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NO. 13

## Parity And Fundamental Rights

(Continued from last issue)

5. That Fundamental Rights are not dependable may also be inferred from the experience of certain European countries whose powers were restricted by something even more binding than Fundamental Rights, namely the International Treaties guaranteeing the protection of minorities. As is well known, the peace-makers of 1919 developed a system of protection by international treaties for minorities of race, language or religion. At the end of World War I fourteen states in Central Eastern and South Eastern Europe accepted by treaty or solemn declaration the protection of minorities within their territories. The League of Nations was given the power to see that the treaty obligations were carried out by the states concerned. In spite of this supervisory power given to the League the whole system failed long before the second World War commenced.

The minority treaties were animated by the feeling of the possibility of peaceful and orderly co-existence of different nationalities in one state. This was possible only if the 19th century principles of liberal democracy, constitutional guarantees and mutual tolerance prevailed. Unfortunately these ideas had not taken firm root in the soil of Central and Eastern Europe at the end of World War I. As a result of this lack of genuine atmosphere of individual liberty and tolerance the minorities had frequent cause for complaints which produced numerous petitions to the League. There were 204 complaints between July 1, 1930 and June 30, 1931. The most frequent complaints concerned economic discrimination, limitation in the use of minority languages and restrictions of educational opportunities. Some of the economic complaints had their origin in economic and social measures which in spite of legal equality

worked to the factual disadvantage of the minorities as in the case of agrarian reforms when estates owned by minorities were divided up among peasant members of the majority or when new middle classes were helped into existence at the expense of the minorities. Conditions did not allow the fast growth of a spirit of tolerance and co-operation which would have made the minorities feel at home and would have consolidated the new states through a bond of common interests and loyalty. The vague and much too broad phrasing of the treaties aggravated the situation. But it was not the imperfect letter of the treaties which formed the chief obstacle to a smooth collaboration of the different minorities and majorities; it was the lack of the right spirit, an obstacle which even a more precise wording of the treaties could not have overcome.

Czechoslovakia was the only country which in 1919 willingly accepted the treaty obligations. All others protested violently, as the obligations for the protection of the minorities were received in most cases so unwillingly, they were also executed reluctantly and often sabotaged.

Many originally granted constitutional guarantees for minorities were made invalid by the subsequent political and constitutional changes in the countries. In all of them with the sole exception of Czechoslovakia, the democratic basis of the original constitutions was in the course of two decades between the two world wars more and more restricted until all of these countries became in a more or less degree veiled forms of dictatorships. This tendency was strengthened generally to the disadvantage of the minorities by a sweeping trend towards economic nationalism and autarchy.

Is there not evidence

that conditions in Ceylon are not different from what they were in Central and South-Eastern Europe between the two world wars? If the answer is in the affirmative then what guarantee is there that attempts will not be made here also to sabotage granted rights?

We have stated that parity of status for the Tamil language is only a special case of Fundamental Rights and therefore the above considerations apply to parity also.

But we can isolate the question of parity and consider how things have turned out in countries with unitary constitutions where parity was established by law. Two such countries are the Union of South Africa and Belgium.

A clause in the Constitution of the Union of South Africa provided for the equality of the two official languages—English and Dutch (later Afrikaans). This Clause was entrenched, that is to say, it was provided that any law which interfered with the equality of the two languages would require to be passed by a two-thirds majority of both Houses of Parliament in joint session. Another clause that was entrenched in this way was the one giving protection to the franchise laws of the various provinces. The need for this protection arose because the Cape Province insisted on the retention of its franchise which admitted native and coloured voters. The Constitution intended to safeguard language rights and franchise laws because it considered them fundamental. It did not want them to be altered by a chance majority in the Union Parliament.

The South Africa Act in which the South African Constitution is embodied was a contract between four states. The entrench-

(Continued on page 3)

## Ahimsa - Parama Dharma

### Himsa Leads To Himsa

Ahimsa or non injury is said to be the highest form of Dharma. Dharma or the moral law is said to sustain the universe. It is said to be the corollary of Karma which is based on the principle that action and reaction are equal and opposite to each other, one being the cause, the other the effect. How this law of Karma acts on the moral plane cannot be easily explained in terms of physical laws. It has been explained by great seers (Rishis) by postulating that all morality has its origin in the Supreme Being who gov-

(By DR. S. RAMANATHAN)

erns this Universe (Ishwara), though the Buddha in His Scheme does not say anything about such an Ishwara.

All living beings have a body and a mind which show the highest evolution in man, in whom matter, mind and spirit find full integration. Life on earth defies full understanding as to its origin, development and prolongation. From experience we know that life can come from life and life needs sustenance from living beings. Himsa is injury to living beings and Ahimsa is non-injury. Himsa, when inflicted, causes pain of both body and mind. Injury can be inflicted by thought, word or deed. Ahimsa demands non-injury by thought, word or deed. Man inflicts injury in plants animals fish, birds and beasts, mostly for the sake of food but also for the sake of self protection or sport. In his primitive state man lived by hunting, fishing etc. Then he domesticated animals and birds which gave him milk and eggs etc. During the stage when man developed his agricultural pursuits, cattle came to be regarded as a boon to him and he regarded them as sacred. Religious teachers laid emphasis on ahimsa. Of

these the Jains deserve the highest credit, later the Buddhists too contributed their share to Ahimsa. Ahimsa found a place in the religious discipline of the Hindus. Since Dharma is that which sustains the universe it was considered to have been promulgated by the Creator Himself, the law being identified with the Law giver. The great wise Rishis found that Dharma needs assiduous cultivation for the good of man both in the present life and hereafter too. Himsa led to Himsa. Anything gained by Himsa was lost by Himsa. Those who lived by the sword perished by the sword. The moral law operated without discrimination of colour or caste, race or religion. One may believe it or not, yet it operated. Hence it was found that the person or party or nation which was the aggressor was the loser in the end. The last two great World Wars have proved this beyond any doubt. It was not unusual for the party which provided the first victim of aggression to feel righteous anger and retaliate with added vigour. Individual teachers like Buddha, Valluvar, Vyasa, Jesus and others have preached that evil cannot be overcome by evil and hatred cannot be overcome by hatred but by love alone. In modern times it was Mahatma Gandhi who not only preached but practised Ahimsa in all his activities. He even extended this successfully into his political activities with such dramatic result that political thinkers had to revise their traditional methods.

An examination of such activities reveals that positive Ahimsa is a moral law that is as infallible as any other law and elevates the person practising Ahimsa to such levels of spiritual eminence that it can be stated without any hesitation, Ahimsa is Parama Dharma. For a theist it is a divine law worthy of deep and devoted veneration.





தென்செய்தல்,  
நமச்சிவாயவே ஞானமும் கல்வியும்  
நமச்சிவாயவே நானறி விச்சையும்  
நமச்சிவாயவே நானறி தெத்துமே  
நமச்சிவாயவே நன்னெறி காட்டுமே.

## Hindu Organ

FRIDAY, JULY 12, 1957

Treasure These Thoughts

*God's power and glory alone are real. Recognise this truth and experience unalloyed peace and ecstasy.*

### EXPERT OPINION ON EDUCATION

THE problem that is confronting the people of this country is not exclusively political. The educational set-up has been so influenced by designing politicians that the question of formulating a new scheme of education has acquired a political colour and made the task more confounded. A scheme of education necessarily does not imply that it should provide only for the traditional division of knowledge into 'Arts' and 'Science' or academic, technical, or vocational. Education, in this Island, for several centuries had been modelled on an alien outlook. The re-awakening of the people after the gaining of freedom from foreign rule demands a re-planning of educational schemes in the proper perspective. But unfortunately the passing of the 'Sinhala Only' Act has made this task almost impossible. Hence the immediate step that has to be taken for devising a new educational set-up is the solving of the problem of language in all its aspects. Until a decision acceptable to all sections of the people is reached, it will be imprudent for any one, whether educational experts, whose number has become already excessive, or politicians or both to discuss or suggest schemes at random. The Sri Lanka Sangha Sabha is guilty of having rushed in where wary walking is absolutely essential.

Education cannot be the concern of educationists alone. Parents and students who incidentally form part of the public, also are interested in

# The Commonwealth And Its Uses

By S. KUMARAKULASINGHAM B. A.

Just what is this Commonwealth? It is a marvel of political science which defies exact definition. At best it may be defined as an association of nations which were once ruled by Britain, who are now free but are willing to continue to act in political unison with Britain though within limits. The main machinery of action in this Commonwealth is the period Conference of Commonwealth Premiers in London. Such a meeting is now on and readers are requested to read all items about this Conference in the newspapers. At these conferences the countries meet on level terms and free discussion is allowed but there being no definite agenda certain vital problems may not be touched upon at all. Yet national Premiers still attend such a Conference—a conference where no discussions are taken, a conference where no votes are taken, a conference which cannot bind its members. The explanation to this lies in the sincere desire of England to keep alive the idea of the Commonwealth. That is why these conferences are held on British initiative and normally in London. For London will be a venue acceptable to all members. It is in the nature of their past relations with Great Britain that the members have a common band and if not for this they have not much of basis for close contact with one another. At least they may be just friendly with one another. Such a state of affairs clearly implies that the position of Britain in the Commonwealth is that of a leader, in spite of assertions of equality of status for all members. The question is whether member nations especially the Asian and African have much to gain from the Commonwealth.

The question may be answered indirectly—The gains may not be tangible but they have nothing to lose. There was a time

educational schemes. Any conference that takes upon itself the responsibility of discussing the problem of education must be representative of the people as a whole. Hence the need for representative opinion along with the advice of educational experts.

when only Dominions owing allegiance to the C'wealth could be members. India saw to it that Republics also could be members. Burma and Eire proved that members could quit if they so desired. The former also showed that members could remain neutral even in a war in which Britain was involved. The Queen is now the 'Head of the Commonwealth.' Thus Elizabeth II's position is a far cry from that of the First Elizabeth in whose name Colonies were being founded.

The Asian Colonies have certain problems which are peculiar to them. They want to build up their economy and at the same time preserve their new-war independence through neutrality in the face of growing power politics. This makes them suspicious of any alliance with the so called western nations. Such suspicion is based more on past memories rather than on practical realities of the present. The very nature of their problems requires continued membership of the Commonwealth. Economic aid from fellow members of the Commonwealth is more reliable than aid from either America or Russia. The aid under the Colombo Plan may not be much but there is hope for bigger aids. Though the Colombo plan may not be much but there is hope for bigger aids. Though the Colombo Plan cannot hope to succeed without American aid, the fact that an attempt at self help by the Commonwealth has been made is itself important. Re international affairs it would be in the interests of even advanced members of the Commonwealth like Canada to act with Great Britain than alone. For whatever it is, the Commonwealth is a group of nations and as such it is a force to be reckoned with in world politics. The Asian members will do well to remember that by themselves they cannot hope to throw much weight in international affairs. India may be an exception on account of her size but in spite of the Suez affair India has expressed her wish to be in the Commonwealth. It will not do merely to condemn Imperialism and

look upon the British as one time oppressors. The British are no longer rulers of the member nations in the Commonwealth and whatever may be said to the contrary this is an accomplished fact. In short until as such time the newly free Asian nations gain the experience and maturity required to tackle international problems, the guidance and advice of the Senior members of the Commonwealth especially that of Britain is valuable. In the case of the older Dominions their ties with Britain are much closer both on the political and cultural level and hence they would continue the Commonwealth alliance with Britain, as long as there is a need to preserve the Commonwealth. To Britain the Commonwealth is an association of prestige and sentimental value as much as it is an agency of collective defence and security. The Asian nations lose nothing by giving Britain, one time leading power in the world, the moral support she badly needs after the Suez dispute when she was at the receiving end of world criticism. India must remember that if it had not been the British, it might have been the French and Ceylon must remember that the British seized her from the Dutch. In other words in spite of the darker aspects of British Imperialism, the benefits of British Rule entitle Britain to receive support and co-operation from the member countries of the Commonwealth.

Many are of opinion that the C'wealth is fast dissolving. This is not so. No longer are republican tendencies a threat to the existence of the C'wealth. Disputes like the Kashmir dispute are receiving the attention of countries outside the C'wealth and this is properly speaking a private quarrel between India and Pakistan. The racial policies of South Africa (and Australia in a much milder degree) are parts of the general world problem of racialism. The member nations have commitments and obligations outside the C'wealth but there are mainly related to defence and in the event of a third World War even if there is no Commonwealth the majority of members would stand together. Neutrality of any member

## Founder's Day At Arunodhaya College

'Parents must play a great part in formulating a proper scheme of education. The present-day educational set up requires to be re-modelled as it has not prescribed for the cultural enlightenment of the people. Finding means of living cannot be the aim of good education. More than that the need is that man should learn to live according to accepted human values, thus remarked Mr. M. Vairamuttu J. P., a member of the Divorce Commission, while delivering the Prize Day speech at the Arunodhaya College, Mr. Vairamuthu appealed to the Tamil speaking people to enthusiastically work for the early establishment of a Tamil University to preserve and protect the Tamil Language.

will not be challenged by a fellow member but such a cause of action may leave a member stranded should her neutrality be violated.

Further the Commonwealth is a group of Democratic nations. Now that it has been accepted that Democracy has an economic aspect as well, the Commonwealth can act as a strong force against totalitarian tendencies—a problem which Asia has to face.

Certain Indian leaders demanded India's withdrawal from the Commonwealth because of Britain's unilateral action in the Suez crisis. The Suez affair is an exceptional case and an isolated action like that does not warrant a step like throwing up the membership of a valuable international association. The trouble is that many in Ceylon and India look upon the Commonwealth as an agency of western power politics and also as a relic of Imperialism. The senior members of the Commonwealth should as far as possible show that they have a voice of their own apart from America while Asian members must realise that a strong Commonwealth can hold a balance between the two power blocs led by Russia and America and this would help them to maintain their avowed policy of neutrality.

In short continued membership of the Commonwealth is advantageous. I have not said anything

(Continued on page 5)



# **PARITY & FUNDAMENTAL RIGHTS**

(Continued from page 1)

ed clauses in it were a condition precedent to the four States joining the Union. Yet these facts have not deterred the Union Parliament in recent years from amending the Constitution and removing the native and coloured voters off the common roll and giving them separate representation.

The native voters were removed from the common roll in 1936. At that time as the Government—a coalition Government—commanded a two-thirds majority, the special procedure laid down in the South Africa Act was followed. But in 1948 when the Nationalist Party came into power, it had not the two thirds majority. So when it wanted to remove the coloured voters of mixed races also from the common roll, it put through Parliament in 1951 an Act, in the ordinary way. The Government contented that the Union Parliament was no longer bound by the entrenched clauses, since the Statute of Westminster 1931 and Status Act which followed it had emancipated Parliament and had given it unfettered power. But this contention was not upheld by the appellate Division of the South African Supreme Court which declared the Act void on the ground that the special procedure laid down in the South Africa Act had not been followed. The Government, unwilling to accept defeat but yet lacking the needful two-thirds majority, determined to find some loophole in the Constitution. So in 1953 it procured the passage of an Act increasing the membership of the Senate from 48 to 89. As the new election procedure provided that all the elected Senators for a Province should be elected by the majority party in that Province, the Government was able to secure the two-thirds majority for an Act which has since put the coloured voters on a separate roll.

It has already been stated that the equality of language rights was also entrenched in the Union Constitution. The Government's action, in regard to the Franchise rights has naturally brought the language question to the fore. The Nationalist Party which has continued to be in power from 1948 is predominantly Afrikaans-speaking. During the last War a wing of this

party committed itself to a proposed Constitution for a Republic in which Afrikaans was to be the chief official language. In the debates on the Senate Bill, the Opposition declared that the Government was determined to abolish the 'entrenched clause' protecting English as an official language.

The unscrupulous and extraordinary manner in which the Government has overcome the constitutional obstacles to removing coloured voters from the common roll has aroused old suspicions and animosities and has caused genuine apprehensions among the English in that country about their future.

The moral of the whole South African episode is that constitutional safeguards including language safeguards provided in a unitary Constitution are never secure. The reason for this is that there is no ultimate legal check on the Executive and that it always manages to have its way in the end. In addition if there is no strong democratic tradition in the country, the check usually provided by conventions will also be absent.

Although freedom to use either French or Flemish was one of the principles of the Belgian Constitution as enacted in 1831, French alone was used for legislative and administrative purposes in the years which followed the Revolution. In 1898 an Act was adopted establishing the equality of the two national languages. But in spite of this legal equality French continued to dominate. Another law was passed in 1921 making Flemish the administrative language of the Flemish speaking districts of the country. But even this Act did not settle the language question. The language issue continued to cause the down fall of many Cabinets. The final settlement was achieved only in 1932,

In spite of language equality in both countries there is no genuine bilingualism in either of them. In South Africa while Boers have been willing to learn English the British have shown a marked reluctance to learn Afrikaans.

In Belgium the attitude of the two communities to

(Continued on page 5)

## **Vivekananda Society Colombo**

The first meeting of the Council of Management of the Colombo Vivekananda Society for the year 1957/58 was held on Sunday, the 30th June, 1957, at the Society Hall, with Mr. S. Sivasubramaniam, the President in the Chair.

The meeting commenced at 10.00 a.m. with Vinayagar Pooja. Mr. K. Mathiaparanam, one of the vice presidents was unanimously elected Chairman of Committees, and the following were elected as the departmental Office-bearers:—

Manager of Schools: Mr. V Allirajah

Asst. General Secy: Mr. V Kanapathipillai

Recording Secy: Mr. T Sivasubramaniam

Establishment Secy: P. W. Shanmugathasan

Sub Urban Secy: Mr. K Vairamuttu

Asst. Treasurer Mr. S Sivasubramaniam

Examinations Secy: Mr. V Mailvaganam

Asst. Examinations Secy: Mr. S Vallipuram

Membership Secy: Mr. M Sivarasa

Librarian: Mr. K Tamotherampillai

Asst. Librarian: Mr. A Thangarajah

Controller. Book Depot: Mr. V Amirtheshvararajah

Asst Controller, Book Depot: Mr. T. Somasundaram

Schools Secretary (Col): Mr. N Thangarajah

School Secretary (Neyyambalam): Mr. E Nallathambiy

Besides the 2 Standing Committees viz. the General Committee and the Schools Committee, Sub-Committees in charge of Religious Examinations, Book Depot Library, Publications (including "Vivekanandan"), Revision of By-laws, Building and premises, Youth Movement and Welfare were also appointed.

The Estimates for 1957/58 submitted by the Treasurer were considered, item by item, and

passed with minor alterations.

Among the other items discussed, the most important one was the appointment of a Sub-Committee consisting of the President, the General Secretary, Mrs. R. R. Navaartnam and Messrs. S. Natesan, S. U. Somasegaram, S. Nadarasa, Kula Sabanathan, K. P. Ratnam and K. Lakshamanan to submit a report regarding the writing of the history of Hinduism in Ceylon.

The meeting terminated at 12.45 p.m. with the singing of Thevaram.

Mr. P. W. Shanmugathasan, the Establishment Secy. was host to the members of the Council at lunch immediately after the meeting. The President and Mr. K. Alvapillai thanked Mr. Shanmugathasan for his hospitality.

### **ORDER NISI**

IN THE DISTRICT COURT OF JAFFNA

Testamentary Jurisdiction No 330

In the matter of the intestate estate of the late Ramu Murugesu of Alaveddi North Deceased

Senkamalam widow of Ramu Murugesu of Alaveddi North Vs Petitioner

- 1 Murugesu Kamaladevi
- 2 Murugesu Kugadasan
- 3 Murugesu Rukmani Devi
- 4 Murugesu Thanalukshmy Devi all of Alaveddi North minors by their Guardian ad litem
- 5 Kasippillai Sunderampillai of Alaveddi North Respondents

This matter coming on for disposal before P. Sri Skanda Rajah Esquire, District Judge of Jaffna on the 24th day of June 1957 in the presence of Mr. S. Canagasabai Proctor on the part of the petitioner and the petition and affidavit of the petitioner having been read:

It is ordered that the petitioner as widow of the abovenamed deceased be and she is hereby declared entitled to have letters of administration to the estate of the deceased issued to her accordingly and the 5th-named respondent be and he is hereby appointed Guardian ad litem over the 1-4th respondents minors unless the abovenamed respondents or any other person interested in the estate shall on or before the 31st day of July 1957 appear before this Court and show sufficient cause to the satisfaction of this Court to the contrary.

It is further ordered that the minors appear before this Court on the same date.

This 24th day of June 1957 Sgd. N. Sivagnanasundaram District Judge

Drawn by S. Canagasabai Proctor for petitioner (O 48 12 & 19)

## **S.S.C. Tamil Text Commentary**

BOON TO BOTH  
TEACHERS AND STUDENTS

Scholarly Commentary

ON

**KUMBAKARNAN**

**VATHAIPPADALAM**

V

BY

**Vidwan K. Vendanar**

★

JAFFNA SAIVA PARIPALANA SABHAI  
PUBLICATION

AVAILABLE AT

THE HINDU ORGAN OFFICE.



—Astrological—

## WEEKLY FORECASTS

'SRI PATHY'

FROM 14-7-57 TO 20-7-57

**ARIES** Aswini, Barani, Kartikai 1st part [Medha Rasi]

Clashes with relatives likely this week. Troubles in the office also shown. You will have to face much criticism in your personal affairs. Beware of accidents.

**TAURUS** Kartikai 2, 3, 4, Rohini, Mirugasirisha 1, 2 [Idapa Rasi]

Financial gains promised. You will be able to triumph over competitors. Fame and social success also promised. But all is not well on the domestic side.

**GEMINI** Mirugasirisha 3, 4, Thiruvathirai, Punarpusam 1, 2, 3 [Mithuna Rasi]

The first day of the week likely to upset you a little. But there is nothing much to worry. Financial tension will ease. Opposition will slowly melt away.

**CANCER** Punarpoosa 4, Poosa, Ayilya [Kataka Rasi]

There will be no mental peace this week. Monday Tuesday and Wednesday morning will prove to be very isksome. Avoid clashes with superiors. Health too must be given particular care. Fever and eye-troubles likely.

**LEO** Maha, Poora, Uttira 1, [Singha Rasi]

A good week. Financial luck promised. But you will be spending carelessly. Health upsets likely. Wednesday afternoon Thursday and Friday must be spent with care. Week end will turn favourable again.

**VIRGO** Uttira 2, 3, 4, Atta, Chittirai 1, 2 [Kanni Rasi]

Except for the last day this week will turn out to be very favourable. You will be able to steer clear of obstacles and friends will be very helpful. Financial gains and fame also indicated.

**LIBRA** Chittirai 3, 4, Swati, Visaka 1, 2, 3, [Thula Rasi]

You will gain much popularity this week. But friends of the opposite sex may upset you a little. Misunderstandings in the domestic circles also shown.

**SCORPION** Visaka 4, Anusha, Kettai [Vrischika Rasi]

You will have no peace of mind. This week but financially a good time. Friends will be very helpful. Father's relatives likely to cause you some annoyance.

**SAGITTARIUS** Moolam, Pooradam, Uttiradam 1, [Than Rasi]

Life will not run smoothly this week. You will have to face much opposition in your affairs. Mental worries and troubles through secret enemies also shown.

**CAPRICORNUS** Uttiradam 2, 3, 4, Thiruvonam, Avittam 1, 2, [Makara Rasi]

All is not well on the domestic side. Quarrels and misunderstandings likely. Avoid arguments. Professionally a good week.

**AQUARIUS** Avittam 3, 4, Satayam, Pooraddati 1, 2, 5 [Kumbha Rasi]

You will find it very easy to steer clear of opposition this week. Outstanding problems will be solved. Fame and success in new undertakings also promised.

**PISCES** Pooraddati 4, Uttiraddati, Revati, [Meena Rasi]

A good week for professional deals. But there will be no mental peace. You will have to be careful about your health also. Abdominal complaints too likely.

## NOTICE

IN THE DISTRICT COURT OF JAFFNA.

No. P/109

Ramanathan ChelvaRayan RajaRayan of Vannarponnai East, Jaffna Plaintiff.

Vs

1 Ramanathan ChelvaRayan Mannava Rayan of Manipay presently of Kuala Kangsar, Malayan Union, 2 Ramanathan Chelvarayan Manmatha Rayan of Chelvarayan Estate, Navatkuli; 3 Muttiiah Muttubalasuriar and wife; 4 Katpakam both of 34, Castle Lane, Bambalapitiya; 5 Ramanathan Chelva Rayan Mahadeva Rayan of Jaffna presently of No. 11 Frognel, London N. W. 3; 6 Dr Cheliah Vivekananda Rajah and wife; 7 Maheswari both of D M O's Bungalow, Chavakachcheri 8 Suppiiah Kanagalingam and wife; 9 Pavalam both of 34, Castle Lane, Bambalapitiya; 10 M S Velupillai of Sirambiady, Jaffna 11 S Ponnambalam Kandiah; 12 Kandiah Mahendran and wife; 13 Ratnam all of Navalar Road, Jaffna Defendants.

It is hereby notified that action No. P 109 has been instituted in the District Court of Jaffna under the partition act No. 16 of 1951 for the partition of the land called Navatkuli Coconut Estate and situated at Navatkuli in extent 45A-3R-13P.

The defendants in the aforesaid action are summoned to appear in Court on the 10th day of September 1957 at 10 O'clock of the forenoon.

By order of Court,  
Sgd. R E M NAVARATNAM  
Chief Clerk.

This 2nd day of July 1957  
(O. 45 5 & 12)

and the petition and affidavit of the Petitioner having been read.

It is ordered that the Petitioner as daughter of the deceased be declared entitled to obtain Letters of Administration to the Estate of the deceased and such Letters of Administration be accordingly issued to her unless the Respondents or any other person shall appear before this Court on or before the 6th day of June 1957 and shew sufficient cause to the satisfaction of this Court to the contrary.

This 9th day of April 1957

Extended and Reissued for 19th July 1957

Sgd. S. Thamby Durai  
District Judge

O 42 5 & 12)

## Order Nisi

IN THE DISTRICT COURT OF CHAVAKACHCHERI

Testamentary Jurisdiction No. 64

In the matter of the Intestate Estate of the late Ramalingam Arumugam of Madduvil North (Village Headman) Chellammah widow of Ramalingam Arumugam of Madduvil North  
Vs Petitioner

1 Arumugam Ramalingam  
2 Arumugam Sundaralingam  
3 Indranee daughter Arumugam  
4 Arumugam Sivalingam  
5 Alliranee daughter of Arumugam  
6 Pushparanee daughter of Arumugam all of do  
7. Muttuthamby Veerasingham of Urelu  
Respondents

This matter of the petitioner abovenamed coming on for determination before V. M. Cumaraswamy, Esqr Additional District Judge Chavakachcheri on the 12th day of April 1957 in the presence of Mr. S. Siva Rajah Proctor on the part of the Petitioner and the affidavit and petition of the Petitioner having been read:

It is ordered that the abovenamed 7th Respondent be and he is hereby appointed Guardian ad litem over the minors 1st to 6th Respondents and that Letters of Administration to the Estate of the deceased abovenamed be granted to the Petitioner as widow of the deceased unless the Respondents shall appear before this Court on the 4th day of June 1957 and show cause if any to the satisfaction of this Court to the contrary.

And it is further ordered that the said minors 1st to 6th Respondents be produced in Court on the said date in default whereof a warrant will be issued.

The 12th day of April 1957

Sgd. S. Thamby Durai  
District Judge.

Drawn by  
Sgd. S. Siva Rajah  
Proctor for Petitioner  
4 - 6 - 57

Time to show cause extended to 16-7-57.

Intd. S. T.  
D. J.

(O 38 5 & 12)

## ORDER NISI

IN THE DISTRICT COURT OF JAFFNA

Testamentary Jurisdiction No. 328

In the matter of the intestate estate of the late Elaiathamby Arulambalam of Mallagam

Deceased.

Arulambalam Mahadevan of Mallakam

Petitioner.

Vs.

Arulambalam Sahadevan of Mallagam

Respondent.

This matter coming on for disposal before P. Sri Skanda Rajah Esq. District Judge, Jaffna on the 13th day of June 1957 in the presence of Mr. S.

Kanagasabapathy Proctor on the part of the petitioner and the affidavit of the petitioner having been read: It is ordered that the petitioner be declared entitled to have Letters of Administration to the estate of the abovenamed deceased as his son and one his heirs and directing that such letters of administration be issued to him accordingly unless the respondent or any other person or persons interested shall appear before this court on the 26th July 1957 and state objection or show sufficient cause to the satisfaction of this court to the contrary.

This 13th day of June 1957.

P. SRISKANDARAJAH,  
District Judge  
Jaffna.

(O 47, 5 & 12)

## ORDER NISI

IN THE DISTRICT COURT OF POINT PEDRO

No. 585 Ty.

In the matter of the Intestate Estate of Sinnathamby Nagalingam of Polikandy Deceased Theivanayagi daughter of Sinnathamby Nagalingam of Polikandy

Vs Petitioner

1. Pushpavathana daughter of S. Nagalingam, 2. Nagalingam Krishnadas, 3. Aiyathurai Cathamuthur all of Valvettiturai

Respondents

This matter coming on for disposal before V. M. Cumaraswamy Esquire Additional District Judge of Point Pedro on the 9th day of April 1957 in the presence of Mr. A. N. Velayutham Proctor on the part of the Petitioner



## Public Holidays

(The following letter was addressed by Sir Kanthiah Vaithianathan, President of the All Ceylon Hindu Federation, to the Permanent Secretary, Ministry of Home Affairs).

One of our constituent associations has sent us a copy of your letter No. ABD/H6/4/5 dated 16.5.57 regarding public holidays. It would appear that a decision has been taken to limit the number of public holidays for the Hindus without consulting Hindu opinion on the subject. It would also appear that the necessity for such limitation has arisen from the fact that it is proposed to make all Full Moon days "off" days like Sundays. While this Federation does not object to the additional holidays being given on all Full Moon days, it is of the opinion that all three days now regarded as public holidays for the Hindus—viz. Maha Sivarathri Day, Dipavali Day and Thaipongal Day—must be allowed to remain as public holidays.

We would at the same time like to bring to your notice that there are a large number of days of religious significance in the year which are held sacred by the Hindus and on which days they are expected to undertake religious observances, fasting and pilgrimages to distant temples. It would be a boon to the Hindus if at least the following 8 days are also declared public holidays for Hindus:-

1. Thai Pusam, 2. Adi Amavasai, 3. Avani Sathurthi, 4. Vijajathasami, 5. Kantha Sasdhi, 6. Thiru Karthigai, 7. Markali Ekathasi, 8. Thiruvalluvar Day.

The All Ceylon Hindu Federation is a body representing 44 leading Hindu Associations in all parts of the Island. The constituent membership of this Association comprises such important organisations as the Hindu Board of Education, Jaffna, which runs 14 schools and colleges employing over 1,000 teachers throughout the Northern Province, the Jaffna Hindu College Board which manages three of the leading educational institutions in the District, the Saiva Paripalana Sabh, the oldest and most important orthodox Hindu Association in Ceylon, the Vivekananda Society and the

## New Chariot For Nagabooshani Shrine

Constructed at a cost of nearly 125000, the thirty ton chariot designed and executed by Shri S. Kumaraswamy achariar of Nagercoil, South India, in accordance with the best artistic requirements, for the Nagabooshani Amman Temple at Nainativu was, as a trial, drawn on Monday last after a religious ceremony. Thousands of pilgrims flocked to see the inaugural ceremony and the trial run.

Mr. M. Sri Kantha, Government Agent, Jaffna organised the religious ceremony. At 12 noon the trial run commenced with the breaking of a coconut on one of the wheels of the chariot by Mr. Shri Kantha. The large assembly of pilgrims chanted Hymns as the chariot moved forward.

The chariot construction Committee under the guidance of Mr. Shri Kantha spared no pains to ensure the speedy completion of the great undertaking. It was a personal achievement for Shri Kumaraswamy achariar who incidentally celebrated his sixtieth birthday on completion of the construction of the chariot.

## The Commonwealth.....

(Continued from page 2)

about the so called benefits of Commonwealth trade but it may be noted that these benefits may be preserved from outside the Commonwealth as well through multi-lateral trade agreements for the West needs agricultural products as much as we need manufactured goods and both sides need markets.

Hindu Educational Society in Colombo and a number of similar institutions at Trincomalee, Batticaloa, Anuradhapura, Kandy, Nawalapitiya, Negombo, Ratnapura Vavuniya and other places.

We trust that the present Hindu holidays will not be interfered with and, in addition the additional days mentioned above may also be considered with a view to making them "off" days like Sundays

## PARITY &amp; FUNDAMENTAL RIGHTS

(Continued from page 3)

the language settlement has been different. The Flemings have been willing to learn French but only as a foreign language while the Walloons have flatly declined to learn Flemish at all. Census figures show that French is slowly gaining ground in spite of the equality of status given to Flemish. According to Nicholas Hans the eminent educationist, the bilingual system of education in Belgium has been only partially successful.

Declaration of rights is not the same thing as its realisation. The problem is to bridge the gap between promise and fulfilment.

The fact of the matter is that the formidable centralisation of the modern state is a great enemy to an ideal system of rights. For only where power is distributed widely is there any effective restraint upon those who wield it. To multiply true centres of authority is to multiply the channels of discussion and so promote the diffusion of healthy and independent opinion.

Resistance to encroachments of power is essential to freedom because it is the habit of power continuously, if it can, to enlarge the boundaries of its authority.

We stated earlier that a Bill of Rights is just as strong and no more as the popular will to freedom. Is there any specific rule by which men can be trained to resist encroachments of power? The late Professor Laski hazarded the generalisation that the more wide spread the distribution of power in the state, the more decentralized its character, the more likely men are to be zealous for freedom.

So we reach the important conclusion that if rights are to be effective the power of the State should be decentralized.

We must answer a few more questions before we finish with parity and Fundamental Rights

First, what is the malady we want to treat? Is our malady merely the deprivation of our language rights? Or is it something deeper and that the Sinhala Only Act is only a symptom of it? The important fact to remember is that the present

Constitution has placed the Sinhalese community in a predominant position and that it has shown a tendency to use the power given to it in a way detrimental to the Tamil speaking peoples. Only a few days ago Mr. S. W. R. D. Bandaranaike speaking in the House of Representatives said something to this effect. "Look here, the Tamils are holding 60% of the posts in the Public Service whereas the Sinhalese form 75 p. c. of the population of the country." Do not these words imply that the present leaders of the Sinhalese community are bent on making life difficult for the Tamil speaking peoples?

We have argued that parity even if granted may mean little or nothing in practice if the Sinhalese people are not whole heartedly behind it and if the State power is not decentralized. And parity, after all deals only with the language issue.

Now what about Fundamental Rights? The Sinhalese Prime Minister has come out with an offer of Fundamental Rights after the Sinhalese have deprived us of the most fundamental of our rights, namely the citizenship and franchise rights of a million Tamils and the language rights of the entire Tamil community. What kind of rights do the Prime Minister want to give us after this?

The answer may, of course, be given that the Tamils can formulate their own Fundamental Rights, apart from the Prime Minister's intentions and fight for their acceptance. But we have already argued that Fundamental Rights are not an automatic guarantee of freedom and that they can best function only in a decentralized state. Now we wish to add that Fundamental Rights do not cover all our problems.

Fundamental Rights are concerned with restrictions upon the powers of government. They are liberties which it is intended that the government should enforce or at any rate not invade. In other words, they are safeguards for individuals or minorities. But they are not enough. They satisfy only half the needs

## GOVT. TENDERS

## JAFFNA KACHCHERI

N2450—Sale of exclusive privilege of selling arrack in Arrack taverns of Jaffna Dist. for 1957/58 will be held at Jaffna Kachcheri at 10 a. m. on 7.8.57. Tenders should be on prescribed form which may be obtained at a Kachcheri on production of tender deposit receipt for Rs. 5000/- in respect of Group 1 Arrack Taverns & Rs. 5000/- in respect of Arrack Tavern No. 7 Valvettiturai. For full particulars see Govt. Gazette. 12.7.57. (G 7 12)

## NOTICE

IN THE DISTRICT COURT OF JAFFNA

No. P/114

Lalithambal daughter of Ponnampalam Natarajah, minor appearing by her Next Friend Ponnampalam Natarajah of Vannarponnai East Plaintiff

Vs

1. Kanagasabai Markandu and wife, 2. Sivalakshumi both of Vannarponnai West; presently of S. E's Office C. G. R. A'pura 3. Appakkuddy Kumaraswamy, 4. Sivagurunathan Rajendra both of Manipay South. 5. Kasdavanam Ponnampalam of Vannarponnai West Defendants

T: It is hereby notified that action No P/114 has been instituted in the District Court of Jaffna under the Partition Act No 16 of 1951 for the partition/sale of the land called Ussantharai in extent 5 Lms V. C. and situated at Vannarponnai West.

The defendants in the aforesaid action are summoned to appear in Court on the 16th day of July 1957 at 10 O'clock of the forenoon.

By order of Court, Sgd: R. E M. NayaPatnam Chief Clerk

This 3rd day of July 1957

(O 46 4 & 12)

of the situation or less than half. Recent events have implanted in the minds of the Tamil peoples that they are subjected to Sinhalese rule. What the Tamils plainly need is participation in the exercise of power. Such participation is better protection than any safeguards and that alone can satisfy their self-respect. The Tamils should feel that the government is their government and that they have a part in the administration of the country.

It will be admitted that Fundamental Rights by themselves will not give this feeling to the Tamils,



## Order Nisi

IN THE DISTRICT COURT  
OF JAFFNA

No. 325/T

In the matter of the intestate estate of the late Nagamuttu Thambiah of Punnalaikadduvan, Deceased. Rasammah widow of Thambiah of Punnalaikadduvan

Vs. Petitioner  
Minors 1. Thambiah Ganesan of Punnalaikadduvan

2. Thambiah Sri Skantha of do

3. Rajeswary daughter of Thambiah of do

4. Kasinather Nagamuttu of do

The 1st to 3rd named respondents are minors appearing by their guardian-ad-litem the 4th respondent, Respondents.

This matter coming on for disposal before P. Sri Skanda Rajah, Esquire District Judge of Jaffna on the 4th day of June 1957 in the presence of Mr. V. Navaratnam Rajah proctor on the part of the petitioner and the petition and affidavit of the petitioner dated the 3rd day of June 1957 having been read.

It is declared that the 4th respondent be appointed guardian-ad-litem over the 1st to 3rd minor respondents, and that the petitioner is entitled to have Letters of Administration of the estate of the deceased, as widow of the deceased, unless the respondents or others interested shall on or before the 10th day of July, 1957 show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered and declared that the minors be produced in court on the said date.

This 4th day of June 1957  
Sgd. P. Sri Skanda Rajah  
District Judge.

Drawn by  
Sgd. V. Navaratnam Rajah,  
Proctor for petitioner,  
(O. 41 5 & 12)

## ORDER NISI

IN THE DISTRICT COURT  
OF JAFFNATestamentary Jurisdiction  
No. 316

In the matter of the estate and effects of the late Nagamany Sinnadurai of Karainagar West late of Ratnapura, Deceased. Sinnammah widow of Nagamany Sinnadurai of Karainagar West Jaffna

Vs. Petitioner  
Minor 1. Nageswari daughter of N. Sinnadurai

2. Thillainathan son of N. Sinnadurai both of Karainagar West Jaffna

3. Nagamany Chelliah of Alaveddy North Jaffna

Respondents

This matter coming on for disposal before P. Sri Skantha Rajah Esquire District Judge Jaffna on the 17th day of June 1957 in the presence of Mr. A. Kanagasabai Proctor for the petitioner and the affidavit of the petitioner dated 1st March 1957 having been read.

It is ordered that the abovenamed 3rd respondent be appointed guardian ad litem of the minors the 1st and 2nd respondents for the purpose of this case and that the petitioner as the legal widow of the deceased be declared entitled to have letters of administration of the estate of the said intestate and the same issued to her accordingly unless the respondents or others interested shall on or before the 17th day of July 1957 appear before this court and show sufficient cause to the satisfaction of this court to the contrary.

And it is further ordered that the petitioner do produce the said minors in court on the said date.

This 17th day of June 1957  
Sgd. P. Sri Skanda Rajah  
District Judge  
(O. 39 5 & 12)

## Notice of Application

IN THE DISTRICT COURT  
OF JAFFNATestamentary Jurisdiction  
No. 331

In the matter of the intestate estate of the late Saravanamuttu Kanapathipillai of 67 1/1 Chan Ah Thong Street, Kuala Lumpur

Deceased.

And

In the matter of the British Courts Probation (Re-sealing) Ordinance Ch 84.

Notice is hereby given that after the expiry of fourteen days from the date hereof, application will be made to the District Court of Jaffna under the British Courts Probation (Re-sealing) Ordinance Ch. 84 for the sealing of the Letters of Administration in respect of the estate of Saravanamuttu Kanapathipillai the deceased abovenamed granted by the Supreme Court of the Federation of Malaya at Kuala Lumpur on the 11th day of March 1957.

A. ARULAMBALAM,  
Proctor for Par-sakthi widow of S. Kanapathipillai—Applicant.

Jaffna,  
26th June 1957.

(O. 44 5 &amp; 12)

## ORDER NISI DECLARING WILL PROVED

IN THE DISTRICT COURT OF  
JAFFNATestamentary Jurisdiction  
No. 324

Ambalavanar Veluppillai of Karainagar East

Vs. Petitioners

1. Veluppillai Kandiah

2. do Nallathamby

3. do Arumugam

4. do Subramaniam

5. do Sangarappillai

6. do Chelliah all of Karainagar East Respondents

In the matter of the Last Will and testament of the late Ledchumipillai wife of A. Veluppillai deceased of Karainagar East

This matter coming on for disposal before P. Sri Skanda

வாஸ்தவம் யுத்தம் பெய்க மலிவென சாக்கம் என  
கோன்முறை யாச செய்க குறைவினா துயரின் வாழ்க  
நான்முறை யறங்க னோங்க நற்றவம் வேன்வி மங்க  
மேன்மைகொன் சைவ நீதி வினங்கு வலக மெல்லாம்.

Printed and Published by Suppiah Ponnambalam Kandiah, residing at 245, Navalar Road, Jaffna, for and on behalf of the Proprietors, the Saiva Paripalana Sabha, Jaffna, at their Press, the Saiva Prakasa Press, 450; K. K. S. Road, Vannarponnai, Jaffna, on Friday, July 12, 1957.  
Editor: R. N. SIVAPRAKASAM

## ORDER NISI

IN THE DISTRICT COURT OF  
CHAVAKACHCHERITestamentary Jurisdiction  
No. 65

In the matter of the intestate estate of the late Marimuttu Visuvalingam of Kopay North, Deceased. Selvanayaki widow of Marimuttu Visuvalingam of Kopay North

Vs. Petitioner.

Minor 1. Visuvalayaki daughter of Visuvalingam

2. Jehamohan son of Visuvalingam both of Kopay North

3. Ponnampalam Chelliah of Punnalaikadduvan. Proposed guardian-ad-litem of the 1st and 2nd minor respondents. Respondents.

This matter coming on for disposal before S. Thambidurai, Esquire, District Judge Chavakachcheri, on the 6th day of June 1957 in the presence of Mr. W. Muttukumaraswamy proctor on the part of the petitioner and the affidavit of the petitioner having been read and file of record from which it appears that the deceased abovenamed Marimuttu Visuvalingam died intestate and that 1st and 2nd Respondents are minors;—

It is ordered that the 3rd Respondent Ponnampalam Chelliah be appointed Guardian-ad-litem over the 1st and 2nd minor Respondents abovenamed to represent them in this action and that the Petitioner abovenamed be appointed administrator of the estate of the deceased abovenamed and that letters of administration be issued to her accordingly, unless the Respondents abovenamed or any other person shall show sufficient cause to the satisfaction of this Court to the contrary on or before the Sixteenth day of July 1957.

It is further ordered that the abovenamed Respondents shall appear before this court on the aforesaid date at 10 a.m.

This 6th day of June 1957

Sgd. S. Thambidurai  
District Judge.

(O. 43, 5 &amp; 12)

Rajah Esqr. District Judge, Jaffna on the 18th day of June 1957 in the presence of Mr. K. Arumugam Proctor on the part of the petitioner and the affidavit of the abovenamed petitioner dated 24th May 1957 and of the witnesses and Notary Public of the Last Will and dated 24th May 1957 having been read.

It is ordered that the Will of Ledchumipillai wife of A. Velupillai deceased, dated 20th March 1952 and numbered 11901 and attested by A

## ORDER NISI

IN THE DISTRICT COURT OF  
JAFFNATestamentary Jurisdiction  
No. 323

In the matter of the Intestate Estate of the late Kanapathiar Amarasingham of Vaddukoddai East.

Deceased.

Annamuttu widow of K. Amarasingham of Vaddukoddai East

Petitioner.

Vs.

1. Amarasingham Sritaran of Vaddukoddai East, 2. Kanapathiar Murugupillai, of do, 3. Venayagar Sellathurai and wife, 4. Pakkiam of No. 57, Palaly road Jaffna, 5. Kanapathiar Kandasamy and wife, 6. Annaledchumy of Vaddukoddai East, 7. Vaitilingam Nagalingam and wife, 8. Ponnammah of No. 57, Palaly road, Jaffna

Respondents.

This action coming on for disposal before P. Sri Skantha Rajah Esqr, District Judge, Jaffna on the 4th day of June 1957 in the presence of Messrs. Subramaniam and Somasuntharam Proctors on the part of the petitioner and the affidavit and Petition of the petitioner having been read.

It is ordered that Letters of Administration over the estate of the abovenamed deceased be issued to the Petitioner as she is the lawful wife of the abovenamed deceased unless the abovenamed respondents shall appear before this court on or before the 10th day of July 1957 and show sufficient cause to the satisfaction of this court to the contrary.

This 4th day of June 1957

Sgd. P. Sri Skantha Rajah,  
District Judge  
Jaffna

(O. 37 5 &amp; 12)

Kanagasabai, Notary Public be and the same is hereby declared proved unless the respondents or others shall, on or before the 23rd day of July 1957 show sufficient cause to the satisfaction of this Court to the contrary.

It is further declared that the said Ambalavanar Velupillai petitioner is the executor named in the said Will and that he is entitled to have Probate of the same issued to him accordingly unless the respondents or others shall on or before the 23rd day of July 1957 show sufficient cause to the satisfaction of this Court to the contrary.

This 18th day of June 1957

Sgd. P. Sri Skanda Rajah  
District Judge, Jaffna.  
(O. 40, 5 & 12)

THE JAFFNA MUTUAL  
BENEFIT FUND Ltd.

(Established 1918)

## BANKERS.

Authorised Capital Rs. 800,000.00  
Amount of Calls made Rs. 616,313.00

Shares 8000 shares of Rs. 100/- each 80 monthly instalments of Re. 1/- per share will earn Rs. 100/- for each at the end of the period. Shares issued all time

Current Accounts opened and interest allowed at 1% per annum on the average monthly balance when it does not fall below Rs. 500/-.

Fixed Deposits received for periods of 3, 6, 9 and 12 months and interest allowed at 1, 2, 4 and 6% respectively.

Drafts issued on the National and Imperial Banks to Colombo and the Principal cities of India. Remittances to and from F. M. S. by special arrangements.

Loans on the security of Jewels a speciality. Part payments accepted.

FOR FURTHER PARTICULARS

APPLY TO:

S. KANAGASABAI,  
Shroff.