

For Your Printing

SAIVA  
PRAKASA  
PRESS

# INTHUSATHANAM

## (THE HINDU ORGAN)

[ The Only Newspaper in Ceylon for the Hindus ]

PUBLISHED EVERY FRIDAY

Estd. Sept. 11, 1889 ]

FOR YOUR  
BOOKS

CONTACT

Saiva Prakasa  
Book Depot

PHONE No. 356

X

JAFFNA, FRIDAY SEPTEMBER 4, 1970

X

## The Administration of Justice in Ceylon

(ARTICLE REFERRED TO  
IN J. R. SINNATHAMBY'S LETTER)By L. B. Clarence - Puisne Justice  
(From "Law Quarterly Review", Jan. 1886)

(Continued from last issue)

In other respects also, the system is unsatisfactory. If the Ceylonese jurors lack the sentiment of justice, the European jurors too often lack the necessary knowledge of the people. It must not be supposed that trial by jury in Ceylon means that the prisoner is tried by his peers. On the contrary, we have Sinhalese prisoners tried by Tamils, Eurasians, Europeans, and so forth. I have seen young English lads, newly arrived in the island and entirely without experience of the people, sitting as jurors to hear native evidence and try Sinhalese and Tamil prisoners, perhaps for their lives. The jury is chosen from one of three panels: a panel of English-speaking jurors, a panel of Sinhalese-speaking jurors and a panel of Tamil-speaking jurors. The vast majority of cases are tried by the English-speaking jury, which is composed of Europeans, Eurasians and such natives as are supposed to understand English. I say supposed because there is every reason to believe that many of the natives who sit on the 'English' jury do not in fact understand English sufficiently to enable them to follow the proceedings intelligently. In short, the trial by jury is not the trial of the prisoner by his peers, but by an arbitrary tribunal consisting of several lay judges of fact. The tribunal might still be an efficient one, but experience has proved it to be the reverse. In trials by jury in England the mass of testimony laid before the jury is mostly true, and the main question is whether the facts thus disclosed indicate that the defendant is guilty or

not guilty. On such a question the judge's summing up is of much value to the jury, and can do no harm. In Ceylon the question in nine cases out of ten is - are the witnesses for the prosecution telling substantially the truth or are they lying? There are obvious objections to requiring judges to sum up to juries the considerations bearing upon such a question. The more exhaustive the summing up as an analysis of the case under trial, the more valuable it becomes to certain of the court frequenting population, as a practical lecture on the means of effectively getting up false evidence.

There is one exceptional jury viz. the English speaking jury at Kandy, which not infrequently consists almost to a man of English coffee-planters. This is a very intelligent jury, and if the parties and witnesses are Tamils, the planter jury, being accustomed to deal with Tamils, and understanding the language can give a shrewd decision. When the case is Sinhalese, the planter jury is less efficient; they are apt on the whole to believe too much of the evidence, and I have seen unjust convictions of Sinhalese defendants, in such cases. If the charge be one of stealing coffee from an European estate, an inconvenience to put the matter mildly, at once arises. A Sinhalese defendant charged with coffee stealing by an English planter naturally objects to the planter jury; and the prosecution, on the other hand, objects equally to a Sinhalese jury.

Although criminal charges are investigated and

defendants discharged or commuted for trial by magistrates, mostly members of the civil service, the work of the magistrates is constantly supervised and controlled by certain legal officers, who constitute in effect a department of Public Prosecution. The original idea seems to have been that the magistrates, being laymen, would occasionally need the aid of professional lawyers. Gradually the department so far encroached on the civilian magistracy, that the latter were expected to refer everything to the department. To be thus kept in leading-strings is not likely to promote judicial strength on the part of the magistrates, besides which, the constant references backwards and forwards occasion unseemly delays. Perhaps the worse mischief is that as the department of public prosecutions is constituted, its proceedings hardly promote efficiency. Apart from all question of legal skill, it would be impossible to overrate the amount of anxious care necessary in dealing with the criminal charges which natives bring against each other.

Municipalities have been introduced into Ceylon, with benches of municipal police magistrates, officered by the Municipal Councillors who are almost exclusively native and Eurasian. These Municipal tribunals are fit only for abolition. Indeed the municipalities cannot in any sense be deemed very successful. The truth is that the population of Ceylon are hardly ripe for any form of self-government, and in attempts to introduce it there is always the probability of affording opportunities scrupulous for oppression or illicit gain to unscrupulous Eurasians or English speaking natives. Not long ago a statute had to be passed in order to disqualify for elections to the Municipal Council of Colombo a disbarred native lawyer who had recently emerged from gaol after undergoing a heavy sentence of imprisonment for a fraudulent crime. The municipi-

## THE NEW CONSTITUTION

BY J. R. SINNATHAMBY

Some views expressed below on certain aspects of the procedure to be followed in evolving a new constitution may be considered for whatever they are worth.

The position of the Tamil people vis a vis the Sinhalese people in any discussion on the fundamentals of the proposed new constitution should be as one sovereign people to another, particularly as the Queen, that is the British Government, which alone is responsible for the present unitary form of government, by right of conquest, is not to be a party, in any degree, to the evolution and installing of the new constitution.

Neither the Tamil people nor the Sinhalese can dictate the form of government that the other should have or on fundamentals, as they were independent of each other at the time the foreign powers established their rule by right of conquest.

According to the voting at the last election, as has been in the last few elections, the Tamil people have voted for the Union form of government by returning the Federal Party in a large majority. If this view is contested a referendum must be taken to decide the issue so that the people will have the final say.

The role of professional people and leading citizens should at best be that of advisers to the Tamil people, but the final say on fundamental issues should be with the elected representatives of the Tamil people and

pal magistrate is a patent evil, but the timid native public will never raise their voice to ask for its abolition, while any proposal to do away with it will awaken clamorous opposition from those

(Continued on page 2)

where even here there is an element of doubt the issue or the issues should be settled, as pointed out above, only by a referendum.

India freely resorted to this device during the period when the constitution was being evolved and had held such a referendum to ascertain the views of the people. ("Constitution of India," Tope).

One is therefore not surprised at the unanimity with which the Constituent Assembly of the most diversified country in the world accepted the new constitution. In the Assembly of 308 members there was only one dissentient vote!

It is very relevant to note that as the British government is to be ignored in the evolution and installing of the new constitution, it follows that the Tamil people who owe their allegiance only to the Queen of England cannot be dictated to or coerced by any other peoples and are free as a sovereign people to determine the form of government they want and the conditions on which they should join, if they decide to form a joint government.

In view of the importance of the issue raised here I take the liberty to emphasize again that the form of government the Tamil people want, and the fundamentals they consider necessary, in a constitution, should be decided by the Tamil people and Tamil people alone, if necessary by a referendum, and certainly not by other peoples, particularly foreign in race, culture, language and religion.

Professional people and leading citizens should, as pointed out above, act at best as advisers to the Tamil people, and, for once take the back seat,

THOUGHTS TO BE TREASURED

ஒது சமயங்கள் பொருள் உணரும் நூல்கள் ஒன்றோடு ஒன்று ஒவ்வாயல் உளபலவும், இவற்றுள் யாது சமயம் பொருள்நூல் யாது இங்கு என்னில், இது ஆகுந் அது அல்லது எனும் பிணக்கது இன்றி நீதியினால் இவை எல்லாம் ஓர் இடத்தே காண நின்றது யாது ஒரு சமயம் அதுசமயம் பொருள்நூல், ஆதலினால் இவை எல்லாம் அருமறை ஆகமத்தே அடங்கியும், அவை இரண்டும் அரன் அடிக்கீழ் அடங்கும்



Hindu Organ

FRIDAY, SEPTEMBER 4, 1970

TRANSPORT SERVICE TOO ANNOYING

Basing our comments on first hand information as supplied to us by the travelling public of the Peninsula we may state that the C. T. B Service that is controlled by the Jaffna Depot has reached the lowest limit in utility. Passengers who are compelled to travel daily for the performance of their legitimate duties point out to us that the section which is seriously starved is the Keerimalai - Kodigamam stretch where the wait for any bus exceeds the worst assault on the patience of passengers. If not for the 'pirate service' that finds it way past the full vigilance of the patrolling Police Force, there would be a complete break-down costing the passengers heavily by way of financial loss owing to non-attendance at the places of their duties. 769 This is a number that has become of no

Hindus and Their Role in the Development of Mathematics

M. K. S.

(Continued from our issue of 21-8-70)

"The essence of mathematics is its freedom" -Georg Cantor

Complex Numbers

Difficulty was encountered when one tried to solve the simple equation: x^2 + 1 = 0. In the 12th century Bhaskara expressed this in the following statement:— "The square of a positive number is positive, and the square root of a positive number is two-fold, positive and negative; there is no square root of a negative number; for a negative number is not a square"

The Hindus dropped the subject at that; it only they had paid a little more consideration, they would have been the first to invent the so called complex numbers - which formed the "central nervous system" of mathematics. It was left to the Italian of the Renaissance—Bombei to develop the theory of complex numbers.

Infinity

"David Hilbert said:— The infinite! No other question has ever moved so profoundly the spirit of man; no other idea has so fruitfully stimulated his intellect; yet no other concept stands in greater need of clarification than that of the infinite.....". Whereas Greek logical

rigour resulted in the avoidance of specific reference to infinities in mathematics, the Hindus showed no such qualms. Bhaskara, who was mentioned earlier, in his Vija Ganit 1174-1185 formulates

Statement:— "Dividend 3; Divisor 0 Quotient 3/0 This is termed an infinite quantity. In this quantity consisting of that which has cipher for its divisor, there is no alteration although many be inserted or extracted, as no change takes place in the infinite immutable God"

In Hindu manuals Mathematics, Religion and Philosophy are delightfully intermixed. Later Cantor and Dedekind formulated theories about the infinity. Cantor created transfinite numbers and transfinite arithmetic which are too complicated to be discussed here.

An infinite set is defined as a set which possesses parts which may be matched with the whole This is explicitly stated in Bhaskara's statement. quoted above.

Our Tamil saints had mentioned and utilized the concept of infinity and infinitessimals abundantly:—

"ஏகன் அனேகன்" "The One and the many" "ஆதியு மந்தமு இல்லா அரும் பெருஞ்சோதி"

"The divine magnificent light having neither beginning nor end" "பலலாசனாடு என் னும் பதம் கடந்தாணுகு

"The Lord who surpasses aeons," "எழுகடல மணலை அள விடின் அதிகம் எனது இடர் பிறவி அதிகாரம்"

"The number of my births is as extensive as the number of grains of sand found in the seven seas"

It is interesting to note that Archimedes had also conceived the same idea. Archimedes concludes in his famous 'Sand reckoner':—

"Hence it is evident that the number of grains of sand contained in a sphere as large as that bounded by the fixed stars, as estimated by Aristarchus, is smaller than one thousand myriads of units of the eight

(Continued on page 9)

Thurgathevi Festival At Tellippallai

Shrine Renowned for Spiritual Splendour

Congregation Has Set Example In Cultural Eminence

This is the only temple in Lanka, dedicated to Parameshwari Thurga Thevi. It is at Tellippallai East situated in sanctified surroundings within a calling distance of the Karkasuturai Jaffna Road Historical records are not available in detail but the fact of this temple being as ancient as any other shrine of all Island



"His form is everywhere; all-pervading in His Shiva-Shakti"

repute has been repeated by elders generation after generation Almost lost in antiquity, this ancient shrine was for several years in a state of disrepair till about ten years ago a band of devotees took upon themselves the religious responsibility of restoring the temple to its pristine and reverential glory. Yogar Swami the great ascetic whose daily pilgrimage on foot throughout the Peninsula had sanctified the atmosphere all around on several occasions hinted to his disciples that another shrine like Thiruketheswaram required the attention of Saiva worshippers for immediate renovation. One day the Great Swami uttered a warning, almost a directive that the shrine was being neglected and in his inimitable way of demanding action told a worshipper. "Go and demolish the Holy of Holies now itself. Everything will shape well thereafter". This directive was piously carried out and soon the wonder of a sudden and steady renovation became a reality.

Worshippers from every part of the Island stirred as if by magic rushed to donate their mite to the Reconstruction.

Today this shrine, next to Nallur Kandasamy Kovil in spiritual splendour, has become the centre of worship mostly by ladies

The High Festivals are on: Car Festival: September 11,

ORDER ABSOLUTE IN THE FIRST INSTANCE

IN THE DISTRICT COURT OF JAFFNA

Testamentary Jurisdiction No. 2619

In the matter of the Last Will and Testament of the late Sinnappoo Thambippillai of Urumpiray in Jaffna

Deceased

Pavalaratnam widow of Sinnappoo Thambippillai appearing by her attorney Vaithilingam Nadesalingam of Urumpiray in Jaffna,

Petitioner

This matter coming on for disposal before I. M. Ismail Esquire District Judge, Jaffna on the 23rd day of July 1970 in the presence of Mr. A. Subramaniam Proctor on the part of the Petitioner and the affidavit of the petitioner dated 12th day of July 1970, and the affidavit of the attesting Notary and the witnesses dated 12th day of July 1970 having been read,

It is ordered that the Last Will of the said Sinnappoo Thambippillai No. 8711 dated 21st February 1967 and attested by A. Subramaniam Notary Public be and the same is hereby proved and order absolute in the 1st instance be entered and the said petitioner, who was made the sole heir and executrix in the said will, be declared entitled to have probate of the same be issued to her accordingly unless any person or persons shall on or before the 18th day of September 1970 show sufficient cause to the satisfaction of this Court to the contrary.

This 23rd day of July 1970,

Sgd I. M. Ismail District Judge,

# BANNING BAD BOOKS

## PREVENTING PERVERSE PUBLICATIONS

### Correct Approach To Consecrating Our Culture

Much has been said and written on the question of the proposed restriction on the sale in Lanka of periodicals of South Indian origin. The reason for such a move has been stated by various authorities in different ways. The conservation of money is said to be one reason. Another is the reported attempt to rid publications of writings that tend to bring down literary merit to a lower level. Above all the desire to save our Culture is said to be the real reason.

In the free reawakening that is felt in literary and culture spheres, the tendency to speak and write at random has become very obviously tainted making contributors stray away from the straight road. The films (English medium) that gain great popularity in this country are those that tend to create in the minds of the youth a passion for violence; that is violence against person property and prestige. Spectacular stunts depicting the suc-

cessful operation of day light robberies are so vividly and graphically described on the screen that they who see these films are induced to give a little thought to the 'heroics' and learn the evil lessons for immediate practice in their daily lives.

Hence all Saiva organizations must make bold to express their views on this subject by reviewing the situation as exhaustively as possible.

#### ORDER NISI

IN THE DISTRICT COURT OF JAFFNA

Testamentary Jurisdiction No. 2620

In the matter of the Intestate Estate and Effects of the late Sellar Ambalavanar of Inuvil

Deceased

Ambalavanar Sri Ranganathan of Inuvil

Vs. Petitioner

- 1 Chellammah widow of Ambalavanar and
- 2 Ambalavanar Jayabalanam both of Inuvil

Respondents

This matter coming on for disposal before I. M. Ismail Esquire District Judge Jaffna on the 23rd day of July 1970 in the presence of Mr. A. Subramaniam, Proctor on the part of the Petitioner and the affidavit of the petitioner dated 11th day of July 1970 having been read:-

It is ordered that the petitioner abovenamed be and he is hereby declared entitled as the lawful heir of the said deceased to have Letters of Administration to the estate of the said deceased issued to him accordingly, unless the respondents abovenamed or any other person or persons interested shall on or before 18th day of September 1970 show sufficient cause to the satisfaction of this court to the contrary.

This 23rd day of July 1970.  
Sgd. I. M. Ismail  
District Judge.

#### Hindus and Their

(Continued from page 8)

class."

"சுற்பனை கடந்த கோதி"  
"The divine light which surpasses all imagination."

"பிறந்த நாண்மேலும் பிறக்கு நாள் போலும் தந்தேதார் தற்ப்போர் தொலை."

"The number of those who have obtained salvation and those who have to obtain salvation is comparable to the number of days they were born and had lived on this earth, the number of days they would be born and would live on this earth."

"தந்தேதார் பெருமை தனைக்க நிண் கையத்த இறந்தாரை எண்ணிக் கொண்டற்று".

"The eminence of those who have renounced the world is comparable to the extensiveness of those who have died in this world".

These are some among many thoughts to be treasured.

Mathematics is really full of enhancing beauties. That the Hindus have added something really valuable to the beauties of mathematics is an irrefutable fact - perhaps one day one may write a treatise on this.

## The Administration of.....

(Continued from Page 7)

whose craft is in danger.

The people look to us to provide them with justice. 'You are our father and mother; we look to you' - the native villager often says to the English government officer. We have not given the people representative government, and indeed to attempt anything of the kind would be inhumane. It would simply be delivering the people into the hands of the native and Eurasian-lawyers. A despotic government is the only government humanely possible, but we should never forget that it is a form of government which throw on us a very heavy responsibility. We are in effect governing a voiceless people unable to tell us what institutions would best befit them. I might, had I space, go further into details and multiple illustrations, but enough had been already said to show that both in criminal and in civil matters the legal machinery which we have provided grinds out very unsatisfactory results. The mischief arising from all this miscarriage of justice extends very far beyond the individual cases in which wrong is done. When influential criminals are acquitted and innocent men convicted on false charges crime becomes popularised. The would-be offenders speculate on the chances of an acquittal, and conviction loses much of its deterrent effect in the face of the well-known fact that a considerable number of the inmates of the gaols are innocent men convicted on false testimony. I know of no sadder task than to listen, at the periodic gaol-visitations which Supreme Court Judges make, to the pitiful protestations of native prisoners. Such protestations, of course, are antruly as well as truly made but it is undeniable that a large number of the convicts owe their convictions simply to unjust verdicts. Nor should we forget that civil failures of justice occasion much crime, particularly violent crime. It is a common thing for a judge, when sentencing a prisoner for some assault arising out of some village dispute, to say: 'You had no right to take the law into your own hands, there were the courts of justice open to your complaint'. I have often thought what a mockery

such an address must seem to many a native prisoner.

Ceylon now has a newly made Penal Code and Code of Criminal Procedure. Time will soon test these. A Civil Procedure Code is urgently needed. Everything should be as simple as possible, bearing in mind that the suitors cannot command efficient professional aid in the Courts of First Instance. The Indian method, under which the issues are settled by the judge, is decidedly one to be adopted in Ceylon. The native and Eurasian lawyers, termed proctors, to whom is confided the bulk of the legal business of the Island, occupy a very important and responsible role. Unhappily, speaking of these practitioners as a class their proceedings are characterised by a low scale of professional morality and efficiency, and specially by an absence of the ability or disposition honestly to advise the client.

(To be continued)

#### ORDER NISI

IN THE DISTRICT COURT OF COLOMBO

Testamentary Jurisdiction No. 25538/T

In the matter of the intestate estate of the late Umathev alisa Sundaramma Subramaniam of Wellawatta, Colombo

Deceased

Chinnathamby Subramaniam of 29, Nelson Place, Wellawatta, Colombo

Petitioner

Vs.

- 1 Subramaniam Rajasundaram
- 2 Subramaniam Susila.
- 3 Subramaniam Sakunthala all of 29, Nelson Place, Wellawatta, Colombo.

The 3rd respondent being a minor appearing by her Guardian-ad-litem the 1st respondent.

Respondents

This matter coming on for disposal before I. G. N. De Jacolyn Seneviratne Esquire, Additional District Judge, Colombo on the 26th day of July 1970 in the presence of Mr S. Ramachandran, Proctor on the part of the Petitioner and Affidavit of the Petitioner dated 20th day of July 1970 having been read:

It is ordered that the 1st Respondent abovenamed be and he is hereby appointed Guardian-Ad-Litem of the 3rd minor respondent abovenamed for the purpose of these proceedings.

It is further ordered that the Petitioner abovenamed be and he is hereby declared entitled as the widower of the deceased abovenamed to have

#### ORDER NISI

IN THE DISTRICT COURT OF JAFFNA

No. 2615/T

In the matter of the Last Will and Testament of the late Kumara Shanmugam of Palavodai Karainagar East

Deceased

Puvaneswary widow of Kumara Shanmugam of Palavodai, Karainagar

Vs. Petitioner

Minor 1 Theivarany daughter of Kumara Shanmugam

" 2 K. Shanmugam Thanapalakumar minors by their Guardian-ad-litem the 3rd Respondent

3 K. Kandiah Visuvalingam all of Palavodai, Karainagar Respondents

This matter coming on for disposal before I. M. Ismail Esquire, District Judge, Jaffna on the 12th day of July 1970 in the presence of Mr. N. T. Sivagnanam, Proctor on the part of the Petitioner and the Petition and Affidavit of the Petitioner dated 8th day of June 1970 and Affidavit of the 1st and 2nd, Witnesses and Notary attesting the Will dated 2-2-1970, 9-2-1970 and 22-6-70 respectively having been read.

It is ordered the abovenamed 3rd Respondent be appointed Guardian-ad-litem over the 1st and 2nd Respondents minors to represent them in these testamentary proceedings

It is further ordered that the Last Will of Kumara Shanmugam the deceased dated 26th day of August 1969 and now deposited in this Court be and the same is hereby declared proved unless the Respondents or others shall on or before the 11th day of September 1970 show sufficient cause to the contrary to the satisfaction of this Court.

It is further ordered that the said Puvaneswary widow of Kumara Shanmugam the petitioner is the executrix in the said Last Will and she is entitled to have probate of the same issued to her accordingly unless the Respondents or others shall on or before the 11th day of September 1970 show sufficient cause to the contrary to the satisfaction of this Court.

It is further ordered that the Petitioner do produce the said minors 1st and 2nd Respondents in Court on the 11th day of September 1970, Jaffna, this 12th day of July 1970.

(Sgd) I. M. Ismail  
District Judge

Drawn by  
Sgd. N. T. Sivagnanam  
Proctor for Petitioner  
99 4 & 11

letters of Administration to the estate of the said deceased issued to him, accordingly, unless the respondents abovenamed or any other person or persons interested shall on or before the 2nd day of November 1970 show sufficient cause to the satisfaction of this Court to the contrary.

Sgd. I. G. N. de Jacolyn Seneviratne  
Additional District Judge  
This 26th day of July 1970,  
97 4 & 11,

