on July 9 when the composition of the national government was considered. Wickremesinghe reportedly told the prime minister that since he commanded the majority in parliament he should be permitted to form the government with representatives from all political parties in parliament. He asked the prime minister to resign. He declined.

The prime minister was critical of SLMC's demands, especially the formation of Kalmunai district, a district encompassing the Muslim majority coastal areas in the eastern Province. He was also critical of SLMC leader's Rauff Hakeem's persistent demands aimed at furthering the interests of the Muslim community. He firmly believed that giving in to Hakeem's demands would harm Sinhala Buddhists. He was mainly instrumental in Kumaratunga's decision to sack Hakeem from the cabinet of June 20, a miscalculation that reduced the government to a minority.

The miscalculation was about the comparative strength of Hakeem and his rival Ferial Ashraff, the widow of the founder of the SLMC. The president believed that she would isolate Hakeem, as the majority of the 11 MPs of that party would remain with the Government. But six others crossed with Hakeem to the opposition reducing the strength of the Government to 109 in the 225-member parliament.

Averting a defeat in parliament on the opposition no-confidence motion became critical. Kumaratunga used her only trump card, buying 2-month grace period. She decided, rather craftily, to divert public attention from the prorogation of parliament by introducing the referendum on the need for a new constitution.

● Address to the Nation

Kumaratunga, in an apparent move to consolidate her position addressed the nation over the national television, Rupavahini and the radio. She blamed the 1978 constitution crafted by former President J. R.R. Jayewardene for all the country's ills including the war.

Kumaratunga asked the country's 11.9 million voters for a "clear and unequivocal" mandate to replace the cur-

rent 1978 constitution that introduced executive presidency and the complex proportional representation system with a new one that would serve the country's current needs. She added that the purpose of the new constitution would be to achieve four main aims:

Firstly, to bring about a new electoral system - a mix between the current proportional representation system and the first past the post system. The German model is being considered. Secondly, to implement the independent commissions, a persistent request by the opposition. Thirdly, to solve the ethnic problem by making provisions in the new constitution that would allow all religious and ethnic groups to live amicably together in the country

Kumaratunga said: "We propose through the New Constitution to provide fair, constitutional and political solutions to the curse of the ethnic crisis that has, for the past 18 years, gravely affected the lives of all our citizens, be they big or small, rich or poor, urban or rural, and whatever community or religious group they may belong to. We also propose that the necessary provisions to honestly implement these proposals should be included in the New Constitution."

Fourthly, she vowed to abolish the office of Executive President through this New Constitution. "I have always had a very deep interest in carrying this out. This was clearly stated in the Draft Constitution that was presented on August 3, last year. I seek your mandate to definitely and effectively carry this out through the New Constitution."

Kumaratunga did not make clear in this speech whether she intended to revive the abandoned August 3 draft of last year. But she told the SLFP central committee on July 13 that she would not reintroduce last year's draft but would enact a new constitution before the end of this year through a constituent assembly.

● Ranil Accuses Chandrika

"Like Hitler of Germany, President Kumaratunga has shut down parliament when her party was reduced to a minority and is now leading the country to disaster," UNP leader Ranil Wickremesinghe told reporters on July 13. Kumaratunga's PA is the first govern-

ment since independence in 1948 to remain in power without a parliamentary majority, he added.

The JVP said its offices abroad would demonstrate outside Sri Lankan embassies to protest the "undemocratic, dictatorial" action of Kumaratunga.

The UNP said it also wanted to express its dismay to foreign governments and had already briefed Colombo-based diplomats on July 12. UNP leader Ranil Wickremesinghe, Deputy Leader, Karu Jayasuriya and Colombo District Parliamentarian Milinda Moragoda briefed the Ambassadors. "They were concerned and said they were watching the situation closely," Moragoda said.

Thwarted from pushing through its no-trust motion by July 10 presidential proclamation proroguing Parliament till September 7, UNP vowed to take the issue to the streets and get Kumaratunga impeached. "The President has wantonly subverted Parliament and prorogued the House when it was to take up the no-trust motion. The announcement of a referendum on a new constitution on August 21 is only a smokescreen to hide the truth. We'll take the issue to the streets. Impeachment is very much on the cards for this gross abuse of power," UNP MP Mahinda Samarasinghe said.

The UNP's stand is supported by other opposition parties. "We have lost faith in the president. She has to be impeached," said A Vinayagamoothy, MP from the All Ceylon Tamil Con-

"By this act, she has united and galvanized the entire opposition," commented Thilak Karunaratne of the Sinhala Urumaya.

Political sources said the government was engaged in hectic lobbying to win the backing of small parties to either remain in power or form a new government. It has also initiated action to replace the SLMC parliamentarians who crossed over to the opposition. PA general secretary D. M. Jayaratne said they are considering the actions to be taken against SLMC parliamentarians who crossed over to the opposition benches with their leader Hakeem. He added that, "in the last parliamentary general election the Sri Lanka Muslim Congress contested under the symbol 'Chair' of the People's Alliance".

● War and Peace

War and peace efforts, pushed to the background by the political crisis are very much in public mind because of the multifaceted impact they bear on the every day life of the people. Soaring living costs and the escalation of violence are the direct results of the war.

On the early morning of 30 June Sri Lankan jets started pounding LTTE positions in areas around Elephant Pass, Nagarkovil and Poonaryn. Eight sorties were flown that day and four the next day, June 30. With Kfirs lifting 4500 kg and Mig 27s 4000 kgs a total of 8,500 kgs of explosives were dropped each time. Defence ministry and Foreign Minister Kadirgamar who justified the air attacks and claimed that those defensive measures were required to prevent an LTTE attack on the Jaffna peninsula.

LTTE, in a statement issued on June 1 from its headquarters in Vanni, in northern Sri Lanka, warned the Government of Sri Lanka that air strikes would "irreparably damage" peace process if it continued with its intense aerial and artillery bombardment against the LTTE positions in Jaffna. Calling air strikes 'provocative aggression and calculated escalation', the LTTE accused the Government of playing politics with war aimed at mobilizing Sinhala nationalist support to overcome the crisis brought by the no-confidence motion brought against it by the UNP and Tamil parties.

The statement questioned Government's claim that they preempted LTTE's plan to take Jaffna. It said: 'The Sri Lanka government has made a false claim that the air and artillery assaults are a necessary escalation to pre-empt a planned offensive by the LTTE forces to recapture Jaffna. We can say categorically that there is 'no imminent offensive plan' by the LTTE as fantasied by the Government. The so-called intelligence report to this effect is a sham.'

India and the United States called the air attacks as ill advised and told Sri Lanka to resume talks with the help of Norway.

The LTTE statement pinned the blame for the current stalemate in the peace process on the Government saying that it is steadfastly holding to its

obligation cast on it by Norway's proposal for the Memorandum of Understanding and appealed to the international community to pressurize Sri Lanka to return to the path of peace.

The statement said: "It should be noted that the LTTE with the objective of promoting the Norwegian peace initiative has made every effort to de-escalate the conflict including the offer of a prolonged cease-fire and suspension of violent attacks in the South. Even now the LTTE maintaining an undeclared cessation of hostilities hoping that the international community would pressurize Sri Lanka to seek the path of peace and ethnic reconciliation. Yet to our disappointment Sri Lanka has adopted policies and strategies that stalemated the peace initiatives. The imprudent intervention in the Norwegian facilitatory process by demanding the downgrading of the accredited peace envoy for his objective neutrality was a serious setback to peace. The current provocative aerial attacks on the LTTE forces, will permanently damage the peace process.'

Subsequently Norway named a new four-member team headed by deputy foreign minister Raymond Johanssen. The other three members were the same as before - Jon Westborg, Solheim and Kjersti Tromsdal, executive officer of the Norwegian Foreign Ministry.

Colombo Government's effort failed when the LTTE insisted that they preferred to deal through Solheim. The Tigers have now told Norway that it preferred to wait for the outcome of the current crisis.

But it must be noted that Kumaramtunga was prepared to lift the economic embargo, agree to cessation of offensive operation and willing to temporarily lift the ban on the LTTE while the talks was proceeded.

● Economy Nosedives

The Joint Business Forum, the country's top organization of the business sector, called on July 12 all political parties to get together to solve the burning problems of the country. In a statement the Forum strongly urged for early reconvening of parliament and the formation of a government of national reconciliation.

The Forum which issued the appeal after an emergency meeting said the

President's decision to prorogue parliament and to hold a referendum would have serious economic consequences. It said apart from the colossal sum required to hold the referendum it would also disrupt production in the industries servicing the seasonal demand in the western countries. Deputy Elections Commissioner K. Senanayake said the referendum would cost Rs. 600 million. Garment industrialists said their exports would be seriously disrupted by the referendum.

The Joint Forum founded in the beginning of the year 2000 by leading trade chambers and employees associations to promote national consensus on matters vital to the economic development of the country identified 10 areas on which national approach is essential. It identified ethnic conflict as the prime cause inhibiting the economic take off of Sri Lanka.

The Forum prepared a document "Way Forward" in February this year in which it mapped out a strategy to take the country on the development track. On June 30 the Forum, recognizing the adverse implications of the developing political conflict on the economy called upon all political players to shed their differences and set up a government of national unity and reconciliation.

"The high cost of living has become unbearable for most resulting in many thefts, robberies and murders that are destabilizing civil society. If this situation is allowed to continue unabated, there would be no turn around and even result in anarchism," the Forum warned.

The Forum renewed its call on July 12 imploring the political leadership to: Unite to achieve long term economic development." It said: "Sri Lanka's economy is at present under heavy stress. The continuing very high budget deficits have pushed up interest rates. At present rates some business organizations will not be viable, debt collection will be a problem and debtors, particularly banks, will suffer."

The Forum states that the cost of the North-East war on the economy is heavy. The war has begun to destroy the long-term economic and social fabric of the country. The cost of war, especially the 25,000 army deserters and 7000 lethal weapons had bred serious

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law and order problem in southern Sri Lanka.

The current political crisis and a bitter struggle for parliamentary power has dashed hopes of an early recovery of the war-battered economy, bankers and business leaders said.

Panic-stricken businessmen and industrialists, worried by the political battles, have appealed to President Chandrika Kumaratunga and Opposition leader Ranil Wickremesinghe to form a unity government.

Latest figures from the central bank signal more gloom ahead and the stock market is in the doldrums. The market that soared in mid-June in the expectation of a UNP-led government took a nosedive with the blue chip Milanka Index shedding 19 points and All Share Price Index 9 points on June 11, the day after the president prorogued parliament.

Analysts said foreign investors are pulling out due to the aggravating political instability. "What the market and the people need is stability," Bartleet and Mallory Stock Brokers said.

The first-quarter gross domestic product growth was estimated at a dismal 1.3 percent, compared to 6.6 percent in the corresponding period last year. The central bank has said the overall growth this year will still reach 4.5 percent, down from 6.0 percent last year, but the private sector is skeptical.

The uncertainty triggered by the power struggle is hurting the economy, also hobbled by a power crisis in the energy sector. Ninety-minute power cuts have been enforced by the state-run electricity utility because it is unable to meet the energy demand due to a shortage of water in hydro-electricity generating reservoirs.

The national chamber of exports said the power cuts were affecting output.

Central bank officials noted the economy was getting back on rails when the political crisis erupted.

The government had won an International Monetary Fund rescue package of 253 million dollars in April to prevent a total collapse of the economy which suffered the effects of heavy military spending incurred last year. The government spent over 400 million dollars to buy new weapons to resist a major LTTE offensive aimed at capturing the northern town of Jaffna in April and May last year.

● **Rape and the Arrest**

The scene in the north-east is as crisis-ridden as that of the nation. On July 6, the entirety of the Tamil community - Jaffna Tamils, Batticaloa Tamils and Up-country Tamils, joined hands for the first time to protest against the rape of a Tamil widow gang raped by the police and army at a check point at Maradana in Colombo. Significantly, Muslims in the east and Colombo joined the protest. The young lady from Badulla, mother of two children, was checked by the police when she was returning to her residence after work at a Maradana hotel. Policemen who had noted her address went there later in the night and took her to the checkpoint saying that they needed to question her. She was gang raped.

The protest led to the arrest of the alleged rapists who were identified by the victim at the parade and are currently under arrest.

Next night in a village named Allarai in the Jaffna district a 42-year old unmarried lady was gang raped. Her 82-year partially deaf mother was assaulted when she tried to intervene. The complaint was initially denied by the army which said it was an attempt by the LTTE to damage the reputation of the army. Inquiries revealed that was the work of three soldiers

who were arrested, produced in courts and remanded.

In March, several sailors were accused of raping two Tamil detainees in Mannar on the northwest coast of the island. Navy denied the allegation but the suspects were later arrested.

In June first week two Tamil women residing in a hotel in Bambala-pitiya in Colombo were gang raped inside the police station. Police denied it but the matter is still under investigation.

On July 2, a Jaffna University student, Krishnasamy Thivyan was arrested by the army who say that he was captured with arms. Students allege that that was a frame-up as the army is annoyed with him for leading several student agitations when he was the secretary of the Jaffna University Students Union. Jaffna University was closed on July 10 following protests by the undergraduates calling for the release of Thivyan.

That sparked student protests in the Jaffna peninsula and by July 14 it had spread to all Tamil medium schools in the North-east province and to the universities and institutes of higher education.


Maj.Gen. Susil Chandrapala, the commander of the Sri Lankan security forces in Jaffna has taken up the position that the students should give up their protests speak to him to resolve the crisis.

Additional Sri Lankan army, troops and Police have been deployed at important intersections in the Jaffna town and in the neighbourhood of the University. Troops had forcibly entered a University girls' hostel in Maruthanamadam in Jaffna and had threatened the students and security guards there. The troops had left after tearing off protest posters on the walls of the hostel.

Students charge that the army had tortured Thivyan and obtained a 'confession.' Students have appealed to the parents to support them by calling work stoppage. Meanwhile teachers who have expressed support for the protest appealed to the government to bring about a settlement.

The Ceylon Tamil Teachers Union (CTTU) has strongly condemned the closure of Jaffna University. "We request the Govt. to reopen the University of Jaffna immediately," its general secretary S. Mahasivam said.

It also decided to stage a token strike to press for the re-opening of Jaffna University. □

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An Act of Dubious Constitutional Propriety

Kishali Pinto Jayawardene

The order of the Speaker of the Parliament this Monday, refraining from invalidating this month's prorogation proclamation issued by President Chandrika Kumaratunga, illustrates all that is so profoundly wrong with the prevalent constitutional structures under which we are governed.

The Speaker's reasoning proceeds on a direct reading of the constitutional provisions that confer upon the President the power to prorogue Parliament, which, as pointed out by the Speaker, "...is not expressly qualified by any precondition for its proper exercise. Nor is there any indication of the requirements that need to be fulfilled or as to the nature of the reasons which may prompt the exercise of the power."

One can feel some sympathy for the Speaker in his predicament, particularly

in the light of his carefully worded reminder to the people that "Though my personal opinion may be at variance with what has been done on this occasion in the matter of prorogation, I am myself bound by the Constitution and cannot therefore overstep the limits of my powers."

The Speaker remained unpersuaded by the legal submissions of the UNP put forward by opposition parties, which rested on two main premises. Firstly, even though the constitutional provisions allowing the President to prorogue appear to be untrammelled (Article 70(1) and (3), the power of the State, held by the President is held in trust for the people and can be validly used only in the right and proper way which Parliament, when conferring it, is presumed to have intended. That no

public figure, however powerful, had unfettered discretion in the exercise of public power, had been established time and time again, in the decisions of the courts of this country and elsewhere. Accordingly the President cannot claim an arbitrary power to prorogue Parliament and in this particular instance, by proroguing Parliament when the Government was in a minority in order to prevent a vote of no confidence, acted clearly in breach of this fundamental principle.

Secondly, the opposition parties argued that the President, as Head of State and Government, is made responsible to Parliament under Article 42 for 'due exercise' of his or her powers and functions under the Constitution, which further supports the legal and constitutional fact that the President does not exercise absolute and arbitrary power. Instead, she is subject to the basic principle of the sovereignty of the people, the supremacy of Parliament and the duty to act fairly and bona fide in the exercise of her powers. This provision was therefore the jurisdictional gateway through which Parliament and the

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Speaker could enter and examine the validity of the Presidential proclamation in issue, as a matter of right.

Such an ingeniously purposive construction of the relevant constitutional provisions did not find favour with the Speaker who preferred to state that while the motives for issuing the proclamation may be open to objection or criticism as a misuse of power, he could not claim for himself an implied power flowing from Article 42 to overrule the proclamation.

It is interesting however that while he examines and dismisses the legal submissions relating to the manner in which Article 42 may be used by Parliament, his order does not discuss the basic principle, supported by extensive case law, that statutory power, however high, can only be used in a way, which Parliament, when conferring it, is presumed to have intended. In the Speaker's view, the only way in which a proclamation of this nature could be challenged is if it is invalid on the face of the document itself and is therefore legally inoperative. Once this requirement is satisfied, the reasons prompting its issuance cannot be put in debate.

In our Constitution, prorogations are thus arguably legal but morally wrong, a precarious position indeed for any country to be in and as this column remarked at the outset, illustrates precisely what is so wrong with our constitutional structures.

Legal debate on Presidential strategies of proroguing Parliament when confronted with a hostile House, has occurred notably before in the history of this country. In 1991, then Speaker M.H. Mohamed was presented with a motion to impeach President Premadasa signed by more than half the members of Parliament, including 47 members of the ruling United National Party, consequent to which President Premadasa prorogued Parliament from September 3 to Septem-

ber 24. Analysing the situation in the Wall Street Journal at that time, constitutional lawyer and parliamentarian Dr Neelan Thiruchelvam in reasoning even more pertinent now than it was then, referred to the act of prorogation as an "act of dubious constitutional propriety" which hardly solves the country's crisis. Dr Thiruchelvam's argument was posited on the balance of power between the executive and the legislature in the 1978 Constitution, as a consequence of which he stressed that the judicial immunity of the President should be removed forthwith along with Presidential powers relating to proroguing and dissolving Parliament. His warning that in the context of a disastrous style of governance, Sri Lanka faces two rebellions, one constitutional and one military and that it can resolve neither until it rethinks how the country is governed, are words that President Kumaratunga would do well to contemplate at this infinitely more disastrous moment in time.

From another perspective, Parliament confronting the President in 1991 and 2001 yield further interesting comparisons. In 1991, a strategic opposition struck directly at the Executive Presidency in bringing a motion of impeachment, thereby preventing President Premadasa from dissolving Parliament. A motion of no confidence in the government based on the opposition contention that the Premadasa government supplied arms in 1989 to the LTTE was secondary on its list of priorities.

It was around these more astute political strategies that legal debates took place as to whether a resolution to impeach the President becomes invalid if the President prorogues Parliament after the motion is entertained by the Speaker but before it has been placed on the Order Book. President Premadasa, advised by a sympathetic

Attorney General, took the position that the motion was, in fact, rendered invalid as the motion had not been 'duly brought before Parliament' (Article 70(4)), and that there was consequently nothing to prevent him from dissolving Parliament thereafter. The opposition headed by the Sri Lanka Freedom Party (SLFP) however argued strongly that dissolution of Parliament in these circumstances would be illegal and a deliberate and intentional violation of the Constitution.

In fact, the comparison drawn by the SLFP at that time was that in such an instance, the President is in the same position as an accused in a criminal case against whom an indictment or plaint has been filed. Just as much as such an accused cannot give orders to the Court to determine that the indictment is invalid and thereby prevent court from proceeding with the trial, the President has not even the semblance of any power or authority to prevent Parliament from 'proceeding to trial' on the charges against him, by debating and voting upon the resolution. The proposed impeachment was ultimately defused by President Premadasa following consummate political manoeuvring.

In 2001, we have President Kumaratunga asserting the full plethora of her Executive Presidency rights vis-a-vis Parliament far more ham-handedly but then again, against a far clumsier opposition, while her administration maintains an impossibly gymnastic position that the Executive Presidency should be done away with and this too by extra constitutional means, irrespective of the shamed denials of some of its ministers.

The struggle against the prorogation and the proposed referendum is now increasingly being transferred from the Constitution to the streets. We await the playing out of this final stage of our march towards chaos. □

Courtesy: The Sunday Times



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INDIA - PAKISTAN

Hope Springs Eternal

Ahmed Rashid

IN THE 54 YEARS of enmity that include three wars and countless deaths, no summit has generated hopes of peace among the peoples of India and Pakistan as high as mid-July's three days of talks in Agra, India, between Indian Prime Minister Atal Behari Vajpayee and Pakistan's President Pervez Musharraf.

So when the nail-biting suspense ended with the collapse of the summit at the last moment, disappointment was huge. Musharraf, his face dark with fury, left for home. A draft joint declaration was abandoned in tatters. Prophets of doomsday scenarios for the Subcontinent could say, "I told you so." Even the gods appeared angry as an earthquake and storms hit Pakistan and parts of India. "The two leaders were clearly not prepared for a failure of this kind," said Shekar Gupta, chief editor of the Indian Express. But amid the debris some hope remained. It centred on agreements on future contacts formulated before the row over the wording of the final statement. These agreements, though not laid out in any final communique, apparently stood and may provide a framework for resuming the peace process through dialogue. Of course this was a lot less than both sides sought. But expectations of what might be achieved grew unrealistically as the summit ran over its original two-day schedule before foundering over the disputed territory of Kashmir. In the aftermath, both sides struggled to keep rhetoric under control and avoid a tit-for-tat blame game. Indian spokeswoman Nirupama Rao told a press conference that while "the commencement of the process and the beginning of a journey have taken place, the destination of an agreed joint statement has not been reached." Said Pakistani spokesman Maj-Gen. Rashid Qureshi: "The ice has been broken and there is goodwill between the two peoples." Indian External Affairs Minister Jaswant Singh said the talks broke down after India wanted the summit document to state that "cross-border terrorism"—the euphemism for Pakistan-based militants fighting in Kashmir—was

unacceptable and must cease. Pakistan holds that they are freedom fighters. But Singh said India hoped to keep talking. "We will pick up the threads from the visit of the president of Pakistan. We will unceasingly endeavour to realize our vision of a relationship of peace, friendship and cooperation with Pakistan," he told reporters. Pakistani Foreign Minister Abdul Sattar was even more upbeat, saying that "the two leaders had a meeting of minds" and "the existing goodwill can, and will, achieve mutually desired results." He added: "It is only appropriate that time should be given to a mutually acceptable formulation."

Both leaders are to meet again at the United Nations in September. Vajpayee at the summit accepted an invitation to visit Pakistan later this year. According to Pakistani officials and Indian press reports, both sides agreed to annual summits and bi-annual meetings of their foreign ministers to discuss three issues—peace and security, narcotics and Kashmir. "It may be a disappointment but not a disaster. I hope the substance will survive the disagreement over language," says Maleeha Lodhi, Pakistan's ambassador to Washington. Outside the region the biggest disappointment was bound to be found in Washington, which is widely expected to step up its efforts to keep Indo-Pakistani relations from deteriorating again. Contrary to speculation in Pakistan and India, the United States did not directly pressure New Delhi to call the summit or try to micro-manage the build-up to the talks. Instead, the Bush administration went out of its way to convince visiting Indian officials since January that it wants India as a partner in its global and Asian strategy, particularly in dealing with China. But, as U.S. officials also stressed, New Delhi's bedevilled relations with Pakistan would limit how far India could become a true global ally of the U.S. The summit fell apart as the U.S. is preparing to use a presidential waiver to lift sanctions imposed on India for its 1998 nuclear tests. Similar U.S. sanctions on

Pakistan will not be lifted so fast. "In just a few months we have made extraordinary progress with India in defining our common interests in many fields—counter-terrorism, defence, trade, investment—and reducing tensions with Pakistan will enhance that," says a State Department official. "The administration and Congress want to lift sanctions on India by the end of July." India meanwhile is preparing a list of U.S. weapons systems it wants to buy once sanctions are lifted—the first time that India would enter the U.S. arms market in 40 years.

Pakistan's problems with the U.S., meanwhile, centre on Afghanistan. "We cannot do Pakistan any favour because of its continued support to the Taliban in Afghanistan who back terrorism. And Pakistan has few friends left in Congress," says a National Security Council official. In addition, Islamabad is covered by several layers of sanctions—imposed in retaliation for Musharraf's October 1999 coup—that cannot be lifted before elections are held. The summit's sad end was welcomed by Hindu hardliners in India and Islamic extremists in Pakistan and Kashmir. Should the Kashmir conflict intensify, moderates such as Vajpayee and Musharraf, who both made concessions during the talks, could be marginalized. A total of 90 Kashmiri militants, soldiers and civilians were killed during the talks and 139 in the nine days before them. Sayed Salahuddin, head of the Pakistan-based Hizbul Mujahideen, the largest group fighting Indian rule in Kashmir, told reporters: "The Indian leadership cannot be trusted and this is what we have been telling Pakistani leaders. Jihad [holy war] is the only solution." But even if their leaders were not invited to the summit, many Kashmiris want an end to the territory's 12-year-old conflict that has cost 60,000 lives. "The time has come for a negotiated settlement," Mirwaiz Omar Farooq, the most revered religious leader in Indian Kashmir, said on July 11. "It's very clear everybody wants an end to the killing and destruction." In a confidence-building measure announced on the first day of the summit, India said it was withdrawing 20,000 of its 200,000 troops in Kashmir. The failure was all the more disappointing because in four meetings lasting nearly eight hours in total, both leaders got on well and came so close to agreement. Initially India was determined to stay within the confines of "a compos-

ite dialogue" agreed in 1998, but in which Kashmir is only one of eight issues for discussion. India also wanted Musharraf to pledge to curb cross-border terrorism. Pakistan wanted new terminology altogether, with Indian acknowledgement that Kashmir was the "core issue" between the two countries. "We cannot deny that there are vast differences between us," Vajpa-ye told Musharraf in their first private meeting, according to a text released by New Delhi. "We are willing to address these differences and move forward," but "let no one think that India does not have the resolve, strength or stamina to continue resisting terrorism."

In an early sign of problems at the talks, Musharraf told Indian newspaper editors on July 16: "I keep talking of Kashmir, you keep talking of cross-border terrorism . . . We can't even agree on what to call it—a problem, a dispute or an issue." But hours later a text was agreed by him and Vajpayee, after both made major concessions. Then, according to Pakistani officials and Indian media reports, hardline Indian ministers objected to the language and sent the text back twice to the Pakistani delegation requesting amendments, which ultimately the Pakistanis refused. The summit failure highlighted the political problems for both leaders. India's ruling Hindu nationalist Bharatiya Janata Party, which dominates the federal coalition, was routed in state elections in May and faces more state contests in January. If defeated, an ailing Vajpayee might have to call mid-term elections and hand the BJP leadership to hardliners. Pakistan's regime is isolated internationally as it grapples with what some Western commentators have dubbed "a failing state."

The summit, however, gave both leaders plenty of media coverage and photo opportunities—a walk around the Taj Mahal by Musharraf and his wife, exotic meals and concerts. It was the first summit in the region played out live on satellite TV. Its closing hope is that both leaders can build on their bonhomie, not allowing hardliners in both their camps to push them further aside and leave only more bloodshed in Kashmir.

India says Kashmir, its only Muslim-majority state, is an integral part of the nation and is not for negotiation.

TAMIL NADU

A Vengeful Jaya Forced to Backtrack

G Sambedkar, Chennai

It was vintage Jayalalitha with a vengeance. In one fell swoop on June 30 former Chief Minister M. Karunanidhi and his son M.K. Stalin were taken into custody on corruption charges relating to a Rs.4 crore fly-over scam.

His nephew and Union Industries Minister Murasoli Maran was placed in police custody while in the Apollo Hospitals for treatment. He had been assaulted by a police official and sustained injuries, but he was sought to be prosecuted for assaulting that very official.

Maran was also bodily lifted, his dhoti flying and laid on the table of a police station only in his underpants when he refused to leave the company of his uncle.

So also Karunanidhi's daughter Kanimozhi was dragged on the ground when she sought to protect her father from being manhandled by the police. Her husband Aravindan was beaten up.

Maran's colleague in the Union Ministry, Forests minister T.R. Balu was taken into custody while seeking to enter the house of Maran which was under siege at one point of time.

Most of these events took place in the wee hours. The police stormed into Karunanidhi's Oliver Road residence past midnight, tore down the door leading to his bedroom and took him away, shrieking and kicking.

While principal sessions judge S. Ashok Kumar directed that the former Chief Minister be given a medi-

cal check-up before being sent to the prison, the police cocked a snook at the courts and took him directly to the Chennai central prison.

The judge advised against shifting Stalin to any other prison in view of security consideration. But the 47-year-old Mayor was taken by road to Madurai, 450 km away, a good grueling 10-hour journey in a rickety police van.

The Chennai citizens woke up to the graphic images of Karunanidhi's detention. The Sun TV, owned by Murasoli Maran's son Kalanidhi, kept flashing clips in which Karunanidhi is seen being dragged out of his home, manhandled and slapped and at one point, crumpling to the ground.

The Sun TV also scrolled across the screen the telephone numbers of the Prime Minister's Office and the Chief Minister's secretariat, asking the citizens to phone up and register their protest.

Such was the extent of the public revulsion that even the AIADMK's loyal allies were forced to protest. Most of the political parties including the TMC and the two left parties denounced the "barbaric" way in which 78-year old Karunanidhi was taken into custody.

But then the Chief Minister was not unduly bothered. She was only redeeming the pledge she had made to herself and to her cadres. She had vowed a year ago to exterrminate the entire Karunanidhi clan if she to come back to power. She also had promised put Karunanidhi in the same cell that she had been put into when he was in power and make him eat from the same plate she had to when she had been in custody on corruption charges. And she surely had begun to redeem her pledge in right earnest.

Many ordinary Indians believe allowing it to leave the union would represent a failure of the very principle of India as a multi-cultural, multi-ethnic and multi-religious society.

(Courtesy: Far Eastern Economic Review - July 26, 2001)

Denying the charge that Karunanidhi was beaten up, she said it was Maran who pushed him, causing the former Chief Minister to stagger and lose balance. In order to prevent him from falling, policemen lifted him up, she claimed.

She reacted sharply to all the criticism over the arrests, accusing Maran and Balau of rowdiness and demanded that they be dropped from the Union Cabinet. However, it was she who was forced to go on the back-foot, drop all the cases against the two Union Ministers and release them unconditionally.

The very same principal sessions judge who readily remanded all those arrested on June 30 went on to pull up the police officials for their shoddy investigation and the shocking callousness they displayed while dealing with such dignitaries as a former Chief Minister. He even thundered, "Is your heart made of mud or muscle?" while addressing the police officials.

That was the tune a full three days later. It had changed following strong reactions outside the courts.

The National Democratic Alliance government woke up to the outrage a few hours later, got its act together, sent two different delegations, one official and another non-official, to Tamil Nadu on a fact-finding mission.

Both went back with damning reports, and the first head to roll was that of Governor Fathima Beevi. She had of course nothing to do with the affair. She was only a scapegoat. "How could the constitutional Head of the State (of Tamil Nadu) have kept quiet in the face of such gross violations of human rights and constitutional norms?" was the question raised. The fact of the matter is that Fathima Beevi had fallen foul of the Centre by unilaterally appointing Jayalalitha as the Chief Minister, ignoring her electoral disqualification, without so much as a by-your-leave to the Union Home Ministry.

It was former Defence Minister George Fernandes who led the NDA fact-finding mission, and predictably he let loose a series of invectives over the unprecedented humiliation of the former Chief Minister and two cabinet ministers.

In the past Jayalalitha had publicly denounced Fernandes for his alleged links with the LTTE, it may be recalled

here, and charged him with having had a hand in some defence scams. This was his opportunity to return the compliment, and he did so with characteristic élan.

If the DMK cadres, the civil liberties activists and the general public were all taken aback by the vicious ways of the police under Jayalalitha on June 30, she got a dose of her own medicine when the Centre came down like a ton of bricks on the Tamil Nadu government the next day.

Prime Minister Vajpayee seemed to be reacting rather slowly. And not many expected the NDA to throw its weight behind the DMK though it is one of the constituents for the simple reason that it is perceived as a party on the decline.

If anything the whole strategy of the BJP was stated to have been to slowly distance itself from the DMK over a period of time and induct the AIADMK into the front well in time for the next Lok Sabha elections. It may be recalled that when the local unit of the BJP demanded the recall of Governor Beevi after she invited Jayalalitha to form the government, Prime Minister Vajpayee reacted angrily and promised to rein in the Tamil Nadu unit. Jayalalitha also took pains to cultivate the BJP and iterated time and again that she was not for any confrontation with the Centre.

Well before the Assembly elections, she had tried to re-enter the NDA, using the good offices of the likes of journalist Cho Ramaswamy, but the move proved in vain. Still she seems to be hoping against hope. Anyway she desperately needs the Centre's co-operation to get over the disqualification hurdle, become a Member of the Assembly and continue as the Chief Minister.

Right through the campaign she did not utter a word against the BJP, and kept sending feelers to the BJP high command.

But all her efforts have been set at nought thanks to her impetuous behaviour on the Karunanidhi front. One can say with justice that the Centre's hands were forced, more so because of the heart-rending visuals flashed across the sub-continent by the Sun TV.

If only she had handled it a bit more deftly, the Vajpayee regime might not have struck such an aggressive posture

and she would not have had to retreat on all the fronts as she has now.

At one stage the Centre even threatened to invoke Art.356 of the Constitution which provides for the dismissal of a State Government. Jayalalitha was rattled. There was no breakdown of law and order, she pleaded pathetically. "No such situation has arisen in Tamil Nadu. Law and order is being maintained very well. Even after the arrest of Karunanidhi, Stalin and others, the State is calm and peaceful, except for a few sporadic incidents of stone throwing," she said.

She alleged that the Sun TV footage of Karunanidhi's arrest was a "deliberate and stage-managed stunt." She also deputed a couple of her senior ministers to New Delhi to present her case.

First she only ordered that the Maran and Balu be released on bail, but having tasted blood, they refused to seek bail. They wanted the charges against them to be dropped unconditionally. She had to fall in line. She also released post-haste thousands of DMK cadres taken into custody. Finally the prizest catch of them all, Kalaignar Karunanidhi too, was released "on grounds of his old age and health," though the case against him is to be pursued. Clearly all her calculations had gone awry, and the proud woman had to eat the humble pie.

Except for the Congress and the left parties, no one else was willing to speak up for her, and even they made plain their displeasure over the way Karunanidhi was arrested.

At the end of the day Karunanidhi had emerged as a hero, and she did not know where to hide her face. She had vowed to throw him into the very cell in which she had been detained by the DMK regime. And surely he spent a couple of days in that cell, but what a pyrrhic victory it all proved to be.

For quite some time to come she would have to shelve her plans to arrest the DMK chief yet again, even registering cases against him would be looked upon with suspicion.

There was this Madras High Court judge who slammed the Tamil Nadu government raising the questions: "Can the Jayalalitha government, itself on a sticky wicket, take policy decisions?" Till the validity of her Chief

(continued on next page)

TAMIL NADU

A TOUGH RESPONSE

Without even ensuring a firm grip on power, Chief Minister Jayalalithaa has invited the Central government into battle and thus strayed onto a terrain that she will find tough to negotiate.

Sukumar Muralidharan

IN the days when the federal balance of political authority lay heavily skewed towards the Centre, there was often a degree of concern expressed over the tendency of State Governors to function at the behest of those who appointed them, rather than those they served. "Gubernatorial activism" was the frequent subject of muttered imprecations by those who worried about the growing encroachment on the powers of the State.

There have been numerous occasions when the Governor's acts of commission have led to calls for his or her recall. Few precedents, however, exist for this final exercise of the doctrine of presidential "pleasure" in the constitutional scheme. When M. Fathima Beevi was hustled into resigning as Governor of Tamil Nadu by the Union Cabinet's advice to the President that he withdraw his pleasure for her continu-

(Continued from page 26)

Ministership is decided upon by the Supreme Court, "is not her position similar to that of a care-taker Chief Minister?" and noting: "... in a democracy, there is no place for political vendetta..."

When the general atmosphere has changed against her so dramatically, it would now be a moot point whether she would be able to get the nod of the courts to contest the elections and continue as the Chief Minister.

While that is a delectable scenario, what is not is the reinforcing of the ties between the DMK and the BJP. Karunanidhi would forever remain indebted to the BJP for the solidarity it showed at his hour of crisis. And that is no good news for the secular-minded in Tamil Nadu. □

ance in office, it marked a rare case of a high constitutional functionary being removed from office for acts of omission. Activism and political partisanship were not so much the issue as political passivity and a temperamental aversion - curious for a retired Judge of the Supreme Court - to arrive at complex determinations of fact and law.

Article 154 of the Constitution stipulates that the executive power of the State government shall be vested in the Governor. Article 163 further provides for a Council of Ministers in the State which will aid and advise the Governor in the exercise of her functions. There is, however, an area of discretionary authority mentioned by the same Article, though never defined with any clarity, where the Governor will not be bound by the advice of her Council of Ministers. There have been complaints that this area has often tended to be defined in an expansive manner. Fathima Beevi's recall marks the first time that action has been initiated on a complaint that the discretionary authority of a Governor has been interpreted in an inordinately modest manner.

The charge against Fathima Beevi, to paraphrase Union Law Minister Arun Jaitley, is that she went too closely by the advice rendered by her Council of Ministers. Her report was, in his characterisation, little more than a reiteration of the account rendered by the Tamil Nadu Chief Secretary, who ostensibly acted on behalf of the State government. In uncritically accepting a partisan account, she failed to safeguard the interests of the Central government and defaulted on her obligation to uphold the constitutional order.

In listing out the Governor's cata-

logue of failures, Jaitley drew pointed attention to the scant attention she had paid to the propriety of the State police picking up an ailing Central Minister from his home when there was no case against him. To the Central government's concerns about any possible injuries that Union Commerce Minister Murasoli Maran may have suffered, Fathima Beevi allegedly responded with a disavowal that merely echoed the Chief Secretary's finding. On the arrests of DMK cadres, the Governor had only the rather trite observation that the party had a large membership which necessitated the detention of sufficient numbers to ensure that there was no breach of public peace. And on the crackdown on the media - not merely in the aftermath of the Karunanidhi arrest but even earlier - the Governor had little of substance to say.

Yet, partisanship is clearly not a charge that will hold against Fathima Beevi. In 1998, when Jayalalithaa was in Opposition in the State and won an unexpected harvest of seats in the parliamentary elections, the Governor proved indifferent to her demand for the invocation of Article 356 to dismiss the incumbent State government under M. Karunanidhi. Even as Jayalalithaa was raising the pitch of her demand, not hesitating to threaten Prime Minister Atal Behari Vajpayee with a withdrawal of support that would reduce him to a minority, Fathima Beevi held a rare press conference to pronounce herself completely satisfied with the performance of the Karunanidhi government on the law and order front.

The steadfast refusal to get entangled in complex issues of political contestation may be a virtue in governors in less turbulent times. But since the May general elections to the Tamil Nadu Assembly, this is a proclivity that has tended to draw Fathima Beevi deep into controversy. Most constitutional experts were appalled by the haste with which she swore in Jayalalithaa as Chief Minister, despite the magnitude of the popular mandate her party had received. When the gubernatorial functions of advice and counsel seemed eminently in place, Fathima Beevi chose not to enter into any complex issues of constitutional and legal interpretation. A similar effort to avoid being drawn into the political thicket has

now led to her removal from office.

In the partisan battlefield of Tamil Nadu politics, the Governor proved a soft target. In dismissing the conscientious, if low-profile and rather ordinary former Judge from her gubernatorial office, the National Democratic Alliance government was clearly serving a warning on the Tamil Nadu Chief Minister. It is a warning that was quickly heeded. Amidst demands from a variety of sources that Article 356 be invoked to dismiss the Tamil Nadu Ministry, Jayalalithaa sent a senior party functionary, C. Ponnaiyan, to Delhi to explain her actions. Concurrently, the two Central Ministers who had been detained by the Tamil Nadu police were ordered released. Just when it was due to take up the report of a team of three Home Ministry officials on the situation in Tamil Nadu, the Union Cabinet seemed to think the better of it. The Cabinet meeting was postponed and the threatening posture relaxed. (When the Central team, led by M.B. Kaushal, met the Tamil Nadu Governor on June 1, she reportedly gave it the State government's version of the incidents.)

As she embarked on her mission of giving thanks at a number of temples in Kerala, Jayalalithaa must have felt rather isolated. Her electoral allies had reacted with shock and dismay to her undiluted pursuit of the politics of vendetta. The failure to follow established processes of the law and the violence inflicted upon the person of an aging former Chief Minister, had decisively turned public opinion against her. And her pleas that she had an adequate explanation for the actions of her police force, as also the release of video footage that purported to give an alternative picture of the events leading up to Karunanidhi's detention, made little impact.

Karunanidhi's victory in the propaganda war is likely to have certain long-lasting implications for the situation in Tamil Nadu, as it impinges on the State's relation with

the Centre. While an ally of the Bharatiya Janata Party and an integral part of the ruling coalition at the Centre, AIADMK chief Jayalalithaa strove relentlessly to secure the dismissal of the State government under Article 356 of the Constitution. She won few converts to her cause and her frequent outbursts and sulks became the subject of irreverent political jests. She once claimed, with unsurpassed effrontery, that the dismissal of the Karunanidhi government in Tamil Nadu had been an unwritten agreement with the BJP prior to the 1998 general elections. Finally, her truculence led to the collapse of the Vajpayee government in 1999, though the DMK in Tamil Nadu continued in authority and served out a full five-year term.

Within six weeks of returning to power, Jayalalithaa has managed to persuade her erstwhile allies that all their scruples about the invocation of Article 356 were misplaced. George Fernandes, convener of the National Democratic Alliance - who ran regular peace missions to Chennai in the days when Jayalalithaa was a crucial partner in the ruling coalition - has stated on record that the Central government should not merely stop with the recall of the State Governor, but initiate stronger action. Fernandes, who led an NDA team including Vijay Kumar Malhotra of the BJP and Sukhdev Singh Dhindsa of the Akali Dal, made this statement after meeting Karunanidhi at the Central Prison in Chennai, and Maran at the Apollo Hospital.

The Karunanidhi arrest has proved deeply embarrassing even for the parties that were allied with Jayalalithaa during the last Assembly elections. The Congress(I) termed it "improper and unacceptable", while the Communist Party of India(Marxist) regretted that the circumstances in which it was conducted created "an adverse impression" among the public. The CPI was forthright in condemning the arrest, while the Tamil Maanila Congress

and the Pattali Makkal Katchi expressed their dissent.

Even as Sun TV captured national audiences with footage of the Karunanidhi arrest, Jayalalithaa proved impervious to all the anxious inquiries that were coming her way from the Centre. Finally, the Chief Secretary of the State was asked to provide the necessary clarifications, since the Governor also proved conspicuously unequal to the task. Late on the evening of June 30, the Centre decided that it needed to get tough. An ultimatum, itself unprecedented, was issued on the Governor to furnish her account of the day's events by 9 a.m the next day. Belatedly awakening to the damage potential of her actions, Jayalalithaa broke her silence, asserting that a quite different interpretation was possible of the day's events. Unfortunately though, the interpretation that carried the day was one that was completely adverse to her interests.

The peculiar exigencies of coalition politics today ensure that there are no permanent friends or adversaries in national and State politics. But relations between the two principal political contestants in Tamil Nadu clearly elude this generalisation. Differences in political maturity and temperament though, make the contest an unequal one. While Karunanidhi proceeded with caution, deliberation and extreme attention to detail in his effort to bring Jayalalithaa to book, the latter has proved reckless, intemperate and quite flagrantly vindictive. Her multiple legal vicissitudes and the vigilance of the media ensure that Jayalalithaa's own grasp on power is tenuous. But without quite securing this flank, she has rashly opened up another front, inviting the assembled cadres of the DMK and the Central government into battle. Despite her ample legislative majority, the impetuous Chief Minister of Tamil Nadu has perhaps now strayed onto terrain that she lacks the means to negotiate.

(Courtesy: Frontline)

Short Story

A Co(u)wntry Issue

By V.N.Giritharan

[Translation: Latha Ramakrishnan (Madras), Edited by : Betsy Harrell (USA)]

As it was Sunday the road looked less crowded than usual. No traffic jam, either. Ponnaiya's Honda Accord was creeping smoothly along St.Clair West. Driving a car during Sundays or holidays was Ponnaiya's passion, so to speak. With no tension and no worry about some one honking the horn behind, he could drive leisurely, indulging in sight-seeing and so enjoying the city. A pleasure, indeed. But then, of late people had started sounding their horns even on Sundays. The city was growing day by day. As it swelled, the people, too, were starting to lose their patience, so at times like this Ponnaiya would tell himself, "As fast as the growth of the city, people's standard of living should also grow. Otherwise, problems are bound to multiply".

Going past Old Weston road and also Keel's intersection, the car meandered along. On the left side, the Beef Packers slaughterhouse has spread, occupying a vast space. A great, grand butcher house where hundreds of cows were done to death and cut to pieces every day. By nature, Ponnaiya was kind-hearted. He would prefer to love one and all living beings. As long as he was in his native place he had remained a strict Vegetarian. But after coming here, he gradually changed. Yet for the kind of climate prevailing here, if man is not to eat meat he would be gone in no time!

Suddenly, the creeping traffic was disrupted. Ponnaiya looked at his watch. It was well past eleven o'clock. The Punjabiwallah had asked him to come by ten. The one garage that Ponnaiya knew to be fair was the Punjabiwala's. There was slight jerk in the steering of the car and ever since yesterday Ponnaiya had been anxious to take it in. But What is this untimely traffic jam? Wondering, he looked in front to find out what was the matter.

A crowd had gathered as if for a carnival. Ponnaiya reflected how in their bent for curiosity all men are one and the same. As there stood a huge Beef Packers' truck blocking his view, he couldn't see clearly. Looking at a chinese man who was standing at the road side watching what was happening, Ponnaiya called out. "Hi man, what is the matter? What's going on?"

The Chinese with the help of the little English that he knew, said, "Beef..escape.slaughter." A white man who was standing next to him laughed at his broken English. Ponnaiya also felt like laughing. Both had understood though. A cow had escaped from the slaughterhouse.

There arose in Ponnaiya some sympathy for the poor unknown cow that had a narrow escape from the jaws of death. Turning the car off the road and parking it in a corner, Ponnaiya got out to mingle among the crowd, which was watching the proceedings.

The cow stood on the street car rails, glaring at those who were standing around and happily watching it. Ponnaiya could feel the fear of death lurking in its eyes. Its pathetic sight touched his inner chord of human kindness and saddened him. Ponnaiya started worrying. "How long can you poor animal of five senses hold out? My dear, stupid cow. Can you compete with man and come out unscathed and successful?"

Another thought struck him. "What would this cow be feelings now? What had this lone creature suffered to escape and come this far?" He couldn't help picturing the rest of the cows inside the slaughterhouse waiting for their turn to be butchered.

"Poor cow, it is not able to realize the tenuous nature of the freedom it has won, and that is why it is struggling with all its might to protect this freedom."

And he couldn't help thinking of those in his native land." How many are there who are exactly in the same situation as this cow? There are those who escape in a haphazard manner and then are caught again, those who, unable to find any way, die where they are." Again his attention was drawn to the cow. Still it was vehemently challenging all those trying to go closer. Yet, when nobody was moving in its direction, it stood silently with a kind of helpless fear, looking like sorrow personified. From its eyes, slowly, drop by drop, tears were rolling down.

"What is the cause for those tears? What is it thinking about now, that makes it cry? Is it crying for its helpless condition? Or is it thinking of the way those villainous men lie in wait for its flesh and

hide, and how its life to come to a standstill, trapped and soon to be guillotined? Why is the poor animal is shedding tears..?"

Suddenly a new thought rose in Ponnaiya. "What if I pay for the cow and so save its life? At home in Jaffna we could at least tie it in the backyard. But where could I keep it here? In the apartment? And even if I am able to save it, will saving just this one cow alone solve the problem of all the rest of the cows who are in the exactly same situation as this one?"

Meanwhile, someone must have informed the police about the cow causing a traffic jam. With emergency light flashing and ever-wailing siren a police car rushed to the commotion. Two policemen alighted from it. Making a lasso with a rope, they struggled for some time. But could not move the bovine, which stood its ground determination. A large crowd of reporters and T.V. crews had gathered with cameras.

"The cow is involving in a life or death struggle, fighting to save its life. There's one part of the crowd to overpower it and do away with it, another part to enjoy watching the excitement, another to photograph it, and also fourth that is indifferent or impotent to do anything!" To think that he was also one among this crowd Ponnaiya couldn't help hating himself.

Seeing that their efforts were not bearing fruit, the policemen assembled together and discussed different ways and means of capturing the cow now. Meanwhile, a large number of vehicles had come to a standstill on both sides of the road, causing an enormous traffic jam.

The drivers who were far away and unable to know the reason for the traffic jam began to sound their horns one after another. The policemen realized that the situation was going out of control.

At last the cow problem came to an end. The poor beast's love for freedom was cruelly crushed by the two-legged animal who shot it with a tranquilizer. It fell on the ground and was carried off to the slaughterhouse.

The traffic began to flow again. One by one the crowd began to move away. Thinking that the Punjabiwala was sure to scold him for being late, Ponnaiya leapt inside his car.

The recollection of cow's love and zest and heroic fight for freedom made him feel a kind of respect and reverence for it. You won't believe this, but from that day onwards Ponnaiya once again turned into a strict vegetarian.

['Canadian Tamil Literature' at <http://www.pathcom.com/~gthami/writer.htm>]

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MATRIMONIAL

Jaffna Hindu parents seek professional groom for attractive fair graduate daughter, 28, in good employment in UK with slight affliction of Mars. Please send horoscope, details. M 1247 c/o Tamil Times.

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Jaffna Hindu Tamil parents seek bride for their son, 34, doing business in UK. Send horoscope, details. M 1253 c/o Tamil Times.

Jaffna Hindu Tamil sister seeks qualified partner for brother, 31, 5'7-1/2", UK qualified engineer working for telecommunication firm, Mars afflicted. Please send horoscope, details. M 1254 c/o Tamil Times.

WEDDING BELLS

We congratulate the following couples on their recent wedding.

Perinparaj, son of Mrs T. Kunarasah of 19 Beach Road, Mount Lavinia, Sri Lanka and

the late Mr. R. Kunarasah and Shamini, daughter of Mr. K and Mrs. C. Rajah of 35-1/2 Vivekananda Road, Colombo 6 on 25th June 2001 at Miami (Emerald) Hall, Alexandra Road, Colombo 6.

Sivashankar, son of Dr. & Mrs. M. Sri Ranganathan of 2 Johns Lane, Morden, Surrey SM4 6EU and Shamila, daughter of Mr. & Mrs. A. Sundaralingam of 2F Stafford Road, Hounslow, Middx TW3 3EW on 30th June 2001 at Guildford Civic Centre, Surrey.

Mohan Raj, son of Dr. & Mrs Nalliah of 3, Blaen-Y-Coed, Radyr, Cardiff CF15 8BL and Vidhya, daughter of Mr. & Dr. (Mrs.) Thiagamoorthy of 15A Park Road, Wallington, Surrey SM6 8AA on 7th July 2001 at Kelsey Park School Hall, Beckenham, Kent.

OBITUARY



Mr. Sinnadurai Sivagnanam (63), Secretary, London Sivan Kovil Trust; beloved husband of Parathi; loving father of Suresh and Ramesh; affectionate father-in-law of Susanne; youngest son of late Mr. Sittampalam Sinnadurai and Mrs. Sellammah Sinnadurai of Vaddukodai, Jaffna and son-in-law of late Dr. and Mrs. Saravanamuthu of Malaysia passed away on 29th June and was cremated on 8th July 2001.

The members of the family sincerely thank all friends, relatives

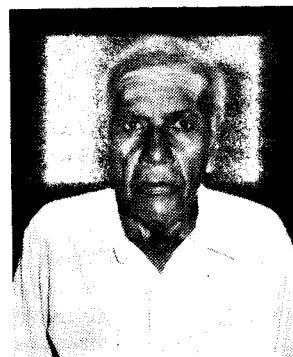
and members of London Sivan Kovil Trust, Tamil Information Centre, Central British Fund for Tamils, Skanda Varodaya College Old Students Association, Saiva Munneta Sangam (UK) and other organisations who attended the funeral, sent messages of sympathy, floral tributes and offered assistance during the period of great sorrow. - 29 Crescent Way, London SW4 1QL. Tel: 020 8692 0823/8682 9365.

IN MEMORIAM



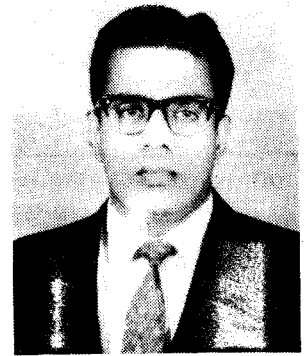
In loving memory of **Mrs Mankay Sivasampu** on the eleventh anniversary of her passing away on 2.8.90.

Sadly missed and fondly remembered by her two sons. - 15 Wolsey Road, Chessington, Surrey KT9 1XG.



In loving memory of **Mr. Saravanamuthu Appathurai** on the first anniversary of his passing away on 4th July 2000.

Sadly missed and fondly remembered by sons Ganeshamoorthy and Suntharamoorthy; daughters-in-law Irasamalar and Sarathadevi; grandchildren Dinesh, Kokularaj, Kesavan, Divakari, Kokulan and Suthakar. - A. Suntharamoorthy, 95 Holyrod Avenue, South Harrow, Middx HA2 8UD. Tel: 020 8423 1628.



Mr. A.N. Jeyatheva, in ever loving memory on the first anniversary of his demise on 13th July 2000 in Sydney.

Sorrowfully and fondly remembered by his wife Sarojini Devi, his daughters Shyamala and Revathy and their families in Sydney, sister Ananthavalli and family in Canada, brothers Sugunatheva and family in UK, Vimalatheva and Devi in Colombo. - N. Sugunatheva, 17 The Drive, Northwood, Middx HA6 1HQ. Tel: 01923 825 219.

FORTHCOMING EVENTS

Aug 1 Pirathosam; Feast of St. Alphonsus.

Aug 3 Full Moon; Varalakshmy Viradham.

Aug 4 South London Tamil Welfare Group (SLTWG) Elders' Day. Tel: 020 8542 3285.

Aug 6 Feast of the Transfiguration of the Lord Jesus Christ.

Aug 7 Sathurthi.

Aug 8 Feast of St. Dominic.

Aug 10 Feast of St. Lawrence.

Aug 11 SLTWG Drop In. Tel: 020 8542 3285.

Aug 12 Karthigai.

Aug 15 Eekathasi; Feast of the Assumption of the Blessed Virgin Mary.

Aug 16 Pirathosam.

Aug 18 Amavasai.

Aug 21 Vinayagar Sathurthi.

Aug 22 Feast of the Queenship of Mary.

Aug 24 Feast of St. Bartholomew.

Aug 25 Feast of St. Louis; SLTWG Trip to Bournemouth. Tel: 020 8542 3285.

Aug 27 Feast of St. Monica.

Aug 28 Feast of St. Augustine.

Aug 29 Eekathasi.

Aug 30 Pirathosam.

Dr. Nagalingam Kandasamy – Appreciation

Dr. Kandasamy, known to his many friends as Kandy, passed away recently in Devon and the funeral took place in London at his daughter's residence.

Dr. Kandasamy was the eldest of three boys in a well-known family from Karainagar. He had his education at Jaffna Hindu College where he had a brilliant academic record and entered the medical faculty of the University of Ceylon, Colombo obtaining his MBBS in 1951. In 1953 he married Vadivambikai daughter of Mr. S.K. Thuraiingham Assistant Director, Department of Agriculture.

Kandy had a passion for Surgery and worked towards it as House Officer and then Registrar in Kurunegala and Jaffna. His natural skill in surgery earned him an opportunity to cover the work of ENT surgeons in Galle and Kurunegala where he received many accolades from his patients and colleagues. He then proceeded to the U.K for postgraduate studies.

Kandy was a good friend and very much devoted to his family. As the eldest son-in-law he played a senior role in the family, giving guidance and advice, which was very well appreciated. He had a rare capacity to move through the storms and turbulence of life without being drawn into personal animosity against any of his friends or relatives. In 1965 he retired from Government service as DMO Kayts to do private practice in Jaffna and Chavakcheri. This was a great period in his life which he enjoyed, serving the people and doing great philanthropic work with the belief that one who serves the sick serves God. He also had a great passion for Karnatic music and Bharata Natyam. This drove him to spend much time and effort in teaching his daughter this art form and he was proud when this culminated in her Arangetram in Jaffna.

Sadly, his work in Jaffna was interrupted because of the ethnic problem in Sri Lanka and he joined the early exodus of professionals and settled down in Liverpool, UK in 1974 as a General Practitioner, until his retirement in 1996. In Liverpool, he was well received by his colleagues and patients. The rapport he established with the patients was evident by the trust they had in him. Apart from his professional work and taking part in some local Tamil community activities he concentrated and devoted his attention to educating his children and, later, even the grand children. One of his finest moments was when the eldest of his grand children gained admission to Cambridge University to read medicine.

He is survived by Vadivambikai, his wife of almost forty-eight years, eldest son Dr. Ranjan Kandasamy, daughter Anushia Indrakumar, youngest son Dr. Krishna Kandasamy and grandchildren Anita, Tanya, Oliver and Lauren. As a husband, father and grandfather he was caring, lov-

ing and devoted. As a God-fearing man he cherished high principles and was recognised as a man of excellent integrity by friends and relatives.

He will be greatly missed by his family and friends. May his soul rest in peace at the feet of the Almighty.

Surgeon Honoured for Service to the Community



Dr. Rajaratnam Natkunam who was Consultant Cardiothoracic Surgeon at the Colombo National Hospital till 1985 and migrated to Australia has been awarded the Medal of the Order of Australia 'for services to medicine as a surgeon and to the community of North West Queensland'. He is the first Sri Lankan to gain this prestigious award.

Born in Urumpirai, he had his surgical training in Sri Lanka, Liverpool and London in UK and in Cleveland, USA and worked as a Thoracic Surgeon in Jaffna from 1970 to 1977.

He attributes his success to the co-operation he received from his wife Annalakshmi, who was a Consultant Pathologist in Colombo, and gave up her career to look after his ailing parents, enabling him to concentrate on his professional work and the peaceful and proudly multicultural work environment provided by his country of domicile, Australia.

Counselling

Many people who have come to UK from our homelands have been through extremely painful experiences. Memories of these experiences can result in unresolved feelings, which can cause emotional and health problems. Identifying that there is a need to seek help is the first step to recovery. Counselling is an opportunity to cope with emotional difficulties by talking in confidence to someone who understands and is trustworthy, impartial and non-judgemental.

There are many reasons why people

seek counselling: loss of loved ones, experience of violence/abuse, relationship difficulties, depression, isolation, lack of self-confidence, anxiety, self-destructive behaviour, dissatisfaction with life in general, sense of helplessness, anger and frustration.

Within the safe and confidential environment of counselling, a counsellor can help find new ways of understanding one's problems and explore the emotional issues by freeing up unexpressed feelings that are making one unhappy or making one's life difficult. Exploring these issues may be a painful process, but with the help of the counsellor, people can begin to develop clarity and insight, which will facilitate developing a greater sense of choice, balance and direction for a better life.

There are many organisations in this country apart from Refugee Networks, which provide free counselling service. To name a few, Carers Lewisham, a voluntary organisation (Tel: 020 8699 8686) which is open to anyone in the borough, physically caring or supporting a relative or a friend with a disability. Merton Welfare Association provides various services to Tamil speaking people in the Merton borough. There are various such non-fee levying services in most boroughs. They can be reached through your GP, Citizens Advisory Bureau or Social Services Department.

Mrs Yoga Perinpanathan,
Counsellor (Tel: 020 8249 0816).

Lottery Go-Ahead Grants For Bhavan UK

Mr. Maneck Dalal, Chairman of the Bharatiya Vidya Bhavan (UK) announced at a press briefing on 10th July 2001 that the Bhavan is likely to receive grants from two lottery funding sources – The Millennium Commission and the Arts Council of England. Consequently, the Bhavan is about to start its Millennium Plus building and refurbishment projects which will cost £1.35m.

A grant from the Millennium Commission of £522,000 will go towards the cost of the new extension planned. The result would be a new art gallery, archive, classrooms and better all-round facilities. The Arts Council Capital grant of £150,000 would be utilised for the refurbishment of Mountbat-
continued on page 32

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ten Hall with better seating and increased accessibility.

Mr. Dalal thanked the two granting bodies for the awards and said that with their support, the Bhavan would continue to be the outstanding centre for Indian art in this country. He pointed out that the successful completion of the projects would need the continuance of Bhavan's own fund-raising efforts. He said that Bhavan has to date raised around £450,000 from raffles, special events, banquets and grants from individual donors such as Mrs M.P. Birla, a long time supporter.

Mr. Radhakrishnan, Chairman of Bhavan's Building Committee said that work on the projects will begin on 6th August and is expected to be completed by March 2002.

Arangetram - Sisters Account Themselves Excellently



'Dance is the creative act in which there is perfect oneness of all creations and the creator and it portrays with all finesse great beauty and charm, exquisite rhythm and enchanting music all intrinsic to this unity' said Richards Karunairajan, the Guest of Honour at the Arangetram of Malini and Shanthini Luckumananthan at the Woburn College Auditorium in Toronto on June 30th 2001.

Students of Sri Lalitha Kala Kendhiram and Guru Ananth Sasitharan, Malini and Shanthini thrilled an audience of relatives, friends and Bharatha Natyam enthusiasts with a scintillating display of their talents and excellence in the intricate movements and expressions demanded by this classical dance display that goes back to antiquity. Relaxed and very much at ease through the evening, the gifted sisters performed their numbers to the Gambaera Nattai (Alarippu), Ananthabhairavi (Varnam), Hindolam (Govintha Tharangam), Poorvi Kalyani (Kirthanai - Anantha Nadanam Aduvar and Kamaas (Thillana)

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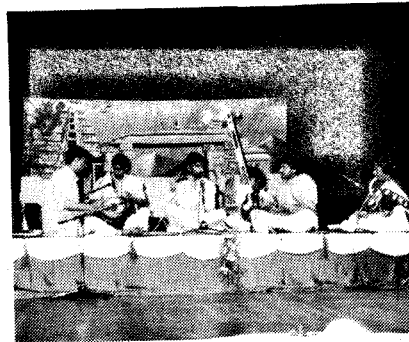
ragas. Sabdham and Hanman Thoothu were rendered in Ragamalikai. Hanuman Thoothu and Govintha Tharangam were solos by Shanthini and Malini respectively. The appreciative audience applauded the sisters' admirable accomplishments appropriately.

Led by Guru Ananth Sasitharan (Nattuvangam), Srimathis Prema Sriskandaram and Vijayalakshmi Srinivasan gave the vocal support along with Vasudevan Rajalingam (Mridangam), Kesava Moorthy (Violin) and Sivasambo Sridas (Flute and Veena).

Commenting on this classical dance form Mr. Karunairajan said that the Guru-Sishya tradition has deep meanings for us as we settle down in our new homelands. He observed that the interaction of older and younger generations in the family and outside in the community must be built on cultural and spiritual foundations and in this respect our traditions open up tremendous avenues for the genuine attributes of our souls that unite us with our Creator to enrich us with love, compassion and wisdom.

Arani Aravindan, Canada.

Sunthar's Flute Arangetram



The Flute Arangetram of Sunthar son of Mr. & Mrs. Chandra Sivapathasuntharam of Craigwell Drive, Stanmore, Middx and disciple of Sri Pitchaiappa Gnanavarathan took place recently at Beck Theatre, Hayes, Middlesex. Connoisseurs of Carnatic music hailed Sunthar's performance as of a very high standard.

Commencing the concert with the traditional Navarajamalika Varnam, Sunthar played a delightful Abohi raga alapana as a prelude to his second number, Shree Maha Ganapathy, concluding it with a shower of Swaraprasthara. Following the Arabhi Pancharatnam, he played Sathananda Thandavam in Bahudhari and Mari Vere in Lathangi adding Raga Alapana and Kalpana Swaram with rich Manodharmam for both pieces before he took up the Ragam-Thanam-Pallavi in Harikambhoji set to Aditalam, which he rendered very neatly following the tradition. The second half of the programme included very popular pieces like 'Enna thavam seithanai' and 'Alai payude' finishing with Lalgudi's Thillana in Desh ragam. They were all executed very

sweetly and dexterously.

Mr. & Mrs. Sivapathasuntharam should be proud of their talented son, as Sunthar has both raga and laya gnanam. He has soaked himself in traditional Carnatic Music and has boundless enthusiasm and a querying mind. He works hard to bring out his musical ideas on the instrument he plays. In short he has all the ingredients for the making of a good musician. Learning vocal music and violin has definitely helped him in achieving proficiency on the flute. The Guru Sri. Gnanavarathan has to be specially congratulated for bringing out the latent talent in his pupil to fruition. By his gentle guidance he has helped Sunthar to achieve great heights.

Sunthar is lucky to have had an excellent troupe of accompanists, who guided him through the concert affectionately. Dr. Lakshmi Jayan, a very experienced senior violinist followed Sunthar like a shadow. Her raga enunciations were richly laden with bhava. Sri Bangalore Prakash on the mridangam and his cheerful brother Prathap on the ghatam were very supportive through-out the concert and their 'tani aavathanam' was full of fireworks which was relished by the audience.

May God bless Sunthar with success in all his future ventures.

Rasika.

British Educational Communications and Technology Agency (Becta)

On June 14th Becta hosted over 80 delegates at the Kensington Hotel Conference room, the theme of the conference being 'Using ICT to support Community Languages'. There was a strong presence from Northern Ireland as well as a Scottish contingent who came to contribute to a day for teachers and policy makers.

The European Year of Languages is a chance to celebrate the diversity of languages spoken throughout Europe by all its citizens. To mark the year Becta has launched a new web site on 4th July at

http://www.becta.org.uk/inclusion/inclusion_language/community

This will have case studies, web links, information about software fonts translation engines and peripherals. There are also SAY IT (Information Technology) sheets which are now available in 24 languages including Russian, Swahili, Korean

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and Serbo-Croat. The next two languages will be Tamil and Welsh. These can be downloaded from the web on the Community Languages site or a free copy of any sheet needed would be sent on receipt of an email to becta@bccta.org.uk

Mr. Siva Pillai from Goldsmiths College, University of London and Becta's Tamil Consultant demonstrated how PowerPoint could be used to create multimedia materials. Often teachers and pupils do not progress beyond word processing while there are several exciting developments using PowerPoint where it is possible to incorporate sound and video. These raise learner's motivation by providing visual stimulation and immediate feedback. PowerPoint enhances listening skills and can encourage young people to become independent learners as they can try out activities on their own without the assistance of others.

Siva has created talking books based on fables, a CD ROM of resources designed to help learners link sound and symbol in the Tamil language and learn elemental vocabulary such as parts of the body, family relationships etc. Those interested in these resources could contact him at Department of Educational Studies, Goldsmith College, University of London, New Cross, London SE14 6NW. or email: siva@gold.ac.uk.

Carnatic Recital Boosts Funds for Jaffna Hospital



A Carnatic vocal recital, a rare feast by Kalaimamani Bhushany Kalyanaraman helped to raise more than £3000 to support the Jaffna Hospital. The Friends of the Jaffna Hospital in London organised the concert at the 'Sivayogam' Hall in Tooting

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in South West London. The hall was filled to capacity with over five hundred music lovers, musicians and artistes. The president of the organisation Dr. S. Navaratnam welcomed the audience and invited Dr. Rajah, a senior doctor from Jaffna to light the Kuthuvilakku and bless the function.

The concert commenced with Kanada Varnam followed by Karimugavaratha in Natai - a GNB composition. The concert warmed up with Sabapathikku in Abogi. Ragas Saveri and Sankaraparnam were elaborately rendered with vidwat and exceptional maturity. All sancharas during raga Vinyasas were woven round flashy flights. The main piece Bala Gopala in Bhairavi brought out some special features of Thanjavur Kalyanaraman bhani. The list of songs included Ahilandeswari (Dujavanthi), Maruhelara Oh Ragava (Jeyanthasree), Jegathotharana (Kapi), Kurai Onrum Illai, Maruthi Varuvan (Suthsarang). The concert went on for more than three hours non-stop in front of a spellbound audience, who did not seem to notice the time passing.

Madurai T. Sivaganesan provided excellent violin support, S. Balachandar on Mridangam and Bangalore R.N. Prakash (Ghatam) enjoyed the programme and provided the essential rhythmic support.

Nadha Brahman

Raman's Excellent Flute Recital



The Waterside Centre in South Norwood was the venue of a flute recital by Mr. V.K. Raman, a prestigious artiste from India, presented by the Croydon Tamil Community Centre on 10th June 2001. Mr. Raman is a well known international artiste who has performed for many organisations and received awards.

The flutist was accompanied on the Mridangam by Mr. Balakrishnan, a former teacher at the South London Tamil School and on the violin by Miss Jayalakshmi

Namasivayam who is the violin teacher at the same school. Bangalore Omkar confidently played the Morsing and added colour to the evening's concert.

Raman ushered in the programme with the traditional Varnam in Naatakuringi Raga which heralded the performance. It was followed by 'Vathabiganapathy' in Raga Hamsadwani in praise of Lord Ganapathi. 'Nirawathisuka' was the next piece in Raga Ravichandrika followed by a Kerthanam in 'Saamaravaragamana' in Raga Hindolam.


In the next piece the flutist welcomes Lord Krishna in Yamankalyani and generates a scene in which the gopies adore him. The late Balasaraswathi, the queen of Bhavas depicts in Bharatha Natyam the boy Lord Krishna in jingling tiny feet with bells tied to them. The echo fills the world with mirth and Balasaraswathi as a gopi reminds him of his glory.

This was followed by a piece from Subramania Bharathi's composition 'Chinachiru kiliye', a Padam in Ragamalika. Kannamma was Ambal to the poet and the flutist did full justice to Bharathi's impeccable dreams. Raman embellished his great devotion with faultless notes on his flute to the delight of the audience.


Thala Vaathiyam by the Mridanga and Morsing players was praiseworthy. In Thani nadai, the audience swayed to the rhythm - Cholkattu. Thillana was played with complete ease and gaiety and the audience made no secret of their joy. A sumptuous dinner was the finale of the evening.

The organisers of the concert have to be congratulated for the excellent arrangements made, including the improvisation of a stage to accommodate the performers, to provide an enjoyable performance.

Rasihai.



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