

*Special to the
Guardian*

The 'New' China I Saw

— *Sirimavo Bandaranaike*

LANKA

GUARDIAN

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K. M. DE SILVA

A

HISTORY OF

SRI

LANKA

K. M. de Silva vs Lanka Guardian

— the Press Council Order and Schedule

— Full Text —

THE TAMIL MILITANTS

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VENKATRAMANI: Moving out of Madras

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Will Gandhi guarantee the Peace? — *Mervyn de Silva*

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Also: TULF on Land Policy

Is the UNP Stale? **and**

Amnesty on Disappearances

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TRENDS

BORDER PROBLEMS

Power (how much?) and the unit of devolution (how wide?) are the two critical, core issues in the negotiations over the proposed provincial councils. On the question of power, there has been steady progress, though there are still some hurdles to clear — the vesting of State land, for instance. But it is the territorial unit which is the stumbling block.

Not to fall too far behind the militants, the TULF, which last year lost two of its former MP's through cold-blooded assassinations insists on 'a single linguistic unit' representing northern province plus some districts of the Eastern province, if necessary on a plebiscite.

The UNP government, in order not to be too far out of step of Sinhala opinion which unequivocally rejects any idea of a North-East 'merger' sticks to the provincial unit, taking comfort from Delhi's rejection of the merger concept. In order to reach common ground, each party to the negotiations has to yield some ground. What is the compromise?

A new concept has emerged from back-stage exchanges. It is called "zonal councils" based on a re-drawing of borders. The 'zone' by any other name even 'province' would then satisfy the TULF and India, the all-important mediator with sufficient clout, presumably, to pressure or persuade all the parties involved in the bargaining.

Was the Lands Minister's remark at a meeting in Dambadeniya a mere straw in the wind or a trial-balloon? He was addressing a 100 percent Sinhala audience with a Nayake Thera in the chair. Besides the Lands Minister who is close to the Buddhist hierarchy, is a key government negotiator.

He said: "We should not follow blindly the land boundaries set out by the imperialists but we

should change such policies to suit the present trends." (See 'Prof. for Five Provinces').

AIR STRIKES

For some time now, military experts have been asking the following question: "When will the Eelam rebels get surface-to-air missiles (SAMS)?" The point of the question is that the possession of SAM's will mean a qualitative change in the 'war' in as much as it will challenge the government's air power just as land-mines challenged, very effectively the government's once unassailable supremacy on the ground.

So far it is the Northern Province Citizens Committees which have kept protesting against air-strikes on urban and semi-urban population centres. This criticism the security forces promptly answered by pointing out that the armed rebels pound army forts and camps with mortars from positions which enjoy the protective cover of civilian centres and buildings like hospitals and schools.

For the first time, rocket-propelled grenades were used to fire at Airforce planes, reported the SUN (5/9). The wing of an

AVRO carrying forty service personnel was damaged in Batticaloa, the report said. Helicopters providing cover for the plane were able to save the AVRO which however had to make an emergency landing in Trinco. One commando was injured. The helicopter gunships killed two rebels.

POLICEMEN REMANDED

A verdict of homicide was given by the Morawaka Magistrate in a case in which a young trader of Mokandura, Gamini Kodituwakku and a boy aged 14 (Gamini Samarawickrema) died of gunshot injuries. Two policemen were remanded over the death of these two cyclists. The Magistrate, Mr. Samarasena Perera said:

"Although there is an emergency in the country, and terrorists are active in the northern and eastern provinces, such a situation does not exist here.

Police have no right to commit murder. It is unfair for the police to be a law unto themselves and turn their backs on justice because they are armed. It is contrary to civic rights and human freedom".

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Zonal Council instead of Merger ?

NEWS
BACKGROUND

Mervyn de Silva

Blast, tirade, barrage, onslaught were just a few of the words picked by our press for Mr. Rajiv Gandhi's comments on Sri Lanka, its government, president and army at his eve-of-departure news conference. In contrast, the only response from the government-owned media and the party high command itself was a total silence; studied or stunned we were left to guess. What provoked the young Indian leader, known as both Mr. Clean and Mr. Cool? His grandfather could be imperious and irascible, his mother coldly haughty, with a caustic aside now and then. But this was verbal Ramboism, both barrels emptied in five furious minutes.

Was it the "confidential letter" that brought on this uncharacteristic outburst? Did he think that Sri Lanka was trying to corner him morally and in an international forum at that? Had the TULF reported that the talks were not going too well, that the government was trying to back-pedal?

At this point, we are not sufficiently well informed—and that evidently goes for our government too—for anything but hit-or-miss theorising and speculation. What is really important anyway is whether Mr. Gandhi's anger and distrust are such that the current negotiations have been put in jeopardy, while even casting doubts on continued Indian mediation. After all, he did say "if they (Sri Lanka) do not like our help, we are willing to withdraw".

In the face of the concerted campaign by Mrs. Bandaranaike and the sangha, the government can hardly yield more to the TULF without expanding its already dangerously exposed flank. In the Opposition's emotionally charged

propaganda, devolution is equated with "surrender to Tamil separatism and terrorism". Hence the UNP's outright rejection of the North-East "merger" demand, an official stand on which the UNP derives much comfort from Delhi's support.

It is for this same reason of course that the TULF switched demand and slogan and came out with 'a single linguistic unit', a fiction founded on the tenuous thesis that Tamil-speaking Muslims share Tamil aspirations and endorse the TULF view. Whether the Eastern province Tamil-speaking Muslims entertain or will entertain some day, the same idea of self-determination is another matter. Their level of political consciousness and sense of 'separate' identity right now is of the kind which find expression among some Muslim organisations in terms of a 'Muslim Provincial Council'.

'Merger' nonetheless remains as firmly a non-negotiable demand for the Tamil militants as is it for the Sri Lankan government on the other side of the negotiating table. So the question is how can the gap between the TULF and the government and between the TULF and the militants be narrowed? Can it be done?

The Lands Minister Gamini Dissanayake, a key negotiator made an interesting remark at a meeting in Dambadeniya last week. The question leads one to an idea that was discussed back-stage at the marathon sessions in August when the TULF not only met the President, the National Security Minister and the Lands Minister (the two ministers in the thick of things) but as many as 11 other members of the Cabinet, and were even gratified to see Prime Minister Premadasa making his

debut at the BMICH stage. The idea is "Zonal Council", a neutral term for a legally demarcated territory larger than the present Northern province but which the TULF mindful of Sinhala and UNP hypersensitivities, are ready to accept even under the present title of 'province'.

The TULF's grievance however is that up to Sept. 4, the promised date, it had not received a draft formulation of the government's own concept of 'inter-provincial coordination' on subjects conceded to the councils, and power adequately devolved.

In bridging the two gaps I said only India has the capacity to assist Colombo i. e. Mr. Gandhi, in turn, helped by Mr. M. G. Ramachandran, the second crucial factor in advancing towards a negotiated settlement. M.G.R. is the senior coalition partner of the Congress in the ruling alliance in Madras. He is known to be a politician for whom Mr. Gandhi, political necessity apart, reserves much personal regard. It is his other *persona* which concerns us more. He is the political patron of V. Prabhakaran, the **Tigers** commander. Thus, he is Mr. Gandhi's ideal instrument in dealing with the Sri Lankan Tamil issue in so far as that issue has become a factor in Tamilnadu politics. Closing or narrowing the gap between the moderates and the militants is obviously the next essential move in pushing the negotiating process forward. Only then can the militants be brought into talks, the next vital step. The government is even now ready to send a ministerial team to any city in India to meet them, although its composition is still not clear, and the question of an accompanying three member delegation from the SLMP, LSSP and CP remains unresolved.

Now Sri Lankan hopes were pinned precisely on such an exercise by Mr. Gandhi on his return to Delhi — direct contact with the militants, narrowing the gap to produce a common 'Tamil stand', and arranging a face-to-face encounter between the Sri Lankan representatives and the 'boys' were the expected moves.

If things had advanced according to the most hopeful of plans, then the only problem left after legislation would be implementation. In that even more tricky stage of implementation, guarantees would have been required by both sides. The TULF would argue that a unitary constitution cannot provide the kind of guarantees to the Provincial Councils that a federal constitution such as in the US or a quasi-federal constitution like the Indian affords. The Sri

Lankan parliament could take back at any time what it had given or devolved. If the constitution cannot provide such guarantees, these must come from extra-constitutional sources. There is only one option — India — open to the Tamils.

Having granted devolution, at some political risk and cost, the UNP would require guarantees about the behavior of the militants. What if they continued with their military operations and disrupted a settlement reached so painfully and at such a high price? If the militants did not enjoy a veto in the negotiating stage, they still had the power of veto over implementation, and would continue to enjoy it until they ran out of their firepower.

In short, the implementation stage has to be preceded or

accompanied by a process of de-militarisation. Who has the superior fire-power to guarantee that? Clearly not the Sri Lankan army which has already entered that contest for more than 5 years and find itself, at best, in a military stalemate. Again, the answer is India.

That is why Mr. Gandhi's dramatic move — one newspaper called it a volte-face — is also a brake, a shatteringly sudden brake, on the negotiations, with a land-mine impact on all the neatly designed, perhaps over-optimistic calculations of many a Sri Lankan. It is also a stark and stunning reminder that he holds almost all the cards firmly in his hand, except perhaps the 'Tiger' card that may slip out, if that hasn't happened to some extent already. (See 'The Militant Mood'.)

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The UNP at forty

The venue was the EXPO 80 grounds at Moratuwa; home ground, in short. Though Moratuwa has returned Left MP's, that was so in the heyday of local Marxism, or in times of intense anti-UNP fervour usually with grand Centre-Left coalitions in the making or already made. This was carefully picked home ground the constituency of acting Foreign Minister Tyrone Fernando.

The crowds, to be sure, flocked to the esplanade. And since nobody puts on a finer tamasha than Sri Kotha, the carnival air was not absent. But where was the spirit? Where the bouyancy of the past? And often in that past, the post '77 and post '82 Referendum past, the bouyant self-confidence bordered on an aggressive arrogance. The UNP caravan moved, the show went on!

Not alas, on this a notable party anniversary, the 40th. There was no spirit, no fire. Altogether a lack-lustre affair, a routine ceremony marking a formal occasion. Why? "The UNP lives, the strongest party still, but the government is approaching its tenth year and it is stale. . . . the ministers, the MP's all of them are tired and the people have got tired of the same old faces. . ." commented a former Senator who counts more than 20 years UNP membership.

While there is a lot to be said for that line of thinking, the malaise goes deeper. "The UNP is on the defensive" said a Left leader who is a vigorous critic of the UNP economic policies but an equally keen supporter of the government's initiatives on devolution.

It was President JR, who reminded the party of some other moments of despondency and despair, notably 1956. There were party personalities who even suggested that Sri Kotha headquarters should be auctioned!

After the rout of 1956, Sir John party leader and ex-premier had in fact turned into something of absentee landlord, spending as much time in Britain as in the parliament in Colombo, only to become an official exile eventually playing the fox-hunting laird of Brogueswood. Dudley Senanayake another ex-party president and Prime minister, was sulking in a corner of his own.

Only JR had the fight-back tempermanent to say 'all was NOT lost' take effective command, and re-organise the UNP.

Is 1956 haunting the UNP? The question, at a first glance, is seems premature. In Kurunegala, last week, the UNP leader told the Maha Sangha: "Elections will be held only in 1989. . .".

This year, or 1989 is not what matters. It is the mood that's important, and the mood has very much to do with the situation, the political environment. All seasoned politicians, all alive to the climate of opinion at least in their constituencies — and remember the UNP holds over 140 of 168 seats — the UNP upper and mid-level echelons know that things have gone sour.

This may be a debilitated democracy. It is a democracy nonetheless in terms of the average voter's still unshaken faith in the ultimate power of the ballot box. Democracy is alive and kicking in the hearts and minds of the people, more so than most Third World Countries. So he will wait. . . until his faith is proved false, and his patience runs out.

What of the UNP itself? It is caught in the classic trap. It has entered the political 'danger zone', forced into half-measures they satisfy neither the restless, economically hard-pressed Sinhala

voter nor the politically pressed TULF, representing a moderate Tamil opinion, rapidly crumbling in the north and east, and alienated by the UNP in the south,

And externally, the pressures are even stronger — India and the donors, urging in their different ways and for different purposes, reconciliation with the Tamils and a return to reasonably 'normal' conditions, and the IMF-IBRD beginning to tighten the screws, with demands for stricter budgetary controls and 'structural adjustments' which only mean a harder life for the segment above the 'Food stamps' poverty line and below the tier of 'Fat Cat' affluence.

M.

Sangha Protest

At a meeting attended by 2,000 monks, a resolution has been adopted, the ISLAND reported, to consider a proposal of the Ven. Muruttuwa Ananda Thera (President PSUNU) to organise a "fast to death" campaign in protest against the Provincial Councils offer to the TULF. The meeting was chaired by the Mahanayake of Asgiriya, the Ven. Palipane Chandananda Thera. "We have nothing against the Tamils or the Muslims or any community" the Mahanayake has said "But we have tolerated the government long enough and we have now entered a critical stage. When terrorism cannot be eliminated under a unitary system, how can it be possible to do so under nine provincial councils?"

The monks meeting has called for an impartial inquiry into the July 1983 riots.

A decision to launch the campaign if the proposals are not withdrawn will be taken on Sept. 21.

Amnesty on Sri Lanka

272 Cases cited

In 1978, the UN General Assembly took up the question of 'enforced or involuntary disappearances' which had become a particularly distressing phenomenon in Latin America where fascist oligarchies and juntas were the rule rather than the exception. The Spanish word for the so-called 'disappeared ones' who could not be traced after arrest by security forces or mysterious 'militia men' was soon to enter the international vocabulary.

Amnesty International called on the Government of Sri Lanka to explain the "disappearances" of several hundred people reported to have been seized by the country's security forces over the past 20 months.

The worldwide human rights organization urged the government to take immediate steps to inform the relatives of the fate or whereabouts of the "disappeared" people, most of whom are young Tamil civilians.

A new 89-page Amnesty International report, **Sri Lanka; "Disappearances"**, offers testimony by eye-witnesses to the seizure of "disappeared" people and details of 272 specific cases. None of the "disappeared" victims have been seen since their arrest.

The report says there is evidence that many have been shot or have died after torture and been buried in secret graves or burned.

Other "disappeared" people are believed to be in unacknowledged detention in police stations and military camps — many of them are feared to have been tortured.

Tortures reported to Amnesty International included burning, beatings with plastic pipes, hanging upside down for long periods

The UN at the 90th Plenary session passed a resolution which called upon governments (a) to search for such persons and undertake speedy investigations (b) to ensure law enforcement agencies were fully accountable (c) to ensure that the human rights of all persons detained or jailed were respected and (d) to cooperate with other governments, the UN, specialised agencies and humani-

tarian organisations to locate or account for such persons.

In 1985 the U.N. Working Group on disappearances asked Sri Lanka to clarify 195 cases. It says in a new 90 page report published last year that it received only replies about 9 cases. In the current report it lists 272 cases published detailed accounts of several individual cases, along with affidavits etc.

Amnesty Report

and the application of hot chillies to sensitive parts of the body, including the eyes.

The organization said the government had persistently refused to investigate almost all cases of "disappearance" or to bring officials responsible to justice.

In one case this year the authorities charged the warden of a Methodist orphanage with "spreading false rumours and false statements" after he had talked to the foreign press about the "disappearance" of about 23 young men. During his trial (in which he was acquitted) a High Court judge said the evidence "cast serious doubt" on the prosecution case that there had been no arrests.

The human rights, attributed to personnel of the army, air force and the Special Task Force commando unit, are said to have become a definite pattern in late 1984. This was when armed Tamil groups stepped up their actions for a separate state on the island — they have killed many hundreds of members of the security forces as well as civilians among Sri Lanka's Sinhalese majority.

Amnesty International said it condemned torture or killings of prisoners by anyone, including opposition groups. But although

the government had a duty to maintain law and order, "acts of violence by opposition groups can never justify security forces themselves resorting to violations of human rights".

Amnesty International said it believed that "disappearances" and other human rights abuses in Sri Lanka such as political killings, torture and arbitrary detention had been made easier by the suspension of important legal safeguards under the country's emergency legislation. There was provision for prolonged incommunicado detention without charge or trial and serious restrictions on the holding of inquests. The security forces may well have been encouraged by the government's attitude to believe they could dispose of bodies without questions being asked, Amnesty International said.

Its new report urges the Government of Sri Lanka to establish "speedy and impartial investigations by an independent body" to determine what happened to the "disappeared". It calls for an up-to-date central register of arrests to be set up to which lawyers, relatives and the courts could have immediate access. Security force personnel found responsible for abuses should be brought to justice.

Lalith on Amnesty Report

"It is regrettable that Amnesty did not think it fit to record the counter-affidavits filed by our deputy Solicitor-General Mr. Sunil de Silva in Geneva with the UN Human Rights Commission" said National Security Minister Lalith Athulathmudali commenting on the latest Amnesty International report a damning indictment supported by eye-witness accounts and affidavits.

"But the government has been called upon to explain the 'disappearance' of nearly 300 persons?"

"We invite Amnesty or any other human rights organisation, international or local, to exercise the right to lodge a complaint with the Police headquarters in Colombo, if somebody is reluctant to go to the local police station, or take the matter to the Supreme Court... that is what the law permits and what governments are required to comply with..."

What is your reaction to the idea of a Central Register?

(a) We have required every officer in charge of a police station or the commander of any army unit to enter all details about arrests, detainees and so, in their log books and there's your basic information.

I pointed out to the Minister that on page 6 of the Amnesty Report the following passage from the Judge's order in the Nallanayagam case appears:

"According to the Minister's order (the National Security Minister) a list of persons arrested should have been sent to the Coordinating officer by the Special Task Force officers but these lists were not produced in court and one can infer that there was no such lists sent to the C. O. in compliance with the Minister's order".

(Continued on page 8)

The Militant Mood

S. H. Venkatramani

The focus on the Sri Lanka ethnic problem shifted to the Tamil militants last fortnight. After the Tamil United Liberation Front (TULF), willy-nilly, established a broad band of agreement with the Sri Lanka Government on the provincial council proposals in the first round of talks in mid-July, it nervously tried to wriggle away from its responsibility by arguing that "the militants have to be a part of any negotiation process"

As the fortnight drew to a close and the TULF leaders once again left for Colombo to resume their discussions with the Sri Lanka Government, without the blessings of the militants, it looked as if the Tamil political Party was getting further and further away from the driver's seat in the vehicle of Tamil destiny.

Thus, the return of the TULF to Colombo at the fag end of last fortnight wasn't accompanied by as much fanfare as their last trip. But it looked fairly obvious that it was only a question of time before the TULF would actually put its signature on a settlement. It looked equally plain that the TULF was getting increasingly nervous about the tough postures of the militants, who were the crucial parties in the ethnic problem, according to its own admission.

In any case, the militants were already greatly cut up with the TULF. The TULF leaders had not only talked in Colombo for as long as 10 days, they also stated their intention to return to Colombo to resume discussions, implying thereby that some progress had certainly been made. Said Velupillai Prabhakaran, the leader of the Liberation Tigers of Tamil Eelam (LTTE), which had emerged as the most powerful militant group: "The TULF did not even strongly protest about

the killing of 67 innocent Tamil civilians by the Sri Lanka army in Trincomalee during the talks."

So the question last fortnight was — how would the Sri Lanka Government and the TULF be able to implement a possible accord in the face of tough opposition from the Tamil militants? Progress in the talks, thanks to the Indian Government's persuasion and pressure on both the parties, cannot any longer be denied. Although A. Amrithalingam would like to say on record that "there has been no finality reached on any of the matters," investigations by INDIA TODAY reveal that there has been broad agreement on the law and order question, and that an agreement looks on the verge of being clinched on the land settlement question.

The Sri Lanka Government sent its reformulations on the land question to Delhi through the Indian High Commissioner in Colombo, J. N. Dixit, and even R. Sampanthan, the former TULF MP from Trincomalee, who had earlier reportedly taken a tough line on the land issue told INDIA TODAY last fortnight: "It is not my contention that all land in the province should belong to the provincial council, but that whenever some land over which the authority has been devolved to provincial council is required by the state, the land can be allotted after mutual agreement."

So the main hurdle remaining was not the TULF hardliners but the militants. After the TULF's return from Colombo they were eager to meet the militant groups to brief them on the discussions. But the Eelam National Liberation Front (ENLF) — the umbrella organisation consisting of the Eelam People's Revolutionary Liberation Front (EPRLF), the Eelam Revolutionary Organisation

and the Tamil Eelam Liberation Organisation — promptly announced that it would not even be prepared to meet the TULF. Said L. Ketheeswaran, the articulate spokesman of the EPRLF: "The TULF cannot be allowed to take unilateral decisions while giving the impression that it has been consulting the militant groups". Added Prabakaran: "The TULF does not seem to have a clear point of view of its own".

* * *

THE GENERAL mood among the militant groups last fortnight was not in favour of negotiations and a possible settlement, although the militant leaders and cadres stubbornly refused to explicitly comment on the merits or otherwise of the latest provincial council proposals. Reliable sources say that while the Government of India did not pressurise the militant groups to negotiate with the Sri Lanka Government on the basis of the latest proposals, officials of the Research and Analysis Wing specifically asked the militant leaders not to publicly comment on the proposals and queer the pitch for the negotiations between the TULF and the Sri Lanka Government.

The militant leaders headquartered in Madras were also told not to claim any military victories from Indian soil during the negotiations and were advised not to plan or execute any military operations either. Said a top militant leader: "We told the Government of India that while we would not launch any military offensive, we reserved the right to protect our Tamil people by repulsing any army advances from the camps in the north and east."

The militant cadres and fighters also give the impression that a settlement on the basis of the provincial council proposals would be far too much to expect. Says 33-year-old Nathan of the Liberation Tigers who left Colombo after the July 1983 riots in which his house and grocery store in the Sri Lanka capital were razed

to the ground: "The situation has well passed that stage when there could have been a patch-up between the Tamils and the Sinhalese." Adds 24-year-old Senthil of Vavuniya in Sri Lanka, who now belongs to the large break-away faction of the Peoples' Liberation Organisation of Tamil Eelam which calls itself the real PLOTE: "It is not easy to get the Tamil people of Sri Lanka to agree to a negotiated settlement with the Sri Lanka Government. We cannot forget the atrocities the Government and army have systematically perpetrated on us for ever so many years".

While the militants are being firm without embarrassing the Indian Government, the latter is no longer in a strong position to twist their arms and drag them to the negotiating table. Although the leaders of the militant groups are still staying on in Tamil Nadu, most of the training camps in the state are reliably understood to have been wound up and most cadres shifted to northern and eastern Sri Lanka. Said a top intelligence source: "A few months ago, there were a little over 3,000 Tamil militants in Tamil Nadu. But now the count has fallen to less than 1,500. The militants are shifting their operations and headquarters to Jaffna."

Latest reports, in fact, have revealed that the LTTE have even succeeded in establishing a full-fledged ordinance factory in Jaffna which is capable of manufacturing 25 six-inch mortar shells and 100 hand grenades a day. The factory already has a stock of 7000 mortars, each carrying five kilos of explosives. The Tigers have even set up a military training academy in Jaffna which turns out 80 cadets every three months.

But being firm was not being unbending. The militants were not being intransigent while talking about the stakes now in the Eelam liberation game. Reasoned Suresh, EPRLF activist from Jaffna: "We would be prepared to negotiate with the Sri Lanka Government if it withdrew its army from the

north and the east, gave voting rights to the plantation Tamils, and accepted the concept of the Tamil homeland."

That ray of negotiating hope was made a little bleak by TULF's apparently nervous excavation for escape routes to back out of the negotiations in case the militant going became a little too tough for them. TULF Secretary-General A. Amrithalingam had said in Colombo that the TULF was prepared to agree to the Tamil-speaking areas of the east being detached and merged with the northern province. But last fortnight, the party politburo took the stand that one of the cardinal features of any acceptable solution would be the creation of a Tamil linguistic unit comprising the northern and eastern provinces.

The politburo also made it a point to promptly take exception to the reported statement of Jayewardene that if the peace negotiations broke down, the Sri Lanka Government would be forced to mobilise the population into military action. With the TULF thus blowing hot and cold, the progress in the Sri Lanka talks appeared to be like the frog in the well — three steps forward and two steps back.

— India Today

Lalith on . . .

(Continued from page 7)

Mr. Athulathmudali said: "I am glad they have referred to the Nallanayagam case. He was found not guilty after a free and fair trial. It is not necessary to note as some people do that the judge was Tamil because it was a Sinhalese judge who found Fr. Singarayer innocent. What it proves is that our courts are independent. That's the important thing. Abuses, misuse of the law, of course these happen. . . nobody is denying it. But there are remedies. Let Amnesty or any representative or any other agency complain to the IGP or file action . . . and see what happens".

Making of a militant leader

N. Ram: May I ask your opinion of Sinhala politicians — the government party and the opposition parties. Are there any significant non-chauvinistic or anti-chauvinistic; progressive forces in Sri Lanka politics? How do you view the political spectrum on the other side?

V. Prabakaran: Let's consider the longer term experience. Among the Sinhala parties, the UNP and the SLFP have been around for the whole period. Neither has been interested in solving our problem in any way. One could even say this struggle started during the Prime Ministership of Sirimavo Bandaranaike. 1972 saw the sharpening of the militant struggle. In that year, our basic rights were snatched away and a new constitution was instituted. The Republican constitution took away the status of Tamil as an official minority language. In other words, what existed in the old constitution as a limited right for us was robbed through constitutional change. Those responsible for that included Mr. Colvin R. De Silva of the Lanka Sama Samaja Party, a "leftist". At that time Mrs. Bandaranaike's united front included, apart from him, Mr. Peter Keuneman of the Communist Party — it was a united front government.

With even leftists with progressive ideas taking away our basic rights through constitutional change, our struggle intensified and acquired a sharp edge. It is important to reiterate this: our struggle sharpened in opposition to the new Republican Constitution of 1972. Please remember that the person who wrote much of the new Constitution was Mr. Colvin R. De Silva. Existing rights were done away with. The Tamil representatives walked out of Parliament in opposition, refused to sign it. Those few Tamils who signed it were recognised by our people as traitors.

Supporters smothered

But let's take a very recent example. Mr. Vijay Kumaranatunga, the leader of a leftist party, the SLMP, is not able to speak freely on his own party platform. Bombs are hurled at him. This shows that no Sinhala party expressing support to the Tamils in any way can flourish there. This is why we say circumstances do not permit us the luxury of trusting Sinhala politicians! If there is a rational voice, it is a small tendency. Those who voice support for us are in a minuscule minority and they are being smothered.

Q: Do you regard the posture of the Jayewardene Government, and the various elements in it, as a response necessitated by a difficult situation — the blows they have taken, the adverse economic impact, the resistance by the LTTE and others and the international criticism of the government's handling of the Tamil question? Has all this brought them to a stage where they seem keen on a political solution? Or do you see it as partly of some other plan?

A: One should see it as a posture tailored mainly to the external world. Which is to say, at a time of preparing internally for war, he (Mr. Jayewardene) has been pushed into a situation of having to demonstrate to the outside world that he is a lover of peace. Or, alternatively, that he is one who strives for peace but, finding that not possible, has to resort to war. He is trying to varnish the path of racist-chauvinistic destruction he is going to pursue. His recent pronouncements give a clue to this "I will mobilise all healthy (Sinhala) people to wage war (on the Tamils). I will lead those ranks." These statements do not reveal him as a peace-lover!

Another aspect is to tell the aid-giving countries: "I tried my best to solve the crisis but it was not possible. That is why

How do the Tamil militants view the Sri Lankan Government and the rest of the Sinhala political spectrum? What is the ideological and political orientation of the Liberation Tigers of Tamil Eelam? What is its strategic plan? What about its methods and tactics and the charge of ruthlessness? What early influences shaped the personal political evolution and thinking of its top leader? In this concluding part of an extended tape-recorded interview in Madras with N. Ram of THE HINDU, Mr. V. Prabakaran, the LTTE leader, responds to these questions in detail. His responses in Tamil have been translated.

I have to declare war", and to receive further assistance. He shows himself to this forum as being extremely enthusiastic about a political solution despite repeated setbacks and rebuffs. As one who is not put off by failures. Internally, of course, he does not offer anything substantive; he is still revolving his offer around the idea of provincial councils.

Jayewardena's strategy

Thirdly, and this is crucial, his strategy has to deal with the Government of India, if he can make the Indian Government repose faith in him, if he can make it believe in these paltry concessions and win its approval. If he can create misunderstanding between the Indian Government and then he can disarm us and destroy us. This is his line of thinking. In fact, he has asked India publicly to help him push through these proposals and also to help him implement them.

Q: One last area. I would like to ask you a few questions on your ideological outlook and politics. Various things have been said and written about you and the LTTE, and obviously everyone goes through some kind of political evolution. I would like to get an insight into how you see yourself, your political evolution and ideology over time. To start with, how would you characterise the ideology of the LTTE?

A: Socialism and Tamil Eelam form our political ideology, our cause.

Q: When journalists or external observers try to interpret the Tamil militant phenomenon, they characterise some of the organisations as "nationalist" in orientation or perspective and some others as "socialist" or Left. For example, they would say the LTTE (and earlier TELO) came to the struggle from a "nationalist" angle whereas EROS and EPRLF brought a somewhat different outlook with an emphasis on socialism or left-oriented politics. Would you like to comment on this differentiation?

A: To me the activities of all the (militant) organisations look the same. What is the difference in the practice of those who are supposed to be committed to "nationalism" and those who profess the other thing (laughter)? You know that brands of socialism vary according to who professes and interprets it. Everyone claims to be a socialist. Does not Mr. Jayewardene claim this label for himself? You can judge the product only when those who profess socialism put it into practice. We advocate a socialism that fully reflects our people's interests and aspirations, a socialism that harnesses the creative abilities of the masses. Some time ago, I made reference to the 'Yugoslav pattern' (in a positive light). We consider it socialist experimentation — where democracy has to be enhanced in the political process. Through workers self-management,

democratic participation is allowed in a socialist set-up.

Yugoslav pattern

Our objective is to allow, to a great extent, people's democracy in a socialist system. We do not consider the 'Yugoslav pattern' to be our model. We will work out our own pattern in the future. Let's look, for a moment, at another thing Yugoslavia has sought to do. It tried to create a 'third force' during Nehru's time, in cooperation with him: that was the origin of the non-aligned movement. They have an active role in (progressive) struggles; at the same time, they take an independent stand without aligning themselves with anyone. Aspects such as these appeal to us; we consider these aspects seriously and think along these lines. We are thinking of a pattern of socialism that is suited to our people, our historical heritage. We have a special social structure and, in fact, in our land there are no big capitalists. There is, however a numerous middle class.

Q: One idea that has been put forward (in an interview you gave recently and perhaps in other statements as well) is that your organisation believes in a one-party state after the achievement of liberation. That has raised apprehensions...

A: It depends on what the people want and go for. They can choose freely the party they want. Take, for example, India. Has not the Congress party dominated political life here over a long period? Does not it rule even today. You mention the doubts and suspicions our position has given rise to. My impression is that they are created mainly by those who want to become leaders without fighting! What we said has made a special impact on the minds of those who have stood aloof from the struggle, but nurse high leadership ambitions.

Look at the entire range of socialist countries. What prevails there? Is it not one party which, having worked for the revolution and having been approved by the people, wields power? Look at Cuba, the Soviet Union every socialist country... By the way, I consider this in the nature of a necessary examination. Journalists can be regarded as the examiners of politicians. You represent the public and mediate between us and the people. What we are able to convey to you with effort and precision, as in an examination reaches the people. But, in truth, you are the danger for us (laughter)!

— HINDU

(To be Continued)

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South Africa, U.S. in the Dock

As most commentators anticipated, the 8th summit concentrated on South Africa. This was only natural. The London mini-summit clearly showed the intensity of feeling on this issue not just among African countries but the whole world and many western states, with liberal regimes and even conservative governments not totally insensitive to humanitarian concept. Of course there are two great exceptions, the US and UK.

While condemning the barbaric apartheid regime in Pretoria the N.A.M. had no choice but to point an accusing finger at the

countries actively cooperating and assisting South Africa — US, UK, Israel etc.

The nonaligned leaders also placed strong emphasis on the issue of world peace and disarmament. They hoped that new proposals — Mr. Gorbachev may have cleverly timed his appeal to Mr. Reagan on Aug. 19 not to miss 'The historic opportunity' to join the year-old moratorium on N-tests with the NAM summit in mind — world at least lead to fruitful superpower discussions.

The U. S. was keen on the conference taking up the question

of 'international terrorism' but the pro-US lobby failed to formulate the final resolution in a manner favoured by Washington. Libya was fresh in their memories, and just to make sure that the Harare summit took account of the US aggression, Colonel Gaddafi made sure that the cameras were firmly focussed on him. Besides there was Nicaragua and US moves in Central America. The nonaligned leaders expressed 'outrage' over US policies. For very sound reasons as the following *New York Times* article by Anthony Lewis demonstrates.

TERRORISM

Reagan's Policies Subsidize Savagery

Anthony Lewis

If Americans were asked whether a political cause could justify the deliberate maiming and killing of innocent civilians, most would surely reject the idea. Those are the tactics of terrorism, they would say. That is the indiscriminate brutality of Soviet repression in Afghanistan.

But the United States government today allies itself with forces that use exactly those tactics. It actively supports such forces. And it does so in full knowledge of their brutalities. In the Reagan doctrine the end justifies the means.

Nicaragua and Angola are the current examples. In both, the Reagan administration supports armed groups that are trying to overthrow established leftwing governments. In both, a fundamental tactic of the opposition forces is to terrorize the civilian population.

The Nicaraguan "contras," unable to hit significant military targets, have focused their rage on farms, cooperative settlements

and schools in remote rural areas. The result is civilian casualties.

On June 27, contras attacked a cattle cooperative in the village of Comoapa. According to reports from the scene later, the attackers threw a grenade into a house, killing two children in their beds — sisters aged 5 and 12. The contras burned five houses and took five residents with them when they left.

Diplomats and U.S. correspondents also report extensive use of land mines. Contras plant the mines in the dirt roads that are the only links to villages in the border areas. By definition, the mines produce indiscriminate casualties.

There was an especially grisly incident on July 2 when a truck was blown up by a mine near El Cua in Jinotega province and 34 people were killed. But many other trucks have been hit. "The contras have gone into mines in a big way," a diplomat in Nicaragua said.

The savagery of the tactics is no secret. Missionaries have been kidnapped and murdered. But none of that has any visible effect on the Reagan administration's policy. Neither does the evidence of corruption among the contra leaders. The only thing that matters is the end: overthrowing the Sandinist government.

In Angola the anti-government force is headed by Jonas Savimbi, a figure who has been on every ideological side during years of trying to make himself Angola's ruler. The Reagan administration hails him as a "freedom fighter."

A report in the *Washington Post* last week threw fresh light on the character of Mr. Savimbi and his war. It described a particularly revolting atrocity. Last Feb. 8, several hundred soldiers attacked Camabatela in northern Angola, killing 107 villagers. By all available accounts,

(Continued on page 17)

to link up with technology

Few other countries can claim that capital invested over 15 centuries ago in extensive irrigation programmes is still contributing to their life.



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Impressions of the 'new' China

Sirimavo Bandaranaike (President S.L.F.P.)

The government of China, the party and the people are now participants in a mighty, feverish race to 'catch-up', catch up not only on the developed world but to catch up on lost time, the ruinous, wasteful years of the cultural revolution' said Mrs. Sirimavo Bandaranaike speaking at the B. M. I. C. H. on her recent visit to the Peoples Republic where she was a guest of the prestigious Institute of Foreign Affairs.

"That was the strongest impression imprinted on my mind, from the moment I arrived and more so at the end of an exciting, and to me, very educative visit" she said. **Excerpts:**

● As you know, my earlier visits to China was as Prime Minister. Naturally, almost all my time was given to official talks and conversations, with Chairman Mao, with Prime Minister Chou en Lai, and other leaders of government and party. This visit was different. Not that I regarded it as a pleasure trip. I was keen on seeing the 'new' China with my own eyes. I was anxious to meet the new leadership and understand their approach to China's present problems, to grasp the thinking of those who are planning the future of the world's largest country, almost a quarter of the human race".

● My introduction to the 'new' China was almost immediate, from my very first visual impression. Earth-moving machines, giant bulldozers, tractors, cranes machinery... people working at a feverish pace... signs of the new development drive, what they call 'modernisation'. To be frank at the end of my visit, I was left wondering whether the pace was far too fast! But I also learnt something. China needs foreign capital, China needs the most modern and sophisticated technology... that is only natural, it is still a developing country. Yet, the engineers, the techni-

cians, the planners, the men supervising all these projects, drawing up the blue-prints... these are almost 100 percent Chinese. There is a useful lesson for us here. Sometimes we have to rely on foreign assistance, money and technology, and even a country with the resources of China has to do so, but they are not handing over their economic projects, lock, stock and barrel to foreigners. The idea of self-reliance, as far as is humanly possible, the idea of the old leadership is still alive in China. In other words, there is a balance between the two in this period of rapid modernisation — relying on the outside world for what they don't have, and depending on their manpower resources to the maximum possible...

● I was lucky on this trip for the time I had to travel freely to various parts of the country. I visited five provinces, and did so by plane, by car and train, and even by ship. As a result, I saw much more, met far more people from different walks of life, and spoke to them in their homes or workplaces. So I could enjoy not only the great cultural treasures of China, to see so many historical sites, from the Great Wall to the palaces, but to visit schools, factories, and farms, housing schemes, tea plantations, and a massive hydro-electric project.

● Let us remember that China too is primarily an agricultural country. The changes in that sphere are most interesting. Again the main aim is to increase production, and offer a better life to the rural population. There too we found change, modernisation in different ways; for instance, incentive have been given structures of ownership, and management have been changed with this aim in mind. Communes have been replaced by townships, which combine 20 villages. These are

self-contained. They work as a production unit or team.

● To our pleasant surprise we stopped on a Sunday at a village "pola". This too is part of the modernisation program, part of the policy of increasing production through incentives to individuals. The farmers are allowed to sell their own produce at a market, and we watched these 'sales points' and how each farmer and his family brings their vegetable, eggs, meat fruit and handicrafts. Cattle breeding, poultry keeping etc. are encouraged. And each township has a large fishing project, making these 'units' self-sufficient in fish.

● Is this private profit? No, not at all. Individual enterprise is promoted but within a socialist system, where all land, all means of production are state-owned. But the better farmer, the more hard working individual must be rewarded. As a result small blocks of land are given for house-building. Since the land is limited, farmers have two and even three-storeyed houses, some of them with television in their drawing rooms. The government helps by selling them building materials cheap. There's no doubt about it. Great strides have been made by Chinese agriculture. The farmers are much better off than they were, and production in the country has risen rapidly.

● China of course has one huge advantage, the size of its domestic market. This was our impression when we visited the Special Economic Zones. In addition to these which are mostly located on the coastline for obvious reasons of access to overseas markets, there are 14 special industrial centres. Foreign investment, Japanese, American, Hongkong etc. has poured into China. A certain percentage of the manufactured goods can be released to local market. Total investment exceeds 3.6 billion H.K. dollars.

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TULF memo to Rajiv

ANNEXURE — III

EVOLUTION OF POWER IN RESPECT OF LAND

- I Land has been one of the major areas of friction. Its history relates back to the early 1950s, when major colonisation schemes commenced. Its origin is of a much earlier date, then other areas of friction. Policies pursued hitherto, have endangered the very existence of the Tamils. Their survival is almost wholly dependent upon a just resolution of this question.
- II Sharing of Power, through Devolution, would mean that Power is transferred to the State in respect of specified subjects. This, in effect, means that certain subjects will come under the authority of the State. In respect of a devolved subject, unless there be valid reason why a specified functional area has to be retained by the Centre, functions related to a devolved subject should not be withheld from the State. The subject as such, should be devolved.
- III Sharing of Power through Devolution, also means, that, in regard to the power transferred, such power would be independently exercised only by the State and that the Centre would not have the right to exercise such power, nor to monitor, review or revise the exercise of such power by the State.
These basic tenets have to be observed if the irksome question relating to Land is to be resolved through the means of Devolution of Power. It would be a frivolous exercise to approach this question otherwise.
- IV Any attempt to sustain the supremacy of the majority

- nationality, by the allocation of Natural Resources on a preferential basis, to the deprivation of the minority nationality, and, in such a manner, as to erode the political rights and interests of the minority nationality, even in parts of the country in which such minority nationality has a well recognised and indisputable claims, is unjust, and cannot be accepted. Rational and Equitable principles have not been followed hitherto in the matter of the sharing and management of National Resources, particularly in relation to Land.
- V The overall development plan of the State would encompass the management and utilization of its natural resources, in appropriate time-frames based on objective and scientific criteria, in the best interests of all the people who live within its area of authority and the country as a whole. While the State should have its own institutions of study and research, guidance and suggestions based upon study and research at the Central level would certainly receive the consideration of the State in the formulation of its over-all development plan.
 - VI The principle, that people at the local level should have priority consideration, in respect of entitlement to State land is contained in the Land Development Ordinance. The State of Sri Lanka has consistently violated this principle, and acted in breach of the provisions of the Land Development Ordinance.
 - VII It would be the responsibility of the State to sponsor and finance development programmes that would benefit all sections of its society. It must be expected that the State would not fail in this

regard, and that it would act without consideration of race, religion or caste.

In its formative years, the State could be trusted to act in a principled way. It should not be assumed that the State would follow the unprincipled practices of the Sri Lanka State, which has led to the grave situation prevalent in the country today.

With due regard to the above, the following proposals are made:—

Powers of the State, other institutions within territorial limits of State, ordinances, and laws pertaining to Land, and Statutory functions.

- I Broadly speaking, the State should have command over the natural resources within its area of authority. Considering, the grievance in relation to Land Alienation, authority over land is a prerequisite, not merely for the removal of one of the most vital areas of friction, but is also, basic to planned socio-economic development, by the State within its areas of authority.
- II The State should be vested with power over land, within its area of authority. (It may, in the exercise of its discretion, entrust functions pertaining to land, and other allied matters, to other institutions within its area of authority).
- III All powers pertaining to Land in all its aspects, including Land Settlement under all irrigation schemes, and other forms of Land Settlement, falling within the territorial limits of the State, and all other forms of land use, including land development, and land acquisition, within the said territorial limits will be a devolved subject.

- IV In regard to a devolved subject there can be assignment of functions by the Centre to any other institutions within the territorial limits of a State nor any separate allocation of funds to any such institution, for any purpose related to a devolved subject.
- V Allocation of funds by the Centre in regard to devolved subjects, will be only to the State. All funds, will be credited to the Consolidated fund of the State. (Such State may in its discretion assign to any other institution, within its territorial limits, such funds as may be necessary for the performance of any function entrusted by it to the said institution.
- VI Classification of settlement schemes based upon extent is unnecessary in the context of land in all its aspects being a devolved subject.
- VII All statutory functions presently performed by the Minister for Lands and Land Development the Land Commissioner, the Government Agent, Land Officers, and other statutory functionaries within the territorial limits of the State under all existing laws should be devolved.
- VIII At the Thimpu Conference in July 1985, the subject "Stateland and Fore-Shore" was added by the Sri Lankan Government Delegation to the subjects and functions that should be exclusively reserved by the Government (Added to Annex-1 Report of committee-A). This formulation is totally unacceptable. power over Land is generally a devolved subject, for e.g. In the Constitution of India "Land, that is to say, rights in or overland, land tenures, transfer and alienation of agricultural land, land improvement and agricultural loans, Colonisation" is a State subject. This principle should be followed.

- IX Along with the subject of land in all its aspects as stated above, there should be devolved subjects such as Agriculture, Agrarian services, Irrigation, Animal Husbandry and Housing which are related to the planned and efficient utilization of land. These subjects are generally devolved subjects. Statutory functions presently performed by functionaries in the above subject areas, under different statutes shall be devolved.

LAND GRANTS:

- I The extent of land in the Northern and Eastern provinces vested in the Land Reform Commission under the Land Reform Law is not substantial, and constitutes only a minor fraction of the land vested in the Land Reform Commission throughout the country. Nevertheless, the functions performed by the central Minister should be devolved, and such Land should be vested in the State.

NON-STATUTORY FUNCTIONS:

- I Non-statutory functions related to Land and the other subjects above referred to are ancillary to the main functional areas, and would therefore inevitably fall within the purview of the subject devolved. No special enumeration of Non-statutory functions is required. Once a subject is devolved, all non-statutory functions related to that subject, shall come within the authority of the State.

NATIONAL SETTLEMENT SCHEMES:

- I The phrase "National Settlement Schemes" is new. Hitherto, Land settlement has taken place either under minor or major irrigation schemes, based upon the extent of land that would benefit under a particular irrigation scheme. The expression "National Settlement Scheme", and the introduction of the element of the "National Ethnic Ratio" is not in keeping in regard to Land Settlement.

- II It is violation of the principle accepted in the Bandaranayake-Chelvanayagam Pact, that in the matter of colonization schemes, the powers of the regional councils shall be employed for work on such schemes.
- III It is also in violation of the principle accepted in the Dudley Senanayake-Chelvanayagam Pact that in the granting of land under colonization schemes in the Northern and Eastern Provinces Tamil speaking persons resident in the Northern and Eastern Provinces and Tamil citizens in the rest of the island were entitled to certain priorities.
- IV The above pacts did not distinguish between minor or major irrigation schemes, and since the bone of contention at the time of making of the pacts were the major colonization schemes, then in the process of implementation, the expression "Colonization Schemes" clearly referred to the matter in issue at that time.

The effect of the non-observance of these pacts to the Tamil people has been most detrimental. The increase in the Sinhala population in the period since independence in the Eastern Province has been 883.13% from 27556 — to 243,358 while the island wide increase in the Sinhala population during the same period has been 237.70% from 4,621,507 to 10,985,666.

The increase in the Tamil population in the Eastern Province during the said period has been 392.40% from 136,059 to 411,451 while, the increase in the Muslim population in the same period has been 288.94% from 109,024 to 315,021.

(The figures are based on the census of the year 1946 the year prior to independence, and the year 1981, the last available census).

- V The United National Party in its election manifesto of 1977 identified "Colonization" as one of the major grievances of the Tamil people which had led to the demand for a separate state, and undertook to remedy this grievance.
- VI Throughout, the long history of the issue of Colonization the expression "National Settlement Schemes" and the element of the "National Ethnic Ratio" were never in usage. On the contrary, though not implemented, what was accepted was the principle of preference for Tamil speaking persons in respect of land in the Northern and Eastern Provinces. The present proposal of "National Settlement Schemes" and the element of the "National Ethnic Ratio" would institutionalise the hitherto resisted violation of this principle.
- VII The Tamil People contend that the concept of "National Settlement Schemes" and the element of the "National Ethnic Ratio" will further adversely alter the demographic composition of the Northern and Eastern provinces. The implementation of this concept, through whatever formula, would in effect mean all land for the Sinhalese in the rest of the country and the "National Ethnic Ratio" or at the best, some slight improvement thereon, in the Northern and Eastern Provinces. This is just not acceptable.
- VIII The Tamil people do not accept the introduction of the element of the "National Ethnic Ratio" in so-called National Settlement Schemes". The Tamil people oppose the introduction of the "National Settlement Schemes" or the element of the "National Ethnic Ratio" in the matter of Land settlement within the territorial limits of the State.
- IX The Mahavelli Development Scheme is the only major irrigation scheme comparable

with irrigation under interstate rivers, in other countries, and is intended to benefit lands in several parts of the country. In view of the utter impossibility for Tamils to hold land in any Land Settlement Schemes outside the Northern and Eastern Provinces, the Tamil's had enunciated the principle, that in respect of land alienation under irrigation schemes, such as the Mahavelli Scheme, the cumulative percentage of the Tamil and Muslim entitlement to the totality of the land that would benefit under such a scheme throughout the country should be allotted to them in areas within the Northern and Eastern provinces. Previous experience of the manner of implementation of colonisation schemes in the Northern and Eastern provinces also compelled the Tamil people to enunciate the above principle. It is the contention of the Tamil people, that the above principle which is just by any standard, would also ensure that the demographic composition of the Tamil areas is not further eroded through Land Settlement under the Mahavelli Diversion Scheme. (Vide:- Separate paper on Mahavelli Ganga Development Scheme).

- X The Principle enunciated above in respect of land settlement under the Mahavelli Development Scheme should be observed in the Eastern Province. In the unlikely event of any land in the Northern Province benefiting under the Mahavelli Development Scheme, at a future date, observance of the same principle would be feasible, and should be ensured on a consideration of the total extent of land receiving irrigation facilities under major irrigation Schemes in all parts of the country. The commencement date for such consideration and the definition of the expression "Major Irrigation Schemes" in this context should be determined by mutual agreement.

- XI Since Land in all its aspects, would be a subject, implementation of Land Settlement Programmes under the Mahavelli Diversion Scheme within the Territorial limits of a State would be within the ambit of a devolved subject.
- XII Implementation of the Mahavelli Development Scheme is by the Central Government. Maintenance of irrigation structures and systems and the infrastructure that falls within the scheme would also be by the Central Government or, if considered appropriate, maintenance of structures and systems within the territorial limits of a State could be entrusted to the State, and the funds required specifically allocated to the State. Likewise, maintenance of infrastructure could be entrusted to the State and the necessary funds allocated.

NATIONAL RESOURCES DEVELOPMENT COMMISSION

- I The National Resources Development Commission in so far as it seeks to curtail or circumscribe in any way the exercise by the State of powers in relation to a devolved subject is unacceptable. Ecological Balances can be maintained, and environmental consideration duly heeded by a State, without interference by such a commission.
- II The formulation of this new proposal, at this time when devolution is under consideration militates against the very essence of devolution, and is seen as effort to stifle the exercise of devolved powers.
- III The proposal that the National Resources Development Commission should consider and approve of settlement schemes proposed by the State reveals the true motive for the setting up of this commission. This proposal would wreck the whole concept of devolution. The Tamils oppose this proposal.

POWER RESERVED TO THE MINISTER :

- I The Central Minister will have no powers in respect of a devolved subject, within the territorial limits of a State. There will be no reserved powers on the subject of Land.

STAFF :

- I The staff responsible for land administration within the territorial limits of the State will be the Staff of the State and subject to its disciplinary control. Such staff could be staff which has been seconded for service in the State, or staff which has been directly recruited to serve the State.
- II Neither the Government Agent, nor the Head of the Dept. whose officer/officers have been seconded for service to a State, would exercise direct disciplinary control over any member of the staff in the service of a State.
- III In the case of an officer seconded for service in the State, the Head of the Department to which such officer is permanently attached, would act, except for valid reason, in keeping with the recommendation of the executive of the State in regard to the officers continuance or otherwise in the service of the State, his increments, promotional prospects etc.
- IV The matters in respect of which the Head of the Department may exercise control over the officer/officers seconded could be worked out, but, cannot be, in relation to the performance by the officer of duties and functions in respect of the subject devolved.
- V In respect of other aspects of the service of such officers, during the period of their attachment to the State, co-ordination between the Head of Department to which officer is permanently attached,

the executive of the State and the State public Services Commission may be necessary.

- VI Unless State is able to exercise effective control over its staff, devolution would become a mockery. The authority of the Executive of the State over its staff must be unquestioned.

FOREIGN FUNDED PROJECTS :

- I The State would have the power to mobilise financial resources by receiving grants and by raising loans.
- II Whether any procedures, have to be laid down, in respect of the receipt by a State of foreign funded grants and loans and if so such procedures may be determined.
- III If such foreign funded loan or grant relates to a specific project within the scope of a devolved subject, and the project falls within the territorial limits of a State the State would be the implementing agency.
- IV If such foreign funded loan or grant is to the Centre and relates to a specific project within the scope of a devolved subject, and falls within the territorial limits of a State, the fund will be transferred to the State, and the state would be the implementing agency. The sanction of the funding country or agency may have to be previously or latterly obtained.
- V If such foreign funded loan or grant is to the centre and is a block allocation related to a particular field of activity in the whole country, and such activity falls within the scope of a devolved subject, then the amount apportionable to a State, in consultation with the executive of the State, shall be transferred to it and the State shall be the implementing agency for such activity.

Reagan's Policies . . .

(Continued from page 11)

the attackers were Jonas Savimbi's men. They used bullets, machetes and knives. They killed women, children, a Methodist pastor.

That incident was consistent with the general pattern of Savimbi terrorism. The Savimbi forces plant mines in the productive farming areas of Angola, with the intent — and effect — of driving farmers into the overburdened cities. Thousands of people have lost legs. The International Red Cross has opened a factory to make artificial limbs.

The Savimbi tactics are no secret. Diplomats have been reporting them for a long time. Mr. Savimbi boasts of shooting down civilian airliners. He has taken groups of foreigners as hostages and marched them hundreds of miles.

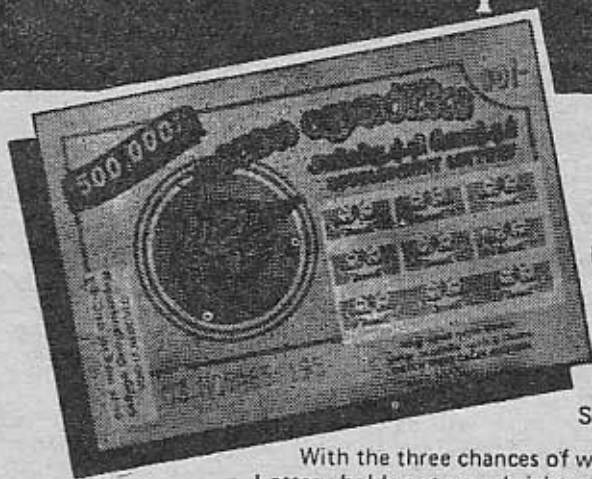
The Reagan administration shows no embarrassment at any of that. It is evidently proceeding with its planned shipments of military aid to Mr. Savimbi. A story in *The Weekly Mail of South Africa* says that CIA Director William Casey visited South Africa in March to make plans for that aid.

To fight communism, we are told, America must turn a blind eye to savagery. The irony is that in the long run it is damaging its own interests. The legacy of the Reagan doctrine in Nicaragua and Angola will be anti-Americanism.

Does anyone care? Not many in Mr. Reagan's Washington, evidently. The House of Representatives caved in on aid to the contras in June. In the Senate, even a man as sensible on most issues as Bill Bradley has cast a crucial vote for that aid. But I think the American character will tell in the end, and turn Americans in revulsion from such evil.

— *The New York Times.*

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ORDER

An article published in the 'Lanka Guardian' of the 15th February, 1982 was the cause of a complaint made by Prof. Kingsley de Silva, dated the 20th April, 1982 against Mr. Mervyn de Silva, Editor, as well as against the publisher, printer and proprietor of the 'Lanka Guardian', a magazine published fortnightly. The article was entitled "History of Lanka — Great Minds Agree?" and the complainant alleged that it contained the imputation that he has been guilty of plagiarism and had not conformed to accepted academic standards with regard to acknowledging the works of other authors. This article was produced in evidence marked P1.

The complaint is that the article is untrue, distorted and improper and the complainant seeks as his relief the publication of both censure and correction in this magazine; he also seeks costs.

The article contains 'correspondences' between passages in the complainant's book, 'A History of Sri Lanka', which was published in 1981 by the Oxford University Press, and four other authors, Michael Roberts, L.A. Wickremeratne, S.B.D. de Silva and A.D.V. de S. Indraratne, whose works were written in 1973, 1975 and 1966, that is, some years earlier. The similarity in the language of each pair of correspondences is the basis of the imputation of plagiarism.

However that may be, two of these scholars, Dr. Michael Roberts and Dr. L.A. Wickremeratne, wrote letters, one from Adelaide and the other from Illinois, about the imputations in the article, clearing Prof. K.M. de Silva of all impropriety. So far as they are concerned, therefore, Prof. K.M. de Silva is completely absolved. Their letters were published in the 'Lanka Guardian' and were produced in evidence marked P2 and P3 respectively. In fact, Mr. Mark Fernando, P.C. for the complainant also produced marked P4 a passage from the complainant's Preface to his 'History of Sri Lanka', which contains the following statement: "I have relied mainly on published and unpublished material, much of it produced by my colleagues in the Department of History at the University of Peradeniya, many of whom have also, in discussions, guided me through minefields of controversy in their areas of specialisation". This acknowledgement, together with the evidence given by Prof. K.M. de Silva about the practice of collaborative research, complements the letters sent by Dr. Roberts and Dr. Wickremeratne,

So far as Dr. Indraratne is concerned, six extracts, all short, are more or less reflected at page 464 of the complainant's 'History of

Sri Lanka'. At the foot of this page there is a reference to Dr. Indraratne's book 'The Ceylon Economy, From the Great Depression to the Great Boom' published in 1966 and learned Counsel for the complainant submitted that this reference was sufficient acknowledgement.

The bitterest dispute in this inquiry was that between Prof. K.M. de Silva as complainant on the one hand and Dr. S.B.D. de Silva on the other hand. They both gave evidence before this Council. The only other witness for the complainant was Dr. A.J. Wilson but his evidence does not touch the dispute between the complainant and Dr. S.B.D. de Silva. Dr. Wilson spoke to the high esteem in which Prof. K.M. de Silva was held in academic circles both in Sri Lanka and abroad.

It is not in dispute that the complainant and Dr. S.B.D. de Silva had at one time engaged in collaborative research with each other as such. They knew each other for many years but each appeared to have pursued his own way both in their work and in the circles in which they moved. There was of course a certain overlap in their circles of acquaintances and colleagues. The complainant as well as Dr. S.B.D. de Silva had made clear mistakes in their evidence so far as they relied on their memory alone. However, documents were produced on behalf of both and these documents helped to some extent to clear the confusion that resulted from their defective memory.

Prof. K.M. de Silva relied on a bound typed copy produced in evidence marked P10 which was a draft of part of the work which appeared under the title 'History of Sri Lanka' by Prof. K.M. de Silva published by the Oxford University Press in 1981. In evidence Prof. K.M. de Silva stated at one point that he had finished this typescript between the end of 1976 or the first part of 1977. He also said that when he finished P10, he had not previously seen any written work by Dr. S.B.D. de Silva from which he could have drawn material for P10. Elsewhere, Prof. K.M. de Silva said that he would date P10 any time between 1975 and 1976. He also stated that he took this document with him when he went to England in 1976.

In spite of all these discrepancies, there is internal evidence supplied by the document P10 itself. At page 916 or P10 there is a reference to the "death, at the end of April 1977 of Mr. S.J.V. Chelvanayagam, leader of the TUF, President of the Federal Party and undisputed leader of the indigenous Tamils". One must

assume therefore, that P10 must have been completed by Prof. K. M. de Silva towards the middle of 1977 at the earliest.

Dr. S.B.D. de Silva in his evidence relied on a mimeograph produced in evidence marked D15 and he also relied on a typescript document smaller in volume produced marked D7. After some revision D15 emerged as a book published by Routledge & Keagan Paul in February 1984. Dr. S.B.D. de Silva on his own admission is a very painstaking writer reluctant to have his books published because he was engaged in an almost continuous process of revising and polishing them. There is internal evidence here too: pages 3 and 4 of D7 are identical with pages 398 — 400 of D15; indeed, identity begins with the second paragraph of the first page of D7 and the beginning of page 397 of D15 and continues till part of page 10 of D7 and part of page 404 of D15. After that there is a divergence.

Our concern however is with pages 3 and 4 of D7 and pages 398 — 400 of D15 because the eight correspondences set out in P1 are all drawn from these particular pages of D7 or D15 as the case may be on the one hand and page 273 of the complainant's 'History of Sri Lanka' on the other hand. The question that arises is whether the document D15 did reach Prof. K.M. de Silva, as alleged by Dr. S.B.D. de Silva early enough for Prof. K.M. de Silva to introduce passages from that work into his 'History of Sri Lanka'. On this point, a Professor of Geography, Dr. Gerald Peiris played a material part. The defence produced a copy of a letter marked D9 dated 15.12.1981 sent by Dr. S.B.D. de Silva to Dr. Gerald Peiris. D9 has this passage: "You may recall that I handed over to you in Singapore in 1976 a bound cyclostyled copy of an earlier version published given to Kingsley de Silva for his comments... I should be grateful if I could have it back". The defence also produced marked D10, the reply sent by Prof. Gerald Peiris to Dr. S.B.D. de Silva dated 18th December. D10 has this passage: "The copy of your manuscript which I brought across from Singapore was handed over to Kingsley shortly after my return".

It would appear that Prof. K.M. de Silva had access to Dr. S.B.D. de Silva's book before he had completed his draft P10.

Unexpectedly, another document from Dr. Gerald Peiris appeared in the course of this inquiry. This is a letter produced marked P17 dated 12th February, 1986 regarding the mimeograph. At this juncture Dr. Gerald Peiris admits that Dr. S.B.D. de Silva handed the mimeograph to him towards the end of 1975 but goes on to state that he first mentioned this to the complainant late in 1977 and that the complainant then said he was too busy and Dr. Gerald Peiris did not hand this document to him at that stage. So much for P17.

However, the complainant in his evidence stated that Dr. Gerald Peiris handed the mimeograph to him at the end of 1978 or early 1979. The Council is faced with the contradiction between D10 and P17 both documents written by Prof. Gerald Peiris. It is surely reasonable to assume that Dr. Gerald Peiris' memory was fresher in December 1981 than in February 1986, four years later.

There is no doubt that Dr. S.B.D de Silva and Prof. K.M de Silva were hostile to each other. There is evidence before this Council that even before the article complained of was published in the 'Lanka Guardian' of 15th February, 1982, Prof. K.M. de Silva and Dr. S.B.D de Silva had some idea of what it was going to reveal. The letter sent by the Complainant to Dr. S.B.D. de Silva and produced in evidence marked D16 was dated 10th February, 1982: it was clearly a prior warning given to him with regard to any allegation that the complainant had made extensive use of Dr. S.B.D. de Silva's material without giving him due acknowledgement. It also contains this sentence: "If your name does not appear either in the text or in a footnote, it is for the simple reason that I have not used your material in my work". Dr. S.B.D. de Silva's reply dated 15th February, 1982 (which is the date of the publication complained of) was produced in evidence marked D17. It refers to the congruencies between their respective writings. He states: "There appear to be similarities in form and content, sentence construction and phrasing", and he calls for a clarification. It appears therefore, that the parties knew what it was all about even before the publication of P1.

It is relevant that Prof. K.M. de Silva's "A History of Sri Lanka" is a volume of 603 pages. Dr. S.B.D. de Silva's mimeograph D15 contains 461 duplicating pages 8" x 13". In size therefore

they are comparable. Yet the correspondences or congruencies between them are contained in only one page — page 273 — of the complainant's "A History of Sri Lanka" and pages 398 — 400 of C15, the mimeograph.

On the evidence before the Council, it is possible to find that Prof. K.M de Silva made use of some sentences from a then unpublished work of Dr. S.B.D. de Silva. Academic scholars are expected to be meticulous and particular in their approach but an over meticulous person may regard a venial lapse as a cardinal sin. When one looks at the entirety of Prof. K.M. de Silva's informative "A History of Sri Lanka", the unacknowledged borrowing is not so significant as to warrant the charge or question whether he was guilty of plagiarism, a vice not unknown to literary, academic or political circles. For instance, the 1966 edition of the Encyclopaedia Britanica had this to say of the French Author Stendhal's Book:

"Les Lettres ecrites de Vienne en Autriche sur le celebre compositeur, Joseph Haydn,". "Here in he pillaged Carpani, Schlichtegroll, Winckler and Cramer. His plagiarism would have brought him less reproach if he had acknowledged them more generously". As in fact about three-fourths of Stendhal's book consisted of plagiarisms, the criticism is well justified. Plagiarism which approaches pillage is clearly reprehensible; but in this case there is certainly no pillage.

It will suffice, in the Council's view if the following correction is published :

"CORRECTION.

In the issue of the 'Lanka Guardian' of 15th February, 1982, there was an article entitled "History of Lanka — Great Minds Agree?" dealing with Prof. K.M. de Silva's "A History of Sri Lanka"

The writer of the article posed the question "Has Prof. De Silva opened himself to allegations of plagiarism (question mark omitted).

After an exhaustive inquiry, the Press Council finds that it is possible that Prof. K. M. de Silva made use of a few sentences from a then unpublished work of Dr. S.B.D. de Silva who was the chief witness for the defence.

When one looks at the entirety of Prof. K.M. de Silva's informative and extensive book, the unacknowledged borrowing is not significant enough to justify question whether he has committed plagiarism. Dr. S.B.D. de Silva was indignant that his work had been made use of without acknowledgement. Prof. K.M. de Silva was equally indignant at the charge of Plagiarism. Indignation in this case does not provide justification for the charge of plagiarism though it appears to provide an explanation for it and was the motive force behind the parties to this inquiry: a contest between an academic who had published little and one who had published much.

To this extent the article is improper. The correspondences themselves are neither untrue nor distorted."

In the circumstances, no costs are ordered

August 08, 1986. Sgd. Chairman,
Sri Lanka Press Council.

IN THE PRESS COUNCIL OF SRI LANKA NO.S2/82/465

In the matter of a complaint under section 9(1) of the Sri Lanka Press Council Law No.5 of 1973.

Between

Prof. Kingsley M. de Silva
of 1135/3, Peradeniya Road,
Peradeniya.

Complainant.

And

1. Mervyn de Silva,
Editor, 'Lanka Guardian'
No. 246, Union Place,
Colombo 2.
2. Lanka Guardian Publishing
House Co. Ltd.,
Publisher & Proprietor,
'Lanka Guardian',
No. 246, Union Place,
Colombo 2.

3. The Proprietor of Ananda Press,
The Printer, 'Lanka Guardian',
No. 82/5, Wolfendhal Street,
Colombo 13

Defendants

WHEREAS a complaint dated 20th April, 1982 was made by Prof. Kingsley M. de Silva of No. 1135/3 Peradeniya Road, Peradeniya that there has been published untrue, distorted and improper statements in the newspaper, 'Lanka Guardian' in its issue of 15th February, 1982, in an article under the heading "History of Sri Lanka — Great Minds Agree" dealing with Prof. K.M. de Silva's book called 'A History of Sri Lanka'.

AND WHEREAS the said Article contains the question "Has Prof. de Silva opened himself to allegations of plagiarism" (question mark omitted). AND WHEREAS the Council held an Inquiry in the prescribed manner into the said complaint and found that, when the entirety of the said book is looked at, any unacknowledged borrowing by the complainant is not significant enough to justify the suggestion of plagiarism and that to that extent the article is improper.

AND WHEREAS it is necessary to make order in terms of Section 9(1) (a) of The Sri Lanka Press Council Law, No.5 of 1973.

Therefore, the Correction be published in respect of the aforesaid article.

AND further orders that the Editor, the Printer, the Publisher and the Proprietor publish the aforesaid correction in the 'Lanka Guardian' in conformity with the contents of the Schedule hereto and that the correction be published on or before 15th September, 1986 in an issue of the Lanka Guardian'.

1. Signed Manel Abhayaratna
Member
2. Signed Leslie Ivor Fernando
Member
3. Signed M. Hussein
Member
4. Signed G.S. Perera
Member
5. Signed K.B. Sugathadasa
Member

6. Signed Prof. Tennakoon Vimalananda
Member
(Signed J.W. Subasinghe, President's Counsel
— Chairman)

Seal:

Signed Secretary

Address of the Council: 37, Keppetipola Mawatha,
Colombo 5

Date August 08, 1986.

(Schedule attached)

SCHEDULE

**Order by the Sri Lanka Press Council
"CORRECTION"**

In the issue of the 'Lanka Guardian' of 15th February, 1982, there was an article entitled "History of Lanka — Great Minds Agree?" dealing with Prof. K.M. de Silva's "A History of Sri Lanka".

The writer of the article posed the question "Has Prof. De Silva opened himself to allegations of plagiarism (question mark omitted).

After an exhaustive inquiry, the Press Council finds that it is possible that Prof. K.M. de Silva made use of a few sentences from a then unpublished work of Dr. S.B.D. de Silva who was the chief witness for the defence.

When one looks at the entirety of Prof. K. M. de Silva's informative and extensive book, the unacknowledged borrowing is not significant enough to justify the question whether he had committed plagiarism. Dr. S.B.D. de Silva was indignant that his work had been made of without acknowledgement. Prof. K.M. de Silva was equally indignant at the charge of plagiarism. Indignation in this case does not provide justification for the charge of plagiarism though it appears to provide an explanation for it and was the motive force behind the parties to this inquiry: a contest between an academic who had published little and one who had published much.

To this extent, the article is improper. The correspondences themselves are neither untrue distorted.

Mr. Mark Fernando, P.C. appeared for Professor K. M. de Silva.

Mr. K. Shinya, Attorney-at-Law appeared for the Lanka Guardian in the first stage of the proceedings.

When Mr. Shinya was unable to continue due to illness, the Lanka Guardian was represented by Mr. K. C. F. Wijewickrema, Attorney-at-Law.

A Prison Without Walls:

A Review of a South African play

Asinamali!

Serena Tennekoon

As the violence of apartheid continues to rage in South Africa, the (curbed) media emphasises the politics — arrests, bans, detentions, bombs and deaths. The human aspects of this political upheaval are all too quickly obscured; and it seems hardly possible that in such tragic times Black South Africans can laugh at the absurdity of their lives as transformed under apartheid. This is precisely what the play **Asinamali!** and the film **Woza Albert** do. They are dramatic explorations which traverse that thin line between comedy and tragedy.

The play's title **Asinamali!** means "We have no money." It was the rallying cry of a demonstration against the rent hikes in Lamontville township in 1983. The leader of this protest, Msizi Dube, a member of the outlawed African National Congress who had already served ten years in the maximum security prison of Robben Island, was a community councillor of the township. Dube was later killed by security forces, and in the play, one of the characters describes him as a hero. It was the Lamontville incident that inspired the play **Asinamali!**

Playwright Mbongeni Ngema is a thirty-year-old native of the Durban area, who grew up in several of Durban's slums and townships. After dropping out of high school, Ngema tried his

hand unsuccessfully at several (manual) jobs and drifted into theater as a guitarist. His acting career was accidental: he made his debut standing in for the lead in the play **Isigcino**. Finally, in 1982, he became famous for his part in the collaborative production of **Woza Albert**. After touring the United States with **Woza Albert**, Ngema returned to South Africa and formed Committed Artists, a group concerned with directing their artistic energies at attacking racial operation.

Referring to his play, **Asinamali!**, Ngema says, "its genesis lies in the removals, forced evictions... (and) tent cities in the rain." On stage, however, there are no forced evictions or cardboard shacks. Instead, they are the ever present background reality which sustains the play. On stage are five men in a prison cell. The only props consist of a bench and a wooden frame suspended at right backstage. Throughout the play the cell becomes the larger prison of black South Africa, as the five men enact through song, dance, mime and prose the circumstances which brought them behind bars. There is Thal Cale a farm-hand on a white-owned pig farm, who is discovered by his employer granting sexual favours to the latter's wife and incarcerated for defying the Immorality Act. Bongani Hlophe, a migrant labourer gives a devastatingly funny account of the "pillar-to-post" run-a-round that is necessary to secure a work permit. The humour is laced with terror as Hlophe's frustration lead to murder. Bheki Mqadi is an innocent victim of a security raid: he was the wrong colour at the wrong place and time. Solomzi Bisholo is a petty pickpocket

who has no quaims about plying his trade at funerals and demonstrations. And the young Bhozi Ngema, who was a follower of the late Msizi Dube, gives us a gripping account of the Lamontville demonstration which provides yet another instance of how very ordinary people can be driven to militancy on some very basic issues, like housing.

(To be Continued)

Impressions . . .

(Continued from page 13)

● The 'new' China I visited does not wish to be left behind, especially after the setbacks suffered during the Cultural Revolution and the confusion it created. It wants to advance rapidly and become a modern, developed nation by the 21st century. For that same reason, China wants peace, stable conditions in the region, and a world not threatened by wars and military conflicts. The Prime Minister of China was out of Beijing accompanying the Australian Prime Minister. I had a long and informative conversation with the Deputy Prime Minister. I was convinced of China's desire for peace and friendship with all neighbours, and for world peace. I consider myself fortunate that I was able to re-visit China after nearly 15 years, and see for myself how a great people were making their future, with self-confidence, strong resolve and patriotism.

The author saw the play at Cornell University in July 1986. It was presented by The Market Theater Co. (Johannesburg) and Colombia Artists Theatrical Corp., and sponsored by Cornell University's various special programs.

DIVINE REVELATION IN PALI BUDDHISM

by Peter Masefield

In this study of initiation in the Nikayas (Discourses of the Buddha), Peter Masefield, Pali scholar and translator of Buddhist texts, presents evidence which makes it clear that salvation in original Buddhism depended on the saving intervention of the Buddha's grace and that, contrary to the now commonly accepted view of Buddhism as a rationalistic philosophy of self-endeavour, the picture that emerges from a careful examination of the canonical texts is one of Buddhism as a revealed religion in every sense of the term and the Buddha as every bit the divine guru.

In considering the relationship of Buddhism to the Brahmanic tradition, Dr Masefield shows that the Buddha was critical of the brahmins solely on the grounds that they no longer lived up to the social and religious ideals associated with their predecessors, and that, if the Buddha was a reformer, this was only so in the sense that he advocated a return to the former conservatism of Vedic India.

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