

Saturday Review

SRI LANKA

NEWS
MAKERS

What caused

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Vaikunthavasan's deportation?

Did a false alarm that London Barrister Krishna Vaikunthavasan was getting ready for the setting up of an Interim Provisional Government of Tamil Eelam in Tamil Nadu cause his deportation from India last Saturday?

This is the speculation in Tamil Nadu political circles who say that the Indian Government now in the process of grappling with the Separatist Akali agitation in the Punjab did not want to risk any publicity concerning a separatist agitation in a neighbouring country to be foul the political atmosphere in India, particularly when the Indian Government's negotiations with the Akali leaders had reached a critical and delicate stage.

Mr. Krishna Vaikunthavasan who was in Tamil Nadu as the guest of the Tamil Nadu Kamaraj Congress Leader Mr. P. Nedumaran surprised the Police when he took out his Sri Lanka passport and tore it up saying that he did not belong to that country.

It will be remembered that Mr. Vaikunthavasan sponsored a resolution at the World Tamil Eelam Convention held in New York last July for the setting up of an Interim

Provisional Government of Tamil Eelam. This resolution was however not passed at the Convention but referred to the Liberation Council which was

set up with the blessings of the TULF Leader A. Amirthalingam.

Meanwhile in a working paper circularised in Lon-

don by the Tamil Eelam Co-ordinating Committee recently a blue-print for the setting up of a Provisional Government was outlined.



Flashback to 1980

Photograph shows Krishna Vaikunthavasan submitting a memorandum to Mrs. Indira Gandhi in New Delhi on January 20, 1980 soon after Mrs. Gandhi as-

sumed office for the second term. At that time the Sri Lanka Government owned 'SUNDAY TIMES' quoted "Diplomatic quarters" questioning

the propriety of the Prime Minister, Mrs. Gandhi, meeting Mr. Krishna Vaikunthavasan the London based Tamil Separatist Leader."

In 1979 while she was in the opposition Mrs. Gandhi acknowledged a letter from Mr. Vaikunthavasan enclosing a leaflet containing the photographs of two Tamil youths in Jaffna, Inbam and Selvam, who were pulled out from their home in the dead of night, and whose bodies were discovered in a culvert after being tortured and badly mutilated and murdered.

In the letter dated August 27, 1979 from

(Continued on page 12)

The working paper states inter alia:

"The Free French had a provisional Government in exile first in Algeria and then in the UK during the Second World War which was recognised by the Allies. Subhas Chandra Bose had a provisional Indian National Government during the Japanese occupation which was recognised by Japan and other Axis Powers. Even during peace time Jawaharlal Nehru presided over an interim Government in India which is a form of provisional government pending the transfer of political power by Britain to the people of India. Even today there is a provisional Government in Wales in the United Kingdom which is recognised by only the people of Wales and those organisations which are in sympathy with the Welsh claim for separate nationhood. Thus provisional governments exist under varying political situations and in various forms...."

VIEWPOINT

There is no point in hushing it up anymore: the Tamil United Liberation Front leadership is fast approaching a point where, to them, their own political survival is all that is going to matter now. Any pretence that they intend to sustain the Front's image of idealism and integrity must now be abandoned. The Tamil people are now completely on their own; as they were at the recent Presidential election; as they will be at the national referendum next month.

Perhaps one need not be unduly concerned about what the TULF leadership does or does not do; because this country itself has been reduced to a position, where to each man, there is only one immediate objective: SURVIVAL. Politicians themselves, whether they be in the UNP or SLFP or TULF, are going through various contortionist stances, in desperate bids to survive. Newspapers and newspaper editors are engaged in doing the same. The Tamil voters in the North and East who defied the TULF in their own different ways and earned the proud distinction of being the only section of the voting public to give a fright to the ruling government were also motivated by survival—but survival in a deeper, ethnic, and more philosophic sense.

For a people who are united by one common bond — OPPRESSION—whether they live in the North or East or Colombo, what they think is survival is what

matters. Do they want to survive as a people, or do they want to survive as hostages? Do they want the dignity of man to survive or do they want their refugee status to survive?

One of America's great sons, Martin Luther King, who himself could not survive in his mortal frame beyond his 39th year, having been felled by an assassin's bullet, said and did many things in his brief life that will surely enable the human spirit to survive everywhere in the world. Talking of his own people, the American negroes, Martin Luther King said: "Like all people, they (the blacks) have differing personalities, diverse financial interests and varied aspirations. There are Negroes who will never fight for freedom. There are Negroes who will seek profit for themselves alone from the struggle. There are even some Negroes who will co-operate with the oppressors. These facts should distress no one. Every minority and every people has its share of opportunists, profiteers, freeloaders and escapists....No one can pretend that because a people may be oppressed, every individual member is virtuous and worthy. The real issue is whether in the great mass the dominant characteristics are decency, honor and courage".

Substitute the word Tamil for Negro, and we have an authentic picture of the Tamils in Sri Lanka today. But what is distressing is that the accredited leaders of the Tamils do not seem any more to reflect the dominant characteristics that Martin Luther King spoke of.

IN MADRAS, BOSTON

OR PARIS

"At present, a number of provisional Governments function in different parts of the world such as the Iranian Government in exile in France headed by Bani Sadr, its former President, the Kalistan Government (Punjab) in Canada, the Welsh Government in Wales.

"The PLO is likely to form its Government in exile in the near future.

"The Tamil Government naturally has to be formed in Tamil Eelam. If this is not possible in the immediate future, then the next place would be India (Madras) or Boston or Paris...."

The only regional English paper in Sri Lanka

**Saturday
Review** SRI LANKA

'Divayina' speaks up against Press gags

No. 118,
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Editor
S. SIVANAYAGAM

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"DIVAYINA" the popular Sinhalese daily owned by the Upali Group and sister paper of the "ISLAND" has earned the proud distinction of being the first and only daily newspaper of Sri Lanka to raise its voice against the sealing of two newspapers recently by President Jayawardene's Government.

The newspapers concerned are the Tamil bi-weekly published in Jaffna "THE SUTHANTHIRAN" and the influential Sinhala Daily published from Colombo—"THE ATHTHA".

In an editorial last Sunday November 7, 1982, the "DIVAYINA" says:

Press gags are not something that our people are unfamiliar with. In the past our people had witnessed the subjugation of the Press in more frighten-

ing forms. During the SLFP regime the large and prestigious Lake House Group was brought under state control. Not content with this, the Dawasa group was then sealed up, and it remained closed down for well nigh 3 years. Apart from that, smaller Left papers were also subjected to various restrictions.

All such gags and restrictions were imposed not

text of the agitation by the opposition forces against dictatorial measures? When such an argument is advanced all too frequently, surely the people will counter that by saying that they will actually have to be protected from the government.

During the recent election campaign the principal charge levelled against the SLFP regime was one of emergency rule and gagging of the Press. Even after coming into power the UNP declared that they will never resort to sealing of newspapers. "We never seal a Press" was the pronouncement made in a Govt.'s propaganda film called "Father and children" screened on TV last Thursday portraying the SLFP's wrongs which the UNP was not supposed to have committed. But, by that time the above-named two newspapers had already been sealed up.

The Media Scene

under a totalitarian system but under a democratic form of government. Both the past and the present rulers of this country have known that democracy could be turned into totalitarianism under emergency laws.

This Govt. too has now sealed off two Press establishments. One is the "Suthanthiran" published in the North and the other the "Aththa". Those responsible for this action too have declared that it is in the interest of public security and well-being.

One could go on advancing this argument ad infinitum. And on this basis any newspaper in this country could be closed down; if necessary, the entire mass media could be banned for that matter. Is it really prudent to adopt such a position in the con-

Should any newspaper abuse its freedom, various penalties could be imposed. But sealing is a drastic measure which should not be resorted to except as a last resort. At least a warning is due before such a punishment is meted out. It is only then that the people will even to some extent justify the Govt's decision.

It should also not be forgotten that such drastic actions are resorted to when 75% of the mass media is under Govt. control.

We therefore call upon the Govt. to reconsider its position on this issue, no matter for whose benefit these steps have been taken.

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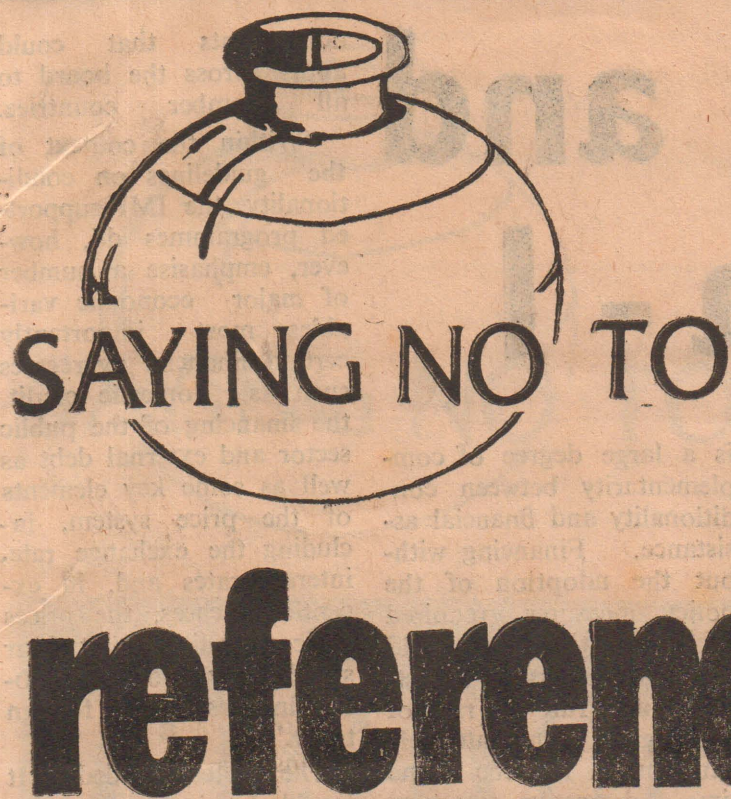
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SAYING NO TO referendum

the ingredients for autocratic rule. There is no necessity to declare a "state of emergency" to use the Armed Forces for certain tasks, or to detain people without trial or to seal newspaper offices.

On Oct. 20th large segment of our people gave Mr. Jayewardene a mandate to carry on for another six years, probably believing he is the "strong man" who can be the nation's saviour.

IS IT GOING TO BE GOODBYE TO DEMOCRACY?

"Dictatorship characteristically comes into being when the social order is shaken or broken, in the times of crisis when men forsake their traditions, in the times of desperate conflict when men are willing to sacrifice much if only the strong man restores to them assurance and order"

I am quoting from the chapter on "The Ways of Dictatorship" from R. M. Maciver's excellent book on the emergence, forms and transformations of Government titled "The Web of Government."

Is the situation in Sri Lanka today comparable to that in Maciver's analysis and is 76-year Junius R. Jayewardene the "strong man" that the people are looking for?

The word "crisis" has been so overworked in Sri Lanka that it has now ceased to cause the alarm that its dictionary meaning "moment of danger or suspense in politics, commerce, etc"—should arouse.

Or is it that we have got so used to living with crises that we are not overly disturbed? Some commentators go even so far as to say that since independence we have been experiencing continuing crises, in both the political and economic spheres, and hence in the social sphere as well.

If we are to believe what Government leaders say, however, there has been no period in our recent history when there has been such political and economic stability as now. The very fact that foreign investors are willing to come here is cited as proof.

What is the reality? On the economic front, "we are broke", as President Jayewardene himself said

not long ago. Imagine a Government which has commitments totalling Rs. 50 billion a year but can hope to raise only Rs.20 billion from existing sources of revenue!

Despite all the huge sums spent on development and despite all the propaganda, we are well and truly in deep economic trouble.

And a political crisis, it has been said, accompanies or follows closely on the heels of an economic crisis.

The very fact that the Government, despite its Presidential election triumph is not prepared to face the people at a general election is evidence that it is not too certain of itself. In other words, the "political stability" it speaks of is a mirage. There are deep and disturbing rumblings within its own ranks.

If we concede that a crisis situation does exist in Sri Lanka, as described in Maciver's analysis, is dictatorship the answer?

I say NO, because dictatorship, albeit constitutional, is what we have had since 1978 and it has been no answer.

The emergence of dictatorship is usually abrupt, whether accompanied by violence or not. Constitutional dictatorship is different. It can come creeping in, stage by stage, as it has done in our country. By the time the majority of the people wake up to the reality, it is too late.

The 1978 Constitution, reinforced by such laws as the Prevention of Terrorism Act and the Essential Services Act, contains all

But the people did not at the same time give the Government a mandate to dispense with parliamentary elections and parliamentary democracy. That is what is being planned now, through a referendum. And that is what should be resisted by the people with a resounding NO. For if the Government has its way, it is goodbye to Democracy—after 51 years of universal

adult franchise — because there will be no accountability to the people thereafter and so many evils could flow from such a situation.

The referendum indeed is the last chance for the opposition parties to prevent themselves from going into oblivion, to prevent the electoral map of Sri Lanka from being rolled up. They can prevent it happening if they act with determination and unity of purpose.

I write as a committed journalist—committed to the preservation of the fundamental right of "the freedom of speech and expression, including publication," as it is set down in our Constitution.

For the first casualty in the Singapore-style clamp-down on opposition activity that is bound to come if the Government has its way at the referendum, too will be the freedom of speech and expression and publication that is, including the freedom of the Press. (The crackdown has already begun, with seven printing establishments, including those of the "Aththa" and the "Suthantiran" sealed up).

I go on the basis that "The freedom of the Press is the essence of liberty and this

is the source of all other, infallible safeguard, how-liberties. If this freedom is suppressed, restrained or controlled, then the foundation for autocracy is laid."

This is the principle on which His Excellency swore by when he was in the opposition, fighting the tyranny of the last regime.

To quote Maciver again, "There is grave peril when Government usurps control over the myths of the

He goes on to point out that one of the two broad concepts, "the full acceptance of which is essential if democracy is to endure, is that Government should never be suffered to impose its control over the cultural life of the community, to curtail the freedom of men to differ in their faith and opinions, in their ways of thought and their ways of life, save when the pursuit of these ways inflict overt and objectively demonstrable hurt to their fellow men."

Our people still have a choice. I hope they exercise it wisely.

The referendum majority

My statement that the Government requires minimum of 2.7 million votes to have its way at the referendum requires qualification. The number has relevance only to a hypothetical situation.

For any proposal to be deemed to have been approved by the people, it must be approved by an absolute majority of the valid votes cast.

This will be the position as long as the number of people who exercise their

franchise does not fall below two-thirds (66 2/3%) of the total number of registered voters (8,145,015).

If this number does go below the two-thirds level, then only will the other proviso come into operation: that the number of "yes" votes must be at least one-third of the total number of registered voters (i.e. 2,700,000). For any voter turn-out below 66 2/3%, this number will represent an absolute majority.

Centre for Society and Religion sends Memo to President

"We are deeply grieved that you are taking steps to try to put off general elections to Parliament for another six years by means of a referendum to continue the life of this first Parliament till 4th August, 1989," says a memorandum sent by the Centre for Society and Religion, 281, Deans

Road, Colombo 10. The memorandum has been sent to President Jayewardene, Prime Minister Premadasa and to Ministers and Members of Parliament.

SATURDAY REVIEW will publish the full text of the memorandum in its next issue.

The greatest service that the late Dr. N. M. Perera rendered to Sri Lanka and other Third World countries was to mobilise public opinion within them against the depredatory demands of the US-dominated International Monetary Fund. He fought the IMF in Sri Lanka, as Minister of Finance, and in the outside world, as the leader of the "Group of 77" nations.

The ablest of Sri Lanka's 15 Ministers of Finance since independence, Dr. Perera, presenting the United Front Governments first Budget in October 1970 pointedly asked: "Is the IMF more interested in the economic stability of Sri Lanka than the Sri Lankans themselves?"

The IMF is one of the twins spawned by the conference held at Bretton Woods, New Hampshire, U.S.A., in 1944, to bring stability to the international economic order after the World War; the other was the International Bank for Reconstruction and Development.

While the IBRD, popularly known as the World Bank, is concerned with long-term financing of development in member-countries, the IMF is interested in their balance of payments positions in the short run.

The I.M.F. and Sri Lanka - I

by GAMINI

Whenever a member-country is in serious balance of payment difficulties — with import income in successive years insufficient to meet the import bills—it can go to the IMF for assistance. But, as with any bank, the assistance is granted on certain conditions.

And it is this conditionality that has often sparked sharp controversy and criticism, as when India recently obtained a loan of \$5.7 billion, the largest ever single loan granted by the IMF, and in Sri Lanka now, with its insistence that the Government adopt certain "correctives", including a further devaluation of the rupee, as a quid pro quo for assistance to tide over the chronic budgetary and balance of payments deficits.

During the height of the controversy in India, the IMF put out a note defending its position. It said, "A country making use of the IMF's resources is generally required to carry out an economic policy programme aimed at achieving a viable balance of payments position over an appropriate period of time. It reflects the principle that balance of payments financing and adjustment must go hand in hand.

Conditionality has to be seen as an essential element of the contribution that the IMF makes to alleviating the balance of payments problems of member-countries and to facilitate the international adjustment process. "Indeed, in practice there

is a large degree of complementarity between conditionality and financial assistance. Financing without the adoption of the policy measures required by conditionality would postpone necessary adjustments and run the risk of prolonging an untenable situation. At the same time, corrective measures without financing would render the process of adjustment more difficult and needlessly disruptive."

In helping countries formulate programmes that can be supported by its financial assistance, as well as in its general policy advice to member countries, the note said that the IMF does not rely on any particular model or approach. "Given the number and diversity of the members, with their wide range of economic and social structures and systems, stages of development and individual problems, it would be impossible to devise any one model of

adjustments that could apply across the board to all member countries.

"Within the context of the guidelines on conditionality, the IMF-supported programmes do, however, emphasise a number of major economic variables, most importantly certain financial aggregates such as domestic credit, the financing of the public sector and external debt as well as some key elements of the price system, including the exchange rate, interest rates and, in exceptional cases, the prices of commodities that bear significantly upon the public finances and foreign trade."

The note added, "It would be inaccurate to identify the IMF's approach as a standard 'monetary approach' to balance of payments analysis. While the IMF gives due recognition to the relationship between monetary factors and the external developments, its approach embraces all aspects of economic policies bearing on the supply and demand for resources. In a practical application of conditionality, a considerable degree of flexibility is exercised and circumstances of different member-countries are taken into account."

There it is, straight from the horse's mouth!!

(To be continued)

Sandbag fortifications for Police stations in Jaffna : Anonymous letters and calls

Police Stations in Jaffna have sandbagged themselves in, to repel guerilla attacks and are on day and night alert to forestall a repetition of the Chavakachcheri Police Station dawn

attack which left three policemen dead. This follows a spate of telephone calls and letters threatening various police stations in the North with imminent attack.

The Police are taking no chances with these threats especially as the Chavakachcheri Police Station attack, the *Saturday Review* understands was preceded by just such a communica-

tion which said, in effect, "We'll be coming soon to get you." The Chavakachcheri Police treated it as a hoax—and paid the price for it.

Fortified security arrangements at Police Stations thought to be likely targets include the stationing of Police Commando Units which take up positions on roof tops.

Plans to bring in army units to reinforce Police security arrangements are also being actively considered.

Pre-occupation with security and self defence has left the Police with virtually neither the time nor the inclination to handle ordinary crime. Recently four shops at Chankanai were burgled the same night. When the shop-owners went to the Kankesanthurai Police Station to lodge a complaint, they were bluntly told their complaints would be recorded but no policeman could be spared for an on-

the-spot investigation as every policeman was needed to defend the station.

Last week-end an anonymous telephone call to the Karainagar CTB Depot caused near panic. The caller ordered the Depot authorities to have two buses ready, petrol tanks full, for a getaway after an attack on the Karainagar Naval Base. The Depot authorities were also ordered not to divulge this information either to the Police or the naval authorities, on pain of death.

In the event, this turned out to be a false alarm. But it panicked the Depot authorities, so much, they cancelled the 4 a.m. bus from Karainagar. It was well after six in the morning, when the first bus left the Karainagar Depot.

The guerillas are trying to play a cat and mouse game with us. a top police source told the SATURDAY REVIEW.

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Rector of Aquinas, Dr. W. L. A. Don Peter on —

The Aquinas College, Colombo held its graduation ceremony recently. The Chief Guest was the venerable Talewela Vijitha Dhammarakkhita Thera, Viharadhipati of Kelaniya Raja Maha Vihara.

Here is the text of the address by the Rector of Aquinas College, Monsignor Dr. W. L. A. Don Peter, on that occasion:

Venerable Sir,

It is with no small pleasure that I welcome you to Aquinas College. We have very special reason to be happy that you are our Chief Guest today. This is the first time in the history of this institution that a member of the clergy of a faith different from ours is Chief Guest at a graduation ceremony. This is also the first time that a past student of Aquinas is presiding at this function. You are also the first Sri Lankan bhikkhu to obtain a degree in science. Apart from all that, you hold an eminent place among the Sangha as the venerated incumbent of one of the most ancient, historic and hallowed Buddhist shrines in this country, the Kelaniya Rajamaha Vihara. There is no doubt that all Buddhists appreciate your efforts to make the Kelaniya Vihara a centre of Buddhist piety. We who value religion share their sentiments. Today you have honoured us by coming here to preside at this function, and we, for our part, are proud of you as one of our most distinguished alumni.

Sounding brass & tinkling cymbal

By our calling, you and I are committed to religion. So are the institutions we represent, the Buddha Sasana and the Catholic Church. Here at Aquinas we always strive to instil into our students religious and moral ideals and values whatever the religion of the individual. I presume it would be relevant therefore to ask your leave to place before you and our staff and students some reflection on the role of religion in private and public life.

Sri Lankans take pride in the fact that religion has been a major influence in the lives of the people from ancient times. It is religion, more than any other factor, that has inspired, shaped and moulded our traditional culture—our language and literature

our sculpture, painting and architecture, our social customs and traditions, our systems of education, our philosophy of life. Religion influenced and guided, not only the common citizen in his personal and social life, but also the king and his councillors in the government of the country. It was under the impetus of religion that our ancient viharas and pirivenas became seats of education, learning and scholarship. It is not without justification therefore that Sri Lanka has been called 'Dharma Dvīpa'.

What afflicts religion today is that there is a great deal of insincerity behind it. In my address on graduation day last year I dwelt at some length on the subject of dishonesty among us. I ventured to suggest that dishonesty is our greatest vice—an ugly truth we cannot escape. But there is a still uglier side of it. It is dishonesty in religion.

It is one thing to reject religion altogether; it is quite another to accept it and not be true to it. The man who rejects religion

ings. To be nominally attached to a faith merely because it is the faith of our fathers would be a form of dishonesty.

In spite of the air of religiousness in our country and our manifold protestations of attachment to religion, it is no secret that ours is a society saturated with corruption and dishonesty of every sort, so widespread and so deep-rooted as to be endemic and almost a way of life with us. Crime is alarmingly on the increase, not merely crimes from human

Lanka in modern times. From our ancient history we know that our kings were wont to take counsel from religious leaders or that the latter proffered advice to the rulers even in matters of state. But in our times we have the disturbing phenomenon of men of the cloth being actively engaged in party politics and, conversely, politicians making a cat's paw of them for their own political ends.

It is true that the clergy have civic rights as other citizens. It is also true

Religion, Politics & Society

The tradition of religiousness that characterized life in ancient Lanka no doubt still persists, but with a noticeable difference. There is certainly an atmosphere of religion in the country if we are to judge by the numerous temples, kovils, mosques and churches dotting our land, the large number of wayside shrines that have sprung up, the religious festivals and pageants held in ever increasing splendour, the statutory provision made for the teaching of religion in schools, the observance of religious rites even at civil and state functions, the prominence given to religion in our constitution, the sermonizing of even our politicians and their loud protestations of devotion and service to religion. But still, when you look deeper into the matter, you are led, however reluctantly, to the disconcerting conclusion that a great deal of all this is but sounding brass and tinkling cymbal.

A great deal of insincerity

It is no doubt true that there have been criminals in the past as there are now. It is true also that today too there are many adherents of the various faiths who take their respective religions seriously and strive to live by their teachings. Nevertheless one cannot help feeling that there is also a big difference between religion in our time and what it was in former days.

because he is not convinced of its usefulness is an honest man; the one who accepts religion but betrays it in one way or another is a dishonest man. Failure in one's efforts to live up to the teachings of one's religion is understandable human weakness; but to pay only lip service to religion and not bother to live according to it, to perform religious rites and observances with scant regard for righteous conduct, to pose as a religious person and even be active in the religious field but live a life contradictory to one's faith, would be dishonesty. It is bad enough to be dishonest in secular matters, but to be dishonest in religion in the realms of the spiritual, is dishonesty of the worst type.

Would it be honest for one to cling to a religion merely because it is the ancestral, traditional or national religion? It is true that religion becomes very much a part of man's culture, but still we cannot accept religion from the past in the same way as we would accept our language, our mode of dress, our manners and customs; our arts and crafts. Religion necessarily has to be something deeply personal, affecting our individual inner life. If we accept a religion either from tradition or by conversion, we have to honestly endeavour to live by its teachings. Religion cannot really be inherited. Each individual has to make his or her own, by conviction, the faith that has been received, and faithfully follow its teach-

frailty as on sudden provocation, but cautiously calculated crime of every description, the perpetrators of which often manage also to escape being brought to book. We excel in the art of fraud of every possible brand.

The terrifying spectre of terrorism has reared its head in our land and has already claimed several lives. Again and again communal strife has flared up when on both sides men have descended to the most inhuman and barbarous depths. Dishonesty has crept into public examinations. Ragging in its varied ugly forms is being indulged in with sadistic glee in our higher institutions of learning, in spite of repeated attempts to snuff it out. Large-scale trafficking in pornography and dangerous drugs is doing untold damage to our children and youth. Almost daily we read in the newspapers of violent deaths and suicides. All this and much more in a country that talks and boasts so much of its religiousness.

If on the one hand we claim to be religious and on the other our conduct belies it, the inevitable conclusion has to be that we are not honest to religion. It would indeed be a colossal self-deception if we should think we are a religious people but confine our religion for the most part to traditional ceremonial without honest reform of our individual lives and of society.

Political encroachment on religion and religious encroachment on politics is another matter that has vitiated religion in Sri

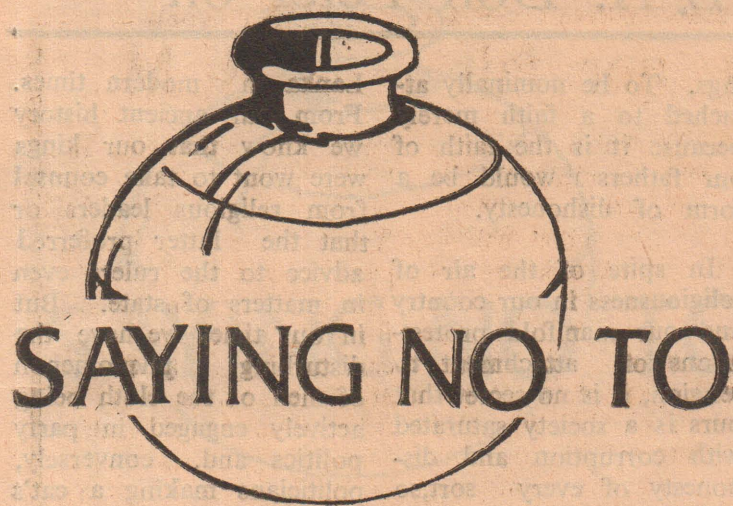
that religious bodies such as the Buddha Sasana and the Catholic Church should on the one hand be defenders of civic rights and fight against all manner of injustice, and on the other give their support and cooperation to any lawful government that respects the fundamental rights of the citizens. But, it is quite another matter for the clergy to be actively involved in party politics, which more often than not leads to division and strife even among adherents of the same faith. As men committed to peace, amity and brotherhood, they should rather be detached and free from political alignment. Moreover, to take advantage of one's position as a religious leader to throw one's weight in favour of a particular party or politician would be tantamount to prostitution of religion.

Religion to promote political interests

It is true that our constitution gives a special place to Buddhism while guaranteeing freedom to other religions. Politicians who help to promote Buddhism are therefore acting in response to the constitution. But there is also the danger of the politician making use of religion or religious personnel to promote his own political interests. Service to religion by the politician has to be selfless and highly motivated. To seek political advantage through the medium of religion would be a desecration and exploitation of religion.

We have to educate our children and youth for

(Continued on page 11)



referendum

"A SEVERE THREAT TO DEMOCRACY" —
headline of THE HINDU editorial dated October 29.

Mr. J. R. Jayewardene, it seems, is blooming into a potentate. His re-election as President of Sri Lanka has emboldened him to embark on an adventurist course of getting the tenure of the present Parliament extended for a further six years short circuiting the election procedure. With the commanding majority the ruling United National Party has in Parliament—143 in a House of 168—Mr. Jayewardene had no difficulty in amending the Constitution some weeks ago to enable him to seek a mandate for continuing as head of the State for a fresh term of six years. This action was endorsed by the Supreme Court as perfectly in order and when he went to the polls last week he secured nearly 53 per cent of the popular vote. However, this was no landslide victory of the kind he was expecting to record; and the considerable accretion to the electoral strength achieved by the Sri Lanka Freedom Party's candidate in relation to the total votes polled by it in the 1977 parliamentary elections seems to have given him something of a jolt. It is well known that Mr. Jayewardene has been doing everything within his power during the last few years to curb the SLFP, which is the UNP's biggest rival. Mrs. Bandaranaike was deprived of her civic rights for six years by Parliament following certain adverse findings by a presidential commission and yet if its candidate, Mr. Hector Kobbekaduwa (a nominee of Mrs. Bandaranaike), obtained a sizable number of votes constituting 39.07 per cent of the total polled, it only goes to show that the UNP's position is not what it was

in 1977. Another striking feature of the poll was that Mr. Jayewardene did not make any headway in the Tamil district of Jaffna which proves that all the supposedly beneficial measures to uplift the status of the Tamil minority have had little impact.

Captive, made-to-order Parliament

In the light of such facts which cast doubt on the claims to political dominance that Mr. Jayewardene makes for himself, his move to do away with elections to the new Parliament altogether is disconcerting. If his proposal is approved by the Supreme Court and Parliament—they well might if the past is any guide—and a referendum gives a verdict in its favour the term of the present Parliament gets automatically extended to another six years. The political parties will continue to be represented in the House in just the same proportion as they are today. In short, the changes in the correlation of forces during the last five years will not be reflected in the composition of the new House with a simple majority approval in the referendum, the UNP will be able to perpetuate its five sixths majority in the Parliament which it cannot hope to retain if separate elections are held to the parliamentary seats. Mr. Jayewardene as leader of the UNP will also have the right to nominate his candidates, who will not be required to face the electorate at all. The implications of all this are not hard to realise. Mr. Jayewardene will have a captive, made-to-order Parliament for six more years with an overwhelming majority for the UNP, and that is likely to weaken

and perhaps even undermine democratic institutions in Sri Lanka. Prophetic are the words of Dr. Colvin R. de Silva (one of the presidential candidates) who observed as early as in 1978 that the "new style President becomes the supreme instrument of State power, pushing the Parliament down to a much diminished second place. The President has been steeply upvalued and the Parliament precipitously devalued."

a tactic to cash in on the presidential election victory as Mr. Jayewardene's supporters tend to argue? He polled a mere 400,000 votes more than the Opposition, with the Sri Lanka Freedom Party increasing its share of the vote by a significant 10 per cent. If this was the outcome when to quote Mr. Jayewardene "the Opposition is in utter disarray", the outcome in a general election could conceivably be different. Snowballing opposition to Mr. Jayewardene's free-market policies which have resulted in 40 per cent inflation appears to have convinced the President of the wisdom of holding an immediate referendum rather than risk a general election

next year when things could be worse.

Whatever his calculations the referendum plan is likely to do grave damage to parliamentary practices. By thus changing the rules of the game and short-circuiting democratic processes, President Jayewardene would be setting a precedent the consequences of which transcend partisan considerations. It would bring into question his and his party's credibility and indeed of the system itself. The ensuing instability would do no good to Sri Lanka's ethnic problem and might give a fillip to the extremists. Surely, this is not the legacy that the 76-year-old President would like to leave behind.

R. P. WIJERATNE of No. 10, Dematagoda Road, Colombo 10, writes :

Dear Sir,
THE REFERENDUM AND DEMOCRACY.

The Government's decision to hold a referendum for the extension of the term of office of the present Parliament and the action taken to provide the President with undated letters of resignation from all MPs of the Government party impinge forcibly on basic democratic rights of the people and standards of public conduct at the highest levels.

The principle of proportional representation (PR) enshrined in the 1978 constitution, we were made to believe, was a sacred and inviolable right bestowed on the people. In contrast to the first-past-the-post system which operated earlier PR is fashioned to ensure firstly that the will of the majority is given precedence and that, inter alia, its strength is accurately reflected in the national legislature. Secondly, and as importantly, PR gives concrete expression to the democratic principle that the minority is given its fair share of representation in the legislature, commensurate with the support it gets from the electorate.

In the existing Parliament, elected as it was under the earlier system, the minority parties do not have the fair share of representation envisaged by PR. Extension of Parliament's term by referendum will only perpetuate the existing iniquitous situation, thereby denying the minority parties the benefits PR provides in the 1978 Constitution.

For example, if we go on the basis of the voting pattern in the recent Pre-

sidential election the SLFP should have around seventy seats whereas it has only six in the present Parliament. The referendum will effectively disenfranchise the supporters of the minority parties, and going again by the recent Presidential poll they would amount to approximately 47% of the votes cast. Quite apart from being deprived of the benefits of the PR system these voters will also lose the right they have hitherto enjoyed of voting for the candidate of their choice.

The bizarre spectacle

To argue in this context that the referendum is a satisfactory substitute for the general election process is pure self-deception and an insult to the intelligence of the voter. It may indeed be interpreted that the fathers of the constitution while openly paying poota to democracy through the PR provision in the constitution also provided an alternative device to suspend it whenever it suited their particular interests. In other words the fathers were prepared to take away with the left hand what they had given with the right.

The bizarre spectacle of honourable ministers and MPs of the governing party being submitted en masse to the indignity of handing over undated letters of resignation to their leader is further evidence of this kind of cynicism. Apart from the mutual distrust revealed by these arrangements the complete surrender of wills and independence by representatives elected by the people, to a leader

(Continued next page)



Foreign View

Says the Indian Express of October 29, in an editorial entitled "CHANGING THE RULES"

If President Jayewardene's plan to seek through a referendum another six-year term for the present Sri Lanka Parliament is surprising, his justification for the move can only be described as extraordinary. Since by giving him a majority in all but one electoral district in the presidential election voters have "re-confirmed their trust" in the ruling party, says a Cabinet announcement, the President proposes to hold a referendum asking the people to double the life of the existing Parliament, rather than hold the general election due next July. An extension of this specious argument would obviate the need for even the referendum!

Not the legacy to leave behind

Does the referendum plan suggest the emergence of dictatorial tendencies? Or is it indicative of a growing sense of personal and partisan insecurity, rather than being merely



Neither free nor fair — C. R. M.

The following urgent telegram was sent by CRM to His Excellency President J. R. Jayewardene yesterday.

Working committee of Civil Rights Movement which met today November 5 1982 resolved urge that no referendum be held while situation in

country which according to you warrants a state of emergency prevails. At present under emergency regulations opposition newspapers have been prevented from publication and their presses sealed. In addition a number of other printing presses too have been sealed. This re-

stricts free expression of views against extension of life of Parliament which is the question at issue in the referendum. The Proclamation initiating the referendum process should not be made at such a time as a referendum held under such circumstances would be neither free nor fair.

referendum

(Continued from page 6)

however estimable, will certainly not enhance their prestige and standing in the eyes of the people.

It should be borne in mind that barring a few the present MPs were elected by the direct vote of the people. Extension of the life of Parliament means in fact the extension of the term of office of these MPs. The referendum is intended to obtain the endorsement of the people for such an extension. It is one thing for the party leader to take disciplinary action against an errant MP and remove

him if necessary, but quite another for the leader to arrogate to himself the general power even in theory to remove the membership and replace them with persons of his choice. This will only make a mockery of the voters' rights and completely undermine the democratic process.

It is to be hoped that all citizens of Sri Lanka of whatever race, religion or political persuasion will recognize the dangers to freedom inherent in Government's referendum plans, and make every effort to dissuade Government from following this course.

be highly unsatisfactory in that the resulting Parliament does not reflect the true support enjoyed by the parties among the voters. The new Constitution remedied this for the future by introducing a system of proportional representation.

2. Indeed, speaking in Parliament in 1977, Mr. J. R. Jayewardene (then Prime Minister, now President) in explaining the decision to introduce proportional representation said:

"We feel that that will give a better chance to some of the parties that were wiped out in this

4. The proposal now is to prolong for a further full term of six years, a Parliament elected more than five years ago on the old unsatisfactory system which does not properly reflect the state of public opinion, and in which substantial sectors of opinion remain either under-represented or totally unrepresented, including around one million new voters registered since.

Furthermore there is today the unsatisfactory situation that at present a two thirds majority in Parliament is enjoyed by a party which received only a little more than 50% of the votes at the general election. It can thus pass Bills to amend the Constitution by the required two thirds majority, which amendments may tend to suit its own narrow party interests rather than the interests of the country. This situation too would continue if the present Parliament is extended instead of holding a fresh election. In a fresh election held under proportional representation it is unlikely that any one party would obtain a two thirds majority, which means that thereafter constitutional changes would require a greater degree of national consensus.

5) It is argued that so long as the people approve the Bill to extend Parliament by a referendum, then the requirements of democracy are met. The "will of the people" has manifested itself, so all is well. This argument must be considered carefully. There are certainly circumstances where a referendum is desirable and justifiable.

6) However, what is in effect now being said, is that a referendum by means of which the life of the existing legislature is extended, can legitimately take the place of a fresh election of a new Parliament.

A REFERENDUM IS NO SUBSTITUTE FOR ELECTION

7) One cannot treat a referendum to extend the existing Parliament as a

substitute for election for a number of reasons. For the purpose of argument we are assuming here that the referendum is passed by 51% of the votes, though really it needs to be passed only by 50% plus one more vote.

8) One reason has already been indicated above. Our present legislature has been elected on an admittedly unsatisfactory system. Would it be fair to allow 51% of the voters at a referendum to prolong the life of such a legislature, in which 49% of the voters are unrepresented or under-represented?

9) Similarly, is it fair to permit 51% of the voters at a referendum to authorise the continuance of the making of changes to the Constitution by a Parliament in which one party has, due to an anomaly which has been rectified for future elected Parliaments, a two thirds majority? In effect, is one not permitting constitutional change by a 51% majority of the voters whereas the Constitution clearly envisages that such change must be approved by members of Parliament representing two-thirds of the voters?

10) The reason that a referendum is no substitute for a general election is not, however, confined to the fact of the subversion of the principle of proportional representation. Even if the old electoral system continued, there are major differences between a fresh election and prolongation of an existing Parliament.

11) Firstly, at an election there are clear alternatives placed before the people — parties, policies, candidates. It would have been clearly indefensible had President Jayewardene sought not to face a presidential election (at which there were alternative candidates in the field) but to extend his period of office by a constitutional amendment brought about by a

(Continued overleaf)

'Shocked and alarmed'-CRM

The first of three statements issued by the Civil Rights Movement of Sri Lanka :

The Civil Rights Movement is shocked and alarmed at the move to extend the life of the present Parliament for a further six year term. Possibly this is a hasty proposal the full implications of which have not been worked out.

The working Committee of CRM at an emergency meeting discussed the proposal and decided to point out to the government, the opposition political parties, to all organisations concerned with democratic rights, and to the public, the dangerous and unprecedented nature of this step which threatens the very basis of democratic parliamentary government founded on periodic elections of the people's representatives. It is also in

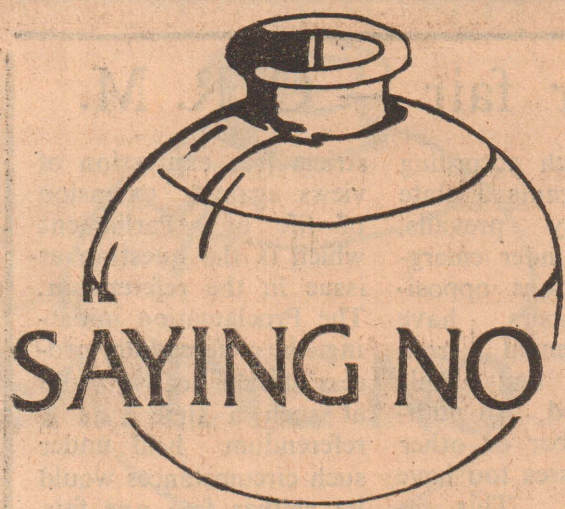
breach of Sri Lanka's obligations under the International Covenant on Civil and Political Rights. Sri Lanka, which only last year celebrated 50 years of universal franchise, has a history of periodic elections of its legislative assembly which are now part of the fabric of the lives of the people. This is now under threat. A referendum is no substitute for an election.

CRM opposes the move for the reasons given below and urges the government to abandon this proposal and to protect our peoples' political right and heritage.

1) The present Parliament was elected in 1977 on the old system of simple majority in each electorate, which is now accepted to

election to come into the legislature; that there will be representation according to voting, and you would not find this big swing from the right to the left and vice-versa. All shades of public opinion will be able to have a voice in this House." (emphasis ours) -Hansard vol. 23, 23rd September 1977 col.1235.

3. The introduction of proportional representation has been hailed on several occasions by CRM including in 1977, 1978, 1981 and most recently in CRM's statement criticising the call from certain opposition quarters for a return to the 1972 Constitution.



SAYING NO TO

referendum

(Continued from page 7)

referendum. Why, therefore, apply a different principle to the legislature?

12) Secondly, General elections in the past have been fought electorate wise. The composition of a Parliament under the old system would depend not on the overall voting in the country but on the distribution of votes within the electorates. A referendum might show a bare majority in favour of the continuance of the present Parliament. But a fresh election held instead, even if people voted along the same party lines as at the referendum, could produce a totally different Parliament, depending on how the support of each party is today distributed among the electorates. In other words, a party receiving 51% of the votes taking the country as a whole (as is done in a referendum) might not have a majority of members in Parliament at all.

13) Even if the party strength in the newly elected legislature happened to be the same, there could also be changes in the electorates - a seat gained here offset by a loss there.

14) Substituting the referendum for a general election, even under the old electoral system, thus denies the right of the individual electorates to express a change of mind and to be represented by the party or the candidate of their choice.

15) It should also be mentioned that the argument has been put forward that the voting pattern at the recent presidential election would have given the ruling party a two thirds majority at an election based on the old 1972 systems, and that therefore it is quite fair to extend the present Parliament. However, it would

certainly not have produced a two thirds majority under the proportional representation system. And in any event, it is not correct to give either of these interpretations to the voting pattern at the Presidential election. For one reason, the personalities, policies and issues are not the same in each case.

CONTRARY TO INTERNATIONAL COVENANT

16) The proposed change is furthermore in contravention of the International Covenant on Civil and Political Rights which Sri Lanka signed in 1980.

The Covenant provides that every citizen shall have the right and the opportunity "to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot guaranteeing the free expression of the will of the electors" (Art. 25). The Covenant clearly envisages elections and not periodic referenda to prolong the life of legislatures whose period has expired.

17) After all, if a referendum can be substituted for an election once, then the process can be repeated at the end of every six year term. Elections can in effect be abolished.

DOES THE CONSTITUTION CONTEMPLATE THIS?

18) It is true that the Constitution envisages the possibility of extending the duration of Parliament.

19) Resort to this is justifiable only in an exceptional situation (e.g. war when all parties would be likely to agree. Such an

extension should also be for no longer than the situation demands. To use this provision to justify an extension for six years, with absolutely unusually any circumstances to justify it, is most extraordinary.

20) Furthermore it is clear that the Constitution does not contemplate the extension of the present Parliament. The present Parliament consisting of 168 members, which has its origin in the old electoral system, is dealt with

in the "Transitional Provisions" of the Constitution. These provide that the present Parliament, unless earlier dissolved, shall continue "for six years from August 4, 1977 and no longer" (Article 161 (e)). The provision contemplating a possible amendment to extend the duration of Parliament by a two thirds majority and a referendum very clearly refers only to a future Parliament of 196 members elected under proportional representation. (Articles 83 (b), 62, 98&99)

21) It should be emphasised here that our

years. It is also the process by which the opposition parties and representatives are elected. This is another crucial reason why a referendum to extend the life of Parliament cannot take the place of a general election.

Take for the purpose of argument, the electorates in the Northern Province. In 1977 they elected candidates of the TULF to represent them; and indeed the TULF leader became the Leader of the Opposition.

Similarly, other electorates elected candidates of the SLFP to represent them.

What will be the position if the referendum to extend the life of Parliament is passed?

In effect, the majority of the people will be saying to the rest "No, you cannot have fresh elections and choose different representatives or a different party to represent you. We, the majority are telling you, that those people and those parties which you chose in 1977 will continue to represent you in Parliament."

Is it right for a majority of 51% or even 60% or 70% to use a referendum to foist on some electorates, parties or MPs which they may no longer want?

C. R. M. protest

Constitution envisages fundamental constitutional changes being made not by a referendum alone but by a two thirds majority in Parliament plus a referendum. (Article 85). There is certainly a crucial difference between a two thirds majority of a Parliament elected by proportional representation, and a two thirds majority of the present Parliament.

CRM urges the abandonment of this proposal and the preservation of the long-standing right of our people to free, periodic elections, which during the past fifty years have become so integral a part of the political life of Sri Lanka. The general election due in 1983 must be held.

C. R. M. statement - 2

An election is not only a process whereby the majority elects the government that is to rule the country for the next six

A further factor has to be considered. A new election would be under proportional representation at which, if the voting pattern remained the same as in 1977, the Opposition would gain a very much larger number of seats. By extending the present Parliament by a referendum, the majority would, therefore, also be freezing at the low 1977 figure, the number of seats occupied by the Opposition parties, and would be preventing new Opposition parties from having any seats at all.

Freezing the Opposition seats

In other words, the majority will be not only prolonging the term of office of its government, but will also be freezing the number of seats occupied in Parliament by the Opposition, and will be determining which parties constitute that Opposition for the next six years.

Is this fair? Is this democratic? Is this a correct use of the referendum?

C. R. M.

Statement - 3

In CRM's earlier statements CRM set forth its reasons for opposing the current move. The present statement explains a further very important implication of this step in the context of the present power to remove and nominate MPs without reference to the electorate.

The essential content of what the proposed amendment to the Constitution seeks to achieve may be summarised as follows.

By seeking to extend the life of the present Parliament for another six years the ruling party is asking the people to surrender their right to elect the members of Parliament to serve for the next six years.

The ruling party is asking the people to refuse the right to any citizen or party to stand for election to Parliament for the next term.

This is being done in the context that each party has the power, under the present Constitution, to call for the resignation of its members in Parliament and to appoint others in their place. This is done at the absolute discretion of the party leadership.

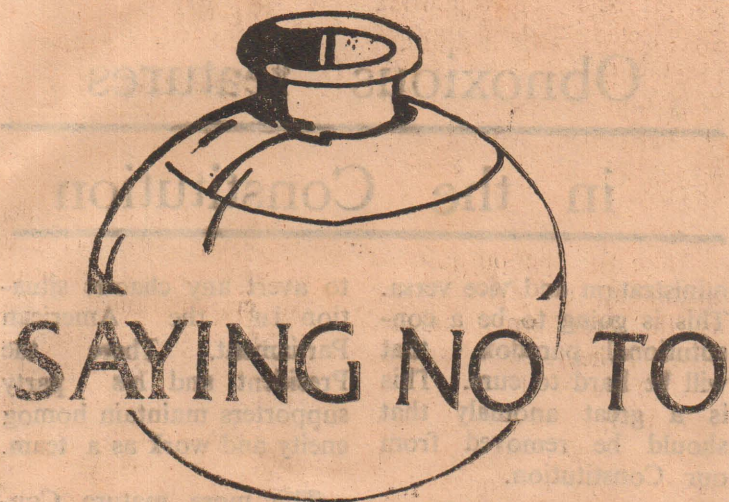
Therefore the request for the extension of Parliament is tantamount to asking the people to surrender, to the leadership of the respective parties already in Parliament, their power to elect members of Parliament to the extent of the number of seats these parties presently hold in Parliament. This number is based on the results of the 1977 election, held on the basis of the 1972 Constitution.

When the above is examined in the context of the present circumstances the following features emerge:-

a) The number of seats the ruling party, the UNP has in the present Parliament is 143.

b) All the UNP members of Parliament have on

(Continued next page)



THIS AMENDMENT IS TO CONFER ON THE LEADERSHIP OF THE UNP UNFETTERED POWER TO APPOINT AT ITS ABSOLUTE DISCRETION MPS TO THE EXTENT OF THIS OF THE NUMBER OF SEATS IN PARLIAMENT.

e) The remaining seats held by the Opposition will similarly, continue to be within the control of the Opposition parties, without reference to the people and

referendum

(Continued from page 8)

request handed undated letters of resignation to the President.

c) The President may date all or any of these letters at any time to create vacancies in Parliament, and have appointed in their place nominees of the Party without any reference to the people. (This is an unexpected use of a provision in the Constitution that was intended to enable occasional vacancies arising

in the normal course of events to be filled by nomination).

d) Therefore the extension of the present Parliament for a further six years is tantamount to the people surrendering their power to elect members of Parliament to the extent of 143 seats to the leadership of the UNP.

THE PEOPLE SHOULD THEREFORE, KNOW THAT WHAT IS SOUGHT TO BE ACHIEVED BY

irrespective of the wishes of the electorates.

f) Even in so-called one party totalitarian states the leadership of the party is compelled by the Constitution, to refer a panel of candidates to the people for election to the legislature.

g) What is sought here however, is something even the leadership of such totalitarian parties do not enjoy, namely the power to appoint members to 1/4th of the seats in the Parlia-

"A democracy is being converted into an oligarchy"

ment at the sole discretion of the party leadership without any reference to the people at all.

h) THIS WILL RESULT IN THE CONVERSION OF THE DEMOCRATIC POLITICAL LIFE OUR PEOPLE HAVE ENJOYED SINCE OBTAINING UNIVERSAL SUFFRAGE IN 1931, INTO AN OLIGARCHY COMMENCING FROM AUGUST 1983.

The mere circumstance that this is being done by a "democratic" process in the form of a referendum does not in any way alter the fact that what is being sought is to convert a democracy into an oligarchy.

Once an oligarchy is formed, enjoying supreme control over the entire state apparatus, the bulk of the mass media, and indirect control over the rest of mass media, the path is easy for the conversion of the oligarchy into an absolute dictatorship—again possibly through the

"democratic" process of a referendum.

The consequences of the change from a democracy to an oligarchy are:-

a) As members of Parliament in a democracy are elected by the people, and are dependent on the people to hold office for further periods, the sensitivity of the members of the legislators and therefore of the government to the needs and feelings of the people is secured. In a democracy, therefore, the people have the power to ensure that ultimately governments will serve their needs. The regular accountability of elected MPs to the people is an essential ingredient of democracy.

b) In an oligarchy, however, the new MPs can be totally unconcerned about the people. They owe nothing to the people for their office and therefore can be totally indifferent to their needs and feelings.

Even a big flame has underneath it dark spots. Even so a man of brilliance loses sight of vital factors that may do his undoing!

The President's move to hold a referendum to extend the duration of Parliament for another six years is only a short-lived advantage to the political party in the seat of power but with a big trap for itself in the future, for an adverse party that is newly voted in power can avenge the defeated party that was in power in a similar way or even in a more detrimental manner!

It is now primarily a matter for the people to think and decide. In matters of national importance the citizens, press, politicians and men of learning, without fear or favour, ventilate their views and help those in power and the people to arrest trends that might otherwise lead the country to chaos and anarchy.

In more enlightened Democracies like the United Kingdom the people will not brook inroads into their inalienable sovereignty. If the British Prime Minister Margaret Thatcher considers referendum as a democratic measure she, too, can hold a referendum

Mr. S. Ponniah, Attorney-at-law writes :

A great blow to the people's sovereignty

to extend the duration of the British Parliament, but she knows quite well that that is not the way with British Democracy.

Whatever a person might say by way of justification or explanation, the proposed referendum takes away from the people their right to elect their new representatives in Parliament for the next six years and inflicts a great blow to their sovereignty which is the pivot of democracy.

Article 3 of the Constitution of 1978 states; "In the Republic of Sri Lanka sovereignty is in the people and is inalienable".

Leaders who are pledged to democracy should not play on the ignorance and the innocence of the people from whom they derive their power, but evince the spirit of democracy and respect their cause. Mahat-

ma Gandhi who introduced purity in politics had always stood by the people to further their interests rather than derive for himself any petty advantage. This is what he said:-

"The democratic spirit demands that a most autocratic minister must yield to a people's will or resign office."

The argument that submitting the Referendum to the people is a recognition of the people's right to give their approval to extend the duration of Parliament is untenable. On the contrary, it is the denial of the people's sovereignty and a move to advance the cause of dictatorship.

It is known that at the Presidential Election, the Hon'ble J. R. Jayewardene had polled nearly 52% of the votes polled. But this does not mean that the people had voted for the

United National Party. This construction, if at all, is bad construction and bad logic! As President he cannot, on this ground, submit a referendum to extend the duration of Parliament. It is possible that the people voted for Mr. J. R. Jayewardene for personal reasons.

There are two major handicaps in refusing the people the right to exercise their franchise at General Election:

1. The people are denied their inalienable right to exercise their franchise in support of their new candidates in whom they have confidence. Referendum does not involve the choice of candidates for membership of Parliament—it is not Parliamentary election. It is virtually a Hobson's choice. The proposed referendum is sheer denial of popular sovereignty.

It is just the opposite of democracy when the will of the majority is ignored in preference to the minority votes. The law, which is an ass and not just, lays down: "Such Bill shall be deemed to be approved only if approved by not less than one-third of the whole number of such

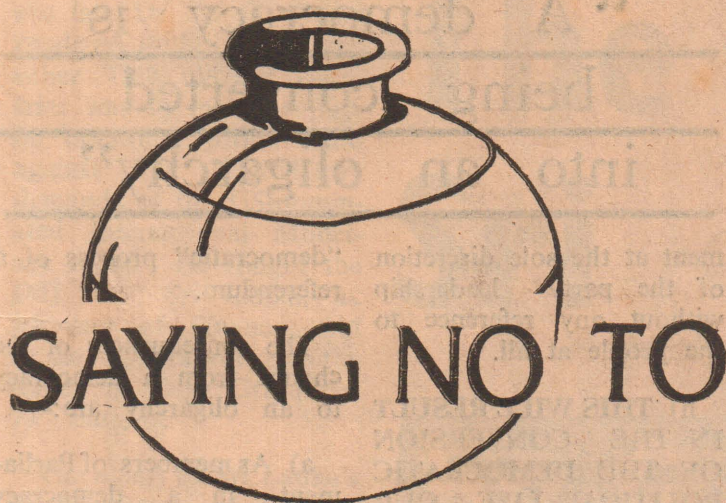
electors". According to this provision even a simple majority is not necessary.

The 2nd handicap is the denial of an efficient Opposition in Parliament which is one of the two strong arms of democracy. Mr. Clement Attlee (later Earl) making a reference to the Russian Constitution remarked that he had no particular dislike for Russia but would frankly state that he could not agree that there was democracy in Russia for there was no Opposition in Parliament and no freedom of criticism!

It is inconceivable how leaders of Sri Lanka who profess to be democrats, can fight shy of evolving strong Opposition in Parliament which is the real test of democracy.

It may be that U.N.P. might, again, be returned to power. But the Presidential Election has indicated that the S.L.F.P. might win a number of seats in Parliament and form a strong Opposition to the Government. True democrats are charitable and chivalrous, for they are civilised citizens who can see justice even in their rival politicians and give

(Continued overleaf)



referendum

(Continued from page 9)

them their due place and recognition.

The Referendum is bound to take away the chance of forming a strong Opposition which is a healthy feature of democracy. Whether it is a government by X, Y or Z the people must reject the Referendum as it is a clear inroad into their power of Sovereignty.

For the purpose of this article, we think it quite relevant to briefly analyse the position of the President as we see him in the Constitution. He is not the moderate and constitutional Head of the Government. He is not only the President but the leader of the political party that is in power. But under the Constitution he can overstay and hold office as President even when his party has been defeated and another party is voted

into Parliament. Article 30 (2) of the Constitution states:- "The President of the Republic shall be elected by the people and shall hold office for a term of six years".

Here the President has not been defined; he may be the leader of a political party having great affinity to it.

To illustrate, if the General Election is held and his party the U.N.P. is defeated and say the

S. L. F. P. is voted into Parliament, he can still continue to hold office as President while the S.L.F.P. members are seated in Parliament. What then is the relationship of the President with the S.L.F.P.? At once we are able to see that instead of the homogeneity that is necessary for the democratic administration, heterogeneity will set in. The President may try to lord over the S.L.F.P. and even obstruct its ad-

Obnoxious features in the Constitution

ministration and vice versa. This is going to be a constitutional paradox that will be hard to cure. This is a great anomaly that should be removed from our Constitution.

But in India, the President is the Constitutional Head and is nominated as President by the Prime Minister who is the head of the Government and the political party that has been voted into power. He is usually a middle man and therefore acceptable to any party that may be voted into Parliament. An autocratic President is a menace to democracy.

In the U.S.A. the President is the leader of the political party. By tradition he comes to power with his party and goes out of power with his party. No American President had continued to hold office while his party was voted out of power and another party has come into power. This has helped

to avert any chaotic situation in the American Parliament. There the President and his party supporters maintain homogeneity and work as a team.

The more mature Constitutions of advanced countries of the world have provided for the independence of the judiciary recognising the decisions of the Supreme Court as final and binding on all. In this respect our Constitution, sad to state is yet to make headway. It is a weak and backward constitution that has not recognised justice and courts of justice as above all institutions and human individuals.

In our Constitution there are many restrictions on the fundamental rights and on the jurisdiction of the Supreme Court that are obnoxious to the well-being of Democracy and they must be removed to keep in line with the more developed Constitutions of the world.

REJECT THE REFERENDUM FRAUD, SAYS N.S.S.P.

Reject the Referendum fraud says the Nava Samasamaja Party, in a Press statement signed by the General Secretary of the Party Dr. Vickramabahu Karunaratne.

"With a monstrous curtailment of Parliamentary Democracy, J. R. is preparing for this so-called referendum. This is a step utilised hitherto by all Bonapartist Dictators to consolidate their power. Our view that J. R. is openly heading towards a dictatorship is confirmed by this step. The immediate reasons for J. R. taking this step are:....

1. Though he won the Presidential Election through shrewd tactics, it is difficult for the U.N.P. to win the Parliamentary Elections. For, in such an election, the oppositional parties become active throughout the country with the candidates taking an intense personal interest in the victory. Also people are used to parliamentary elections and hence in such an election the confusion that prevailed during the Presidential Election on the issue of political power will not take place.

2. Having a Parliamentary Election soon

means releasing oppositional forces for a second round. That will consolidate the hold of the radical leadership, as opposed to the moderate Bandaranaike leaders, on the SLFP mass movement. Also majority of those who got elected will be the radicals. Naturally the U.N.P. considers this as extremely dangerous.

3. If the oppositional parties participate in the referendum, Mrs. Bandaranaike will be able to come into the campaign. Then her trustworthy leadership will be able to reconsolidate itself by reducing the influence of Hector Kobekaduwa.

4. As Mrs. Bandaranaike was not active in the Presidential Election imperi-

alism was not able to assess the degree of influence of Mrs. B. among the masses. J. R. wants to show that he could win even if Mrs. B. participates in a campaign. This is necessary for him to reassure the foreign investors.

Masses who are frustrated by the unfair Presidential Election will inevitably tend to reject the referendum. That tendency

should be consolidated and organised. On this basis Nava Samasamaja Party makes the following proposals to all anti-government parties and organizations:

(a) Campaign together for a boycott of the referendum
b) Campaign together for the dissolution of the Parliament and to hold general election."

Preserve the democratic heritage—Hatton Committee

At a meeting held on Tuesday 2nd November in Hatton, the Hatton Joint Committee of Trade Unions and Voluntary Organisations unanimously passed the following resolution:

"We condemn the post-election violence in many parts of the country and the attempts made by the Government to harass candidates of the opposition parties and those who worked for them (e.g. the questioning of the main opposition candidate by the C.I.D.)

"The fears expressed before the Presidential Election by certain persons that the democratic process

in Sri Lanka is in danger of being subverted are being proved by such events as these, as well as by the sealing of two printing presses belonging to opposition parties.

"Furthermore the Government's intention to have a Referendum in order to extend the life of the present Parliament by six years is not only a violation of

The 17th Delegates' Conference of the Ceylon Mercantile Union denounces the UNP Government's decision to seek to prolong the life of the present Parliament by six years by a Referendum, without holding a general election,

promises made to the people during the last Election campaign, but a grabbing away of the fundamental democratic right of the people to participate in a General Election. We appeal to the President not to proceed with a Referendum. We fear that the violence and instability which could result from such a step could turn out to be much

worse than the violence and instability which the Government seeks to avoid.

"We call upon all democratic progressive forces in the country to form a broad front beyond party politics to preserve our democratic heritage and resist all dictatorial measures at this time".

AN ATTACK ON THE VOTER, SAYS C. M. U.

and thereby enabling President Jayewardene to establish a Government Party consisting entirely of his nominees, as being an at-

tack upon the limited right of the voting population to elect members to Parliament at the expiry of the term of office of the present Parliament

SOCCER REFEREE GETS MAULED

Victor Kiruparaj reports :

Pandemonium reigned supreme for a full fifteen minutes when a crowd of boisterous, unruly elements, supporters of a particular Institution, invaded the field in the 50th minute of play and mercilessly man-handled the referee. This happened when Mahajana's First Eleveners were leading 3-0 in a key preliminary round soccer engagement played at the Durayap-pah Stadium on last Sunday.

The officials of the Jaffna schools' sports association were shocked beyond belief at the sudden eruption of chaos and confusion, and by the time they and other well-wishers geared themselves into action, the referee had by then been at the receiving end of a severe mauling, not to mention the trampling by the hooligans in tucked-up verties and sarongs. Despite the tense and inflammable situation, a few kind-hearted souls braved the RAGING STORM and rescued the much dazed referee from further assault by the marauding maulers. Even after the referee had been rescued from the hostile crowd, the

trouble makers were seen assaulting all and sundry who crossed their path. One good Samaritan in blue slacks and blue shirt who ran in earlier to figure in the rescue act was later set upon by the marauding mob. He, however, wrenched himself free when a few Police Officers in 'civvies' stepped into the fray and without much ado took the burly ring leader into custody. If not for the presence of mind of these few civic-conscious officers the chaotic situation would have erupted into violence of a very serious nature.

The match in question saw Urumpirai who had the better of the exchanges dilly dally in front of the goal mouth. The Mahajanians converted the two opportunities that came their way in the first period. A 49th minute penalty converted by Mahajana saw a section of the crowd invade the field and take the law into their own hands. Thereafter pandemonium reigned supreme.

Mr. Gunaratnam a FIFA Referee controlled the game.

Ceylon Plantation Workers condemn referendum move

The Ceylon Plantation Workers' Union has condemned the Government's move to extend the life of the present Parliament through a referendum.

Here is the text of the Union's statement issued by the President Mr. H.L.K. Karawita: "The UNP Government's decision to hold a referendum in order to extend the term of the present Parliament by a further six year period is an insidious attempt to do

away with the democratic rights which the people have enjoyed and tamper with the electoral process to which the country has been accustomed for over 50 years. The Ceylon Plantation Workers' Union condemns this move and calls upon the working class and all other patriotic, democratic and progressive forces to mobilise all their strength to thwart it and defeat the dictatorial aims of the Government."

Religion, Politics and Society

(Continued from page 5)

life, for society, for the world of the future. In this, the elders, leaders and those in high places have to be an example and inspiration to them, especially on the point of honesty. In a society that gives so much prominence to religion, honesty must extend above all to religion and religious practice. Where we preach one thing and practice another, where

we show off our religiousness but are not religious in fact, where there is observance of ritual but not righteous living our children and youth will see insincerity and dishonesty, and will eventually lose respect for religion and for those who claim to profess it. We will thus be paving the way for them to drift into irreligion, secularism and materialism. May we hope that this is not the path we are treading.



These two photographs were taken when the members of the Interact Club of St. John's College, Jaffna, devoted a whole day recently making themselves useful at the Home for the Aged in Kaithady, Jaffna.

The programme which was undertaken to mark the International Year of the Aged 1982 began with a three hour shramadana in which the students did a thorough cleaning up of the building, furniture and the grounds (picture below). This ended with a meeting at which the Government Agent of Jaffna, Mr. Devanesan Nesiah, was chief guest.



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Editor -S.R.

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Saturday Review

SRI LANKA

3 Indian newspapers condemn J.R.'s move

Below is the 'Times of India' editorial comment of November 2nd, 1982 under the title "A Shoddy Stratagem". Please see page 6 for editorial comments by "The Hindu", Madras and the "Indian Express."

"Having won a fairly impressive victory in Sri Lanka's presidential poll, Mr. J. R. Jayewardene has regrettably chosen to blot his copybook. Rather than live up to his earlier promise to dissolve Parliament and hold elections to it, too much ahead of schedule, he is trying to prolong his present tight control on Parliament through a dubious manoeuvre. He wants to extend the tenure of the present Parliament by another six years by a referendum. In other words, he is shying away from straight-forward elections. The reason for this is not far to seek. Mr. Jayewardene is too shrewd a politician to miss the underlying message of the voting pattern in the presidential election which is that though his party, the UNP, can hope to win the parliamentary poll, its majority will be greatly reduced if the promised election is held.

"Even though Mrs. Sirimavo Bandaranaike is disfranchised and not permitted even to canvass, her Sri Lanka Freedom Party (SLFP) has sharply increased its vote from 29 per cent in 1977 to 39 per cent in last month's poll. It is likely to improve its position even further when the issue before the voters is not the renewal of Mr. Jayewardene's mandate but the re-election of individual UNP members, quite a few

of whom had done a remarkable job of alienating the electorate, as the President saw for himself during his own election campaign. Add to this the virtual disintegration of the leftist parties, which leaves the field clear to the SLFP, and the inevitability of more than a dozen seats going to the Tamil United Liberation Front, which boycotted the presidential poll, and Mr. Jayewardene's discomfiture becomes easy to understand. But this can in no way justify the stratagem with which he is trying to overcome it.

"For the kind of cutting the corners that Mr. Jayewardene is attempting is precisely what has eroded, weakened and eventually destroyed democratic institutions in a number of countries in the region where India and Sri Lanka remain the only bastions of democracy. The Sri Lankan President is being singularly ill-advised therefore in giving expediency precedence over his country's long-term interests. Of course, it has occurred to him that he may lose the extraordinary referendum seeking to prolong the life of a Parliament in which he secured a four-fifths majority in totally different circumstances five years ago. His response to this possibility makes his manoeuvre even shoddier than it would in any case have been. He argues that a defeat in the referendum would neither negate the victory he has won in the presidential poll nor deprive him of the option to hold a parliamentary election. Can there be a more glaring example of wanting to eat one's cake and have it, too?"

Flashback 1980..

(Continued from page 1)

No. 12, Willingdon Crescent, New Delhi, Mrs. Gandhi said:

"Dear Mr. Vaikunthavasan, I have just received your letter of the 27th August and I am horrified to see the enclosures. The Janatha Party Government is going out of its way to be friendly with the present

Government in Sri Lanka. I doubt if they will wish to take up the issue of the sufferings of the Tamils in Sri Lanka. At the moment all attention is on our election but I shall see if it is possible to bring this issue to the notice of the public in some other way."

Yours sincerely,
Indira Gandhi.

TULF stand on referendum puzzles Tamil voters

What exactly is the Tamil United Liberation Front's stand on the December 22nd referendum to extend the life of the present Parliament by a further six years?

This is the question puzzled voters in the North and East are asking themselves as the referendum deadline approaches.

Two things, particularly, intrigue political circles. Firstly, though the TULF parliamentarians spoke out against the referendum in Parliament not a single TULF MP registered his protest at voting time. Secondly, President J. R. Jayawardene, according to a press report, has told his District Ministers that the TULF leadership had assured him it would not actively canvass against the referendum.

INTERVIEW WITH COLOMBO PAPER

The meshing of these two facts is not just a coincidence according to political circles who think there's some kind of tacit understanding between the Government and the TULF leadership.

An interview the Secretary General of the TULF and Leader of the Opposition, Mr. A. Amirthalingam, gave a Colombo week-end paper recently has fuelled speculation that the TULF leader may be offered high office in a "National Government" as forecast by the "SATURDAY REVIEW" (23rd October).

Mr. Amirthalingam made it quite clear, in the course of the interview, that the TULF "will not boycott Parliament nor join any so-called 'common-front' in campaigning against the referendum".

Political circles predict that if, under pressure from party militants and youth radicals the TULF does mount a campaign against the referendum it'll be confined to a few 'kusukusu-kuttams' in the North and East, and the whole exercise will be a lukewarm one. A political commentator used homely Tamil idiom to underline the TULF's dilemma: "The TULF wants both the 'kool' and the moustache". The TULF's ambivalent stand, he points out, will make it easier for the Government to win the referendum as it did the Presidential election.



A. Amirthalingam

Viewed against this background of convergence the TULF MPs decision to hand in their resignations as a symbolic protest against the Government's side-stepping of the polls assumes a new significance according to political observers. "Amir has done a mini JR" says one observer who draws pointed attention to a statement Mr. Amirthalingam made in the course of the interview: "Even if the Government carries the referendum through, we will remain in Parliament till August 3, 1983 when this term runs out. At this point the General Council will decide as to who should represent the TULF in Parliament for the extended period."

Reading between the lines, observers point out, this would mean that once the resignations are in Mr. Amirthalingam's pocket, the way is open for the TULF leadership to get rid of potential defectors and opponents of the leadership's present compromise line. The leadership can then nominate more pliable persons to fill the Parliamentary vacancies. Political circles venture the names of certain professionals and businessmen as likely TULF choices if Parliament's term is extended.

A little arm-twisting by Govt.

The Government seems to have suddenly decided on a little arm-twisting of the TULF: orders have gone out to government officers in the North and East to turn down the requests of TULF MPs.

About two weeks ago Education Dept. authorities in the North and East were summoned to Colombo by the Minister of Education, the SATURDAY REVIEW learns, and bluntly told not to oblige TULF MPs' requests for transfers and appointments. Not only were they to turn down these requests but also report the matter immediately to the Head Office in Colombo.

Meanwhile the appointments of 15 bank employees recommended by the TULF MP for Vavuniya, Mr. T. Sivasithamparam, have been cancelled.

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