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JAFFNA, FRIDAY JANUARY 11, 1974

X

PHONE No. 356

Crowds Streamed To The City In Concourses

COLOURFUL SCENES CAPTIVATED OVERSEAS OBSERVERS

VARIETY ENTERTAINMENTS DREW VAST GATHERINGS

RESEARCH CONFERENCE REACHED HEIGHTS OF GLORY ON THE FINAL DAY

The curtain was rung late in the night on Wednesday January 9, 1974 when the Fourth International Tamil Research Conference was officially concluded. A long line of illuminated vehicles depicting the past history of Tamil Culture that started from the historical spot known as 'Sangili Thoppu' formed a picturesque procession along the important highways and reached the esplanade late in the night. The people of the Peninsula thronged the streets of the Northern City and occupied every inch of space and points of vantage. Though torrential rain greeted the entry of the procession into the Esplanade, the several ten thousands braved the showers and witnessed the moving drama of historical details. To sum up the story, it was unprecedently impressive, instructive and interesting.

Professor Vithiananthan's Presidential Address

It is indeed a great privilege to welcome such an international gathering of scholars at this conference. Sri Lanka, "The Pearl Island" Milton's "India's utmost isle, Taprobane," is the home land of over three millions of Tamil speaking people. A Language is always a mirror of a people's genius. The Tamil language has been spoken in Ceylon for over two thousand years. From the Chola conquest onwards Tamil became a language of official records and in that respect it retained the position until the establishment of European colonial rule over the whole island.

I have in my Tamil speech referred at length to the reasons for the holding of this conference in Sri Lanka. Though the Tamils are spread out in many countries throughout the world—in India, Sri Lanka, Malaysia, Singapore, Burma, Indonesia, Vietnam, Fiji, Union of South Africa, Rhodesia, Mauritius, Martinique and other countries; yet it is only in India and Sri Lanka that they have preserved their linguistic and cultural identity. In fact Ceylon is the only country where Tamil is the medium of instruction even at the University level. The Ceylon Tamils have

also produced a literature of great worth. When the Arva Chakravartis came to power in North Ceylon in the 13th century an academy called 'The Tamil Sangam' was established and research in various fields—literature, language, medicine, science etc. were carried out and published.

During the 19th & 20th centuries the scholarship of the Ceylon Tamils was held in high esteem and won fame and recognition in South India. The Tamils of Ceylon were pioneers in the field of scholarly editions of literary and grammatical works and were a model for subsequent editors. The Ceylon Tamils also earned a name for researches in the history and culture of the Tamils. Swami Vipulananda immortalised his name in India and outside by the discovery of the greatness of the ancient Tamil music and musical instruments of the Tamils. Credit should be given to Ceylon for her contribution in the field of lexicography and sciences by modern sciences and in the field of lexicography.

Even during the last twenty years works of great merit have been published by the Ceylon Tamils in the fields of short stories, no-

vels, literary criticism and poetry. At the University of Sri Lanka scholars have produced research of outstanding merit. Their performance at international Seminars have brought credit to Sri Lanka.

It is with this background that the 4th International Seminar of Tamil Research is being held in Jaffna. It is but fitting that Jaffna which has made significant contribution to Tamil Studies in various spheres for so many centuries should be the venue of this conference. It is indeed a great honour for Jaffna as this is the first time that a conference seminar of this nature in Tamil is being held in Sri Lanka.

The International Association of Tamil Research was formed on January 7, 1964 in New Delhi at the XXVIth International Congress of Orientalists as a full Association of scholars from all over the world who were doing the research in the field of Tamil and Dravidian studies. The scope of this Association included the promotion of studies of the Tamil Language, Literature, History, Religion, Philosophy and other aspects of culture within the larger context of Dravidian and South and South East Asia stu-

One of the projects of this Association was the first Conference Seminar of Tamil studies in Malaysia in 1966. The second conference was held in Madras 1968 and the third in 1970. The Association will be completing its tenth year on the 7th of January 1974.

It may, at this juncture, be pertinent to assess the contribution made by the association to Tamil studies within the last 10 years of its existence. For a long time it was the considered view

of learned men that research in Tamilology could be done only by those whose mother tongue is Tamil. This view was thrown overboard, when with the establishment of this organisation various scholars from many parts of the world embarked on various projects of research even though their mother tongue was not Tamil. The conference seminars organised by the Association served as a forum for these scholars to present their research findings. More and more scholars get interested in Tamil research.

This Association gave (Over to page 6)

Father of Progressive Movement Sir P. Arunachalam

The 9th of January reminds us all of the great patriot Sir Arunachalam and his invaluable services to his people.

His contribution to the general progress as a Civil Servant and a Judicial Officer is only one chapter of his multifarious activities.

As a scholar his works keep on representing readers in the intellectual and spiritual level. He lives in the memory of all who are interested in University Education as he was

rightly called the Father of the University Movement. He organised the University Movement Association in 1906.

The Reform Movement in this country owes much of its success to the initiatives taken by Sir Arunachalam. He was founder President of the Ceylon National Congress. He was also the founder President of the Social Service League.

His literary contributions are of a very lofty order.



திருச்சிற்றம்பலம்

நமச்சிவாயவே சூனமும் கலிவிபும்
நமச்சிவாயவே நானறி விக்கையும்
நமச்சிவாயவே நானறி நேத்துமே
நமச்சிவாயவே நானறி காந்தமே.

திருச்சிற்றம்பலம்:

Hindu Organ

FRIDAY JANUARY 11, 1974

THAI PONGAL THOUGHTS

Tradition has it that with the *Makara Sangranthi*, hope for happier happenings springs in the minds of the people. There is, however, a proviso. Sun's entry into Capricornus does not by itself make the magic change from misgivings to merry thoughts. Prayer on the part of man is a pre-requisite for more prosperous time to dawn for it is accepted tenet that nothing moves but by the Grace of God. Hence the effort of every individual for rehabilitating himself or herself has to be made by means of industry accompanied by incessant prayer to *Parameshwara*.

Astrological predictions, astronomical calculations and traditional beliefs are all dependent on the undeniable fact that Divine Will shall prevail. Hence the teachings of the spiritual leaders that the Blessings of the Almighty have to be sought for. We differ from the poet's musings that "more things are wrought by prayer than this world dreams of" and reaffirm his belief in worship by stating that "all things are wrought by prayer."

The seasonal change with Sun on its Northernly transit heralds the period of good harvests. The capacity to reap the produce in full is with human beings who must endeavour to make the hay of prosperity while the sun shines.

Let us daily pray for the enlightenment of our minds so that we may be able to discern the truth and develop our activities in the direction of divine guidance. Let our prayer to *Siva Suriya* continue all the year round for illumination of our intellect as the prosperity we seek for depends on the clearness of our vision. Let us steer clear of all deceptions with the torch of prayer and seek purity of thoughts.

THAT TERRIBLE THURSDAY

The Tenth of January, 1974 will be haunting the minds of the people all along as the darkest night in the history of the Peninsula. The scare of cholera, the dismal deluges of recorded history, not even the horrors of Japanese bombings during the last world war, would have struck dismay so much as when vast concourses of unsuspecting people were suddenly confronted with the impossible situation of being blind-folded while seeking safety.

The ever inviting Esplanade of the Northern City always the scene of splendour and delightful deliberations, became the spot of a 'stampede' that ended in a disaster with nine lives lost for no act of their commission or omission. The sudden fright and scattering of a number of persons cannot be called a 'stampede' in its strict sense.

The unprecedentedly huge gathering had no cause to create a 'stampede' themselves. There was no sudden showers accompanied by thunder, lightening or cyclonic outburst; nor was there any gutting of buildings by fire. This 'stampede' must be explained by those who put forward this suggestion. The Police Authorities stand obliged to place before the public a full and true report of the tragic happenings on that terrible Thursday.

The public demand a public enquiry. That satisfactory method to obtain a correct

Professor Vithiananthan's Presidential Address

(From page 5)

the initiative for many foreign Universities to teach Tamil as a subject. Today Professors of these Universities are undertaking researches in Tamil. The western Universities which were hitherto interested only in Sanskrit and Indo-Aryan studies, today are carrying on research in the language, literature, history and culture of the Tamils. Foreigners who studied Tamil for missionary, mercantile and political purposes are today studying Tamil due to the interest they have developed in the language. Some foreign scholars have Tamil names for their children. Some of them even wanted it to be inscribed on their tombs that they were students of Tamil. Such scholars with their love for Tamil do deserve an opportunity to participate in this international Tamil conference.

While assessing the great contributions of this Association, we are reminded of its founder our Rev. Father X. S. Taninayagam. Even though he has given up worldly desires he has not given up his love for Tamil. He is an Ambassador of Tamil throughout the whole world acquainting the people of the world with Tamil culture and its

antiquity. He edited the Quarterly Journal in English called the Tamil Culture which carried his messages the world over. Above all, he has brought together Tamil scholars from various countries in Europe, Africa, Asia, America and Australia to meet together with the one common object of research in Tamilology establishing this International Association of Tamil Re-

We regret that owing to unavoidable circumstances and intervening holidays this edition could not be released till now.

MANAGER.

search. Hence this Association is the child he has brought forth, nursed and loved during the last ten years.

Today we celebrate its 10th Anniversary in the company of scholars who have gathered in this hall. You know how difficult it is to bring up children. This child had to face several hurdles at this tenth year. The Father was accused of having abandoned this child in time of distress. But he

in keeping with Tamil culture never can betray the child. Hence he worked hard with us to keep the child alive. By coming forward to open this Conference he has made it clear to the world that his goal in life is to nurture this child of his. We are deeply indebted to him. This Conference is not a Tamil Festival; it is a conference. We are deeply grateful to the delegates who have come all the way from countries like India, Malaysia, England, Italy, Sweden, Switzerland, America, Canada, Hungary and Australia overcoming all the impediments that beset them, to make this Conference a truly international one.

We humbly receive the Sinhala and Muslim scholars whose presence here shows that this Conference is not in the least communally motivated, but a truly national one as well.

We also pay our tribute to all our friends who have come from Batticaloa, Trincomalee, the Hill country, Vavuniya, Mannar, Colombo, Mullativu and other areas. We also express our gratitude to all the people who helped to make this Conference a reality.

This is the first time in the history of Sri Lanka that a Conference on a language on an international scale is being held. Even before the commencement of the conference the Association has achieved world wide publicity. The world is now watching with keen interest the success of this Conference. We need your co-operation to achieve this success.

God created me truly
To praise him in Tamil
Holy.

Reviewed News

Week-end Work off

The fast moving world has suddenly come face to face with adverse circumstances that are compelling the speeded movement to take a surprising turn. The sudden jump of the price of petrol and other oil into space has now unhinged the working arrangements of everyone.

The five day work has been for some time discussed as a means to solve many a problem. With the shortage of petrol and consequent rise in price staring straight in the face of the economic sphere, the decision to limit working hours to size has been announced.

THURSDAY TRAGEDY at the Esplanade

In the twilight of the Tenth of January 1974 on the last day of IATR Programme in the front space adjoining the Veerasingam Hall, nine lives were lost. Several received serious injuries (four policemen also). Cars, Cycles and other vehicles were damaged. Women who were subject to serious harassing lost their jewellery including wristlets. Seven deaths were pronounced by the Coroner to be due to electric shock.

The Veerasingam Hall, was badly damaged, window panes were smashed and glass pieces were found strewn all over the place.

The M.P. for Jaffna Mr. C. X. Martyn has made an independent report to the P. M. The D.I.J. also has submitted his report. An unofficial body headed by Mr. S. Thembithurai, Retired Judge, is making inquiries to collect data for a report.

picture of the tragic events. This is a national demand; it is not the request of any particular political party. The Premier must not lose even a single minute in taking the proper course of action, namely, independent public enquiry.

The Laws Applicable To Some Tamil-Speaking Communities In Sri Lanka

PROFESSOR T. NADARAJA M. A., Ph. D. (Cantab.)

Ceylon was once described by a Judge of her Supreme Court as a "polygenous country with diverse systems of law" 1. In making this remark he had in mind the bodies of law that apply to different sections of the population of the Island. Certain Communities — e.g., the Kandyan Sinhalese, the Jaffna Tamils and the Muslims — are governed in certain matters by bodies of "special laws," while the residuary 'general law' or so called "common law" of the land (which is for the most part a compound of Roman — Dutch and English Law) governs these communities in other matters and governs the rest of the population in all matters. In the following brief sketch of the special laws applicable to some Tamil-speaking communities we may begin with the Dutch era, since it was the Dutch occupation of the Island which determined the distinctive character of her legal system.

The policy of the Dutch was to apply the customs of the Asian inhabitants if these were reasonable and sufficiently clear to merit recognition, but otherwise to apply the Dutch law to both Europeans and Asians. The earliest compilation of native customs was the Tesavalamai Code of the district of Jaffnapatnam. As early as 1661 a Dutch official had remarked on the obstinate attachment of the Tamils of Jaffna to their old customs and habits. In August 1706 Governor C. J. Simons directed C. Isaakz, Disava of Jaffnapatnam, who had acquired an intimate knowledge of these customs by long residence in the district, to prepare a compilation of the customary law; and this with some modifications was enacted in June 1707. The main subject with which the code dealt were succession to Property, Adoption, Possession of Land, Slaves, Mortgage of Land, Pawns of Jewels, Donation, Sale of Land or Cattle, Hire or Loan of Cattle and Loan of Money.

Apart from the Tesavalamai of Jaffnapatnam, some of the customs of the Tamil-speaking inhabitants of the district of Puttalam were also given legal recognition under the Dutch regime. The

majority of these inhabitants were Muslims and people of the Mukkuvar caste formed a distinct element in the local population. In 1766 Governor I. W. Falck ordered that civil cases should be decided according to the customs of the district, and a collection of these was made in 1767 on the basis of information supplied by the chiefs of the Mukkuvars and the Muslims of the district.

A third compilation of law related to the law of the Muslims, who were to be found scattered in all districts of the Dutch settlements. Although the Muslims were (and are) often referred to as "Moors", the original Moorish or Arab element in their ethnic composition had been diluted long before the Dutch era by intermarriage with converts to Islam in Sri Lanka and India; and Tamil had become the home language of the great majority of the Muslims of Sri Lanka. In 1770 Governor Falck obtained from the eastern headquarters of the Dutch East India Company in Batavia a code, relating to the Muslim Law of inheritance and marriage, which was in force there; and this translated into Tamil, became law in Sri Lanka.

After the British conquest of the Maritime Provinces the special laws which had been applied in varying degrees to particular communities, as well as the residuary general law — the Roman-Dutch Law of Holland as modified by legislation enacted in Batavia and Sri Lanka — which had applied where the special laws were not applicable, continued to have legal force. In 1806 the Tesavalamai Code was specially given legal recognition; a Code of Muslim Law (which is in substance a translation of Governor Falck's Code of 1760) was promulgated; and Governor Maitland also directed Punsie Justice Alexander Johnston to make a collection of the various 'local and customary laws' which he found in the course of a judicial circuit round the Island.

In 1807 Johnston submitted statements of the laws of the Muslims, of what he calls the 'Malabar'

(i.e., Tamil) Provinces of Puttalam, Jaffna, Trincomalee and Batticaloa and of the "Chitties" (i.e., Chetties) of Colombo; while he reported that he could find "few or no customary laws peculiar to the Cingalese" (i.e., Sinhalese) in the "Cingalese Provinces of Colombo, Galle and Matara" 2, the Roman-Dutch Law having there superseded the Sinhalese Law which had once prevailed in those Provinces as well as in the Kandyan Provinces. It may be added that the Sinhalese Law survived the imposition on British rule in the Kandyan Provinces in 1815 and this so-called Kandyan Law (which could more appropriately be termed the Anglo-Kandyan Law) still governs the Kandyan Sinhalese in respect of certain matters.

Johnston, who was later knighted and made Chief Justice, was keenly interested in the history, antiquities and customs of the Asian inhabitants; indeed he has rightly been described as "the founder of literary and scientific research in British Ceylon" 3. In the course of subsequent judicial circuits he added to his collections of the various customary laws and prepared revised drafts of the Tesavalamai and Muslim Codes; these collections (including the laws of the Kandyan Sinhalese, Chetties, Paravars and Mukkuvars) and drafts are available in the Alexander Johnston Papers on "Ceylon Native Laws and Customs" in the Colonial Office section of Papers in the Public Record Office in London. Johnston also urged the need for concise statutory statements of the laws applicable to the various communities, but his plans for these were unsuccessful.

The Code of Muslim Law of 1806 has been described as "a very rough codification of certain portions of a very great body of jurisprudence" 4 — namely, the general Muslim Law, derived from the Quran and the other traditional sources, which is the fundamental common law of the Muslim world. Where the Code (as interpreted with the aid of the standard textbooks on the general Muslim Law) contained no

provision with regard to some matter and there was no evidence of any special custom relating to the matter, the residuary general law of the land was applied. Although the Code was defective in many respects it remained in force for nearly a century and a quarter. It was ultimately repealed and replaced by the Muslim Marriage and Divorce Registration Ordinance No. 27 of 1929 and by the Muslim Intestate Succession and Wakfs Ordinance No. 10 of 1931.

The Tesavalamai Code of 1707 has been described as an "ill-arranged and ill-expressed mass of law and customs" 5. Parts of the Code became obsolete, and others were repealed and in some cases superseded by statutes like the Jaffna Matrimonial Rights and Inheritance Ordinance No. 1 of 1911 and the Tesavalamai Preemption Ordinance No. 59 of 1947. In the early years of British rule the provisions of the Code were elucidated and supplemented by reference to the Hindu Law and by the evidence of persons who had special knowledge of the customs of the people. But later this tendency to resort to experts was discouraged by the courts; and the residuary general law of the land was applied in the absence in the Tesavalamai of any express provision or of any provision from which a principle could be deduced to decide some question.

Apart from the Tesavalamai, no other body of Tamil customary law was codified. By the middle of the nineteenth century the residuary general law had gradually superseded the customary laws of communities such as the Chetties, the Paravars and the Mukkuvars of the north-western and the south-eastern parts of the Island. But the special rules of intestate succession that governed the Mukkuvars of Batticaloa continued to be legally recognised until they were impliedly repealed by the Matrimonial Rights and Inheritance Ordinance No. 15 of 1876.

The last body of law that requires mention in this article is the Hindu Law. On the basis of the traditional Hindu texts the Anglo-Indian judges had evolved a body of law which was applied as a personal law (like the Muslim Law in the case of Muslims) to Hindus in India as well as in several Asian and African countries; but, curiously it is not so applied to

PUBLIC AUCTION

The unredeemed articles which were pawned with Mrs. N. Sivapiragasam of Vadalippathy, Thumpalsai, Point Pedro between 1st January 1969 and 31st December 1971, will be sold by Public Auction on Saturday, the 23rd day of February 1974 at 9 A. M. at the above address by me.

Sgd.
K. Muthukumar Aiyar
Public Auctioneer
& Valuer

Senthivel
Point Pedro
135 24

Ceylonese Hindus. Thus while the Hindu Law is still relevant in this country where questions relating to the rights of non-Ceylonese Hindus come before our courts, that law, after it ceased to be applied to supplement the Tesavalamai, applies to Ceylonese Hindus only to the extent to which it has been recognised by legislation or by customs in this country. In practice this means that the application of Hindu Law is restricted to the sphere of Hindu religious and charitable endowments and trusts.

In the above sketch of the bodies of 'special laws' applied to some Tamil-speaking communities in Sri Lanka by the legislature and the courts we have not considered the sources from which the rules of these bodies of law are derived nor have we inquired to what extent, if any, these rules are distinctively Tamil or (to narrow the inquiry further) Dravidian in character. The legislature and the court have not so far been concerned with such questions, however interesting they may be to historians, philologists, ethnologists, sociologists and politicians. It has been said that "the reconstruction of the..... Aryan and Dravidian 'layers' of Sinhalese civilisation must remain a vain hope" and some may be inclined to express similar views with regard to Tamil culture. However that may be, evaluation of the large mass of comparative material on the customary and the religious laws of various parts of Sri Lanka, India and Indian Asia is a formidable task, requiring the services of specialists in many disciplines besides law. In this field fundamental research has scarcely begun.

(I. A. T. R. — Paper)

a number of Christian Tamil Scholars and the greatest of them was Philip De Melho. This is what Simon Casie Chitty says about him in his Tamil Plutarch. "The name of Philip De Melho, the first native who was admitted to the office of the Minister of the Dutch Reformed Church in Ceylon and who occupied a prominent place in the literary world, stands foremost among the divines and linguists, whether of European or Ceylonese birth, who flourished in the Island during the eighteenth century. As an oriental poet also, he ranks high and his qualifications as a Biblical translator was unsurpassed."

(To be continued)

EDITOR-IN-CHIEF R. N. SIVAPIRAKASAM

ever that may be, having no practical experience of the use of the mystic symbols, we have no other alternative but to accept the identification of these 303 verses as form