

● KUMAR RUPESINGHE: QUEST FOR PEACE
— Vanessa Baird

LANKA

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TRENDS

Floating bodies: more to be questioned

The Criminal Investigation Department (CID) is continuing to question a large number of police STF (Special Task Force) personnel following President Chandrika Bandaranaike Kumaratunga's directive to investigate intensively the case of the floating bodies.

Twenty-one unidentified bodies, mostly of young males and believed to be Tamils, turned up floating in waterways in and around Colombo. Investigations led to the arrest and detention of eleven STF personnel.

Uproar at the bar meeting

A special meeting of the Bar Council ended in uproar when some lawyers attempted to push through a motion censoring President Chandrika Bandaranaike Kumaratunga about a remark the President had made during a TV interview, about the rulings of a judge. The resolution against the President was moved by Desmond Fernando, seconded by Hemantha Wamakulasuriya.

The uproar erupted when a lawyer supporting the resolution reportedly threatened a lawyer opposing it.

Free Media Movement unhappy over police raids

The Free Media Movement has called for an immediate halt to police intimidation of journalists. In a strongly worded statement the FMM has condemned recent police raids on newspaper offices following the publication of reports critical of the government. The government has alleged that the reports are distorted, untrue and calculated to bring the government into disrepute.

BRIEFLY...

Bishops approve package

The Catholic Bishops' Conference in a statement welcomed the government's devolution package for ending the ethnic conflict. The Bishops said that they had always held that the solution to the problem lay through a strong and effective devolution of power to the periphery without harming the sovereignty of the country. The proposals could permanently heal the wounds of the conflict, they said.

"We believe.... that the proposals put forward by the government with due safeguards to ensure the sovereignty of the state, thus paving the way for a consensus offer to all concerned is possibly a last chance to solve this long running issue peacefully", the Bishops said.

Journalists should not be asked to divulge source

Media Minister Dharmasiri Senanayake told a cabinet press briefing that journalists should not be asked to divulge their sources of information. The minister was replying a journalist's question about recent police questioning of a newspaper editor.

UNP: No youth support

UNP leader Ranil Wickremasinghe told a party meeting that lack of youth support was one of the causes for the UNP's election defeat last year. There had also been a paucity of support from the minorities, he said.

The party had not changed itself in step with changes in the country, the Leader said.

Vasu warns

LSSP MP Vasudeva Nanayakkara said at an N M Perera commemoration seminar in Kandy that "handing over our lands to foreign companies is a serious matter. But the intellectuals and the sangha who protest against the devolution package do not speak a word about this national issue".

He warned that if the government did not heed his party's views on the leasing of plantations to multinational companies he would have to take some "drastic decisions". He did not spell out the nature of the drastic decisions.

Tender suspended

The Government has suspended the tender award for the US \$ 750 million (Rs 38.3 billion) Galle port development following the discovery of irregularities. The tender for the project expected to employ 80,000 people in the Southern Province had been awarded to Mott MacDonald and W. Atkins, a UK-China consortium.

A fresh award of the tender would be made to the bidder most ready to begin immediately in accordance with the feasibility study done by the Japan International Cooperation Agency (JICA), a Ports Ministry source said.

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PEOPLES ALLIANCE: MOUNTING DISORDER

Mervyn de Silva

In an admirable statement, the Free Media Movement (FMM) has reminded the Peoples Alliance that "journalists' sources of information are confidential and may be revealed only in the most exceptional circumstances pertaining to the gravest of crimes and usually on a decision of a court of law. If a ministry is concerned about the leaking of information, the authorities must carry out an internal inquiry". Good advice indeed. But no takers, alas. Instead the C.I.D. grilled the Chief Editor of the *ISLAND*, Mr. Gamini Weerakoon and his colleague the *DIVANA* editor Mr. Upali Tennekoon.

And all this by a P.A. administration, just one year old!

Important as it is "sources of information" is not the issue that interests this political commentator but the knee-jerk reaction of a P.A. which campaigned in the streets on the issue of "press freedom".... And of a P.A. Presidency not yet one year old. Why the over-reaction?

Having lost its grip on the fast moving political situation, the P.A. finds a fall-guy, the press. When the message is unpleasant, kick the messenger.

There was no question about the legality of the action. The C.I.D. officers had a warrant issued by the Chief Magistrate's court. The issue however is **not** the legality of the official initiative but its intent, the political meaning of the move. The report which caused all the trouble was headlined **GROUP MEETING ENDS IN UPROAR**. Here is an excerpt from this frontpage lead story (6/9/95).

"The Parliamentary Group meeting held at the Presidential secretariat on Monday afternoon ended in an uproar with a large number of government parliamentarians demanding the resignation of the entire cabinet in the wake of what they termed the absolute inactivity of the government". (At this writing, 12/9 the *ISLAND* has not published any official "correction" or rejoinder to its Sept. 6 report)

QUEUE QUESTION

It was the *SUNDAY LEADER* (Sept 10) which reported in detail the "backbenchers' revolt".

"Two major problems today are the

cement queue and the job queue. This is a bad reflection on the government which only helps to remind people of the queue era. There is a 1/2 mile queue for cement at the BMC. If there is a problem, decentralise the distribution" said Mr. Ranatunga, suggesting an intelligent way out.

Another member had reminded his comrades of a platform pledge — at least 50 jobs per constituency or MP. "We were also promised teacher transfers. *Ae keshmalath ne* (Not one damn promise fulfilled, would be a fair translation).

Finally a letter (or petition) to the P.A. leadership was drafted. 3 decisions were taken, columnist SURANIMALA reported. (a) Boycott of group meetings unless the top brass was present (b) If the President is unable to attend meetings held in Parliament, for reasons of security, the group meeting could be held at 'Temple Trees' her official residence, at least once a month. (c) Boycott of any Minister who does not fulfil pledges given to the parliamentary group.

BUSINESS CONFIDENCE

While the backbenchers were mounting a frontal assault on the P.A. leadership, the draft Workers Charter was under attack by the President of the Federation of Chambers of Commerce and Industry (FCCI). Mr. Patrick Amarasinghe, and Mr. Channa Gunasinghe, Chairman of the Ceylon Chamber of Commerce. Both were conspicuous absentees at the ceremony when Labour Minister, Mr. Mahinda Rajapakse presented the "Workers Charter" to President Kumaratunga at 'Temple Trees'. A letter signed by the FCCI and FCCISL presidents urged President Kumaratunga to reconsider some of the recommendations which in their view would retard the island's economic growth and adversely affect the P.A.'s declared aim to create jobs.

The two organisations are certainly ready to cooperate with the government but **ONLY** if certain changes are introduced in the Labour Minister's "Charter". "What is wrong with Employees Councils and why are the T.U.'s opposed to the idea? We are not against T.U.'s but we cannot see any reason to justify the T.U.'s opposition to Employees Councils which have operated for 17 years or so.....". (The 17 years, 1977-1994, saw three Presidents,

J.R. Jayawardena, R. Premadasa and D.B. Wijetunga, all UNP leaders).

President Chandrika, a left-leaning intellectual, if not an orthodox Marxist, was "converted" by her advisers in 1993-94 to "free market economics" and "structural adjustment", the IMF prescription. She became "market friendly" enough to address top business groups in 4-star hotels. She became the candidate of the US-EU supported NGO network with the Colombo University's (ex-Marxist) economists, political scientists and social scientists more than ready to salute 'the Stars and Stripes' and pay pooja to the IMF and World Bank.

DEFENCE SPENDING

There was one major obstacle despite the ready sacrifice of old ideals ('socialism' 'social justice' the relentless struggle against rapacious capitalism etc) and the opportunistic accommodation with the IMF-World Bank. The war with the separatist Tamil 'Tigers'. Again the approach was cold-bloodedly economic — defence spending, now well over a million dollars a day. Negotiate with the Tamils, from the respectably federal T.U.L.F. to the former, strongly pro-Indian, militant groups; and open a channel of communication with the tough, often uncompromising, LTTE. If the LTTE is ready for dialogue, so much the better. If not, isolate the LTTE, persuade the anti-LTTE groups to cooperate politically, and in the field (anti-LTTE 'intelligence') and move quietly under the US-Indian umbrella. With the combined **external** support of the sole superpower and the regional superpower (the two great democracies) and the active liaison with anti-LTTE Tamil groups **internally**, the P.A.'s policy-makers and their foreign tutors, had a full-proof grand strategy in which the ultimate move was EELAM WAR 3. There was one little flaw in this strategy — Velupillai Prabhakaran may not have been a campus whizz-kid like Prof. G.L.P., but he had read all the books. All the books relevant to his particular line of work, Tamil history — as expert D.P. Sivaram discussed in his L.G. series — and the art of war, conventional and unconventional.

And now he waits — the enemy approaches. To what extent would India cooperate? How would the Tamilnadu factor (Tamil opinion) affect Delhi's decision-makers?

The Violence in Galle

(Report of the Independent Inquiry Committee)

On the evening of 2 June 1995 twenty-eight shops in the city of Galle were attacked and burned. Those shops targeted in the attacks, and the majority that were destroyed in the fires, were Tamil owned. On 6 June 1995 the International Centre for Ethnic Studies, research institute based in Colombo, sent an independent committee of inquiry headed by the Venerable Baddegama Samitha Thera to Galle to investigate and report on the attacks and to make recommendations for subsequent action to be taken

Committee of Inquiry

Ven. Baddegama Samitha
*Chief Incumbent Dutugemunu Vihara
Baddegama;*

Kanya D. Champion
Lawyer;

R. Cheran
*Department of Sociology, York University,
Toronto, Canada;*

Lisa Kois
*University of Minnesota School of Law,
Minneapolis, Minnesota, U.S.A.;*

D.S.S. Mayadunne
Journalist and Sinhala writer; and

Sharmini Peries
Center for Refugee Studies, York University, Toronto, Canada and Executive Director of the Ontario Council of Agencies Serving Immigrants.

Terms of reference

The Committee of Inquiry traveled to Galle on 6 June 1995 and spent the day visiting the sites of the attacks, meeting with officials, and talking with the affected parties. The committee met with Neville Kanakeratna, Governor of the Southern Province and Franklin Burke, S.P of Galle District. In interviews carried out at the Sivan Temple refugee camp and during subsequent follow-up work, the Committee interviewed a total of 16 individuals who were affected by the attacks. The Committee attempted to answer the following questions:

- Were the Police informed that attempts were being made to attack the Tamils in Galle?

- Why was no action taken on this information?
- Was the violence planned or was it spontaneous?
- When the first acts of arson took place at 9.45 p.m. why was no action taken to prevent further acts of violence?
- Was there an attack on a Tamil home the following night? Who was responsible for this attack?

Introduction

Galle, the capital city of Sri Lanka's Southern Province, is a city with mixed population of Sinhalese, Tamils, Muslims and Burghers. Although the Sinhalese Buddhists form a majority, Sinhalese Christians and Tamil Hindus also are well represented within the city.

The Galle Harbour is the site at which the Portuguese disembarked during the first phase of European expansion before they proceeded to Colombo. Galle has been an important town ever since. During the British colonial period Galle, in itself, as well as the entire southern province were centres of Buddhist and national revivals.

The Galle district has high literacy and education rates. Two of the leading Christian school as well as two distinguished Buddhist schools, which were started in response to the Christian schools, are located in Galle. Furthermore, the district of Galle has produced some of the island's leading figures in commercial and economic enterprises.

In the post-independence period, Galle has developed a liberal reputation and has typically been represented, in the national legislature, by left-leaning politicians.

The Violence in Galle: June 2, 1995

On the evening of 2 June 1995, at approximately 8.30 p.m., twenty-eight shops and business establishment in the

city of Galle were attacked and burned. Those business establishments targeted in the attacks, and the majority that were destroyed, were Tamil owned. Seven non-Tamil business establishments, five of which were Sinhalese and two of which were Muslims, suffered damage or destruction when the fires spread to their shops. Subsequent to the attacks, twelve houses either owned or rented by Tamil were targeted and damaged.

Prior to the outbreak of the fires, at approximately 5.00 p.m., a boy who works for Prasad Stores was attacked when he went to retrieve something from the store. The attackers locked the boy in the shop. By 7.00 p.m., the boy managed to release himself and escape. Although the police were informed of the incident, no guards were posted at the Tamil shops or homes.

From all accounts, it is clear that the police failed to adequately respond to both warnings of impending attacks in Galle and the attacks themselves. Education Minister Richard Pathirana was instrumental in eventually provoking a police response the night of the attacks. Despite his attempts, however, the police were unable to contain the fires when they did respond because of the well-organized nature of the attacks. According to official reports, the fires broke out at the same time on three different streets of the Bazaar. The fires could not be extinguished until the next morning when assistance was received from the Koggala free trade zone. Reportedly Mr. Pathirana remained on the scene from 9.30 p.m. until 2.00 a.m. and was instrumental in limiting the damage that occurred subsequent to the attacks on the original shops.

A van and three tri-shaws were taken into custody soon after the attacks. The occupants of the vehicles, however, escaped. According to the victims, at least one tri-shaw was captured with weapons. According to S. P. Burke, however there was nothing incriminating found in the vehicles and thus they were released.

Subsequent to the Galle attacks, three police officers were transferred out of Galle District. Although the transfers were linked to the attacks, one of the transferred officers reported that he was not, in fact, working the night of the attack.

More than 400 people are currently residing in two refugee camps set up to receive those who have been displaced by the violence. Security has been provided for both camps. The refugee camps are, however, overcrowded and unsanitary. Although the government claims to be providing sufficient provisions for the people living in the refugee camps, people residing at the camps report that the government provisions are insufficient to feed them.

Since the attacks, the Government has publicly stated that it will compensate the individuals affected by the attack.

The events preceding the violence in Galle

On May 27, 1995, Ven. Matara Kithalagama Seelalankara Thera, popularly known as Dimbulagala Thera, was assassinated. Ven. Dimbulagala Thera worked with the government settlement programmes in the eastern province. Because he had been under threat by the LTTE for a long time prior to his assassination, the government had been providing him with security. Although originally from the southern province, Ven. Dimbulagala Thera had relocated to the east forty years ago. It is widely believed that the Liberation Tigers of Tamil Eelam (LTTE) are responsible for the assassination, which came after the massacre, by the LTTE, of 42 Sinhalese villagers in Kallarawa. Subsequent to the resumption of hostilities between the LTTE and the government of Sri Lanka, these two incidents triggered ethnic tension in the south.

The incidents in Galle are said to be linked to the funeral of Ven. Dimbulagala Thera. For several days after his assassination, the atmosphere in Galle was

changed. In the days preceding the attack, posters threatening the Tamils appeared in several places. Tamil merchants informed the police about the posters and fearing for their safety requested protection. No such protection, however, was provided. On Friday, June 2, all the Tamil shop owners closed their shops early, at approximately 5.00 or 6.00 p.m., because they were afraid that something would happen that night.

Account of Franklin Burke, S.P. Galle District

Mr. Burke reported that the attacks in Galle started at approximately 9.30 p.m. on the night of June 2. He stated that 24 shops had been burned including 17 Tamils shops, 4 Sinhalese shops, and 3 Muslim shops, as a result of the attacks. According to Mr. Burke, the attacks in Galle were well organized and well planned. This he said, was evident because all the fires, which occurred on various streets, were set at the same time.

Mr. Burke admitted that the police were unprepared for the attacks that occurred on June 2. He said that the police had responded to rumors that something was going to happen in Galle. However, the police believed that such action would occur on June 3 and prepared accordingly. On the day of June 2, according to Mr. Burke, the police did respond to complaints lodged by Tamil shopkeepers, investigating such complaints earlier in the evening. However, Mr. Burke admitted that the shopkeepers were not given any special protection. He stated that some Sinhalese shopkeepers complained when the police gave Tamils such protection, alleging that the police were accepting bribes from Tamil shopkeepers.

Mr. Burke contended that three police vehicles were sent to the Bazaar when the attacks broke out. He stated, however, that the police could not act until he arrived. When he did arrive, at approximately 9.45 p.m., most of the fires were a blaze and very little could be done. This Mr.

Burke contended, was due to the fact that area targeted by the attack was quite large, with many tight places; that the attackers used both the front and back doors of shops, easily eluding the police.

(To be Continued)

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The Vellore Breakout

Nirupama Subramanian

At first, it seemed more like a tale spun out by the local rumour mill than something true. Forty-three suspected LTTE militants detained at Vellore Fort since 1990 had dug a 153-ft-long tunnel, swum across a 50-ft-wide moat, changed into dry clothes and got away. As if the security personnel at the detention centre did not exist, as if the administration was not chastened by the seven jailbreaks by LTTE detainees in the state in the past three years. All this may have sounded too bad, but, sadly, it was all too true.

A day after the breakout, on Independence Day, two of the escaped militants were challenged by plainclothes policemen at Mambalam in Madras. When one detainee consumed cyanide and died, the two policemen fled in panic. Gunaseelan, the second militant and reportedly the mastermind behind the escape, was hauled to a police station by an auto driver, only to be let off by the head constable on duty. This prompted charges that money must have changed hands. So shocking was the administration's floundering that the rearrest of 11 of the detainees gave little cause for cheer. While reports came in that four had reached Jaffna, senior officers claimed that checkpoints had been reactivated at coastal points close to Sri Lanka's northern peninsula and that LTTE hideouts in Tamil Nadu were being raided.

An embarrassed Chief Minister Jayalitha rushed to New Delhi even as opposition MPs turned the heat on her in Parliament for what they called the state Government's "unpalatable" version of the incident. A rattled state police, meanwhile, made claims that sounded more like excuses and fuelled the outrage. However, when the Tamil Nadu Government launched a damage-control exercise, it ended up further hurting its credibility, undermined as it was by several questions regarding its version of the escape. In fact, its central claim that the militants dug a tunnel has several glaring loopholes:

■ *Digging a 153-ft-long tunnel 10 ft under the ground is a difficult task. How did the militants manage it with two bathroom pipes, each barely two-feet long, and one steel plate?*

"One foot a day," says Additional Director-General of Police Walter Devaram. When reporters were taken to the site, they were shown the entry and exit points, but not the tunnel. Some police officers feel that the "tunnel" was actually a drainage pipe lying unused for years, choked with weeds and grass. All that was needed, therefore, was to dig a short distance to reach the pipe and then clear the muck. This, they say, could have been

done with the crude implements the detainees possessed.

■ *Given the dimensions of the tunnel, the digging should have displaced over 2,000 cubic ft of mud. The police say that the militants hid this mud in three sealed rooms. But the combined dimensions of these rooms could have taken only 750 cubic ft. Where did the rest of the mud go?*

The police have no answers. However, if the drainage-pipe theory is valid, the absence of mud can be explained. Another theory is that the mud could have been removed periodically, suggesting collusion with a section of the staff.

THE VELLORE FORT

The detention centre from where the suspected LTTE militants escaped is steeped in history. Its first prisoners were the sons of Tipu Sultan, who were confined there by the British after he died fighting them in 1799. The scene of the Vellore mutiny in 1804, the fort was converted into a police training school by the British in 1867. A hundred years after that, it was transformed into a police-recruitment centre.

In 1990, the Tamil Nadu government began lodging Sri Lankan Tamil refugees in the fort. In order to prevent any rancour, the suspected militants among them were separated on the basis of the organisations to which they owed allegiance. Members of the EPRLF, EROS and TELU were despatched to camps in Orissa, while the Tigers were accommodated at the Vellore Fort and two other special camps near Madras — Puzhal and Red Hills.

Right from the start, the militants detained at the Vellore Fort resented the restrictions that had been imposed on them. Matters came to a head in January 1991 when they, along with the refugees lodged in Haider Mahal, started a riot. Holding a sub-inspector hostage, the militants threatened to burn him alive if their demands were not met. Following a compromise, the authorities decided to seal the connecting gate between Tipu Mahal and Haider Mahal. As the refugees interned in Haider Mahal were allowed to move freely about Vellore town, they had easy access to information which they would then pass on to the militants in Tipu Mahal.

In November 1992, 19 militants managed to escape from Tipu Mahal. Consequently, security on the outer wall of the Vellore Fort was beefed up in order to prevent further escapes. But with the recent jailbreak, the militants, proved that again, they were one step ahead.

■ *The militants escaped in batches over three nights beginning August 12. A sentry is stationed in each of the three watch-towers that offer an unrestricted view of the moat. Besides, there were 25 other security personnel on the premises. How did the escape go unnoticed?*

The official version is that the sentries were watching the fort and not the moat. However, given the topography of the fort, this implies that the sentries kept their eyes trained in only one direction — that is, they never turned to look behind. The police claim that, owing to heavy rain and a power cut, visibility was poor on the nights the escape took place. But the power cut only occurred on the last night, that is, August 14. Also, the outer perimeter wall of the fort is ringed with lights.

■ *The Vellore Fort was the site of another jailbreak in November 1992. What specific steps did the administration take since then to beef up security?*

Not much, it seems. Officials say that the fort wall was rigged with a barbed wire fence and the height of the watchtowers was raised. But there are other cracks in the official version. For one, the police cannot explain how the four women escapees, detained in Haider Mahal, gained access to Tipu Mahal.

* * * * *

So riddled with holes is the official version that opposition leaders are using them to suggest that there was collusion between the detainees and the authorities at the Vellore Fort. While there is no substantive evidence to prove this, what's clear is that the Vellore jailbreak has highlighted key issues involving the detention of LTTE militants in Tamil Nadu.

The police admit the security was lax, but attribute it to the fact that the Vellore Fort isn't a prison; it's a detention camp. "This means that although the militants weren't allowed to step out of the fort, inside they were their own masters," says

Director-General of Police V. Vaikunth. This is because the detainees were arrested for "travelling without documents": this is not a penal offence, according to Section 3(2) (G) of the Foreigners Act, the Government can only place restrictions on the detainees' movement, not arrest them. Normally, foreign nationals are deported for this offence, but a Central Government order of 1983 makes it mandatory that all Sri Lankan Tamils be treated as refugees.

The Tamil Nadu Government, acting on "reasonable suspicion", had separated the refugees from the militants. While the refugees were lodged in Haider Mahal, with few restrictions on their movements, the militants were kept in Tipu Mahal, with guards only on the outside. That was why, the police say, no one noticed the tunnel being dug.

* * * * *

Not many are surprised at this lapse given the glaring loopholes in the surveillance system. "In spite of many violent terrorist acts, including the assassination of Rajiv Gandhi, security consciousness in Tamil Nadu, especially among the police, is still very low," admits a senior police officer. In fact, though Tamil Nadu and Sri Lanka share a 1,110-km coastline, the Coastal Security Wing (CSW) of the police, which was set up eight months ago, is ineffective. This unit, formed out of two battalions of the Tamil Nadu Special Police to check illegal activities along the coast, has 60 checkpoints but is yet to make a single arrest. Moreover, the CSW personnel have no special training in anti-terrorist or anti-smuggling operations and are handicapped by the fact that they are not locals.

Supposedly on the watch also is the 'Q' branch of the state CID, formed in the early '80s to tackle the militant groups and headed by the inspector general (intelligence). But with only 25 men headed by a DSP in each district, the branch is ill-equipped to collect adequate information about the LTTE's movements. Also,

some men of this branch are suspected of being sympathetic to the Tigers.

What is apparent, however, is that the LTTE has activated its network in Tamil Nadu following the escalation of the conflict in Sri Lanka. In fact, the war there has given an impetus to pro-LTTE activities in the state. For example, in Madras in early June, a 'seminar' was organised by LTTE sympathisers at which speakers, including Dravida Kazhagam leader K. Veeramani, praised the Tigers and their chief Velupillai Pirabhakaran. A month later, MDMK leader V. Gopalasami openly came out in support of the Tigers calling them "freedom fighters" at the first state conference of his fledgling party. The speakers at the conference praised Pirabhakaran, and at one stage, Gopalasami was even hailed as the "Pirabhakaran of Tamil Nadu".

While the Jayalalitha Government has chosen to ignore these developments, neither the MDMK nor the DMK, under whose rule the LTTE was allowed a free run, has commented on the escape. Ironically, after similar incidents in 1991, Jayalalitha had secured the dismissal of the DMK government headed by M. Karunanidhi. It is a sign of how vital these parties still consider the Eelam issue to their chances in the elections that it was left to a maverick like Subramanian Swamy of the Janata Party and the two factions of the TNCC (1) to speak up against the inaction of the Jayalalitha Government.

Meanwhile, Jayalalitha suspended several policemen, including the SP of Vellore, and also ordered a judicial inquiry. Few were convinced of its effectiveness. After all, two earlier judicial commissions, one to look into the Mamandur jailbreak in 1993 and the other to inquire into the escape of nine LTTE men from Madras Central Jail, have yet to come up with their findings. Even if the commission set up to investigate the Vellore incident produces results, for Jayalalitha, who declared in 1991 that she would drive out the LTTE from Tamil Nadu, it has been a major loss of face — an incident that her political adversaries could, if they choose, exploit to their advantage.

Not-so-very old wine in old bottles

K. M. de Silva

Sri Lanka is in the throes of yet another episode of constitution-making, the third since independence; indeed, the third in less than 25 years. In contrast India has operated one constitutional system since 1950 and despite that country's fractious politics there is every prospect that its constitution will survive into the early 21st century at least. If Parliament approves the changes envisaged in Sri Lanka, with the requisite two-thirds majority and the draft constitution secures a majority at a referendum, it will be the country's fourth in less than 50 years.

One of the principal features of the current exercise in constitution making is that a set of proposals on the devolution of power will be an integral part of it. Not even the constitution of 1978 attempted such a comprehensive change of the Sri Lankan polity. For the first time in over 50 years Tamil political parties are actively involved in the process of negotiations on constitutional change; and one Tamil party — the TULF — is actively involved in the actual drafting process of the devolution proposals and of the constitution itself. That party was also involved in the drafting of the devolution proposals of 1980, but the extent of the involvement on this present occasion is altogether much greater.

A second significant feature of the present process of constitution making is that for the first time since the mid 1950's there is some measure of agreement between the two principal national parties on the need for some form of devolution. Since the 1960's the SLFP has been in the forefront of the opposition to devolution. In committing the party to a full-blooded measure of devolution its present leadership has repudiated the policies the SLFP stood for over 3 decades. And as with most recent converts to a cause the new found sense of commitment to the cause ignores the pitfalls and dangers ahead.

Sri Lanka — Recent History of Devolution Proposals

Our survey must begin, as it should, in 1928 with the Donoughmore Commission and its recommendations for the creation of a second tier of government, between the central authority and the local government bodies. **That it took 52 years before such a system could be introduced — in the form of the District Development Councils in 1980-1 — is due to an unusual combination of factors, lethargy at the outset and resistance thereafter.** The devolution of power to regional units was accepted in principle by the State Council, the national legislature, in 1940, without dissent if not unanimously. But legislation required for the purpose was not introduced in the 1940's. By the mid-1950's the consensus that existed in regard to this had disappeared, and instead the creation of regional bodies had become one of the most controversial issues in Sri Lankan politics because of its association with the political demands of the Federal Party, the predecessor of the TULF. Two attempts to introduce such councils, the first time in 1957-8, and the second occasion in 1968, failed hopelessly. Thus the creation of a second tier of government in 1980-1 was a major constructive achievement of the UNP government.

Up to the end of the 1960's advocates of devolution had treated the province — Sri Lanka has had nine provinces since 1889 — as the most appropriate unit of devolution. A significant change occurred in the 1960's when a smaller unit, district, was treated as a more appropriate unit, and this continued till the 1980's. Hence the District Development Councils introduced in 1980-1.

A new institutional structure generally takes a decade or more to be firmly established, and before it is possible to pass judgement on its utility. Here in Sri Lanka,

the District Development Council system was abandoned in 1983 in less than two years after its establishment once the TULF — with Indian backing — withdrew its support for the scheme. One may look upon it as the price Sri Lanka paid for the 1983 riots; and it marked the beginning of seven controversial years of Indian pressure on behalf of the Tamils of Sri Lanka, during which the unit of devolution ceased to be district and became the province once more, in short a reversion to the Federal Party's demands of the 1950's.

The UNP government conceded the principle of provincial rather than district units of devolution only under enormous pressure from India. The All Party Conference of 1984 had refused to accept the principle of provincial councils, and insisted on the retention of district councils, with greater powers. But after the failure of the Thimpu discussions in July and August 1985, the Sri Lanka government accepted the principle of provincial councils in the discussions that led to the initialling of the Delhi Accord of August 1985. Indeed provincial councils became the principal feature of the Delhi Accord of August 1985. Some of the Tamil parties were willing to accept this scheme but under pressure from the LTTE they backed away, insisting on the creation of a larger territorial unit, a Tamil dominated north-eastern province.

From the time of the Delhi Accord of 1985 attempts to make a provincial system acceptable to the Sri Lanka political parties was the focal point of the negotiations. As we have seen the UNP government had accepted this in 1985. Many smaller parties representing parts of the present People's Alliance also accepted it, but the SLFP was firmly opposed. The TULF and other Tamil parties insisted that a provincial structure was inadequate in itself unless it embodied the principle of a Tamil dominated north-eastern

province. The concept of a north-eastern province figured in the diplomatic negotiations between India and Sri Lanka for the first time in 1983; it was embodied in the so-called Annexure "C" which the All Party Conference of 1984 refused to endorse.

In an attempt to make the provincial system acceptable to the Sri Lankan political parties the Indian government in 1986, through its then Foreign Secretary, A P Venkateswaran, persuaded the Sri Lanka government of the day to treat the Indian state system as a model in regard to the powers of the provincial system. Thus from 1986 onwards the Sri Lankan provincial system, which was in the course of construction, used the Indian model as the prototype. **In short, the form of devolution on offer was a quasi-federal one, on the lines of the Indian system with an emphasis on a strong centre.**

The Political Parties Conference of 1986-7 was engaged in two complementary tasks: of drafting legislation for provincial councils; and seeking ways and means of dealing with the grievances of the minorities. By this time the language problem had ceased to be the divisive issue it was in the 1950's and 1960's. In 1984 a formula had been evolved on the distribution of state-owned land, a formula that was accepted by the TULF (again with Indian support); 1986 the formula was re-examined and eventually endorsed by the Political Parties Conference. There was consensus on many other issues including the political status of that section of the Indian Tamil minority then still regarded as "stateless".

The consensus did not extend to the SLFP which did not participate in the discussions. That party opposed the creation of District Development Councils; and walked out from parliament when the bill on the establishment of these councils was discussed in Parliament in 1980. The SLFP boycotted the elections to the District Development Councils thereafter. It refused to participate in the discussions of the All Party Conference of 1984, or the Political Parties Conference of 1986 and opposed the legislation that sought to confer citizenship rights on the "stateless" Indian Tamils in 1988.

The diplomatic negotiations between Sri Lanka and India in 1986 and 1987 were focused on the issue of provincial councils, on how to make them acceptable to the various sections of the political system in the island. The principal difficulty was the Tamil demand for a north-eastern province, through the linking of the Eastern Province with the Northern Province.

As a way out of the impasse the Indian government proposed a division of the Eastern Province into 3 units, and when this failed to gain support, it suggested the excision of the Ampara district, or even the Ampara electorate, from the Eastern Province to exclude the bulk of the Sinhalese population of that province. It was after the failure of these negotiations, that the concept of a temporary merger of the Northern and Eastern Provinces was introduced as a key feature of the Indo-Sri Lanka peace accord of 1987. The background to that accord is too well-known, especially the Indian pressure, and the opposition that the signing of the accord evoked, to merit special mention here. Suffice it to say that the accord was signed against the background of violent public protests and that the SLFP and JVP, as co-belligerents if not allies, played a central role in the agitation.

After the Provincial Council system was introduced in 1987, the SLFP once again boycotted the elections to the provincial councils established in 1987. The elections were held in 1988. Sections of the present People's Alliance participated in the elections: the Lanka Sama Samaja Party (LSSP), the Communist party (Moscow Wing) and the Sri Lanka Mahajana Pakshaya (SLMP) led by Vijaya Kumaratunga, a break-away faction of the SLFP. Unlike the SLFP these parties supported the Indo-Sri Lanka peace accord.

In early 1989 with R Premadasa's victory at the presidential election of December 1988, there was an attempt at reviewing and revising the whole scheme of devolution of power introduced in 1987, and the linkage between the Northern and Eastern Provinces. An opportunity was provided by the Premadasa government for a reappraisal of all these issues, and

the LTTE seized it to begin a 14 month long series of discussion, the first **direct** negotiations between the two sides, all part of a peace process that was expected to culminate in a new devolution package, and the entry of the LTTE to the country's democratic political system. Almost simultaneously another set of broad negotiations began with the various political groups in the country to reach agreement on a comprehensive set of reforms to resolve differences between the various ethnic groups in the island, and to deal with their demands. One could call these the third set of negotiations following on those held in 1984 and 1986.

Once the negotiations between the government and the LTTE collapsed, and with the LTTE's unilateral abrogation of the cessation of hostilities that had commenced in April-May 1989, there was a return once more to armed conflict. While engaged in these hostilities, the Premadasa government began yet another set of discussions and negotiations, this time, with parties represented in parliament, with the active participation of several Tamil political groups. The LTTE was not represented in Parliament. These discussions took the form of a parliamentary select committee under the chairmanship of Mangala Moonesinghe then a SLFP MP, and presently Sri Lanka's High Commissioner in New Delhi.

That committee's proceedings lasted through much of 1991-93, and its discussions once again revealed a sharp division of opinion on some of the crucial issues in the devolution debate, in particular on the linkage between the Northern and Eastern Provinces. There was general agreement on the need to strengthen the powers of the provincial councils, even to the extent of doing away with the concurrent powers in the 1987 structure and to transfer these to the provincial councils. **The significance of this consensus should be underlined: to the extent that the concurrent powers are removed, the provincial councils in the Sri Lanka system would have a greater degree of autonomy than the states of the Indian Union.** There was no consensus possible on the demands of the Tamil parties for a permanent linkage between

the Northern and Eastern Provinces. Neither of the two main Sinhalese parties, the UNP and SLFP, would agree to this.

The victory of the People's Alliance (PA) at the parliamentary and presidential elections of 1994 raised expectations of new initiatives and new policies in the resolution of Sri Lanka's ethnic conflict. The PA campaigned on a platform of bringing peace to the country and the PA's leader was hailed as the peace candidate. While the LTTE was not represented in Parliament, it immediately seized the opportunity to proclaim its own support for a negotiated peace. During the election campaigns the TULF actively supported the PA; the other Tamil parties represented in Parliament backed the PA once the PA gained a majority within Parliament. In the aftermath of the PA's victory the *second* set of direct negotiations between the LTTE — the first was with the Premadasa government in 1989-90 — and a Sri Lanka government began. They collapsed, as we all know, on or just after 19 April 1995. Although the life-span of the negotiations was much shorter on this occasion than in 1989-90, yet while they lasted they created an atmosphere in which expectations of a resolution of the conflict were raised to euphoric levels of unreality.

It is against this background that the demands for a federal structure for Sri Lanka were made. The principal argument used, sometimes quite explicitly, sometimes implicitly, was that a federal structure in which most of the powers were with the provinces, combined with a linkage between the Northern and Eastern Provinces, were the irreducible minimum which the LTTE, and the Tamils, would accept as an alternative to a separate state. The TULF has been among the principal exponents of this line of thinking.

This is not surprising in view of the fact that this is exactly what that party has been advocating since the establishment of its predecessor, the Federal Party. A memorandum it submitted to Rajiv Gandhi in December 1985, i.e. nearly 10 years ago, contained the framework of a federal structure for Sri Lanka, described in that document as a union of states. A weak — very weak — central government, and powerful provincial units

were the essential features of that proposal. Needless to say, the merger of the Northern and Eastern Provinces was an integral part of the scheme. What is being submitted for consideration now is a modified version of this same scheme, and one that had been rejected in 1986 by the Indian government no less than the then Sri Lankan government.

The Federal Option

Sri Lankan newspapers and learned journals have been full of articles in recent months advocating the adoption of a federal system as a means of managing the country's current ethnic better, or at any rate for minimizing the tensions and violence of the current conflict. With one or two exceptions, these articles have little to say on the shortcomings of federal systems, and nothing at all on the failure of federal systems in other parts of the world to resolve the sort of problems for which federalism is recommended as essential for Sri Lanka.

The key feature of a federal system of government is, of course, the division of sovereignty between the central administration and regional units (provinces, states or regions) in a state. Virtually all states — including unitary states — have some sort of decentralised administrative units and in the international scholarly literature one often sees a lively debate on the degree of autonomy required by such units before a structure could qualify to be treated as a federation. With the release of the PA government's devolution proposals we are beginning to see some of that debate here. Political scientists are agreed: that there is no single model of a federation; and secondly, that federal structures, in all parts of the world, are in a dynamic process of change where the relationship between the centre and the regional units are in a state of flux, the powers of the centre and the units being regularly re-negotiated and re-assigned.

A look at a standard world map will show that most federal states are large countries, some of them of sub-continental proportions. Indeed of the eight largest countries in the world seven are referred to as federal states — Argentina, Austra-

lia, Brazil, Canada, India, Russia and the United States. The exception is China — which is not referred to as a federation in official United Nations documents. China has four "autonomous" regions in the periphery of the country: inner Mongolia, Tibet, Sinkiang and Kwangsi Chuang. Other federal states includes Austria, Germany, Malaysia, Mexico, Nigeria, Pakistan, Switzerland and Venezuela.

Of these states only two, or three if one includes Belgium, have a territorial spread of less than 50,000 square miles: Austria (32,377 square miles) and Switzerland (15,943 square miles).

Generally the federal systems have evolved as the product of long historical experience and compromise between the need for retaining some element of a regional unit's distinct identity, and the political compulsions for the establishment of a cohesive and larger entity consisting of these units. The very successful Swiss federation evolved over several centuries — the process being accelerated after the 19th century — the US and Canadian systems developed over two centuries, and the Australian federation over the last century. In many former colonial systems, a federal structure often grew as part of an attempt to preserve distinct territorial units conquered or absorbed by the colonial power at various stages, and the ethnic, religious and region identities associated with them. The examples that spring to mind are India, Pakistan and Malays (now Malaysia) all of which gained independence as federations. Some federations were post-independence creations, through the intentional combination of separate political entities: Nigeria, Tanzania, Malaysia and Cameroon among them. Indeed Nigeria is a special case. When it gained independence in 1960, it had for all practical purposes, a unitary system, and it was only in 1963 that a "quasi-federal" governmental structure was instituted.

One feature of the development of federal systems needs special emphasis: **very seldom have federal structures been adopted in formerly unitary states.** One of these examples often cited is Spain, a large state with traditional regional identities and a long history of dissension be-

tween the regions. The constitution of Spain has certain **very special features**. The country is divided into Provinces (on 'traditional' lines). The constitution permits a group of contiguous Provinces (with common historical, cultural and economic characteristics) to seek the status of an 'Autonomous Community'. Autonomous status could be sought only when a minimum of two-thirds of the 'Municipalities' (local government bodies) within the provinces concerned support such an initiative. Such status is granted following negotiations between the central government and the group of provinces seeking such status.

The most significant feature is that the constitution allows for **variations within** the 'Autonomous Communities' (i.e. among the respective provinces of an autonomous community) as well as **among** the autonomous communities, in respect of the **extent of autonomy granted**. Thus the Spanish constitution enables the central government to regulate the amount of autonomy granted to each Autonomous Community and to each constituent Province within an Autonomous Community.

From the time of promulgation of the new constitution (1978) up to 1984, 17 Autonomous Communities, with varying degrees of autonomy, had been created. There is no across the board, i.e. uniform, devolution in the Spanish system. Some of the 'Autonomous Communities' of Spain are less autonomous than, say, Scotland in the UK. More important, despite the use of the term 'Autonomous Community' the constitution vests a large amount of reserve powers on the Central government.

Spain is almost entirely homogenous in respect of religion if not of language as well. An example of a small unitary state that has evolved into a federation is Belgium. Belgium survived as a unitary state till 1970, when prolonged tensions compelled a resort to an exercise in constitutional reform, a significant modification of the unitary system. After a virtual breakdown in the system in the late 1970's there followed more vigorous attempts at constitutional revision which took the form of **regionalisation** and, when this too

seemed inadequate, a federal system was introduced in 1988-89. An authoritative study of this latter process by a recent scholar, L Hooghe, has a very telling title — **A Leap in the Dark — The Belgian Federal Reform**. Belgium has (following the post 1970 reforms) two sets of sub-national arrangements. The national authorities share power with: (a) the executive and legislative bodies representing the 3 major politically defined 'regions' (Flanders, Wallonia and Brussels); and (b) the more numerous language 'communities' (that are incorporated within the regions).

Belgium continues to have a strong central government because under the terms of its constitution, national executive power is vested in the king and his ministers, and legislative power is shared by the king, the chamber of representatives (lower house), and the Senate.

Note also that in Belgium the majority linguistic group — Dutch speakers — accounts for only 55% of the population, while the main minority group — French speaking — accounts for as much as 44%.

The ethnic and religious identities that divided the people of Belgium have deep historical roots, and the two principal groups have long traditions of conflicting political aspirations.

If Sri Lanka were to join this band, it would be one of a very small group of unitary states to convert itself into a federation. But the difference between Belgium and Spain — both officially classified as constitutional monarchies — on the one hand and Sri Lanka on the other lies in the fact that Sri Lanka's present provinces have been created by the British and have always been merely administrative units. They did not embody a political identity, despite the political motive behind their creation during British rule. They evolved over the period 1832 to 1889. **Certainly they were not and have never been "regions" in any acceptable sense of the word.**

The principal argument advanced in favour of a federal structure for Sri Lanka is that it would be a more effective means of accommodating ethnic diversity than the current unitary system. **However, the**

crucially important fact is that the demand for it is restricted to a section of the Tamil minority who regard it as a means of reinforcing a distinct regional identity based on the north and east of the island. They are guided by a belief in the right to regional autonomy. It is also argued that introduction of a federal structure would undermine the case for an independent state in the north and parts of the east of the country.

Several other arguments are advanced in favour of a federal option for Sri Lanka, but these are all subsidiary to the ones discussed in the previous paragraph. These include the contention that a federal system would increase opportunities for individuals and groups to participate in government by creating more levels of government and a larger variety of government institutions. It is also contended that federal arrangements provide a variety of opportunities for articulation of group sentiments, generally not available in unitary structures — minority groups are more likely to win substantial influence in a regional unit than in a central legislature. A corollary of this argument is that regional governments under a federal system are better able to articulate the concerns, demands and needs of minority groups than the administrative units of a unitary state.

It is also argued that federalism provides a wider arena for conflict resolution than a purely unitary system: if regional governments represent minority opinions, conflicts can be resolved through negotiations between the regional and central government or between various regional governments. In addition, where minority groups are territorially identified, the regional government can act to protect the interests and identity of the minority. Also federal political structures are considered inherently more democratic because they allow the public more points of access to the government, and the bring the government closer to the people. Finally it is argued that in a well balanced federal system various groups feel that they have an equal opportunity and fair share of power and privilege, even if they are not able to control the central government.

Next: Coping with Conflict

Powers of the Governor with regard to Centre-State Relations

Ramakrishna Hegde

May I offer my appreciation of the inaugural speech delivered by the Hon. Minister. It was remarkable not only for his lucidity but also for the insight that the Minister had into his subject. And the five factors that he has enumerated have relevance even in the Indian context. Indian federalism has been going through, if I may so call it, continuous convulsions. There have been discussions and debates and serious arguments on both sides. But ultimately the government of India, particularly the ruling party in the centre, has not been faithful to the constitution, particularly in regard to the devolution aspects.

There is perhaps no other provision of the constitution of India which received closer attention or a more detailed scrutiny in the Constituent Assembly than the ones which established the office of the Governor for each state of the Indian Union and defined the manner of his appointment and his functions and duties. These provisions received particular attention from the great leaders of the freedom movement, Pandit Jawarhalal Nehru, Sardar Vallabhai Patel, and was the subject of detailed exposition in the Assembly by the Chairman of the Drafting Committee, Dr B.R. Ambedkar, and his colleagues. They were debated at every stage and underwent radical changes. Yet it is highly significant that the central concept was never seriously altered. The Governor would be the constitutional head of the State in a federation in which both the Union and the States would have a parliamentary form of government. The office of the Governor is of crucial importance, not only for the proper functioning of the federation but also for the success of democratic government in the country.

It is therefore a matter of greatest concern that these very provisions of the constitution should have been consistently systematically abused and perverted and the Governor reduced to the rank of

a glorified servant of the Union in order to serve and promote the interests of his own party at the centre. The result is not only a gross distortion of the federal principle but also a negation of democracy. The issue is not one of the States vs the Union but the law of the constitution vs political malpractice. The drafting committee made several changes during this period about the powers and functions of the Governor. Once it was thought that the Governor should be elected, either directly or indirectly. But ultimately all that was given up and the consensus that emerged was on the coexistence of the governor with the elected Chief Minister. I wish to cite the observations made during the deliberations by one of the greatest leaders of the country Shri Jayaprakash Narayan. If the Governor is to be appointed by the President on advice of the federal government out of a panel of four persons chosen by the provincial legislature by means of a single transferable vote, the federal Prime Minister is likely to choose out of the panel a man of his own party even if the latter had not secured the largest number of votes. Such a situation is not likely to promote harmony in the provincial government. Then the drafting committee prepared a note in which it said that the criticism that the co-existence of a Governor elected by the people and Chief Minister responsible to the legislature might lead to friction and consequent weakness in the administration would also apply if the Governor was elected by the members of the legislature, that is indirectly of the State and representatives of the State concerned in the federal parliament. To meet the objections to the election of a panel of candidates for appointment to the office of the Governor the Special Committee recommended that the Governor should be directly appointed by the President. It had also been proposed that the Governors should act on the advice of his Ministers in all matters: this would obviate the possibility of any friction between the Governor and his Ministers. So it was decided by the Drafting Committee that for Article so and so the following be

substituted: Appointment of the Governor — The Governor shall be appointed by the President by warrant under his hands and seal. This was the final decision taken by the Constituent Assembly. So that was the general consensus that in our constitution we must try every method by which harmony could be secured between the centre and the provinces. If you have a person who is not elected by the State but you have a person appointed by the President of the Union with the consent, I take it, of the provincial cabinet you will add a close link between the centre and the provinces and a clash between the provinces and the centre will be avoided which would otherwise result. Only Jawarhalal Nehru observed during this debate — it is a very very important observation. I quote: "I think it would be infinitely better if the Governor was not so intimately connected with the local politics of the province, with a faction in the provinces, and as has been stated by Mr Munshi, would it not be better to have a more detached figure — obviously a figure that is acceptable to the province, otherwise he could not function there. He must be acceptable to the province, he must be acceptable to the government of the province and yet he must not be known to be part of the party machine of that province. He may be sometimes possibly a man from that province itself, we do not rule it out, but on the whole it probably would be desirable to have people from outside. I mean sometimes people who have not taken too great a part in politics. Politicians would probably like a more active domain for their activities, but there may be an eminent educationist or persons eminent in other walks of life who would naturally by co-operating fully with the government and carrying out the policies of the government, at any rate helping in every way so that policy might be carried out, he would nevertheless represent before the public someone slightly above party and in fact, help the government more than if he was considered as part of the party machine. I do submit that it is really a more democratic procedure

A prominent Indian politician, the writer was a Chief Minister.

than the other procedure in the sense that the latter would not make the democratic machine work smoothly." T.D. Krishnamachary was known for this sharp incident. He argued that in no way should the Governor should be under the influence of the Union Government. He said, "Our idea is that the Governor would be appointed in the first place on the advice of the Prime Minister, who in turn will consult the Chief Minister concerned. Which particular person will have a veto? I think that the Chief Minister will have a veto and I think conventions have already grown in that direction, and the person so selected will be a person who will hold the scales impartially as between the various factions and politics of his State. The advantage of having a non-party man, a non-provincial man has been amply made out by the Hon. Prime Minister."

The concept of impartiality and independence of the Governor, despite his nomination by the President, could not have been more strongly emphasised by the architects of the constitution. You know in our country during almost the last twenty years Article 356 of the constitution has been abused again and again, and it would be interesting to know the dialogue in the Constituent Assembly in this respect. Dr Ambedkar was asked by one member to make one point clear, whether it was the purpose of Article 278A (later on it was 356) to enable a central government to intervene in provincial matters for the sake of good government of the provinces. Dr Ambedkar said "No, no, the centre is not given that authority, or only when there is such misgovernment in the province as endangers the public peace, only when the government is not carried on in consonance with the provisions laid down for the constitutional government of the province. Whether there is good government or not in the province is not for the centre to determine. I am quite clear on this point." He further said in regard to the general debate in which it had been stated that these articles were liable to be abused, "I may say that I do not altogether deny there is a possibility of these articles being abused or employed for political purposes, [he was prophetic] but that objection applies to every part of the constitution which gives power to the centre to override the provinces. In fact I share the sentiments expressed by my Hon. friend, Mr Gupte, that the proper

thing we ought to expect is that such articles will never be called into operation and that they will remain a dead letter. If at all they are brought into operation I hope the President who is endowed with these powers will take proper precautions before actively suspending the administration of the provinces. I hope the first thing he will do would be to issue a mere warning to the provinces that things were not happening in the way in which they were intended to happen in the Constitution. If that warning fails the second thing for him to do will be to order an election allowing the people of the provinces to settle the matter by themselves." And Dr. Ambedkar did not say that the provincial government should be suspended or the assembly must be kept in animated suspension. It is only in the event that these two remedies failed that he would resort to this article.

To another question Dr Ambedkar declared, I quote: "As to the relations between the centre and the state it is necessary to bear in the mind the fundamental principle on which it rests. The basic principle of federalism is that legislative and executive authority is partitioned between the centre and the states, not by any law to be made by the centre but by the constitution itself. This is what the constitution does, the states under our constitution are in no way dependent upon the centre for legislative or executive authority. The centre and the states are co-equal in this matter. It is difficult to see how such a constitution can be called centralism. It may be that a constitution assigns to the centre too large a field for the operation of its legislative and executive authority than is to be found in any other federal constitution. It may be that the residuary powers are given to the centre and not to the state, but these features do not form the essence of federalism. The chief mark of federalism as I said lies in the partition of the legislative and executive authority between the centre and states. This is the principle embodied in our constitution."

Now the decline started very soon after the constitution came into force. These words remains pious wishes expressed and which today you can find them in the archives. I would read out one relevant quotation from a book written by Shri Prakash who is one of the leaders of the

freedom movement and who was also a Governor for three periods. "I know of one Governor," he says, referring to the Governors indulging in extra-curricular activities, "I know of one Governor who thought he would continue to be a member of the All India Congress Committee, even as a Governor." It is true a Governor attended a party sessions, the All India Congress Committee annual sessions, without a sense of shame. "I know of other governors," he says, "who used to go to that state and undertake political chores." When Shri Lal Bahadur Shastri died in 1966, though the Governor as such is above party politics, one such Governor took (I quote), "took active part in canvassing for Shrimati Indira Gandhi for Prime Ministership as against Shri Morarji Desai, the other candidate for the office. Shri Jain realized the anomaly of his position and sent in his resignation because of the protest that was all over the country. His conduct was the subject of serious censure in the press. It is legitimate to ask whether such a politician could have at all acted impartially whilst he was Governor. In Shri Jain's case the answer is provided by his own conduct in 1965 when he dissolved a newly elected state assembly even before it was duly constituted by summons to meet and without giving an opportunity for the leader of the largest single party to form a government. It is needless to add that that was the opposition party, the Communist Party of India. In the end Shri Prakash says that he was of the view that governorships should be really the last lap of the journey of politicians. If governors can later become Ministers and hold other official positions, then the dignity of that office is marred. But it has become familiar to have Governors who change their positions. You know Governors became the representatives of the Congress Party. Governors became the central Ministers, governors went back to the state as Chief Minister. You know Arjun Singh, for instance, it is a classic example. He was chief minister of Madhya Pradesh, and he went to the central government as a Minister and then he was appointed as the working President of the party, then he was made the Governor, and then he was again taken into the Cabinet, and this goes on and on. And where will be the sanctity for the post of the office of the Governor. There are innumerable such instances, Dr. Barua for

instance, who said "Indira is India and India is Indira", you know the famous quote. You know he was Governor and later on he was made the Congress President. You know it was as Congress President he made this notorious infamous remark. I would not like as time is over.

Now in conclusion I would like to say that the record proves beyond a shadow of doubt that in most cases the Governors have used their office to serve the interest of the ruling party at the centre. It is unlikely that they would have acted thus except at the instance of the leaders of the ruling party. The clear intent of the framers of the constitution and the letter and spirit of constitution have been violated in all significant aspects. These are, the appointment of the Governor in consultation with the consent of the state's Chief Minister, the calibre and stature of the Governors, the security of tenure to which a Governor is entitled, the imposition of President's rule and the Governor's rights and duty freely to discharge his functions and duties as head of the State without being disrupted or dictated by the centre especially in regard to the appointment of Chief Minister and dissolution of the legislature. Dr Ambedkar stated in express terms in the Constituent Assembly in 1948 that in regard to these two matters as constitutional head of state the position of the Governor is exactly the same as the position of the President. This clear constitutional position has been subverted by destroying the Governor's independence and suborning his impartiality. Governors are not allowed to follow and do not follow the established conventions of the parliamentary system in regard to the appointment of Chief Minister and dissolution of the legislature but abide by the directions of the leaders of the government of India. This is wholly unconstitutional in itself, quite independently of the fact that those directions are given in order to promote the interests of the ruling party. In the process the federal principle as well as the norms of democracy have suffered grievously. The state's autonomy is violated, if people are denied the right to be governed by their elected representatives in accordance with established conventions of the parliamentary system, as was clearly emphasized by the founding fathers of the constitution. You know I am glad the Hon. Minister elucidated the principle of devolution of power.

Comment

by Rohan Edirisinha

Mr Chairman, I thought I should make some brief comments on the role of the Governor in Sri Lanka in the context of the 13th Amendment of the Constitution. As you know, the 13th Amendment contains a number of provisions which are broadly similar to the provisions of the Indian Constitution and the provisions with regard to the Governor are similar. But I think one has got to evaluate the role of the Governor in the context of two important points of difference between the Indian and Sri Lankan constitutions.

The first is that the 13th Amendment operates within the Executive Presidential system, where there is a very strong, centralised political institution. If you look at the powers with regard to the Governor set out in the 13th Amendment you see that in certain instances the Governor is expected to exercise his discretion on the directions of the President. So there are some very subtle but important differences in the constitutional provisions.

The second is that the Sri Lankan system of devolution operates within the context of a unicameral legislature at the centre. There is no real sensitivity to the concerns of devolution, the concerns of the provinces represented at the centre. I think this is a very significant distinction, and I would hope that perhaps in another session we could consider the need for some sort of provincial representation at the centre, because at the moment we have a very polarised system the provinces on the one hand, the centre on the other, and no channel of communication or interaction to represent provincial interests and concerns, at the centre.

Now if you look at the powers of the Governor under our constitution the powers can broadly be put into three categories: There are those powers and functions where the Governor is expected to act on the advice of the Board of Ministers, very similar to the Indian Constitution: with regard to prorogation of the Provincial Council, dissolution, selection of the Board of Ministers the Governor is expected to act on the advice of the Chief Minister etc. Then there are a cluster of powers where the Governor is expected to act in his own discretion: addressing the Provincial Council, sending messages

to the Provincial Council, withholding of giving of assent with regard to provincial statutes, when the Governor feels there is a breakdown of administration communicating that to the President and triggering off a course of events, and also significantly deciding on the scope of his own discretion; the Governor decides when he is to exercise powers in his own discretion and when he is expected to act on the advice of the Chief Minister, a strange sort of provision.

Now apart from those two sets of provisions which are reasonably clear in the constitution, there is a tremendous grey area, a third area where there has been a lot of uncertainty in Sri Lanka as to whether the Governor should act on the advice of the Board of Ministers or whether the Governor should act in his own discretion. A number of these areas of contention and ambiguity are in the Provincial Councils Act, that is, the piece of legislation which supplements and spells out in greater detail, the powers of the provinces with regard to three main areas — the business of Provincial Councils, procedure etc., finance and the provincial public service. Now if you look at the Provincial Councils Act you will see that the Governor is expected to frame rules with regard to withdrawal of money from the provincial fund, withdrawal of money from the emergency fund. The question has arisen here: does the Governor frame these rules acting in his own discretion or is he expected to act on the advice of the Board of Ministers? Then with regard to financial statutes, the governor has a tremendous amount of control. In fact, in reality if you look at the provisions of the Provincial Councils Act and take a literal interpretation of the statute, perhaps the Governor has more control than the Chief Minister or the Minister of Finance. A statute cannot be introduced without the approval of the Governor, withdrawal of money has to be on the recommendation of the Governor and the question has arisen as to whether the Governor, there too, acts in his own discretion or on the advice of the Board of Ministers. At several seminars that some of us have attended we see that the Governors themselves have different attitudes, and I think the practice has been different in different provinces.

The provincial public service was a contentious issue during the tensure of the last Western Provincial Council. If you look at the Provincial Councils Act, the appoint-

ment, transfer, dismissal and disciplinary control of provincial public officers are vested in the Governor. The Governor has to draw up rules with regard to appointment and recruitment. The Governor can alter or vary the decisions of any institution to which he may have devolved disciplinary power. The question arises here too whether the Governor has to act on the advice of the Board of Ministers with regard to appointments to the provincial public service or whether he can act in his own discretion? In the Western Provincial Council, as far as I know, the previous Governor thought that he had to exercise those particular powers in his own discretion and the Chief Minister at the time thought otherwise. The question was about to be canvassed in court when there was a change of government at the centre and so the matter did not proceed to the courts.

One other interesting point that I should share with our Indian colleagues is that there is a very significant case, **Premachandra v Jayawickrama** which was decided a couple of years ago, which dealt with the whole question of the Governors appointment of Chief Ministers. I believe, the courts in India have been reluctant to issue writs against Governors. But in this particular case, the Court of Appeal issued a writ of certiorari to quash the

decision of the Governor. The Governor appointed as Chief Minister someone who belonged to the same party to which the Governor belonged, when it was quite clear that a rival candidate would have been able to muster a majority in that particular council. (There were actually two councils involved). The Governor's argument was that he has the discretion to choose the Chief Minister; the decision that he exercised in his discretion was final and the courts had no right to review the decision of the Governor. The Supreme Court took the view that the Governor's discretionary powers with regard to the appointment of a Chief Minister was reviewable by the court. In a very significant judgment the court referred to fundamental principles of the rule of law, public accountability, the whole purpose of the office of the Governor, the fact that Governor should not thwart the will of the people etc. These arguments were used to justify a review of the Governor's decision. A writ of certiorari was issued to quash the decision and also a writ of mandamus to compel the Governor to appoint someone else so that the will of the people was not thwarted. I think that this was a significant case which perhaps shows that the judiciary in certain areas with regard to devolution, has been willing to exercise its powers to ensure that the spirit of devolution is adhered to.

In conclusion, as the Minister of Justice and Constitutional Affairs said in his inaugural address, since we are considering federalism, I think the whole role of the Governor has to be rethought and perhaps one might have to develop a system where the Governor is appointed on the advice of the Chief Minister or where there is some sort of consultation between the President of the Republic and the Chief Minister, and a person acceptable to both parties is selected. But certainly there is a lack of clarity in the constitutional provisions with regard to the fundamental question: is the Governor primarily an agent of the President or is the Governor supposed to be a nominal figurehead of the Westminster variety who acts on the advice of the Chief Minister and the Board of Ministers? Since unfortunately, in my view, the political consensus in Sri Lanka seems to be that we can go no further than Indian-style federalism, I think, Mr Hedge's presentation highlighting the inadequacy of the Indian system of devolution was very useful. In my view Indian-style federalism is quite insufficient at this point of time. Certainly Mr Hedge's presentation where he pointed out how the Governor has been used to subvert the original intention of the provisions of the constitution should remind us of the fact that perhaps we have to think about going much further than Indian-style federalism.

CORRESPONDENCE

Muslims and the Devolution Package

President Chandrika Bandaranaike Kumaratunga's Devolution Package is a statesmanlike document aiming at the favourable environment wherein all communities can live in peace and amity. After being categorised as creepers living on a parent tree, the minorities have now been recognised, in fact as in name, as distinct entities the promotion of whose interests is a vital part of the political process.

The Muslims support the Devolution Proposals wholeheartedly. They have had to face the Tiger wrath and ferocity by their refusal to agree to the Tiger demands for a separate state. Thousands of them have been expelled from their homes, their properties despoiled and themselves forced to live as refugees under conditions of unimaginable filth and squalor.

Now, however, with the offer of the Devolution Package and the prospect of the war ending, for the Tamils cannot for ever continue the murderous war to serve Prabhakaran's megalomania. If the Tamil people withdraw their support from Prabhakaran he cannot continue the senseless war indefinitely.

The Muslims have been content to live in a Sinhala dominated Sri Lanka but with the offer of autonomy to the Tamils, the Muslims, too, can stake a claim of their own.

The existing demarcation of Sri Lanka's provinces has been the device of the foreigner to facilitate the collection of taxes and bears no relation to racial factors or historical antecedents. A demarcation of an area to satisfy the Muslim would be

just as logical as a demarcation to satisfy the Tamils.

President Chandrika Bandaranaike Kumaratunga has put her political future to the test. It has taken courage of an exceptionally high order to present proposals of such a wide ranging nature when even the slightest offer to the Tamils had been rejected in the past by extremists.

The broad spectrum of the Devolution Proposals has won the unqualified support of all Heads of States and has placed Sri Lanka in the forefront of the countries of the world practising democracy.

The Muslims of Sri Lanka are happy to be associated with the Devolution Package of the President which gives the Muslims, too, a place of their own.

A. M. M. Rauf, J.P.

Ravana Legend

I read with interest Sasanka Perera's two part essay on the legend of Ravana (LG, Aug. 1 and Aug. 15). I'm not well informed on the treatment of Ravana in the Sinhala literature. But I wish to note that Perera's analysis on the "metamorphosis of Ravana in Tamil society" leaves much to be desired. His inference that "Ravana who had no real ethnic value (for Tamils) 20 years ago is suddenly vested with both ethnic and political value" is a half-baked analysis. I published a hypothesis 19 years ago on the probable existence of more than one Ravana in the Indo-Sri Lankan history. This appeared in the *Sudar* magazine (a sister journal of *Sutantiran*, owned by S.J.V. Chelvanayakam) of April 1976. My theory was that due to the passage of time, the identities of many Ravana have become a montage.

I wish to explain my hypothesis that there would have been many Ravana with the following analogy. Consider how five centuries from now, future historians of Sri Lanka will find it difficult to separate the writings of more than one de Silva who are contemporaries and who have prolifically contributed to the 20th century politics in Sri Lanka. Colvin R de Silva, Chandra R de Silva, Kingsley M de Silva and Mervyn de Silva are four names which cause this confusion. Even whether these four individuals are Sri Lankans or Portuguese will be debated.

The Ravana, celebrated by the Tamils, is not necessarily the villain of Valmiki's Ramayana. Many Indian scholars have questioned the identity of Sri Lanka as the kingdom of Valmiki's chief protagonist. Sasanka Perera should look at the multi-volume *Bibliography of Ceylon* by H.A.I. Goonetilleke for literature on this crucial matter. In Tamil literature, the king Ravana who ruled Ceylon is symbolized as a learned scholar, who had the musical instrument Veena in his flag. He was also an expert in indigenous medicine. One of

the earliest references to this Ravana in the Tamil religious literature appears in the devotional hymn of Saint Gnanasampanthar of Sirkali, Tamil Nadu, who lived in the 7th century A.D.

The popularisation of Ravana, the chief protagonist of Valmiki, in the Tamil literature was first made by the DMK leaders in the 1940s. Annadurai specifically published a couple of influential tracts like *Kamba Rasam* (The taste of Kambhar, the 12th century Tamil poet who wrote the Ramayana in Tamil) and *Ariya Mayai* (The Ariya illusion), in which Ravana's status was elevated as a righteous Tamil king. So, the inference of Sasanka Perera that "predominantly English-educated middle class elements of the Tamil diaspora" made Ravana as their symbol of Eelam Tamil ancestor is inappropriate. In the late 1950s, one Tamil movie named *Samboorana Ramayanam* was well received by the Tamil audience. In particular, one song praising the intellectual stature of Ravana, sung by Chidambaram S. Jeyaraman (an uncle of Karunanidhi and a popular stage performer of Dravidian movement, who died early this year) became a popular hit. This song began with the lines, "The king who carried Veena in his flag".

Sri Kantha

Japan Institute for Control of Aging,
Fukuoka City,
Japan.

Fools or buffoons

I was told by some people that a Sinhala political intellectual had stated during the course of a discussion he was having with a Tamil on the ethnic problem over one of the channels of the T.V. that there were no Tamils in Sri Lanka before the Britishers came and that the Tamils who are here now are only the descendants of those who were brought by the Britishers as *Sakkilies* (scavengers) to Sri Lanka.

Whatever truth there may be in that gem of a statement of this learned person, I was only reminded of the following passages in the book *Between Tears and Laughter* by Lin Yutang.

"Every age has its buffoons and the buffoons make you laugh. Great men make great mistakes and small men make small mistakes. Then the great men love to point out the small mistakes of the small men, while they do not wish to have their great mistakes pointed out by the small men. A mistake is something which is the privilege of the great men to commit and of the small men of this earth to point out after they are dead. Death comes and the buffoonery is over and we take the historical view.

Dead men tell no tales and answer no arguments and dead censors delete no pages from the books of posterity; so let them have the pleasure of deleting them now. We can already smile at the mistakes of Neville Chamberlain at Versailles and of all the League of Nations officials in the decades, because now the mistakes are irretrievable and pointing them out indicates a fine historical sense.

"On the assumption that all our dead ancestors and all the great statesmen of the earth are fools or buffoons except those still controlling our lives we can go safely. The great thing about teaching history is that we must teach history but must not let history teach us".

Perhaps, this political intellectual of the majority race in this country which is controlling the lives of the minority races is anxious to have this country divided or, is he in the pay of the LTTE like some of the Army officers who had been for the passing of banned goods and other acts of commission and omission? Who knows?

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FACT AND FICTION

The Sinhala only agitation

Rohan Jayawardene

It should be noted that while Mr Jayawardene proposed Sinhala as THE official language displacing English in the first instance, and allowed for the co-option of the Tamil language as a second official language, he made no reference at all to the retention of English as a practical means although at that time the country was a Colony of Great Britain, with administration in British hands. His proposal could be seen as part of the drive at that time to eliminate the colonial presence and being in the interest of those without proficiency in English. He even disagreed with a proposed measure to make English education a free and compulsory measure.

In January 1979 however, with the country experiencing all manner of difficulties arising from language policies, he made a speech at the Prize Giving of Hindu College, Colombo 4, in the course of which he lauded studies in English at the school, obviously realizing by then in hindsight its indispensable role as a link language although in the State Council of 1944 he had vigorously opposed English education as a compulsory measure of official education policy.

1956 — 1958

In the year 1956 there was a political upheaval which saw the exit of the government of the United National Party (UNP) which had conducted business in the established traditions of the British Commonwealth of Nations, including strong elements of the philosophy of capitalism, and the use of English. They were overwhelmingly displaced by a left-leaning political aggregation headed by S.W.R.D. Bandaranaike with a disposition towards socialism and strong national identity. In brief, a complete break with the style and values of the western colonial masters was on order. The winning coalition was identified as the MEP (Mahajana Eksath Peramuna) Government.

One of the issues which may have been contributory to the right-wing UNP's defeat in 1956 was its reluctance to declare Sinhala the ONLY official language. This must be seen in the perspective of the

English Language being identified as a colonial "inheritance" despite its intrinsic worth as a link-language within the country and as an internationally known medium of communication. Ironically, the original proposer in 1944 of anti-English and pro-Sinhala Only legislation, J.R. Jayawardene, was a member on the losing UNP but he was very shortly to manifest his consistency on language.

In 1956 the anticipated legislation termed "Official Language Act No. 33 of 1956" was passed making Sinhala the SOLE official language of the country and providing adjustments only in an administrative sense, but all of it to be completed before the expiry of December 1960.

The Bandaranaike government in September 1958 also passed a piece of legislation termed the "Tamil Language (Special Provisions) Act No. 28 of 1958" in which the 11% Tamil-proficient population of Sri Lanka were allowed use of the Tamil Language in matters provided for in the Act, without prejudice to the provisions of the original Official Language Act of 1956. However, implementation would be subject to regulations to be set forth by the Minister concerned from time to time.

The following are the texts of both legislative enactments referred to above:

Official Language Act No. 33 of 1956:

1. This Act may be cited as the Official Language Act. No. 33 of 1956.
2. The Sinhala language shall be the one official language of Ceylon:

Provided that where the Minister considers it impracticable to commence the use of only the Sinhala language for any official purpose immediately on the coming into force of this Act, the language or languages hitherto used for that purpose may be continued to be so used until the necessary change is effected as early as possible before the expiry of the 31st day of December 1960, and, if such change cannot be effected by administrative order, regulations may be

made under this Act to effect such change.

3. (1) The Minister may make regulations in respect of all matters for which regulations are authorized by the Act to be made and generally for the purpose of giving effect to the principles and provisions of this Act.

(2) No regulation made under subsection (1) shall have effect until it is approved by the Senate and the House of Representatives and notification of such approval is published in the Gazette."

Tamil Language (Special Provisions) Act No. 28 of 1958:

"WHEREAS the Sinhala language has been declared by the Official Language Act No. 33 of 1956, to be the one official language of Ceylon:

And whereas it is expedient to make provision for the use of Tamil language without conflicting with the provisions of the aforesaid Act:

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in the authority of the same, as follows:

1. This Act may be cited as the Tamil language (Special Provisions) Act, No. 28 of 1958.
2. (1) A Tamil pupil in a government school or an Assisted school shall be entitled to be instructed through the medium of the Tamil language in accordance with such regulations under the Education Ordinance, No. 31 of 1939, relating to the medium of instruction as are in force or may hereafter be brought into force.

(2) When the Sinhala language is made a medium of instruction in the University of Ceylon, the Tamil language shall, in accordance with the provisions of the Ceylon University Ordinance, No. 20 of 1942, and the Statutes, Acts and Regulations made

thereunder, be made a medium of instruction in such University for students who, prior to their admission to such University, have been educated through the medium of the Tamil language.

3. A person educated through the medium of the Tamil language shall be entitled to be examined through such medium at any examination for the admission of persons to the Public Service, subject to the condition that he shall, according as regulations made under this Act in that behalf may require,

- (a) have a sufficient knowledge of the official language of Ceylon, or
- (b) acquire such knowledge within a specified time after admission to the Public Service

Provided that, when the Government is satisfied that there are sufficient facilities for the teaching of the Sinhala language in schools in which the Tamil language is a medium of instruction and that the annulment of clause (b) of the preceding provisions of this section will not cause undue hardship, provision may be made by regulation made under this Act that such clause shall cease to be in force.

4. Correspondence between persons, other than officials in their official capacity educated through the medium of the Tamil language and any official in his official capacity or between any local authority in the Northern or Eastern Province and any official in his official capacity may, as prescribed, be in the Tamil language.
5. In the Northern and Eastern Provinces the Tamil language may be used for prescribed administrative purposes, in addition to the purposes for which that language may be used in accordance with the other provisions of this Act, without prejudice to the use of the official language of Ceylon in respect of those prescribed administrative purposes.
6. (1) The Minister may make regulations to give effect to the principles and provisions of this Act.
(2) No regulation made under subsection (1) shall have effect until it is approved by the Senate and the House of Representatives and notification of such approval is published in the Gazette.

7. This Act shall have effect subject to

such measures as may have been or may be adopted under the proviso to section 2 of the Official Language Act No. 33 of 1956, during the period ending on the thirty first day of December 1960."

It will be observed that while the 1956 legislation provided for Sinhala as the sole official language to the exclusion of all else, the 1958 Act did indeed come up with some tension-relieving administrative provisions.

The Scholars Tale — 23

*The New Monovirate refashioned its Style
Since its mandate simply failed to beguile
The twenty four percent was played down in whispers
While Ad Agents touched up the greying pictures.*

*Seeing that no power could grow out of pogroms
Nor signed resignations from captive morons
The New Monovirate twitched with a neurotic flex
From its low poll inferiority complex.*

*A D.Phil (Psychosociology Honoris Causa)
So eager to don cloak as to forget his trouser
Could have chosen for a subsequent thesis
The impact on History of Inferiority Psychosis.*

*Without this knowhow of History and Neurosis
People on side walks made their layman's Prognosis
That the consolidation of the One Man Show
Would need Sacrificial Blood and Mumbo-Jumbo.*

*Though most people did not know the Herod Story
Our chronicle had its own Princess in the Tower
Delighting yet her forbidden lover
Fugitive Princes and panicking Kings
(Our Scholar researched quietly all these things).*

*Though the first Monovirate had shelved the law
Quoting tongue in cheek from Cromwell (and Cicero)
The Second Monovirate preferred the hidden hand
Its wonders to perform throughout the land.*

*Oozing respectability on all facades
It hired hellhounds from the terror trades
Power from the barrele of others guns
Other's slogans too about expanding Injuns.*

*So the bitter lesson learnt by our first Lion Heart
Was completely lost on our second Bonaparte
Hanuman's Army juggernauting the Cholan rout
Bonaparte talked round to a phased pull out.*

*But in place of the Kings Men to take over each phase
He sent the Cholans back each time and place
Hanuman's gun carriers and each sleek rocket gun
The Cholans took over, lock, stock and fun
And just as he wanted the guns were turned
On all free groups whom he specially spurned
The massacre extended from North to South
As his Pol-Pots gunned down each leader in doubt
Thus dumb terror prevailed till the decades end
Till the Pol-Pots turned on their Patron and Friend.*

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Kumar Rupesinghe — The Peace Seeker

Vanessa Baird *meets a man dedicated to stopping wars before they start*

If there was a traumatic turning-point in the life and consciousness of Kumar Rupesinghe, it was the pogrom against the Tamils in his native Sri Lanka in the late 1970s which led to the outbreak of civil war in 1981.

'It was for me a period of trying to understand why so many of my dear friends had to die. A lot of them died on both sides. This pogrom was unacceptable; that people were killed like this in my own neighbourhood, was unacceptable. I was ashamed of being Sinhalese. I was ashamed of being Sri Lankan. I had to re-examine most of my assumptions about fellow human beings and their rationality'.

He had already gone into exile in Norway. As a leading member of the progressive Bandaranaike Government who stood up for the rights of Tamils, he had become a target for right-wing extremists.

For Rupesinghe and many of his contemporaries the outbreak of ethnic violence was a shattering of illusions and beliefs.

'You see, we all thought there was democracy in Sri Lanka. Because there was 95-per-cent literacy and we had a parliamentary system with different parties and we had a high quality of life, we assumed that things were going well.

'When this explosion of ethnic violence started... the concept of imperialism as the devil incarnate had to be redefined. It was our own people who were the perpetrators of evil against our own people. We could not blame colonialism and imperialism for what was happening'.

He and his generation of intellectuals had been following the Marxist 'dependency' theories of Franck and others. Suddenly, faced with ethnicity and nationalism, they had to find explanations which anti-imperialism did not necessarily

provide. Nationalism had up to then been seen as a good thing, a defence against imperialism.

'We had to look within ourselves and when we did that we saw that we had inherited a lot of stereotypes about Tamils. We had notions of what it is to be Sinhalese. I was brought up thinking I was of pure race, of Aryan origin. I was not just something the Germans inherited, it was universal'.

There were other difficult questions to ask. 'We asked ourselves: could we have prevented it? The answer of course was "yes". There was information going round that people were planning a pogrom against the Tamils but we had not really focused enough to do what needed to be done'.

At this point his interest in conflict became more sharply focused. While in Norway he started a database on the causes of conflict and how to stop it, at the International Peace Research Institute in Oslo. 'The whole Sri Lankan issue impelled me to look at why it had not been prevented'.

He has been dedicated to the task of prevention ever since. Today he heads the London-based organization International Alert, a non-partisan bridge-building initiative which works to unite peoples divided by ethnic and internal conflict, to prevent war and enable mediation and dialogue to take place. Recently its main focus has been Burundi.

What drives Rupesinghe is the conviction that wars *can* be prevented. The trouble is the international community tends to get involved when it is already too late. Then there is a massive and costly humanitarian response, as seen recently in Bosnia and Rwanda. What the international community needs to do is put funds and energy into conflict prevention. This does not require a crystal ball — in

most cases there are always clear indications that trouble is brewing.

This is a fairly radical agenda. But Rupesinghe, who was a student activist at the London School of Economics during its revolutionary heyday in the late 1960s, looks an unlikely radical now. A smartly dressed man in his early fifties, he looks more like a UN official as he makes high-level phone calls around the world. He comes across as someone capable of exerting considerable influence at high levels and pulling strings where needed.

Besides, he nowadays distances himself from the 'radical' label: 'I have become quite sceptical of political colours. I think we are departing from the traditional dichotomies of Left and Right. Since the end of the Cold War we have been moving into an area where on the one side we have states; on the other we have a tremendous multicentred universe of non-governmental organizations, corporations and non-state entities, which has grown immensely and has its own way of intervening politically. It's not just political parties and states that determine politics now. It is citizen-based movements, popular movements too'.

But he also sees a dangerous aspect in the fragmentation, parochialism and militancy of ethnic groups.

'I think it's crucial to recognize the importance not only of transformation outside but your own transformation too. The very deep, psychologically traumatic experience of the war and pogrom in Sri Lanka brought me to this thinking. I have tried to find out within myself whether I could have contributed to this scenario.

'My own felling is that the dignity of a people depends on how it treats a minority. This idea has dominated my thinking in the past 10 or 15 years. If you defame others, if you oppress the other, you cannot have the dignity of a human relationship'.

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