

Saturday Review

SRI LANKA

Vol. 6

No. 17

16th May 1987

The Law's Not An Ass

Arrest the pilots and any other person or persons in the bombers, helicopters and sea plane which bombed and strafed Jaffna on 11th May at about 4.10 p.m.

This was Jaffna Magistrate Mr. K. Kathiravelupillai's order to the Police authorities at the inquest held into the deaths of Subramaniam Valliammai (41), Rasadurai Kumarakulasingam (45), Munisamy Chelliah (63) and two other unidentified persons.

Who's the fool who said the law's an ass?

Why Is The Govt. So Cross With The Red Cross?

What has the Government got against the International Red Cross?

The chief condition that the Liberation Tigers of Tamil Eelam (LTTE) laid down to start talks with the Government about the declaration of the Jaffna Hospital area as a 'Peace Zone' was the mediation of the International Red Cross.

The other mediators named by the Tigers were the Chief Priest of the

Vavuniya Buddhist Temple, Rev. Yohan Devananda and the President and the Secretary of the Government Medical Officers' Association.

Any fair-minded person will agree that no reasonable Government should have the slightest objection to these mediators.

But then no one expects the Dharmista Government of the Democratic Socialist Republic of Sri Lanka to be reasonable.

When the special delegation of doctors from the Jaffna Hospital met

the National Security Minister Lalith Athulathmudali for the second time on Tuesday (12th May), he flatly refused to accept the conditions laid down by the Tigers.

Perhaps the Government thinks accepting the mediation of the International Red Cross would mean a violation of Sri Lanka's sovereignty.

That's a laugh. The Government's open economy policy has already gobbled that up.

What then has the Government to hide?

Plenty.

SHOOT AT SIGHT!

Unemployment and family difficulties forced 19 year old Chandrasena to join the Army. After four months of training he was sent to Jaffna but one month as a sentry at Kattuvan made him seek asylum with the Liberation Tigers of Tamil Eelam (LTTE) on 10th May. (His picture appears on page 4)

In an interview with the Press on 13th May, he asserted that he would dissuade anyone else from joining up. He further added that at the camp he was very badly and cruelly treated by his superior officers and it was due to this state of affairs he was compelled to desert.

Corporal Karunaratne was his chief tormentor and when he had requested leave to go to see his ailing father, his suffering increased at the corporal's hands. He had no freedom to decide on any matter and was ordered by his superior officers to shoot and kill anyone who approached the camp.

Though he was aware that the Tamils were fighting for a cause, he was not aware what it was. He concluded that he would like to become a Buddhist monk and would like to be sent to Rev. Siyampala Kaswewa Vimalasara Thero. Failing that Vijayakumaranatunge of the S.L.M.P. should assist him in obtaining his release.

Lalith Again

The Minister of National Security Mr. Lalith Athulathmudali in an interview to the Sunday Observer on 10th May has declared that if the militants do not agree to the declaration of a peace zone in the Hospital area, the Government will be compelled to close the hospital. He reiterated the Government's stance that the Army in the Jaffna Fort was not responsible for the shelling of the Hospital on 30th March.

Fort Fires Again

After a respite of two days, two army helicopters vent their spleen on Jaffna Town on 9th May. There was firing from the air and intermittent direction of shells into the town in the areas around Sivan Kovil, the Bus stand, Clock Tower and Vembadi Roads, Main Street and Jaffna Central College which bore the brunt. Kandiah Selvaratnam (60) and Jippilas (21), a Muslim, were injured and admitted to Hospital. Many houses were damaged in the process.

At one time, Jaffna was regarded as the safest haven for the Tamil people living under a repressive Sinhalese regime.

After all it is the heartland of the Tamil country.

Tamil people from Colombo and other areas in the South as well as from Trincomalee, Batticaloa, Mullaitivu, Vavuniya and Mannar districts sought refuge in Jaffna during the racial attacks on the Tamils beginning 1956.

With great difficulty—the pressure on resources was tremendous—they were accommodated.

But now people who have lived for ages in Jaffna have begun to run away to as far as Mullaitivu and Trincomalee.

Fear has begun to grip Jaffna, fear of further bombing and shelling by the Security Forces.

THE 2ND EXODUS

Whole streets have begun to get emptied of people—1st Cross Street (which is closest to the Army Camp in the Fort), 2nd Cross Street, 3rd Cross Street, 4th Cross Street (where the SATURDAY REVIEW office is situated), 5th Cross Street, Martyn Road, Gurunagar and the Main Kandy-Jaffna Road.

Those who have no other place to go to have begun making air raid shelters (graveyards) in their compounds.

No thanks to the Jayewardene Government for the small mercies it has bestowed on the Tamil people.

But the Tamil people will endure and fight back, against all the repressive forces, just like those who were involved in the 1st Exodus.

—GAMINI NAVARATNE

Release All Political Prisoners In Sri Lankan Jails

Saturday Review

SRI LANKA

No. 118, 4th Cross Street,
P. O. Box 122
JAFFNA

Telegrams: SATVIEW

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Subscription Rates inclusive
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Air Mail Rate

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Annual — Rs. 175/-
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Advertising Rates

Contracts — Rs. 20/- per
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Casual — Rs. 25/- per
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WILSONIAN HARA KIRI

Readers of SATURDAY REVIEW, who have not made a fine art of running with the hare and hunting with the hounds, and who must easily outnumber former students of A.J. Wilson (like Wickrema Weerasooria, apparently Ernest Corea missed the distinction) must have wondered whether to laugh or to cry over the Professor's most recent effusion to a Committee of the U.S. Congress in March 1987, as reported in the SR of 11th April. No political scientist in contemporary times would appear to have undergone so total and bewildering a metamorphosis in leaving Sri Lanka and taking up residence in a frozen outpost of Canada. But after the shattering experience of the traumatic period when he was (on his own admission) President Jayewardene's constitutional adviser and political guru from 1977 to 1983, the volte face would seem to be logical and not unexpected.

While he was engaging himself in backstairs intrigue between the UNP and the TULF on behalf of his class and elite groups on both sides of the political divide, and proffering prescriptions on how best to preserve their interests intact, the Tamil people were at the receiving end of repeated mob violence and despoliation leading to the ultimate horrors of state-sponsored terrorism

It is incredible, to say the least, that he took so long (against his better instincts and in the context of his professional expertise surely, to realise that he was, along with the entirety of the community he spoke for, being taken for a diabolical ride which has now led to the brink of genocide.

But then it was not altogether too surprising of a political scientist schooled in the finest principles of parliamentary democracy, but who was prepared, at his temporary master's bidding to sacrifice his innate convictions in democratic procedures and political decencies for a mess of UN pottage. As a cardinal advocate of the 1978 Constitution and an

by

A. Mahalingam

eloquent supporter of the theory and practice of an Executive Presidency on the Gaullist model, Prof. Wilson went headlong into collaboration with crafty and scheming Sinhala politicians, who used his self-confessed naivety and gullibility for their own purposes. When they had achieved these ends, he and the political party he claimed to represent were cast into darkness following the holocaust of 1983. The sad tale of political subterfuge and electoral manipulation, in which Wilson was more than a willing participant, has been exposed in the pages of SR at the time. One does not need to document all over again the mendacity and perfidy of a Sinhalese ruling elite with which the Professor collaborated up to the hilt. It is difficult to believe that he could have been unaware, at some stage or other before 1983, that his brains were being picked for most unworthy and treacherous ends.

It is a little too late in the day to cry "foul", and proceed to disembowel himself in public. But one cannot deny him the delayed comfort of these self-lacerations, if they help him to recover from his sense of embarrassment and disillusion. He is also entitled to, his opinions and his attitudes, and one can sympathise with the new trends in his constitutional and political positions.

But the sheer effrontery and astonishing impudence with which he propounds his latest theses, (however realistic and viable), must surely offend the most ardent and long suffering of Tamil separatists. To invite the intervention of the United States in collaboration with the present regime to resolve the current impasse and to offer American patrons the possibility of a client state of Tamil Eelam, ready and willing to become a virtual Hawaii, is to abuse the core of the Tamil psyche as well as to wound its unflinching spirit of resistance, honour, self-respect and self-determination. One begins to suspect whether he has been shedding crocodile tears, while remaining true to his role as willing stool-pigeon of the Establishment.

Prof. A. J. Wilson and his ilk may lost all sense of shame but he should he told that he cannot expect the Tamil people and those who support their struggle for an autonomous republic to be prepared to bed down with the American eagle in a subservient eyrie of the latter's creation. The Prof. may have congenial modes of rest and recreation in the western Hemisphere, but to dictate sleeping arrangements for the Tamils in their homelands is to extend unduly an already played out franchise.

Military Solution — No answer

The Deputy Minister for External Affairs, Mr. Natwar Singh in a statement on 8th May in the Indian Rajiya Sabha expressed fears that the Sri Lankan Government has decided to embark on a military operation on Jaffna. He stressed that such a course of action would result in much loss of civilian life and destruction to property. The closure of the Jaffna Hospital was an index to the impending attack. The Minister reiterated that such an eventuality will have serious consequences and called upon the Sri Lankan Government to desist from attempting to solve the ethnic problem by military means.

The Humiliation of Man By Man

Lenin remarked that "with its highly developed machine industry, its rich, multiform culture and its constitutions, a point in history has been reached when the commanding bourgeoisie, fearing the growth and increasing strength of the proletariat, comes out in support of everything backward, moribund and medieval. The bourgeoisie is living out its last days, and is joining with all obsolete and obsolescent forces in an attempt to preserve tottering wage-slavery. The proletariat alone preserves and spreads implacable enmity towards backwardness, savagery, privilege, slavery and the humiliation of man by man."

The state in the Proper sense of the term, so Marxism teaches, is a machine for the suppression of one class by another. "In the epoch of imperialism," Lenin wrote, "the bourgeois state machine, the 'dictatorship of the bourgeoisie', is greatly intensified; there is an unprecedented increase in its bureaucratic and military apparatus, which is directed against the revolutionary proletariat, the national liberation movement of the oppressed peoples, and so on."

For a basic historical study of the struggle of the proletariat against the humiliation of man by man, read the book "Lenin and Asia" by Attorney-at-Law T. Duraisingam, a pioneer of the progressive and anti-imperialist movement of our country.

Sinhala, Tamil and English editions of the book are available at bookshops.

Price Rs. 10/-

Council for Socialist Studies

31, Wilson Street, Colombo 12.

NOTICE

Due to the damages caused to the office of TRRO Ltd. by aerial bombardment on the 24th of April and artillery shelling on the 29th of April, and due to the grave risks applicants for assistance face by coming to that office during these days of intensive serial bombardment, TRRO Ltd. has decided to shift its office. Details of the shift will be made known as soon as possible.

Those who are in need of urgent assistance, please contact the Secretary, TRRO Ltd. through the Citizens Committees and other such organisations.

ETHNIC CONFLICT—WHO BENEFITS?

Novosti Press Agency has issued the following press release.

Some western mass media, including "Wall Street Journal", are alleging that the Soviet Union supplies arms to Tamil groupings involved in the ethnic conflict in Sri Lanka, seeks an access to the port of Trincomalee and to a major Sri Lankan airfield. Novosti Press Agency states authoritatively that these reports are a crude fabrication from beginning till end. Their goal is to camouflage the activity of those quarters, mostly American, which are trying to use the ethnic conflict as a pretext for building their military presence in the region. This can be seen from the following facts.

For a long time representatives of the US Armed Forces, especially the Navy, have been seeking access to the Trincomalee base in a bid to use this deep-water bay as one more US naval base in the Indian Ocean. The mass media of the South Asia region report that American warships already call at Sri Lankan ports, so far under the pretext of organising so to say rest for the Navy men. However, the Navy's efforts to obtain the Trincomalee base persist.

"Muscle-building" is combined with the expansion of the psychological war. For several years the US has been striving for building in Sri Lanka the broadcasting station of the "Voice of America" which will be the second US station in capacity after VOA in Washington. This station is supposed to be used for extending the network of programmes which already cause protests in many countries of the region. The Soviet Union has also expressed its serious concern over these plans since the eastern part of the USSR is within the range of transmission of the US station in Sri Lanka.

Yet the station is being built, not only and not so much for the VOA. Facts reveal that the main aim of the US Navy is to use this radiostation for tracking the movement of ships in the Indian Ocean, which was quoted more than once. Moreover, there are plans to use it for communication through super-low frequency transmissions with the American submarines operational on combat patrolling in the region.

One cannot overlook one more reason impelling the Pentagon to extend its own political activities. Sri Lanka together with other countries of the region is actively campaigning for convening in Colombo in 1988 an international conference for proclaiming the Indian Ocean a zone of peace. This position is consistently and fully supported by the Soviet Union, other socialist countries as well as the non-aligned states.

Of course, such a conference does not suit the US military quarters which have a permanent fleet of over 30 warships including an aircraft carrier. This quarters have foiled the convocation of an international conference on the Indian Ocean more than once. Besides the USA even suggested to dissolve the UN Special Committee on the Indian Ocean and forget the proposal to hold the conference.

In an attempt to lay the blame on others the USA imputes to the USSR its own militarist plans in the region. The Soviet point of view on the Indian Ocean problem is crystal clear. It was distinctly expressed in the speeches by M.S. Gorbachev, General Secretary of the CC CPSU in July in Vladivostok and in November in Delhi last year. The Soviet Union utterly shares and supports the assessment of the situation in the region by the Harare political declaration, stands for the earliest convocation of the conference in Colombo.

Obviously, this time too, the US would like to use the ethnic conflict as a pretext for foiling this conference once again.

Who benefits from the escalation of the ethnic conflict in Sri Lanka? The answer is evident. Those who are not interested in demilitarization of the Indian Ocean.

Who benefits from the escalation of the ethnic conflict in Sri Lanka? The answer is evident. Those who are not interested in demilitarization of the Indian Ocean.

APPRECIATION

Mathavar Sevanthinathan



He was appointed Assistant Cashier in the National Bank, Kandy where he won respect and admiration for carrying out his duties with efficiency and diligence.

His marriage at the age of 35 brought not only fame but wealth as well. His appointment as Grame Sevaka and his work earned him the respect of the village he served. He was blessed with 4 children who were real jewels on his crown.

MATHAVAR SEVANTHINATHAN, well known as Vidane, hails from a family of Mariagars who were deeply embedded in Hindu tradition. Their lives were exemplary and totally devoted to religious activities and social upliftment.

He was the son of Mathavar Parvathapillai and well versed in Hindu Scriptures and commanded universal respect in his society.

At the death of his father, Sevanthinathan succeeded as Temple Trustee of Pillaiyar Temple, Chankalai and by his creative efforts made the Temple what it is today. He was a Karmayog.

The Management of the Temple now falls on the broad shoulders of his illustrious brother, Mr. Kanagarajanayagam.

—V. Nagarajah

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— DIRECTOR

Saturday Review

SRI LANKA

Text of a statement issued by the Movement for Inter-Racial Justice and Equality (MIRJE):

The ethnic conflict in Sri Lanka has been raised to horrifying proportions during the last two weeks. The killings at Kituluttuwa, Wan-Ela and in the Pettah bomb explosion have caused immense carnage and their perpetrators need to

However, it is necessary that emotion should not be permitted to cloud our perceptions of political realities. In this connection we would like to emphasise briefly a few points that appear to have been overlooked in the recent rhetoric: (1) The struggle of the Sri Lankan Tamil people for self-governance through regional autonomy—a struggle necessitated by a history of discrimination—does not become

cessary to work towards a political resolution of the ethnic problem, a resolution that will answer the genuine needs of the Sri Lankan Tamil people for regional autonomy and lead to a reconciliation between the communities and a genuine peace. We are not concerned with either a contrived settlement of a military solution that will mean a continuation of antagonism and violence. Aggressive anti-Tamil or anti-Indian rhetoric and the build-up of a war

ment was giving into the machinations of the United States in this area. While paying lip-service to a political solution, the Sri Lankan Government has decided to embark on the military option. Foreign mercenaries especially Israel's Mossad are aiding and abetting the Sri Lankan Government in this decision. He also referred to a statement made by Mrs. Srimavo Bandaranaike to the foreign press recently accusing the Sri Lankan Government of collusion with the Israelis as well as accusation made by a Member of Parliament in Sri Lanka after the Pettah bomb blast that Mossad and not any militant organisation was behind the explosion.

all means towards negotiations with Tamil groups, to seek possible Indian assistance in these efforts and to be flexible in its attitudes towards negotiations. We would urge all political parties and groups to press the Government towards negotiation and peace, not towards violence and prolonged war. It is also advisable that the Sinhala people and the State address their minds to the central issue that has upto now stood in the way of a settlement—the recognition of a single region in which Sri Lankan Tamils will have the right of regional autonomy.

Hopes for a negotiated political settlement have become a casualty not only of state terrorism but also of the unacceptable terrorist methods adopted by some Tamil militant groups. We consider that it is the duty of the Tamil militant groups to maintain the morality of their struggle above question. We urge all Tamil militant groups to desist from all actions that would hinder a negotiated political solution and to explore possibilities of a peaceful resolution through discussions.

Balancing Death Against Death

be condemned with the utmost harshness.

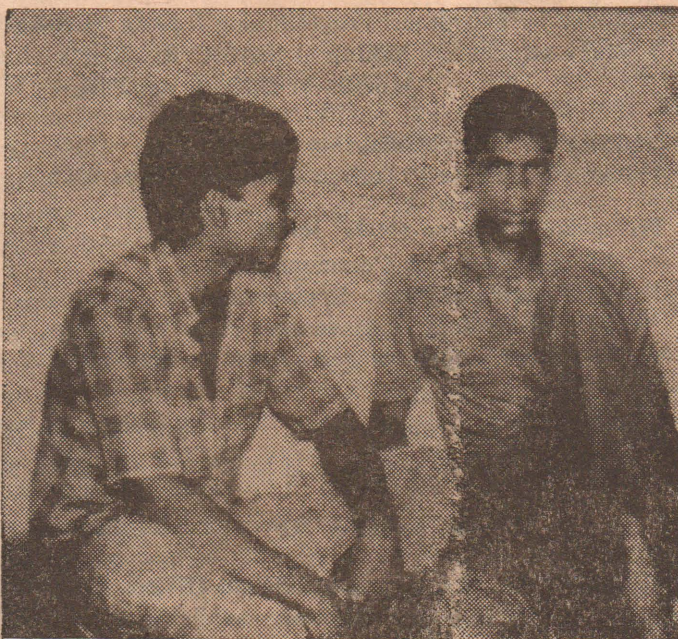
It is natural that the present situation should provoke an emotional response in the major community. Members of the Government as well as of many other political parties and groupings genuinely sharing this emotional response or making the most of it, are pushing the state towards further military actions against the Tamil militant groups some of which, in effect, are ending up as actions against Tamil civilians. The aerial bombardment of sites in the Jaffna peninsula appears in this light as an attempt to balance death against death and may result in a continuing and reactive cycle of destruction.

less moral or less valid because of the insensate acts of violence of any group involved in it or their perceived intransigence. (2) There is no military solution to this political problem. Tamil militancy can only be eliminated if the political reasons for its birth and continuance are removed. Military action may only succeed in temporarily reducing the level of the struggle. To say that there will be no peace talks until terrorism is suppressed is in this context meaningless. (3) The dynamics of the Sri Lankan Tamil struggle, as it has evolved over the last few years makes Indian mediation and support absolutely essential.

However gloomy the prospects for peace may look now, it is still ne-

psychosis are not in the interests of such a settlement; neither are military measures that could prejudice chances of negotiations. Since our aim is the restoration of peace and harmony on the basis of a negotiated settlement, it is necessary that the process of negotiation and implementation be also honest and sincere; only then would negotiations and solutions reduce the present bitterness and lack of confidence and lead to peace.

In this context we would urge the Government to desist from pursuing a military solution and to adopt



Chandrasena (19), the army private, who prefers to live with the Liberation Tigers of Tamil Eelam (LTTE).

Displaced Persons Within The Jaffna Municipal Areas

All families displaced due to the recent bombing and shelling in the Jaffna Municipal Area are requested to send in the following details to the Municipal Commissioner, Jaffna before 15th May, 1987.

1. Name of Declarant ;
2. Names and ages of displaced persons (with relationship to declarant);
3. Occupations of Chief Occupant and others in the family;
4. Address of residence at the time of incident;
5. Date of displacement;
6. Reason for displacement;
7. Present Address;
8. Immediate relief required ;
 - a) Food items per day ;
 - b) Educational Facilities: Books and Stationery requirements ;
 - c) Any Nutritive food requirements;
 - d) Clothing (esp. for school going children)
9. Whether AGA/GS has been informed of displacement;
10. Estimate of loss and any other relevant information;

DRAFT PROPOSALS - 4

(Continued from last issue)

QUALIFICATION FOR MEMBERSHIP OF PROVINCIAL COUNCIL

3. No person shall be qualified to be elected as a member of a Provincial Council or to sit and vote as a member of such Council:-

(a) if such person is subject to any of the disqualifications specified in paragraphs (a), (c), (d), (e), (f), and (g) of Article 91 (1) of the Constitution;

(b) if such person is under any law, disqualified from voting at an election of members to a local authority;

(c) if he is a Member of Parliament;

(d) if he is a member of any other Provincial Council or stands nominated as a candidate for election for more than one Provincial Council;

(e) if he stands nominated as a candidate for election to a Provincial Council, by more than one recognized political party or independent group.

OATH OR AFFIRMATION BY MEMBERS

4. No member of a Provincial Council shall sit or vote as such member until he has taken or subscribed the oath, or made or subscribed the affirmation, set out in the Fourth Schedule to the Constitution.

VACATION OF SEATS

5. (i) If a member of a Provincial Council-

(a) becomes subject to any disqualification mentioned in section 3; or

(b) resigns his seat by writing under his hand addressed to the Chairman,

his seat in the Provincial Council shall thereupon become vacant.

(2) If for a period of ninety days a member of the Provincial Council is without permission of the Council absent from all meetings thereof, the Council may declare his seat vacant.

Provided that in computing the said period of ninety days no account shall be taken of any period during which the Council is prorogued for more than four consecutive days.

PENALTY FOR SITTING AND VOTING BEFORE MAKING OATH OR WHEN DISQUALIFIED

6. If a person sits or votes as a member of a Provincial Council before he has complied with the requirements of section 4 or when he knows that he is not qualified or that he is disqualified, for membership thereof, he shall be liable in respect of each day on which he sits or votes to a penalty of one hundred rupees to be recovered as a debt due to the State.

PART II

CHAIRMAN AND DEPUTY CHAIRMAN

7.(1) Every Provincial Council shall, as soon as may be, choose two members of the Council to be respectively Chairman and Deputy Chairman thereof and, so often as the office of Chairman or Deputy Chairman becomes vacant, the Council shall choose another member to be Chairman or Deputy Chairman, as the case may be.

(2) A member holding office as Chairman or Deputy Chairman of a Provincial Council-

(d) shall vacate his office if he ceases to be a member of the Council;

(b) may at any time by writing under his hand addressed, if such member is the Chairman to the Deputy Chairman, and if such member is the Deputy Chairman, to the Chairman, resign his office;

(c) may be removed from his office by a resolution of the Council passed by a majority of the whole number of members of the Council (including those not present).

Provided that whenever the Council is dissolved, the Chairman shall not vacate his office until immediately before the first meeting of the Council after the dissolution.

(3) While the office of Chairman is vacant, the duties of the office shall be performed by the Deputy Chairman or, if the office of Deputy Chairman is also vacant,

by such member of the Council as may be determined by the rules of procedure of the Council.

(4) During the absence of the Chairman from any sitting of the Council, the Deputy Chairman, or, if he is also absent, such person as may be determined by the rules of procedure of the Council, or, if, no such person is present, such other person as may be determined by the Council shall act as Chairman.

(5) There shall be paid to the Chairman and the Deputy Chairman of the Provincial Council such salaries and allowances as may be fixed by the Provincial Council, by statute and, until provision in that behalf is so made such salaries and allowances as the Governor may, with the approval of the President, by order, determine.

CHAIRMAN AND DEPUTY CHAIRMAN NOT TO PRESIDE WHILE RESOLUTION FOR HIS REMOVAL UNDER DISCUSSION.

8. (1) At any sitting of the Provincial Council, while any resolution for the removal of the Chairman from his office is under consideration, the Chairman, or while any resolution for the removal of the Deputy Chairman from his office is under consideration, the Deputy Chairman, shall not, though he is present, preside and the provisions of sub-section (4) of section 7 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Chairman or, as the case may be, the Deputy Chairman is absent.

(2) The Chairman shall have the right to speak in, and otherwise to take part in the proceedings of, the Provincial Council while any resolution for his removal from office is under consideration in the Council and shall, notwithstanding anything in section 10 be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.

POWERS AND PRIVILEGES OF MEMBERS OF PROVINCIAL COUNCILS.

9. (1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of a Provincial Council,

there shall be freedom of speech in every Provincial Council.

(2) No member of the Provincial Council shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Council or any Committee thereof and no person shall be liable in respect of the publication by, or under, the authority of such Council, of any report, paper, votes or proceedings.

(3) The provisions of subsections 1) and (2) shall apply in relation to persons who by virtue of this Act have the right to speak in, and otherwise to take part in the proceedings of, a Provincial Council or any committee thereof as they apply in relation to members of that Council.

VOTING IN COUNCIL

10. (1) Save as otherwise provided in this Act, all questions at any sitting of the Provincial Council shall be determined by a majority of votes of the members present and voting other than the Chairman or person acting as such.

(2) The Chairman or person acting as such shall not vote in the first instance but shall have and exercise a casting vote in the case of an equality of votes.

(3) A Provincial Council shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in any such Council shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do, sat or voted or otherwise took part in the proceedings.

(4) The quorum to constitute a meeting of a Provincial Council shall be one-third of the total number of members of the Council. Where one-third of the number of members is an integer and fraction, the integer immediately higher to that integer and fraction shall be deemed to be the one-third the number of members for the purpose of this section.

(5) If at any time during a meeting of a Provincial Council there is no quorum, it shall be the duty of the Chairman, or person acting as such, either to adjourn the Council or to suspend the meeting until there is a quorum.

- (i) Criminal Investigation Department;
- (j) Preventive detention for reasons connected with Defence, Foreign Affairs, or the security of Sri Lanka; persons subjected to such detention; and
- (k) Extension of the powers and jurisdiction of members of a police force belonging to any Province to any area outside that Province, but not so as to enable the police of one Province to exercise powers and jurisdiction in any area outside that Province without the consent of the Provincial Council in which such area is situated; extension of the powers and jurisdiction of members of a police force belonging to any Province to railway areas outside that Province.

Foreign Affairs

This would include—

- (a) Foreign affairs; all matters which bring the Government of Sri Lanka into relation with any foreign country;
- (b) Diplomatic, consular and trade representation;
- (c) United Nations Organization;
- (d) Participation in international conferences, associations and other bodies and implementing of decisions made thereat;
- (e) Entering into treaties and agreements with foreign countries and implementing treaties, agreements and conventions with foreign countries;
- (f) War and peace; and
- (g) Foreign jurisdiction.

Posts and Telecommunications; Broadcasting; Television

This would include—

- (a) Posts and telegraphs; telephones; wireless, broadcasting and other like forms of Communications; and
- (b) Sanctioning of cinematograph films for exhibition.

Justice in so far as it relates to the judiciary and the courts structure

This would include—

- (a) Constitution, organisation, jurisdiction and powers of the Supreme Court (including contempt of such Court), and the fees taken therein; persons entitled to practise before the Supreme Court, Court of Appeal and other Courts;
- (b) Constitution, organisation, jurisdiction and powers of the Court of Appeal, and the fees taken therein; and

- (c) jurisdiction and powers of all courts, except the Supreme Court and the Court of Appeal.

Finance in relation to national revenue, monetary policy and external resources; customs

This would include—

- (a) Public debt of the Government of Sri Lanka;
- (b) Currency, coinage and legal tender; foreign exchange;
- (c) Foreign loans;
- (d) Central Bank;
- (e) National Savings Bank;
- (f) Lotteries organised by the Government of Sri Lanka or a Provincial Council;
- (g) Banking;
- (h) Bills of exchange, cheques, promissory notes and other like instruments;
- (i) insurance;
- (j) Stock exchanges and futures markets;
- (k) Audit of the accounts of the Government of Sri Lanka and of the Provinces;
- (l) Taxes on income other than agricultural income;
- (m) Duties of customs including export duties;
- (n) Duties of excise on tobacco and other goods manufactured or produced in Sri Lanka;
- (o) Taxes on the capital value of the assets, exclusive of agricultural land, of individuals and companies; taxes on the capital of companies;
- (p) Duties in respect of succession to property other than agricultural land;
- (q) Terminal taxes on goods or passengers carried by railway, sea or air; taxes on railway fares and freights;
- (r) Taxes other than stamp duties on transactions in stock exchanges and futures markets;
- (s) Rates of stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts;
- (t) Taxes on the sale or purchase of newspapers and on advertisements published therein;
- (u) Taxes on the sale or purchase of goods other than newspapers where such sale or purchase takes place in the course of inter-province trade or commerce;

- (v) Taxes on the consignment of goods (whether the consignment is to the person making it or to any other person), where such consignment takes place in the course of inter-province trade or commerce;

- (w) Corporation tax;

- (x) Estate duty in respect of property other than agricultural land.

Foreign Trade; Inter-Province Trade and Commerce

This would include—

- (a) Trade and commerce with foreign countries; import and export across customs frontiers; definition of customs frontiers; and
- (b) Inter-province trade and commerce.

Ports and Harbours

This would include—

- (a) Ports declared by or under law made by Parliament or existing law to be major ports, including their delimitation, and the constitution and powers of port authorities therein; and
- (b) Port quarantine, including hospitals connected therewith; seamen's and marine hospitals.

Aviation and Airports

This would include—

- Airways; aircraft and air navigation; provision of aerodromes; regulation and organisation of air traffic and of aerodromes; provision for aeronautical education and training and regulation of such education and training provided by provinces and other agencies.

National Transport

This would include -

- (a) Railways;
- (b) Highways declared by or under law made by Parliament to be national highways; and
- (c) Carriage of passengers and goods by railway, sea or air, or by national waterways in mechanically propelled vessels.

Rivers and Waterways; Shipping and Navigation; Maritime Zones Including Historical Waters, Territorial Waters, Exclusive Economic Zone and Continental Shelf and Internal Waters; State Lands and Foreshore, Except to the Extent Specified in Item 26 of List I.

This would include -

- (a) Piracies and crimes committed on the high seas or in the air; of-

fences against the law of nations committed on land or the high seas or in the air;

- (b) Shipping and navigation on inland waterways, declared by Parliament by law to be national waterways, as regards mechanically propelled vessels; the rule of the road on such waterways;

- (c) Maritime shipping and navigation, including shipping and navigation on tidal waters; provision of education and training for the mercantile marine and regulation of such education and training provided by Provinces and other agencies;

- (d) Lighthouses, including lightships, beacons and other provision for the safety of shipping and aircraft;

- (e) Regulation and development of inter-province rivers and river valleys to the extent to which such regulation and development under the control of the Government of Sri Lanka is declared by Parliament by law to be expedient in the public interest;

- (f) Fishing and fisheries beyond territorial waters; and

- (g) Property of the Government of Sri Lanka and the revenue therefrom, but as regards property situated in a province subject to statutes made by the province save in so far as Parliament by law otherwise provides.

Minerals and Mines

This would include -

- (a) Regulation and development of oilfields and mineral oil resources; petroleum and petroleum products; other liquids and substances declared by Parliament by law to be dangerously inflammable; and

- (b) Regulation of mines and mineral development to the extent to which such regulation and development under the control of the Government of Sri Lanka is declared by Parliament by law to be expedient in the public interest.

Immigration and Emigration and Citizenship

This would include -

- (a) Citizenship, naturalization and aliens;
- (b) Extradition; and
- (c) Admission into, and emigration and expulsion from Sri Lanka; passports and visas.

Elections, Including Presidential, Parliamentary, Provincial Councils and Local Authorities

This would include -

- Elections to Parliament, Provincial Councils, Local Authorities and to

RULES OF PROCEDURE

11. A Provincial Council may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business;

Provided that the Provincial Council shall, after consultation with the Chairman of such Council and with the approval of the President, make rules—

- (a) for securing the timely completion of financial business;
- (b) for regulating the procedure of and the conduct of business in, the Provincial Council in relation to any financial matter or to any Statute for the appropriation of moneys out of the Provincial Fund of Province;
- (c) for prohibiting the discussion of, or the asking of questions on, any matter which affects the discharge of the functions of the Governor in so far as he is required by this Act to act in his discretion.

COURT NOT TO INQUIRE INTO PROCEEDINGS OF PROVINCIAL COUNCIL.

12. (1) The validity of any proceedings in a Provincial Council shall not be called in question on the ground of an alleged irregularity of procedure.

(2) No officer or member of a Provincial Council in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order in such Council shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

EXEMPTION OF STATE PROPERTY FROM TAXATION.

13. The property of the State shall save in so far as Parliament may by law otherwise provide, be exempt from all taxes imposed by or under any Statute made by a Provincial Council.

LAPSING OF BILLS

14. (1) A statute pending in a Provincial Council shall not lapse by reason of the prorogation of such Council.

(2) A statute pending in a Provincial Council shall lapse on a dissolution of the Council.

CONDUCT OF BUSINESS

15. (1) The Governor shall make rules for the more convenient transaction, of the administration of the Province, and for the allocation

among the Ministers of the said business in so far as it is not business with respect to which the Governor is by, or under, the Constitution required to act in his discretion.

(2) Save as otherwise provided in this Act, all executive action of the Governor, whether taken on the advice of his Ministers or otherwise, shall be expressed to be taken in the name of the President.

(3) Orders and other instruments made and executed in the name of the President, shall be authenticated in such manner as may be specified in rules to be made by the Governor, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the President.

CONTRACTS AND SUITS

16. (1) All contracts entered into in the exercise of the executive power of the Governor of the province, shall be entered into, and performed, in the name of the Provincial Council constituted for that province, as if such Provincial Council were a body corporate.

(2) All actions in relation to the exercise of such executive power shall be brought by, or against such Provincial Council, as if such Provincial Council were a body corporate.

SECRETARIAT

17. (1) A Provincial Council shall have its own Secretarial staff.

(2) A Provincial Council may, by statute, regulate the recruitment, and conditions of service, of persons appointed to its secretarial staff.

LANGUAGE TO BE USED IN COUNCIL.

18. (1) A member of the Provincial Council shall be entitled to perform his duties and discharge his functions in either of the National languages.

(2) Statutes shall be made by a Provincial Council in both National languages, together with a translation in the English language.

RESTRICTION ON DISCUSSION IN PROVINCIAL COUNCIL.

19. Subject to paragraph (4) of Article 154B of the Constitution, no discussion shall take place in a Provincial Council with respect to the conduct of the President or the Governor or a Judicial Officer or a Member of Parliament.

POWER OF PRESIDENT TO REMOVE DIFFICULTIES.

20. If any difficulty arises in giving effect to the provisions of

this Act, and, in particular in relation to the constitution of a Provincial Council for a province, the President may, by Order take such action not inconsistent with the provisions of this Act, as appears to him to be necessary, or expedient, for the purpose of removing such difficulty.

INTRODUCTION

The Reserved List (List II), the Provincial List (List I) and the Concurrent List (List III) are forwarded herewith.

In the Note on Provincial Councils sent to the Government of India after discussion with the Indian Delegation led by Hon.P.Chidambaram, Minister of State, it was indicated that—

“after further discussion, subjects broadly corresponding to the proposals contained in Annex I to the Draft Framework of Accord and Understanding of 30.08.85 and the entries in List II and List III of the Seventh Schedule of the Indian Constitution shall be devolved upon the Provincial Councils.”

In Annex I to the Draft Framework of Accord and Understanding initialled on 30.08.85, while specifying some of the more important powers and functions to be exercised by Provincial Councils, it was clearly stated that—

“for the removal of doubts, the subjects and functions that would be exclusively reserved for Parliament are specified in Annex II.”

The subjects and functions specified in the Reserved List (List II) now forwarded, are identical to Annex II of the Draft Framework of Accord and Understanding, except for certain minor changes (vide. Defence and National Security; Maritime Zones, including historical waters, territorial waters, exclusive economic zone and continental shelf and Internal waters, Archaeological activities and sites and antiquities declared by or under any law made by Parliament to be of national importance). For drafting reason certain terminological changes have been made (vide. law and Order and prevention and detection of crime except to the extent specified in item I of List I; Elections, including Presidential, Parliamentary, Provincial Councils and local authorities; Inter-province Trade and Commerce; State Lands and Foreshore, except to the extent specified in item 26 of List I).

The Provincial List (List I) and the Concurrent List (List III) contain the proposals of the Government of Sri Lanka after discussion with the TULF. Specification of subjects in

the Provincial List (List I) and the Concurrent List (List III) is more detailed than in Annex I and broadly corresponds to List II and List III of the Seventh Schedule of the Indian Constitution.

We have with us a Paper on the Administrative Structure consequent to devolution which can be made available. We believe however, that this matter should be discussed after the Lists are determined.

Provision relating to Finance can be determined only after the Lists are finalized.

September 23, 1986.

23.09.87

LIST II
(Reserved List)
Article 154G (7)

NATIONAL POLICY ON ALL SUBJECTS AND FUNCTIONS

Defence and National Security; Internal Security; Law and order and prevention and detection of crime except to the extent specified in item 1 of list I.

This would include—

- (a) Defence of Sri Lanka and every part thereof including preparation for defence and all such acts as may be conducive in times of war to its prosecution and after its termination to effective demobilisation;
- (b) Naval, military and air forces; any other armed forces of the Government of Sri Lanka;
- (c) Deployment of any armed force of the Government of Sri Lanka or any other force subject to the control of the Government of Sri Lanka or any contingent or unit thereof in any Province in aid of the civil power; powers, jurisdiction, privileges and liabilities of the members of such forces while on such deployment;
- (d) Delimitation of cantonment areas, local self-government in such areas, the constitution and powers within such areas of cantonment authorities and the regulation of house accommodation (including the control of rents) in such areas;
- (e) Naval, military and air force works;
- (f) Arms firearms, ammunition and explosives;
- (g) Atomic energy and mineral resources necessary for its production;
- (h) Industries declared by Parliament by law to be necessary for the purpose of defence or for the prosecution of war.

the Office of President; the Department of Elections.

Census and Statistics

This would include -

- (a) Census; and
- (b) Inquiries, surveys and statistics for the purpose of any of the matters in this List.

Professional Occupations and Training

This would include -

- (a) Institutions, such as Universities, declared by Parliament by law to be institutions of national importance.
- (b) Institutions for scientific or technical education by the Government of Sri Lanka wholly or in part and declared by Parliament by law to be institutions of national importance.

(c) Provincial agencies and institutions for-

- (i) professional, vocational or technical training, including the training of Police officers; or
- (ii) the promotion of special studies or research; or
- (iii) scientific or technical assistance in the investigation or detection of crime; and

(d) Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions.

National Archives: Archaeological Activities and Sites and Antiquities Declared by or Under Any Law Made By Parliament To Be of National Importance

This would include-

Ancient and historical monuments and records, and archaeological sites and remains declared by or under law made by Parliament to be of national importance.

All Subjects and Functions not Specified in List I or List III including-

- (a) Pilgrimages to places outside Sri Lanka;
- (b) Incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations but not including co-operative societies;
- (c) Incorporation, regulation and winding up of corporations, whether trading or not, with objects not confined to one province, but not including universities;
- (d) Patents, inventions and designs copyright trade marks and merchandise marks;
- (e) Establishment of standards of weight and measure;

(f) Establishment of standards of quality for goods to be exported out of Sri Lanka or transported from one province to another:

(g) Industries, the control of which by the Government of Sri Lanka is declared by Parliament by law to be expedient in the public interest:

(h) Regulation of labour and safety in mines:

(i) Manufacture, supply and distribution of salt by agencies of the Government of Sri Lanka: regulation and control of manufacture, supply and distribution of salt by other agencies:

(j) Cultivation, manufacture, and sale for export of opium:

(k) Industrial disputes concerning employees of the Government of Sri Lanka:

(l) Institution such as Museums and War Memorials financed by the Government of Sri Lanka wholly or in part and declared by Parliament by law to be institutions of national importance:

(m) The Survey of Sri Lanka, the Geological, Botanical, Zoological and Anthropological Surveys of Sri Lanka Meteorological organizations:

(n) National Public Services: National Public Service Commission:

(o) Pensions, that is to say, pensions payable by the Government of Sri Lanka or out of the Consolidated Fund:

(p) Salaries and allowances of Members of Parliament, and the Speaker and Deputy Speaker of Parliament;

(q) Powers, privileges and immunities of Parliament and of the members and the Committees of Parliament: enforcement of attendance of persons for giving evidence or producing documents before committees of Parliament or commissions appointed by Parliament:

(r) Emoluments, allowances, privileges and rights in respect of leave of absence, of the President and Governors: salaries and allowances of the Ministers of the Government of Sri Lanka: the salaries, allowances and rights in respect of leave of absence and other conditions of service of the Auditor-General;

(s) Inter - Province migration, inter-province quarantine:

(t) Offences against laws with respect to any of the matters in this List:

(u) Fees in respect of any of the matters in this List, but not including fees taken in any Court.

23.09.86

NINTH SCHEDULE

List I

PROVINCIAL COUNCIL LIST

(Article 154 G (1))

1. Police and Public order.—Public order and the exercise of Police powers, to the extent set out in Appendix (1), within the Province, but not including National Defence, National Security and the use of any armed forces or any other forces under the control of the Government of Sri Lanka in aid of the civil power.

2. Planning - Implementation of provincial economic plans.

3 & 4. Education and Educational Services—Education to the extent set out in Appendix III.

6. Local Government. -

6:1 Local authorities for the purpose of local government and village administration, such as Municipal Councils, Urban Councils and Pradesheeya Sabhas, except that, the constitution, form and structure of local authorities shall be determined by law;

6.2 Supervision of the administration of local authorities established by law, including the power of dissolution (subject to such quasi-judicial inquiries into the grounds for dissolution, and legal remedies in respect thereof, as may be provided by law, and subject to provisions relating to audit as may be provided by law);

6.3 Local authorities will have the powers vested in them under existing law. Municipal Councils and Urban Councils will have the powers vested in them under the Municipal Councils Ordinance and the Urban Councils Ordinance. Pradesheeya Sabhas will have the powers vested in Urban Councils, Town Councils and Village Councils under existing law. It will be open to a Provincial Council to confer additional powers on local authorities.

6:4 Gramodaya Mandalayas will have the powers vested in Gramodaya Mandalayas under existing law. It will be open to a Provincial Council to confer additional powers on Gramodaya Mandalayas.

7. Provincial Housing and Construction-

7:1 Implementing co-ordinating, supervising and monitoring Provincial housing development programmes and projects (other than National Housing Development Authority projects), including aided self-help housing projects, housing loans and the provision of building materials;

7:2 The implementation of the Protection of Tenants Act and the Rent Act within a province;

7:3 Construction activity in respect of subjects in this List.

9. Roads, bridges and ferries within the Province, other than-

- (a) national highways;
- (b) bridges and ferries on national highways.

10. Social Services and Rehabilitation-

10:1 Probation and Child Care Services,

10:2 The Rehabilitation of Destitute Persons and Families;

10:3 Rehabilitation and Welfare of Physically, Mentally and Socially handicapped persons.

10. Relief of the disabled and unemployable.

12 Regulation of road passenger carriage services and the carriage of goods by motor vehicle within the province and the provision of intra-provincial road transport services.

13 & 14. Agriculture and Agrarian Services-

:1 Agriculture, including agricultural extension, promotion and education for provincial purposes and agricultural services (other than in inter-provincial irrigation and land settlement schemes, state land and plantation agriculture);

:2 Rehabilitation and maintenance of minor irrigation works;

:3 Agricultural research, save and except institutions designated as national agricultural research institutions.

15. Rural Development-

16. Health-

16:1 The establishment and maintenance of public hospitals, rural hospitals, maternity homes, dispensaries (other than teaching hospitals and hospitals established for special purposes);

16:2 Public health services, health education, nutrition family health, maternity child care, food and food sanitation, environmental health;

16.3 Formulation and implementation of Health Development Plan, and of the Annual Health Plan for the Province;

16:4 The Provision of facilities for all institutions referred to in 1 above within the Province, excluding the procurement of drugs;

(To be continued)