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X

JAFFNA, FRIDAY MARCH 9, 1973

X

Jenning's Last Testament to the People of Ceylon

A. THIRUNEELAKANDAN B. Sc. (Econ.)

Ceylon is unique among the many multi-racial countries in this Commonwealth in that it alone has a Constitution which is not a product of general agreement and which provides no safeguards for its minorities.

Recently I read a book "Democracy in Africa" by the late Sir Ivor Jennings. As everybody knows, he played a large part in the framing of the 1948 Constitution which has now been replaced by the present Constitution.

Democracy in Africa was published in 1962, sometime before his untimely death. His observations on Ceylon found scattered in this book may be considered as his last Testament to a country where he had spent many happy years. It is a great pity that the framers of the present Constitution have not thought it necessary, in their wisdom, to heed the advice of a scholar and administrator acknowledged to be the greatest constitutional authority in the Commonwealth and one who had played a dominant part in framing the constitutions of many countries in the Commonwealth. In it he frankly admits, as Viscount Soulbury had admitted elsewhere that he had, not fully appreciated his strength of communalism in Ceylon when he helped to frame its constitution.

The following is his account of the emergence of communalism in Ceylon:

For Africa Ceylon supplies the most relevant lessons. The transition to independence was long—perhaps too long—D. S. Senanayake had formed a strong government in 1947 and the United National Party, which he led had almost unanimous backing. After the death of D. S. Senanayake in 1952 the United National

Party, now led by his son obtained a large majority. Opposition to it was nevertheless growing, led partly by S. W. R. D. Bandaranaike. Mr. Bandaranaike's technique was to appeal to the communal sentiments of the Sinhalese and at the same time enter into electoral agreements with the Communists. The combination of personal antagonism to some members of the United National Party, the realisation that after all, independence did not benefit the ordinary man, the appeals to communal and religious (Buddhist) sentiment by Bandaranaike and his allies among the Buddhist priests and the organisation of the trade unions by Communist leaders, led to an Anti United National Party majority in 1956. From that point there was a gradual deterioration in public order and in the efficiency of government until in 1958, a large part of the country was virtually controlled by the mob.

Three factors have to be emphasised. First, the pre-independence nationalist propaganda gave the impression that there would be an improvement of economic conditions after independence. Secondly the nationalist politicians and their advisers were misled by the evident nationalism of the English-educated class among the rest of the population. Nationalism was far less strong than communalism which had active propagandists among the Buddhist Priests. Ambitious politicians among the Sinhalese were able to capitalise this communal sentiment and thus to set up communal reaction among the Tamils. Thirdly nationalist politicians had even before independence been agitating for the substitution of the "mother-tongue" for English as official language and medium of instruction.

The nationalist agitation for "mother tongue" therefore encouraged the communal demands for Sinhalese and for Tamil and though for a time it was suggested that both might be used—nobody had the courage to work it out in detail—eventually it became clear to the Tamils that "mother tongue" meant "Sinhalese Only". Since 1956 Ceylon politics have been essentially communal, with the Tamils putting themselves up for auction and neither of the Sinhalese parties being willing to pay a high price because they would probably lose two Sinhalese seats for every Tamil seat that they purchased.

About Constitution-making Sir Ivor has the following things to say. The success of a Constitution depends very largely on the strength of the support given to it by the people. Both because Constitutions may last for a very long time and because it is necessary to give it popular support, it ought to be based so far as may be practicable on general agreement.

Sir Ivor then proceeds to give examples of the various methods followed by common wealth and other countries to reach agreement.

Even before the present Constitution came into force the Senate was abolished. On the question whether a country should have a Second Chamber, Sir Ivor has this to say, "In most commonwealth countries the strongest argument for the Second Chamber is the diversity of people. If the extreme nationalist view be adopted for the First Chamber so that one seat be provided for every 75,000 or 100,000 inhabitants the results may be far from a fair representation of the people. The advantage of a Second Chamber is that it enables an alternative method of representation to be devised."

On the method of representation Sir Ivor says "There is a tendency both among Asian and

Letter to the Editor

Solutions Through Negotiations

Sir,

Under the above caption, the Publicity Division, Ministry of Foreign Affairs, has, as reported in the Press, issued a statement which, inter alia, runs as follows:—

"The Indo-Ceylon Agreement of 1964 popularly called the Sirima-Shastri Pact, was signed in New Delhi on 30th October, 1964, by Mrs. Sirimavo Bandaranaike, Prime Minister of Sri Lanka, and the late Shri Lal Bahadur Shastri, then Prime Minister of India. The Agreement was not only a landmark in Indo-Ceylon relations in that for the first time, the two countries were taking a concrete step to settle the problem of nearly one million persons of Indian origin settled in Sri Lanka, but it was also an example to the rest of the world as to how friendly, neighbouring countries could find a solution to their problems by mutual understanding and negotiation. It was particularly a personal achievement for the Prime Minister, Mrs. Sirimavo Bandaranaike, in that she was the first Ceylonese Prime Minister able to arrive at a satisfactory solution to this subject.

It is trusted that the Honourable the Prime Minister would in a similar manner find a solution to the inter-communal problems in Ceylon including those relating to the Tamil speaking people. If she has been successful in arriving at the Sirima-Shastri Pact, it is not beyond her capacity specially with her political strength and present Parliamentary majority to adjust differences with the Tamil speaking people. It might be remembered that in addition to the Sirima-Shastri Pact, she was greatly instrumental in the formulation

of the proposals for peace made by the Colombo Powers during the Indo-China conflict and this paved the way for cessation of hostilities. Having two international arrangements to her credit, we are sanguine that she could bring about an adjustment of problems concerning the Tamil people without any detriment whatsoever to the Sinhalese people. In fact, an adjustment will be greatly beneficial to the country as a whole and to the Sinhalese community which is in the majority. The economic, social, and general progress of Sri Lanka is being held up by reason of the existence of communal differences, for which all are responsible. If these differences are not settled during the regime of the present Prime Minister, it would become more difficult as time goes on.

It is generally felt that the other constituent units of the United Front Government and the U. N. P. Opposition and the Independents would give support to the Prime Minister in the task of the settlement of inter-communal differences. The general public of Sri Lanka of all communities would normally welcome steps for reconciliation and settlement. The outside world also is bound to appreciate and applaud early action taken on this behalf. Material aid to Sri Lanka from foreign countries is further likely to be augmented substantially if there is internal harmony and good will. Peace, maintenance of law, and order and decrease of some of the other internal problems afflicting the country would also ensue. The present appears an opportune moment for initiating steps towards settlement.

Yours etc.

S. Sivasubramaniam.

103-2, Hulsadori Street,
Colombo - 22

(Over to page 2)

THOUGHTS TO BE
TREASURED

உள்ளம் முதல் அனைத்தும் ஒன்ற
உருகவின
உள்ளம் உருகலந்து உன்னு
டன் ஆம்-தெள்ளி
உணரும் அவர் தாங்கன உள
ராக என்னும்
புணரவர நிலைப் போருள்,
(Thirukalitr Padipar)

If the mind and other faculties became attenuated and softened, He becomes one with you making the heart melt—the Truth (God) impossible of attainment by those who try to comprehend Him by their egotistic endeavour.



தமச்சிவாயவே ஞானமும் கலிவியும்
தமச்சிவாயவே நாளநி விச்சையும்
தமச்சிவாயவே நானென் மேத்துமே
தமச்சிவாயவே தன்னெதி கட்டுமே

Hindu Organ

FRIDAY, MARCH 9, 1973

RETURN TO
RELIGIOUS
PRACTICE

The whole world is now witnessing the worst woe-ful happenings in human history in which destruction of all cherished values is taking a decisive lead. The upheaval has reached a climax. Misery has become man's lot. The only method of remedying the serious situation lies in religious practice.

The zeal for religious faiths cannot ensure progress unless there is regular practice of religion. The Great Saints of the glorious past achieved much for the progress of humanity by their devout prayer and devotion to religious principles. The entire religious literature comprising of Shastras and Puranas giving exquisite expositions of the Vedas and Agamas contain a wealth of instruction that can be made useful only by means of sustained practice. The Thirumurai remind us of the efficacy of Prayer.

If man has lost his bearings and the world has sunk so low as to be miserable, the reason is not far to seek. The rich heritage of the prosperous past handed over to succeeding generations by the noble teachers who practised religion should

Rajaji Remembrance

(Continued from last issue)

(Here we quote from the Swarajya of 1960 Shri Rajaji's considered views on the Language question)

Like places of pilgrimage and the roads leading to them, certain languages play their part in different periods of history to bring people together in mutual understanding and help them to general improvement. Greek once did this in Europe and Latin performed this function in an extraordinary measure when Europe was torn by differences and distinctions in all respects. History has recorded that universal enlightenment and knowledge spread in Europe through Latin. Samaskrit purveyed enlightenment and culture to all parts of India, although no tribe or community spoke Samaskrit as such and although the people spoke different parts of the country. People in all parts of India who aimed at enlightenment and culture made it the means and the symbol of their ambition to acquire a knowledge of Samaskrit and thereby a common bond of spirit bound all parts of India into one community.

What Sanskrit did in India during her long and silent centuries in the past, what Latin did in Europe though divided into many States and nationalities, English is doing now in India. It may not be spoken in India, but it is the language that unites all the different regions of India into one and India herself with the rest of the world. It serves as the continuous vehicle that brings into its life the best from all parts of the civilized world.

If humanity is a single family, some means of communication, some common vehicle of en-

not become abandoned merely because the monster of materialism has unperverted man. The Blessings of the Almighty are

ever there for those who seek His Grace. The time has come for human ty as a whole to hang its head in utter shame and seek a new method of living in which reason, justice, toleration and above all spiritual awareness will be the guiding principles.

Practice of religion is
then the panacea for all
ills. And let us all use
this prescription.

lightenment and invigorating knowledge must play its part. It is only ignorance heightened by obstinacy that would resist the part that English should play in modern times and treat the language as an enemy left behind by the British rulers. It is sheer folly to displace English in fields where it has struck root in the administration, in the law and in the universities. Instead of welcoming the good that Providences and the Laws of Nature often give us along with shame and evil, some of us seek to cast off, with what was shameful and evil, the good also that come with it thereby undoing the just economy of Nature that ever mixes good with evil.

The Geography of it

There are regional languages in India, each spoken by millions and possessing a not inconsiderable amount of literature. Hindi is one of these, and one that serves a larger single group than any of the other Indian languages. On this latter ground it was thought possible to make it the official language of all India. If this could be done, it would remove the imaginary shame of a language of foreign origin being used in India as the supreme official medium. This was adopted in the Constitution of India. A distant date was fixed to give effect to this resolution, thereby helping to keep all difficulties and objections dormant for the time being. The distribution of languages and people is such that no one of the Indian languages could be given the honour of being the Union official medium without leaving a large mass of territory, and the people inhabiting it, outside the range of that language. Although Hindi or some dialect of it is spoken by nearly two-fifths of the population of India, this is confined to a contiguous mass of territory leaving three-fifths of India out of that contiguous region.

As the date fixed for the enforcement of the provision of the Constitution regarding the Union's official language approached and steps had to be taken towards that end, the objections to the measure began to find expression. The other language groups, in particular Bengal and Madras, resisted the Hindi programme.

(To be continued)

முற்றொருடர் 18)

திருக்குறள் THE GREAT KURAL

அமரரான் யாழ்ப்பாணம், நல்லூர் சிவபக்தமாமணி, திரு-
கு துரகங்காரன் L. L. B. (Lond) நீதிதார்த்தர், அவர்கள் எழுதி
யுள்ள “திருக்குறள் உரைநெடுகை” என்னும் நூலிலிருந்து
எடுக்கப்பட்டது.]

குதி 86 துக்ல்: **Aversion (Hostility)**

852 பகல் கருதிப் *பற்று சேயினு மிகல்கருதி
யினனசெய் யாமை தலை.

1 தன்னோடு கூடாமைபைக் கருதி ஒருவன் வெறுப்பு
பண செய்தானாயினும், தான் இகல் கொண்டு அவனுக்குத்
குத தன்பம் தருவன செய்தாரை இறுத்தல் சிறந்த
முறையாகும்.

1 Even if one does things disagreeable to you with the deliberate purpose of putting an end to your association with him, it is best policy not to entertain any feeling of aversion (hostility) towards him and refrain from acts injurious to him.

2 ஒருவன் தான் பிரிந்து வாழ்வதற்காகத் தன்னை வந்து சார முடியாத செயல்களைச் செய்தாலும், தான் இகல்கொண்டு துன்பம் தருவன செய்யாபவ் இருந்தல் சிறந்த முறையாகும்.

2 If one wishes to live away from another, it is permissible for him to do those things which would prevent the other from associating with him. But it is best policy even under such circumstances not to entertain any feeling of aversion (hostility) towards such other person and to refrain from acts injurious to him.

3 தம்மோடு கூடாமையைக் கருதி ஒருவன் வெறுப்பு
பல செய்தான் ஆயினும், அவனோடு மாறுபடுதலைக் குறித்
துத் தாம் அவனுக்குத் துன்பம் தருவன செய்யாமை
உயர்ந்ததாகும்.

3 Even when one plans disunion with you and does deliberately things disagreeable to you, it is best for you to desist from doing anything painful to him out of a feeling of hostility.

4 தம்மோடு வேறுபடுதலைக்கருதி ஒருவன் வெறுப்பனவற்றைச் செய்தாலும், அவனோடு மாறுபடுதலைக்கருதித் தாமும் துன்பந்தருவனவற்றை அவனுக்குச் செய்யாதிருத்தல் மிக நல்லதாகும்.

4 Even if a man does things disagreeable to you with the deliberate intention of bringing about disunion, it is best for you not to entertain any feeling of hostility towards him or to do things painful to him.

5 ஒருவன் பிரிந்து நிற்க நினைத்து வெறுப்பன வற்றைச் செய்தாலும், அவனோடு மாறுபடுவதால் வரும் தீமையை எண்ணி அவனுக்குத் தன்பம் செய்யாதிருத் தலே சிறந்த முறைபாகும்.

5 Even when a man does things disagreeable to you with the deliberate intention of bringing about disunion, it is best for you to bear in mind the evils that may result from a feeling of hostility and to refrain from doing anything injurious to him.

6 ஓரவன் பிரிவை விரும்பி வெறுப்பை செய்தா னாயினும், மாறுபாடு விளையாமைப் பெற்றுட்டு அவனுக் குத் துன்பம் செய்யாமையே உயர்ந்ததாகும்.

6 Even if one deliberately plans disunion and does things disagreeable to you, it is best for you to desist from doing anything painful to him and thereby avoid any feeling of hostility towards him.

7 பகைமை காரணமாகப் பகைவனுக்குத் தீங்கான காரியங்களைச் செய்தாலும் இகல் காரணமாக ஒருவர்க்கும் துன்பம் தருவன செய்பாமை உயர்ந்ததாகும்.

7 Even if one may have to do things, injurious to his enemy because of hostility between them, it is best if he does not injure anyone because of the feeling of aversion towards him.

*பற்றூர் என்பது மணக்குடவர் பாடம்

முன்னுத உரை பரிமேலழகர் உரையைத் தழுவி யது. அவர் கொண்டதுபோற் கொள்ளாது பகல் கருதிப் பற்றா செய்தலைபுற இகல் கருதி: இன்ன செய்யாமையையும் ஓதுவர்க்கே உரியத கக் கொள்வன இரண்டாவது ஏழாவது உரைகள். கரலிகளும் பற்றார் என்றே பாடல் கொண்டனர் போலும். பகல் என்பதற்குக் கீர்த்தி எனப் பொருள் காணும் பரிதியார் உரை பொருந்தாது. பற்றா—பற்றாத—பற்றிலாத: வெறுப்பன.

PARTITION NOTICE

IN THE DISTRICT COURT
OF JAFFNA

No. P. 1451

Thampu Sivagnanasam-
panthan of Velanai
West

Vs. Plaintiff

1. Veluppillai Sinniah
of Puliyankoodal,
Kayts.
2. Sellammah wife of
Veluppillai Sinniah
of Ward No. 6, Ve-
lanai West.
3. Chellammah widow of
Nagalingam Kandiah
of Puliyankoodal,
Kayts.
4. Annamma widow of
Saverimuttu Francis
of Karampan East,
Kayts.
5. Subramaniam Thurai-
appah of Puliyankoo-
dal, Kayts
6. Subramaniam Thurai-
appah of do as Trus-
tree of the Puliyankoo-
dal Mariamman
Kovil, A Charitable
Trust.

Defendants

It is hereby notified
that Action No. P 1451
has been instituted in the
District Court of Jaffna
under the Partition Act
No 16 of 1951 for the
partition and/or sale of the
land called 'Sionankaladu'
situated at Saravanai in
the Parish of Kayts in the
Islands Division Jaffna
District Northern Pro-
vince.

The defendants in the
aforesaid action are sum-
moned to appear in
Court on the 2nd day of
April 1973 at 10 O'clock
of the forenoon.

This 5th of March 1973

Clerk of Court

Drawn by.

C. C. Somasegaram
Proctor for Plaintiff.

ORDER ABSOLUTE IN THE FIRST INSTANCE

In The District Court Of
Jaffna

Testamentary Jurisdiction
No. 2904

In the matter of the Last
Will and Testament of
the late Subramaniam
Muttiah of Urumpiray
Deceased

- 1 Subramaniam Kumara-
sekaram and wife
- 2 Parimalam both of
Urumpiray

Petitioners

This matter coming on
for disposal before Collin
E. Mendis, Esquire, Act-
ing District Judge, Jaffna
on the 14th day of Nov-
ember 1972 in the pre-
sence of Mr. A. Subrama-
niam, Proctor on the part
of the Petitioner, and the
affidavit of the 2nd Peti-
tioner dated the 28th day
of October 1972 and the

ORDER NISI

IN THE DISTRICT COURT OF
JAFFNA

Testy No. 2872

In the matter of the In-
testate Estate of the late
Sinnachobipillai wife of
Veluppillai Rajah of
Moolai Deceased
Sinnappa Karthigeyar of
Moolai, the Attorney of
Rajah Chandrarajah of
Moolai presently of
Kuala Lumpur

Petitioner

This matter coming on
for disposal before A.
Vaitilingam Esquire Dis-
trict Judge of Jaffna on
the 3rd day of August
1972 in the presence of
Messrs M. K. & Anandam
Proctors on the part of
the petitioner and affida-
vit of the petitioner dated
24th July 1972 having
been read.

It is ordered that the
petitioner abovenamed be
and he is hereby declared
entitled to have Letters
of Administration to the
estate of the abovenamed
deceased as the attorney
of Rajah Candrarajah the
sole heir to the estate of
the abovenamed deceased
issued to him unless
any other persons inter-
ested shall show sufficient
cause to the satisfaction
of this Court to the con-
trary on or before the
22nd day of November
1972.

This 3rd day of August
1972.

Sgd. C. E. Mendis
District Judge.

2-11-72 The time for
showing cause is extended
to 14th March 1973.

Sgd. C. E. Mendis
Acting District Judge
161 2 & 9

affidavit of the attesting
Notary and the witnesses
dated the 28th day of
October 1972 having been
read:-

It is ordered that the
Last Will of the said
Subramaniam Muttiah No
7109 dated 13th Septem-
ber, 1962 and attested by
A. Subramaniam, Notary
Public be and the same is
hereby proved and order
absolute in the first in-
stance be entered and the
said 2nd 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 accord-
ingly, unless any person
or persons shall on or be-
fore the 28th day of
March 1973 show suffi-
cient cause to the satisfac-
tion of this Court to the
contrary.

This 14th day of Novem-
ber 1972

Sgd. T. J. Rajaratnam
District Judge

179, 9-16

IN THE DISTRICT COURT OF JAFFNA

Testamentary Jurisdiction
No. 2907

In the matter of the intes-
tate estate of the late
Murugesu Chelliah of
Erlalai North

Deceased

Arulammah widow of
Murugesu Chelliah of
Erlalai North

Vs Petitioner

- 1 Selvamalar Chelliah and
- 2 Thevasanthi Chelliah
both of Erlalai North

Respondents

This matter coming on
for disposal before S.
Kanagaratnam Esquire
Acting District Judge,
Jaffna on the 14th day of
December 1972 in the
presence of Mr. K. Vaira-
vanathan, Proctor on the
part of the Petitioner
abovenamed and the affi-
davit of the petitioner
dated the 17th day of
October 1972 having been
read:

It is ordered that the
Petitioner be and she is
hereby declared entitled
as widow of the above-
named deceased to have
Letters of Administration
to the above Estate issued
to her accordingly unless
the Respondents above-
named or any other per-
sons interested shall on or
before the 29th day of
March, 1973 show suffi-
cient cause to the satis-
faction of this Court to
the contrary.

The 14th day of Decem-
ber, 1972.

Sgd. T. J. Rajaratnam
District Judge

Drawn by
K. Vairavanathan (Sgd)
Proctor for Petitioner

174 9 & 16

Order Absolute in the First Instance

In the District Court of
Jaffna

Testamentary Jurisdiction
No. 2903

In the matter of the Joint
and Mutual Will and
Testament of the late Elai-
yavi Kandiah of No. 67,
Clock Tower Road, Jaffna

Deceased.

Kanmany widow of Elai-
yavi Kandiah of No. 67
Clock Tower Road,
Jaffna.

Petitioner

This matter coming on
for final determination be-

PUBLIC NOTICE

IN THE DISTRICT COURT
OF JAFFNA

No. Misc /604

In the matter of an Appli-
cation under section 10
of the Abolition of
Fideicommissa and En-
tails Act No. 20 of 1972.

Gowri Ponniah of Atchu-
vely South, Atchuvvely.

Vs Petitioner

Ponniah Vathavooran of
Atchuvvely South, At-
chuvvely.

Respondent

Notice is hereby given
that the Respondent
abovenamed has made ap-
plication to this Court for
the payment to him as
the sole fiduciary of the
sum of Rs. 1618/50 lying
in deposit to the credit of
this case and that the said
amount will be paid to
the Respondent the said
Ponniah Vathavooran af-
ter the expiration of two
weeks from the date of
the newspaper issue in
which this Notice is pub-
lished and that any person
who may appear before
this Court within the said
two weeks will be heard.

Sgd. T. S. Mylvakanam
Secretary

District Court, Jaffna

This 7th day of Febru-
ary 1973.

172 9 & 16

fore Colin E. Mendis Es-
quire, Acting District
Judge, Jaffna on the 13th
day of November 1972 in
the presence of Mr. C. C.
Somasegaram Proctor on
the part of the Petitioner
and the Affidavit of the
Petitioner and of the No-
tary and attesting wit-
nesses to the Joint and
the Mutual Will and Test-
ament of the abovenamed
deceased having been
read.

It is ordered that
the Will of the
deceased abovenamed
dated 2nd August 1969
and attested by C. C. So-
masegaram Notary Pub-
lic under No. 7550 and
now deposited in this
Court be and the same is
hereby declared proved

It is further ordered
that the Petitioner is the
Executrix named in the
Will and she entitled to
have Probate thereof is-
sued to her accordingly.
This 13th day of Novem-
ber 1972.

Sd. E. Collin Mendis
Acting District Judge,
Jaffna.

177 9 & 16

Order Nisi

IN THE DISTRICT COURT OF
JAFFNA

No. 2873/Testy

In the matter of the Last Will
and Testament of the late
Joseph Netchingam Arm-
strong of Mo. 52, Vembad
Road, Jaffna

Deceased

Josephine Gnanambikai wi-
dow of Joseph Netchingam
Armstrong of of No. 52
Vembadi Road, Jaffna

Vs. Petitioner

Minor 1 Mari Celine Lohini
daughter of Arm-
strong

2 Mari Antonitta Sero-
jini daughter of Arm-
strong

Minor 3 Mari Ennee Bavan
daughter of Arm-
strong all of No. 52
Vembadi Road, Jaffna
The 3rd Respondent
being minor appear-
ing by her Guardian-
ad-Litem the 1st
Respondent

Respondents

This matter coming on for
disposal before Collin E.
Mendis Esquire District
Judge, Jaffna on the 4th day
of August 1972 in the pre-
sence of Mr. A. Anthony,
Proctor on the part of the
Petitioner and the Petition
and Affidavit of the petitioner
dated 4-8-1972 and Affidavit
of the Witnesses and Notary
attesting the Will dated
4-8-1972 having been read.

It is ordered that the
abovenamed 1st Respondent
be appointed Guardian-ad-
Litem over the 3rd Respon-
dent minor to represent her
in these testamentary pro-
ceedings.

It is further ordered that
the Last Will and Testament
of Joseph Netchingam the
deceased abovenamed dated
30-10-1971 and now deposited
in this Court be and the same
is hereby declared proved
unless the Respondents or
others shall on or before the
23rd day of November 1972
show sufficient cause to the
contrary to the satisfaction of
this Court.

It is further ordered that
the said Joseph Gnanambikai
widow of Joseph Netchingam
the Petitioner is the Execu-
trix in the said Last Will and
that she is entitled to have
probate of the same be issued
to her accordingly unless the
espondents or others shall
on or before the 23rd day of
November 1972 show suffi-
cient cause to the contrary to
the satisfaction of this Court.

It is further ordered that
the Petitioner do produce the
said Minor 3rd Respondent in
Court on the 23rd day of
November 1972.

Jaffna, this 4th day of
August 1972

Sgd. T. J. R.
District Judge

Drawn by
Sgd. A. Anthony
Proctor for Petitioner
23-11-1972

Time to show cause is
extended to 15 - 3 - 73

Sgd. T. J. R.
D. J.

171 9 & 16

Jenning's Last Testament.....

(From page 5)

African politicians to choose the British system is adult franchise with roughly equal single member constituencies or one "person one vote, one value". One reason for this preference is that in a multi-racial society it always favours the majority. There is however a general argument that the British system is more "democratic". That I think is a misunderstanding (In Britain its) consequence are probably an advantage but they would not necessarily be so in other countries particularly in a multi-racial society in which the system would probably benefit the largest of the communities. In a country like Ceylon it is certainly desirable to balance the communal representation and even to provide by nomination for the representation of small communities which could not secure representation by election... Though most methods of proportional representation require a literate electorate there are less refined forms which can be used with an illiterate electorate... In Ceylon the devices used were only partially successful. Those of us who helped to frame the constitutional and electoral laws did not fully appreciate the strength of communalism among the illiterate and semi literate electorate. We did provide something like proportional representation of minorities, but we did not provide them with sufficient protection against communal legislation and ambitious politicians made use of their ability to appeal to the communal sentiments of the majority."

On the question of safeguards for minority communities Sir Ivor has this to say.

"In the long run democracy implies some form of majority rule but it is precisely majority rule which minorities generally fear. For them it may be the wrong majority, or a majority dominated by wrong ideas. It may therefore be thought desirable to introduce clauses by which even majority rule will be bound. The simplest form of such clauses prevents legislation which discriminates on the ground of religion, tribe, "race" or other

community, as in Ceylon. The most complicated is a Bill of Rights with full provision for legal remedies if any of the rights are infringed as in India... One way to satisfy minority opinion, be it racial religious or tribal, is to find out exactly what it is that the minorities fear. If they fear discrimination in appointments to the public service or the judiciary, it is possible to provide for the making of appointments by impartial and non political commissions. If they fear that they will be required to learn and use the language of the majority it is possible to protect the minority language either nationally or locally. If they fear that schools will be used to propagate the religion of the majority, it is possible to protect denominational schools or to forbid religious teaching in state schools.

Besides protective clauses structural devices may also prove helpful... "A Federal Constitution may be a reasonable compromise between those who think in regional or sectional terms... The purpose of a federation is to secure "union without unity". Another structural device is Regional devolution. This works successfully in the United Kingdom (i. e. England, Wales, Scotland and Northern Ireland, and the Republic of South Africa." It failed in Ghana because constitutional provisions had not sufficiently protected it.

But Sir Ivor is not sanguine about any of these constitutional safeguards. "Constitutional safeguards help but they can be overridden. What is required is patriotism which is a milder form of nationalism. Sectional loyalties must be respected because they are strong and traditional; but a new national loyalty must also be developed, so that sectional loyalty never conflicts with national loyalty. In every state there are differences among the people which have to be recognised, accepted and indeed honoured. The Welsh and the Scots are loyal to their own countries but manage to get on with the English. What went wrong in Ceylon was not that some Ceylonese were loyal Sinhalese but that ambitious politicians aroused the Sinhalese so much

ORDER NISI

IN THE DISTRICT COURT OF CHAVAKACHCHERI

Testamentary Jurisdiction No. 159

In the matter of the Intestate Estate of the late Ponnuswamy Muttucumaraswamy of Sarasalai

Deceased

Kangarapillai Ponnuswamy of Sarasalai

Vs Petitioner

Minor 1 Lalitha daughter of Muttucumaraswamy of Sarasalai

2 Parasakthi daughter of Muttucumaraswamy of Sarasalai The 1st and 2nd Respondents above-named are minors appearing by their Guardian ad-Litem the 3rd Respondent

3 Kanthappar Ramalingam Selladurai of Paloly South

Respondents

This matter of the Petition of the Petitioner abovenamed praying that the 3rd Respondent abovenamed be appointed Guardian - ad - Litem over the 1st and 2nd minor Respondents abovenamed and that Letters of Administration to the estate of the late Ponnuswamy Muttucumaraswamy of Sarasalai be granted to his father the Petitioner abovenamed coming on for disposal before Tellipallai Jayaratnam Rajaratnam Esquire, District Judge, Chavakachcheri on the 26th day of October 1972 in the presence of Mr K Kathirgamassekharar Proctor on the part of the Petitioner and the Petition and Affidavit of the Petitioner having been read,

It is ordered that the 3rd Respondent abovenamed be and he is hereby appointed Guardian ad litem over the 1st and 2nd minor Respondents abovenamed and that Letters of Administration to the estate of the late Ponnuswamy Muttucumaraswamy be issued to the Petitioner unless the Respondents abovenamed or any other person or persons interested shall appear before this Court on the 19th day of January 1973 and show sufficient cause to the satisfaction of this court to the contrary;

This 26th day of October 1972

District Judge

Drawn by Sgd. K. Kathirgamassekharar Proctor for Petitioner.

Time to show cause extended to 16 - 3 - 1973

Sgd. K. Palakiddinar District Judge 173 9 & 16

that they attacked the Tamils.

In India the Congress Party properly insists that a good Bengali must not be a bad Indian. In other words, the local religious communal or tribal sentiment must be made part of the wider patriotic sentiment."

ORDER NISI

IN THE DISTRICT COURT OF JAFFNA

Testy No. T 2866

In the matter of the intestate estate of the late Subramaniam Sivassambo of Araly South

Deceased Subramaniam Thirunavukarasu

Vs. Petitioner

1 Grace Parimalam Sivansandarajah of Girls High School Pandatterippu

2 C. P. Sivansandarajah of Allen Abraham Road, Karainagar, and

3 Visaladehipillai daughter of Subramaniam of Araly South

Respondents

This matter coming on for disposal before C. E. Mendis Esquire Acting District Judge of Jaffna on the 4th day of October 1972 in the presence of Mr M. K. Subramaniam Proctor on the part of the petitioner and the affidavit of the petitioner dated 4th September 1969 having been read.

It is ordered that the petitioner abovenamed be and he is hereby declared entitled as brother of the deceased and one of the heirs to the estate of the abovenamed deceased to have Letters of Administration to the estate of the abovenamed deceased issued to him unless the Respondents or any other person or persons interested shall show sufficient cause to the satisfaction of this court to the contrary on or before the 6th day of December 1972.

his 4th day of October 1972 Sgd. C. E. Mendis

District Judge

6-12-72 The date for showing cause is extended to 14th February 1973

Sgd. C. E. Mendis Aotg District Judge

The Time for showing cause is extend to 23-5-73 Sgd. T. J. Rajaratnam District Judge 159 9 & 16

Order Nisi

IN THE DISTRICT COURT OF JAFFNA

No. T/2893

In the matter of the intestate estate of the late William Devassagayam Abraham of Chavakachcheri

Deceased Samarina Parkiam widow of W. D. Abraham of Chavakachcheri

Vs. Petitioner Wilfred Abraham Vijayakumar of Chavakachcheri presently of 21F Cherry Orchard Staines, Middlesex, England

Respondent

This matter coming on for determination before C. E. Collin Mendis Esquire District Judge, Jaffna on the 6th day of October 1972 in the

ORDER NISI

IN THE DISTRICT COURT OF JAFFNA

No. T. 2864

In the matter of the intestate estate of the late Nagalingam Balachandraviniyagar of Chankana West

Deceased

Saraswathiammah widow of Balachandraviniyagar of Chankana West

Vs. Petitioner

1 Nagalingam Markandu of Araly South

2 Kandiah Kurunathan, and wife

3 Nagarathnam of Araly South

Respondents

This matter coming on for disposal before A. Vaitialingam Esquire District Judge of Jaffna on the 14th day of July 1972 in the presence of Messrs M. K. & Anandam Proctors on the part of the petitioner and affidavit of the petitioner dated 14th July 1972 having been read;

It is ordered that the petitioner abovenamed be and she is hereby declared entitled as the lawful widow of the deceased to have Letters of Administration to the estate of the abovenamed deceased issued to her accordingly unless the respondents or any other persons interested shall show sufficient cause to the satisfaction of this Court to the contrary on or before the 25th day of October 1972.

This 14th day of July 1972 Sgd. C. E. Mendis

District Judge

Time for showing cause is extended to 31-1-73 Sgd. C. E. Mendis

Aotg. District Judge 25-10-72

31-1-73 The time for showing cause is extended to 18-4-73

Sgd. T. J. Rajaratnam District Judge 160 2 & 9

presence of Mr. S. K. Thiravaniyagam Proctor on the part of the Petitioner and the Petition and affidavit of the Petitioner having been read.

It is hereby ordered that the Petitioner be and she is hereby declared entitled as widow of the abovenamed Deceased to have Letters of Administration to the above estate issued to her accordingly unless the Respondents abovenamed or any other person or persons interested in the above Estate shall appear before this Court on or before the 10th day of January 1973 and shall show sufficient cause to the contrary

This 6th day of October 1972

Sgd. C. E. Collin Mendis District Judge

Drawn by Sgd. S. K. Thiravaniyagam Proctor for Petitioner

19-1-73

Extended for 14-3-73 Sgd. T. J. Rajaratnam District Judge

163 2 & 9

செய்து கொடுக்கப்பட்டிருக்கிறது
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Editor: R. N. SIVAPRAKASAM