

Saturday Review

SRI LANKA

Vol. 2 No. 9

February 26, 1983

Within twenty four hours of the revolver shot fired at the President of the Jaffna Multi-purpose Co-operative Society and the T.U.L.F. nominated M.P. for Kopay Mr. M. Alalasundaram, Jaffna's Government Agent Mr. Devanesan Nesiah and Food Commissioner Mr. Jayakanthan were outlining to Pressmen at a specially summoned Press Conference in Jaffna, the various steps that had been taken to check frauds and abuses in the co-operative sector in the North.

Detections of fraud in several units of the M.P.C.S. were already made and inquiries are proceeding. Two Presidents of M.P.C.S. Mr. Sivagnanam in Karainagar and Mr. Arunasalam in Nallur had handed in their resignations soon after inquiries were institut-

Jaffna sits up!

ed against alleged sale of large quantities of sugar by these two co-operatives to private dealers. The inquiries were proceeding however, and if evidence was found that these two Presidents were parties to any fraud, legal action will be taken against them, the G.A. and Food chief said. Pressmen were also told that an inquiry is proceeding against the Manipay M.P.C.S. for allegedly sell-

ing large quantities of sugar to two leading private merchants in Manipay town at the rate of a rupee above the usual wholesale price.

Meanwhile, mystery surrounds the young woman recovering at the General Hospital, Jaffna, and is believed to be out of danger, may yet need surgical attention for some time to come, according to hospital sources. Mr. Alalasundaram was shot at on

D. C. Chairman barks: No Comment

While TULF leaders he had to discuss with A. Amirthalingam and the District Minister and M. Sivasithamparam issued statements condemning the attack on Mr. Alalasundaram, the Chairman of the District Development Council, Jaffna, Mr. S. Nadarajah, barked-out a brusque 'NO COMMENTS' when

newsmen asked him about the Alalasundaram incident. Pressed further he said defensively, 'what is there to say? I know nothing much about it'. The Government Agent, Mr. Nesiah, polite as usual, was all caution when pressmen asked him for comments. He said that

Meanwhile a joint statement issued on Wednesday by the District Minister U. B. Wijekoon, District Development Council Chairman Nadarajah and G. A., Nesiah deplored the attack on Mr. K. R. Wijewardene, Officer-in-Charge, Point Pedro Police Station and Dhanapala Weerasinghe, Police Driver and solicited the co-operation of the people in the investigations.

the testimonial was being typed out. She had disappeared from the scene, and it is now being wondered whether the address she had given of herself was genuine?

Mr. Alalasundaram who recovering at the General Hospital, Jaffna, and is believed to be out of danger, may yet need surgical attention for some time to come, according to hospital sources. Mr. Alalasundaram was shot at on

Tuesday the 22nd afternoon around 3.30 after a heated altercation with three of four youths who had come into his house, while the fourth waited outside. The argument which reportedly took place both in English and Tamil concerned the lack of response from Mr. Alalasundaram to the specific allegations of fraud made in a leaflet issued by the "Liberation Tigers of Tamil Eelam" (Saturday Review: February 5).

Viewpoint

Violence and Hypocrisy

It is a basic human impulse to recoil against violence; to that extent, the revolver shot aimed at the M.P. for Kopay Mr. Alalasundaram was distasteful. So were the shots that killed Inspector Wijewardene at Point Pedro, and those that killed Police driver Weerasinghe. Shooting at a fellow human (or for that matter at any of the country's protected species of animals) is against the law; to that extent, the act was illegal. Shooting at a cat or a dog is not illegal, but yet it is morally reprehensible. Killing a goat or a hen is also taking a life, but yet many of us enjoy our mutton and chicken!

In a world full of violence, there is an abundance of HYPOCRISY too. In a world full of violent killers, there are many non-violent traitors as well. There are self-seekers who shudder at violence; social parasites who will not otherwise hurt a fly; and men who are so busy fattening (and prosper-

ing) on the blood and misery of others to whom any kind of violence anywhere is a nuisance. There are people in Jaffna who would gladly gun down half their relations over land disputes, but they do not have guns. Even if they are given the guns, they would not have the guts. But you will find all of them good moralizers; good temple-goers and church-goers. They are definitely on the side of the angels. They will talk of Mahatma Gandhi and non-violence, but try to talk to them of Mahatma Gandhi and caste discrimination, they will have other urgent business to attend to.

So it does not surprise us that some people think that the revolver shot aimed at Mr. Alalasundaram is an issue that merely involves violence and non-violence. That is what is called in the English language: "drawing a red herring across the trail". Pardon

us, the issue is not one of violence. The issue is one of social conscience, one of public fraud and filthy lucre. The issue is one of public morality, nay even illegality. We do not say that Mr. Alalasundaram is guilty of public fraud. That is something that has to be proved in a court of law; until then, he must be held to be innocent. The youth who shot at him had no legal right to set himself up as judge. But then, many of us are already passing judgements from our own private Benches. Remember also that the youths who went to him did not go there asking for a favour, a job for a sister or a transfer for a brother, or a bar licence. They had not even gone to him to meet him in his capacity as M.P.

It is well and good and fine and noble to CONDEMN violence. Any nitwit can do that. You do not need even a sense of honesty to condemn. How many of those noble apostles of non-violence in the south who get into a frenzy every time a Policeman is killed in the north—Editors of newspapers, letter writers, men who talk of Bud-

dhist compassion—can raise their hands here and now and say: "I did condemn the violence, the brutal killings of my Tamil brethren during the dark days of race riots in 1956, 1958, 1977, 1981....". Please stand up to be counted, Sirs. No, we do not count many. Why this selective condemnation? Is violence born out of race hate and mob frenzy a superior kind of violence to violence that hits back at State oppression and State terrorism? How did TULF chief Mr. Amirthalingam come to work up such feeling at the youths who brandished a gun at his Kopay nominee. "It is wrong", he has told the Press. "The day has come when those responsible for this should be brought unto Jesus a wotaught a lesson". Tut, Tut. He talks of peace and ahimsa and the late S. J. V. Chelvanayakam. Why this smoke-screen? What happened to Ahimsa when Mayor Alfred Durayappa was gunned down several years ago? Where was the condemnation when C.I.D. Inspector Bastiampillai was put away? Has wisdom on non-violence come to the TULF at a late stage in its political life? Let us be

frank. Let us not strike sudden moralistic and theatrical postures. Let the Tamil people awake as Mr. Amirthalingam says, "but not awake to a new kind of political hypocrisy. Let us all wish Mr. Alalasundaram a quick recovery, but let us not confuse the issues. It is not violence that is at issue. There had been heroes in history, liberators and revolutionaries, Mazzinis and Garibaldis, Lenins and Trotskys to whom violence and non-violence were non-issues. But their names are in history. They are remembered with passion and pride.

We all know the story of how once long ago the scribes and the Pharisees brought unto Jesus a woman taken in adultery. And Jesus said: He that is without sin among you, let him first cast a stone at her". No stone, no pebble. "Woman, where are those thine accusers? Hath no man condemned thee?" She said, No man, Lord.

Let us all put those stones back and do something about the Jaffna M.P.C.S!

Saturday Review

SRI LANKA

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4th Cross Street
JAFFNA

EDITOR

S. Sivanayagam

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ACKNOWLEDGEMENT
Manoharan Kuhanandan



Birth — 7-3-56

Death — 31-1-83

We express our sincere thanks to the friends and relatives who attended the funeral of our dear son/brother and to those who sent us messages of condolence. We are thankful, in particular, to the Manager and Staff of the Bank of Ceylon, Jaffna Branch, and to the teacher-trainees of Palaly Training College.

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The rising demand for a general election is something that the Government cannot fob off with the offer of a mini general election in only 20 of the country's 168 electorates.

The demand is justified on both constitutional and moral grounds.

At the December 22 Referendum, as much as 62% of the registered voters did not endorse the Government's proposal to extend the life of the existing Parliament for another six years from August 1983.

The Referendum itself was not "free and fair," as claimed by Government Spokesmen among whom, I am sad to say, was one recently appointed Judicial Officer. There was intimidation on a scale never witnessed at any previous election and, if we are to believe opposition politicians, mass impersonation also.

Even those who did endorse the proposal are being cheated now because it is not the 'existing Parliament' that will function in future but one whose membership has been arbitrarily changed.

The selection of the 20 electorates in which by-elections are to be held has also not been done on any defensible principle. At least 11 more electorates should go to the polls at the same time, if the basis of selection was the UNP's performance at the Presidential poll and the Referendum.

Because the people of the North and the East voted overwhelmingly for

Political. Causerie

by

Gamini Navaratne

Govt. cannot evade the demand for a General Election!

a general election, by-elections should also be ordered in the electorates in these two provinces.

Also, why fall back on the 1972 Constitution, which was roundly condemned by the UNP, for the purpose of hold-

ing the by-elections? Is this an acknowledgment that the 1972 Constitution also had its merits? Anyway, this will be the first time in the world that any Government will be functioning simultaneously under two different Constitutions!

If the Government persists in the silly idea of holding by-elections in only 20 electorates, Sri Lanka would be saddled with the farcical situation of having an elected President governing with a Parliament, 1/8th of whose membership is elected and 7/8th this not.

This would further tarnish the already tarnished image of a "democratic" regime which

the Government has been trying to project to the outside world.

The sanest course for the Government is to order a general election in due time. Will it have the courage to do so?

"OUST AMIR" MOVE

Or has the whole exercise been planned to bring forth a "responsible and democratic opposition", in the process ousting the TULF General-Secretary, Mr. A. Amirthalingam from the office of Leader of the Opposition?

I am asking this question because there is a suggestion within the UNP that the party should not contest the by-elections but leave it to the other parties to fight it out.

With the TULF parliamentary strength now at 16 members, it would then be a simple task to displace Mr. Amirthalingam.

Those UNPers who support Mr. Amirthalingam's ouster argue that he has "abused" his official position by carrying on "propaganda against the Government", particularly when abroad.

But if this suggestion is acted upon, it could be counter-productive because it could lead to the further alienation of the Tamil people. Is this what the Government wants? (Sandesa News Agency).

Saturday Review and the 'mainstream media'

The Media Scene

A number of journalists in the so-called "mainstream media" appear to have got very, very annoyed at the criticism of their publications by the "Saturday Review", particularly over the handling of news emanating from the North.

This proves several things: that the "Saturday Review" is being read by Colombo journalists as well, that it is a damn nuisance to some of them and that many of them, like politicians, dislike criticism!

But we must not forget that in society a journalist has no more rights and privileges than any other citizen — except the ready access to the media.

The journalist is governed by the same laws as any other citizen and any infraction of these laws, especially the laws of defamation, is certain to be visited with the same penalties.

This is put down for the benefit of those persons who after a few years in the profession tend to lose their heads and think that they are a tribe apart — and above — the common run; that they are free to criticise anyone but are themselves above scrutiny.

As for the "Saturday Review", we welcome criticism and are always willing to publish it provided the writer does not request anonymity.

In doing what we have been doing so far, we have actually been doing something which should be done by the Press Council: that is, insistence on the maintenance of high professional standards, by factual reporting without adding communal spice.

In our postbag

Mr. M.L.M. Aboosally, J.P., M.P., Deputy Minister, Mahaweli Development writes from Lankabara Estate, Balangoda: Dear Sir, "..... your views are sometimes cock-eyed, sometimes useful, but in any case interesting reading for about 45 minutes as it gives the northern viewpoint".

NOTE BY EDITOR:

We find Mr. Aboosally's view somewhat cocky but in any case interesting. The cheque sent along with it is certainly useful — Editor, "S.R."

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— DIRECTOR.

ICJ REPORT

Report on Sri Lanka by the International Commission of Jurists

A Presidential election, sought by President Junius R. Jayawardene sixteen months before his first six year term expired, took place in Sri Lanka on 20 October, 1982. This necessitated an amendment to the Constitution. The Constitution had already been substantially amended in 1977 when Mr. Jayawardene came to power, so as to convert the previous Constitution, which followed the West Minister model, into an executive presidency, the president's term being fixed at six years. Mr. Jayawardene nevertheless found it expedient to amend the Constitution again so as to enable the President to seek election any time after the first four years of office. This is a curious amendment. If a presidential power to seek re-election before the end of the term is thought desirable, why should it be confined to the last two years of the six-year term?

The Referendum

— Surprising

Even more surprising was the government's decision immediately after this election to seek approval by referendum for yet another amendment to the Constitution which would enlarge the term of the present Parliament by a further six years.

It is unprecedented in a parliamentary democracy for the life of a parliament to be extended in such a way, other than in time of war. The explanation given by the State Minister was that the President had indicated that, as the people had given him a mandate to implement the policies he initiated at the 1977 election by re-electing him for a second termhe proposed to ask the people.....to extend the term of office of the first Parliament by six years."

It does not, of course, follow that, if Parliamentary elections were held, the electorate would necessarily vote the President's party back into power, still less that they

would do so by the overwhelming majority which the party gained in the 1977 elections (143 seats out of 168). By the present manoeuvre, the President is seeking without an election to perpetuate that

majority, which few observers think he would be able to do by an election and which gives his party the power to vote changes in the Constitution at will.

The President then claimed that a faction of the Sri Lanka Freedom Party (SLFP) had planned to assassinate him and set up a military government if their candidate had won the recent presidential election. The President said that he could not allow "political hooligans" to enter Parliament in large numbers and "wreck" parliamentary procedures. No proceedings, however, have been reported against the supposed assassination conspirators. The President has also called for the resignation of all members of parliament of his own party, so that he can get rid of some unwanted members and submit a reconstituted list in the referendum. This is a surprising use of a provision of the Constitution that when an MP resigns, his party can nominate some one to replace him in Parliament.

These declarations and manoeuvre are hardly those to be expected of the President of a parliamentary democracy.

Sri Lanka is one of the few countries in the third world to enjoy the advantages of a free multi-party parliamentary democracy. In a press statement on 25 November 1982 the Secretary-General of the ICJ, commented that the recent amendments and proposed amendments savoured more of political manoeuvring than of a desire to maintain the stability of the Constitution, and expressed the hope that in the coming referendum the electors would reflect carefully before allowing the undoubted popularity of the President to undermine the tradition of constitutional rules.

When the Jayawardene government won its sweeping victory in 1977, it was in part due to the campaign it had waged in favour of greater protection for human rights.

In view of this, it was perhaps unfortunate that one of its first acts was to set up a Special Presidential Commission to inquire into allegations of abuse of power by Mrs. Bandaranaike and other

members of her administration. Commissions of this kind are at their best unsatisfactory and smack more of a desire to gain political advantage than to see justice done. If members of a previous administration are believed to have violated the law, they should be charged and tried before the ordinary courts, with all the protection of due process and full defence rights, including a right of appeal. The procedures under the Special Presidential Commission of Inquiry were criticised in ICJ Review No. 21 of 1978 at p.11.

The criticism concluded that the Commission could find persons guilty of acts of "political victimisation, misuse or abuse of power, corruption or any fraudulent act in relation to any court or tribunal or any public body or in relation to the administration of any law or the administration of justice". These are general charges, lacking the specificity of defined crimes. In so far as they go beyond existing criminal law, they are retroactive in effect.

"A gross violation of the principles of the Rule of Law... also in violation of several articles of the International Covenant on Civil and Political Rights to which Sri Lanka is now a party"

Accused persons do not have the advantage of knowing with proper precision the charges against them. The Commission is at once an investigating body and a tribunal making findings of guilt. Its findings, which are published in the official Gazette, are "final and conclusive, and shall not be called into question by any court". In other words there is no right of appeal. The sentence to be

passed on offenders is then determined not by a judicial body in accordance with a predetermined law, it is imposed by Parliament, which in this case means by the defendant's political opponents.

In the case of Mrs. Bandaranaike, the findings against her were that she had prolonged until 1977, the State of Emergency proclaimed in 1971, although conditions for such continuance had ceased



to exist; suppressed legitimate political opposition and harassed political opponents, interfered with police investigations into an alleged threat to the life of Mr. Jayawardene

tion of the principles of the Rule of Law, and is also in violation of several articles of the International Covenant on Civil and Political Rights, to which Sri Lanka is now, but was not then, a party.

The Prevention of Terrorism Act

The major problem with which the government of Mr. Jayawardene had to deal and which was inherited from the previous administration was the ethnic conflict between the Tamil minority and the Sinhalese, and in particular the terrorist attacks of the extremists for Tamil Independence. When widespread violence broke out between the two communities in June 1981, the government declared an emergency and made extensive use of the 1979 Prevention of Terrorism Act. In July 1981, the International Commission of Jurists designated Professor Virginia Leary to study the human rights aspects of the Terrorism Act and the events related to its adoption and application.

In her report Professor Leary criticised certain provisions of the Act on the grounds that they were unduly vague, created offences retroactively and provided for detention incommunicado contrary to internationally accepted minimum standards.

Professor Leary recommended to the government of Sri Lanka that "in view of the draconian provisions of the 1979 Terrorism Act, which violated accepted standards of criminal procedure, the government should urge its parliamentary majority not to re-enact the Acts on its expiration in 1982, or to amend it so that its provisions on arrest, detention and evidence conform with the international commitments made by Sri Lanka in rectifying the International Covenant on Civil and Political Rights."

Contrary to this recommendation recent amendments made to the Act have enlarged its application. In March 1982, an amending Act deleted Section 29 of the Act which limited its operation to a period of three years, there by making the Act permanent. Further a new section 15A was added which states that:

"Where any person is on remand, the Secretary to the Minister of Defence may, if he is of the opinion that it is necessary or expedient so to do, in the interests of national security or public order, make an order, subject to such directions as may be given by the High Court to ensure a fair trial of such

(Continued on page 10)

All this was a gross viola-

LETTERS

Chancellor of Jaffna University explains

78/1, Ward Place,
Colombo-7.
15 February 1983

The Editor,
Saturday Review,
Dear Sir,

In your issue of 12 February 1983, at page 2 under the heading "Agitation Dropped temporarily", there are certain statements involving me which needs correction.

I did not travel to Jaffna on Sunday specially as stated by you in regard to the fast by the students. I travelled to Jaffna by the night train on 2 February to attend two social functions: when I left Colombo there was no request at all of my meeting anyone in regard to the fast by the students.

The meeting on Sunday, the 6th, was an unscheduled one; the Vice Chancellor saw me just before I left for Colombo and was accompanied by Mr Sri Skanda Raja who was introduced to me. There was no discussion as such: I was requested to meet His Excellency, the

President, and endeavour to have the 3 youths released: I was told they were arrested for distributing leaflets and the Attorney General had expressed the opinion that there was no case against them. I said I would inquire from the Attorney General and decide whether I should interview His Excellency. In the course of the conversation the Vice Chancellor said that the students may call off the fast on the following day.

I met the Attorney General and the State Counsel dealing with the case and ascertained that the Attorney General had not advised as stated to me, but on the contrary I gathered indictments against the youths are in draft form; this being the situation I felt it was unnecessary to meet with the President.

Yours faithfully,
V. Manicavasagar
Chancellor.
University of Jaffna,
Sri Lanka.

"Silence is dangerous"

PRIVATE HOSPITAL
MAIN STREET
JAFFNA.
16th Feb. 1983

The Editor,
SATURDAY REVIEW,
Jaffna.

My dear Sir,

I have very anxiously followed your paper and seen you working late. You have done superbly well. Heartiest Congratulations from a very sincere Well-Wisher,—Carry on sir.

You have done your duty and let every one of us (all Ceylonese) search our hearts (that we are morally bound to do by the position we voluntarily deceitfully took on ourselves). Have we done to lead, attain, achieve and maintain what we all praise or some of us curse you for? That small position of the burden if shared would gladden all of us. But when posterity says that you have done well it would be fine impartial judgement.

Can we expect the same opinion about the leaders—Public—Politician and the govt.? It would have a lot to say—the silent World sees, knows and says a lot but we would not hear or we bluff.

If we do anything constructive or suggest or show approval or opposition, that would be something—Absolute silence is dangerous—it can be interpreted or misinterpreted as approval.

Once more wish you all success and bright future.

Dr. S. A. Tharmalingam

36, Thatchankulam,
VAVUNIYA.
12-2-1983.

The Editor,
Saturday Review,
Dear Sir,

I congratulate you and the "Wanni Farmer" for having spotlighted in detail the plight of Wanni Farmers.

I hope that our Government Officials will open their eyes and come down from the ivory towers and help the farmers.

I hope that "Wanni Farmer" who appear to be well versed in the plight of the Wanni Farmers will continue to spot light our difficulties and help us.

Yours truly,
M. Arulandham

'Neelan & Wilson-the vaudeville stars

Station Road,
Chavakachcheri.

The Editor
Saturday Review
Jaffna.

Dear Sir,

I was intrigued by an interesting snippet in Nagamuttu's piece in your issue of 12 Feb heaping praise on the glorious past of Vannarponnai with a reference to American Wilson & Colombo Neelan as super mediators, chasing the will-o-the-wisp.

Neelan and Wilson are the two Vaudeville stars who have tragically very little to show

for their efforts. Henry Kissinger the Machiavellian product of modern diplomacy must be laughing up his sleeve at the frantic efforts of the local counterparts to ape the artform he so dramatically patented.

There are three species of creatures who when they seem coming are going—when they seem going they come—diplomats, women and crabs. We are living in interesting times and nobody knows what they are talking—not even God in current jocular parlance. Perhaps

they talk to each other for mutual comfort and support but most of the serious work is still done in writing through the normal channels. This reminds me of the toast proposed at a Harvard dinner long ago:

"And this is good old Boston
The home of the bean and the cod
Where the Lowells talk to the Cabots

And the Cabots talk only to God."

Yours faithfully
Ganesh Arumugam

Chairman, Agricultural Development Authority replies 'Wanni Farmer'

Agricultural Development
Authority,
38, D.R. Wijeyawardene
Mawatha,
P. O. B. 1767,
Colombo. 10,
16th February 1983.

The Editor,
"Saturday Review"

Dear Sir,

"**WANNI FARMER**" States the farmers case.

I refer to the article appearing in your journal of 22nd February 1983, under the above heading by "Wanni Farmer" and trust that you will give due publicity to this reply.

The author has stated that "the authorities should come down from their ivory towers and see for themselves the sufferings of the farmers....." and, he goes on to say that official should make it a point to visit the farmers and not vice-versa.

One of the main puposes in setting up the Agricultural Development Authority is to see that officers who are appointed, visit farmers at their farms. In all these electorates where the Authority is operative, this practice, I know, is being adhered to.

In the article there is reference to a statement made by me, as Chairman of this Authority, that owners who do not put their lands to maximum use will have to forfeit such lands and, he refers to such action "will corrupt the bungling bureaucrats in the provincial Kachcheries.....". While I have no control over what is taking place in the Kachcheries, I would like to explain the role of the Agricultural Development Authority in Vavuniya.

Vavuniya being spread-out, the Authority divided the electorates into two zones and appointed two Agricultural Managers to look after the electorates. Vavuniya zone I comprises 264 square miles and Zone II 562 square miles. Operations commenced in

Zone II on 1st March, 1982 and Zone I on 1st July, 1982. It was only in August 1982, that the two Managers were made mobile, with the allocation of a vehicle to each Manager. There was a delay in the arrival of these vehicles which was due to reasons beyond our control.

Since August 1982, the Managers have been familiarising themselves with their respective zones and it could have taken two months or so for them to inspect every part of the electorate. These Agricultural Managers visit individual farmers in their respective areas and, in addition, such areas are also visited by the Deputy Provincial Director who is resident in Vavuniya and the Provincial Director who spends approximately 10 to 15 days each month covering the electorates handled by this Authority in the Northern Province.

I myself visit each electorate at least once a year and the Vavuniya electorate was visited by me in February, 1982, in the company of the Member of Parliament and again in October and in December, 1982. During such visits, bearing in mind that the Agricultural Managers became mobile only in August, 1982, I was satisfied with the progress they were making. My officers and I, always meet farmers on their lands and, if an individual has any urgent problem he is free to seek the assistance of the Agricultural Manager of his area, who will take appropriate action or, take the matter up with his superiors who will in turn seek a solution at the appropriate level.

The so-called "Wanni Farmer" should come into the open and give me specific instances where my officers have failed to be of assistance to farmers. I wish to reassure you and the public that the officers of this Authority are by no means confined to "ivory

towers" as they do spend a considerable part of their time out in the field and the purpose of such visits is to meet farmers and sort-out their individual problems. There may be some problems which cannot be solved overnight as it takes time to co-ordinate with the other Departments and Organizations concerned, before redress is afforded. If, as stated by the author of the article, farmers have problems at Kachcheries, there is no reason why such farmers should not seek the assistance of the Agriculture Manager to solve those problems. One of the functions of the Agricultural Manager is to assist farmers to resolve any problems they have in their dealings with other Government Departments and State Institutions.

The main point I wish to emphasise is that, my Officers are "friends of farmers" and if any of them have failed in the execution of their duties, such instances should be brought to my notice. Perhaps "Wanni Farmer" himself, if he has been a victim, should make it a point to at least write to me and submit his complaint in justification of this article he has written in your Journal.

It is regretted that "Wanni Farmer" has not submitted factual information in his critical article and the impression I have is that he has not obtained his facts at grass root level. Constructive criticism is always welcome but, in this instance I can only say that "there are none so blind as those who do not wish to see"! The "Wanni Farmer" and other similar critics should have a hard look at the overall results in the foodcrop sector during the period 1977/1982.

Yours faithfully,
**AGRICULTURAL DEVELOPMENT
AUTHORITY,
R. WIJERATNE
CHAIRMAN.**



The Maviddapuram Temple High Priest, **Maharajasri S. T. Sanmuganatha Kurukkal** (right) hands over a cheque for Rs. 5, 000/- to the Vice-Chancellor of the University of Jaffna, **Prof. S. Vithiananthan**, and inaugurates a Fund for **Cintanai**—a research periodical published by the Arts Faculty of the University of Jaffna. The High Priest has promised a further donation of Rs. 5, 000/- to the Fund.

LETTERS

Astronomy in Jaffna : A plea for encouragement

49, Rajaveethy,
Nallur, Jaffna.
21-2-83

The Editor,
Saturday Review.

Sir,

I was invited by a friend of mine who is a member of the Astronomical Association of Jaffna to be an observer to the monthly meeting of that Association which was held on 20-2-83 at No. 167 Kasturiar Veethy, Jaffna on the 2nd floor.

The night sky view for this month was explained by **Mr. N. Kandasamy Iyer** an Astronomer. He explained the different positions of planets and their conjunctions etc. Later he explained with the *Thiruganitha Ephemer* as to how the longitudes of the planets are measured and calculated.

Later, a demonstration was held at the 3rd floor with the aid of a borrowed telescope in viewing the Evening Star Venus and planet Mars which was close to it at that time.

The president of the association **Mr. W. S. Senthilnathan** an

Attorney-at-Law explained as to why the planet Venus and Mercury are always seen as a crescent moon but not the other planets.

I come to understand that this association has been in existence only for the last 3 years and they do not have a home of their own and no instruments of their own, for lack of funds. Only a handful of members were present on that occasion. Now that Astronomy had been introduced in the 6th standard as a subject to students the services of this association for students of all schools and university

will be of immense value.

There are so many philanthropists in Tamil Eelam who could voluntarily contribute to this association to enable them to have a home of their own and own a good telescope. I hope this letter would catch the eyes of the Jaffna Municipality who would be able to have an astronomical section in their new library building and have their own instruments and periodical for this subject and get the services of this association.

Yours truly,
V. Sinnathurai

Rural Labourers Union rally in Jaffna

Hundreds of young men and women from the villages gathered at the Trimmer Hall, Jaffna on Saturday the 19th February, for the first Congress of the Rural Labourers Union. Many representatives of Peasant Unions in the South participated in the full day seminar, notable among whom was Rev. Yohan Deva-

nanda from the Devasarama Aramaya at Ibbagamuwa.

An art exhibition too was held in which paintings depicting the gradual erosion of the rights of the local peasants by the colonial powers as well their predicament under the local elite were sympathetically shown.

The Rural Labourers Union which was inaugurated on 18th February 1981 with the intention of safeguarding the socio-economic, political and cultural rights of the peasants of the North, has grown into a powerful body within these past two years. The Union holds firm views regarding some sensitive issues in the island's politics. Endorsing the right of self-determination of the Tamils, the Union also calls for a more sympathetic attitude towards the Estate Workers of recent Indian origin who are living in traditional Tamil Territories, and also condemns casteism in the North.

The ICJ. report

(Continued from page 4)

person, that such person be kept in the custody of any authority, in such place and subject to such conditions as may be determined by him having regard to such interest.....and the provisions of the prisons ordinance shall cease to apply in relation to the custody of such person".

The new section empowers the executive to transfer a remanded prisoner from the prison where he is held to some other place of detention. The reasons for and the use being made of this new Section are not known, but in principle it appears objectionable.

Violence against

detainees

Experience in many countries shows that when persons are removed from the custody of trained prison officers, and handed over to military custody, abuses are liable to result. The experience includes Sri Lanka, as was shown when the Court of Appeal, dealing with habeas corpus petitions, found that violence had been used against detainees in an army camp.

Labour unrest & emergency

The other major problem the government has had to contend with is labour unrest. On 16 July 1980, an emergency was declared to deal with a general strike which was called by the Joint Trade Unions Committee. In spite of the emergency declaration, large numbers of workers went on strike. The government retaliated by dismissing all public service employees on strike and freezing the bank accounts of the trade unions. The emergency was, however, lifted on 15 August 1980.

The strike and its aftermath illustrate the inadequacy of the existing machinery to deal with the grievances of public service employees. Section 49 of the Industrial Disputes Act, which deals with trade union rights, including the right to strike, states that the Act shall not apply to the government in its capacity as employer or to a worker in the employment of the government. In addition, the Essential Public Service Act, enacted in 1979, imposes a total ban on strikes by public service employees. A minimum sentence of two

years and a fine of up to 5,000 rupees is stipulated for contravention of the Act. Further, this Act enables the President to declare any services rendered by any government departments, public corporations and local authorities as essential services, thereby bringing the workers of these enterprises under the jurisdiction of the Act.

It is generally recognised that some public service employees, but by no means all, are in a special category and that it is necessary and legitimate to deprive them of the right to strike. But where there is a ban on strikes there should be statutory machinery to settle disputes. ILO Convention 151 of 1978, recognises this and suggests that impartial machinery such as mediation, conciliation or arbitration should be provided by governments to deal with the grievances of public service employees. Sri Lanka is not a party to this Convention. Perhaps its application in Sri Lanka would help to meet the grievances of the public service employees.

Report to the Human Rights Committee

The Government of Sri Lanka's ratification of the Covenant on Civil and Political Rights on 11 June 1980 is to be warmly welcomed. Its first report to the Human Rights Committee is due, in which it is asked to report on the measures it has adopted to give effect to the rights recognised in the Covenant and on the progress made in the enjoyment of these rights. This provides an opportunity for the government to review the consistency of its laws with the provisions of the Covenant, and it is to be hoped that the President will use his fresh mandate from the people to initiate this process.

Palmyrah Workshop

"The duty of the FAO is to improve the standards of those people who depend on the income of local products for their living. Hence we will follow with interest and give all help possible to this Conference which deals with the life of those who depend on Palmyrah products", said **Mr. Ozorai**, the FAO Representative in Sri Lanka at the inaugural sessions of the Workshop on Palmyrah on Monday the 21st, at Veerasingham, H II, Jaffna.

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PERSPECTIVES

By
Nagamuttu

When the writer was a child in Jaffna he had heard the story about Murikandy which every other child would have heard. Travellers must make obeisance to the Murikandy Pillayar, a way-side shrine by the road (near the 151½ mile post Kandy-Jaffna Road). Otherwise the vehicle in which they travel would meet with an accident as happened to a European who failed to stop in spite of the appeals of the driver—a local person. The car overturned and the European was killed but the local person escaped!

The history of the shrine

This shrine under a spreading tree is Theru Murukandy. The original or old Murikandy which is about 8 miles south west is in the interior. Its muri (breached) kandy (swamp) has been built and is now a working tank. The Theru Murikandy which shall be referred to as Murikandy in this article has its origin to a PWD Overseer. This Overseer from Point Pedro worked with the British Engineers when they opened the Kandy-Jaffna Road to link up with the then existing Jaffna-Mullaitivu road way at Yakkachchi — the sharp bend there reminds of the link. The overseer's labourers toiled hard with the water-cart from the needed water from old Murikandy. It was during those difficult days that the Overseer dreamt of sinking a well near the 151½ mile post. Tradition has it that he received divine directions to attend to the obsequies of a mendicant lying dead in the jungle at old Murikandy. This done, the overseer and his men blasted further the well at 151½ mp (which they attempted earlier without success) and to their delight water gushed out. The Murikandy temple commemorates the event. S. Arumugam gives a fine description of old and new Murikandy in his book, "Ancient Hindu Temple of Sri Lanka".

Restoration of a tank

The writer while serving as G. A. Vavuniya had the assistance of S. Arumugam S. E. (PWD) to contribute something to build up the place which in the late forties had a couple of houses and a couple of shops. Rasiah broadened the road for some distance to the north and south of the temple. Arumugam located a small abandoned tank on 1st January 1950. The writer was able to fund

the restoration of the tank and select a dozen people to cultivate the lands under the tank.

Now with the heavy road transport between Colombo and Jaffna, Murikandy has assumed a new dimension. Several hundred vehicles pass this place every day and all the passengers alight and pay their respects to Pillayar.

Lead given

by K. G.

Though many shops have sprung up, the facilities for passengers are disappointing. K.G. Coach Service realising the importance of the place has put up a transit building for passengers who use their service. This organization has to be congratulated for this pioneer work. It is hoped others would follow.

The Mullaitivu DDC passed some pious resolutions last year to do something for this shrine and the village. Apparently nothing tangible has been done so far. It would do well for the DDC to consider the religious aspect as well as the development aspect in their plans/programmes. There are plenty of new settlers around. They are poor and they have little or no irrigation facilities for their land. It is therefore advantageous to have a scheme for the well-to-do. The latter will bring the capital and technical know-how and labour is readily available.

Mambalam in Madras

In this connection it would be useful to mention what Rajaji remarked in the thirties when people were developing Mambalam (in Madras). The rich people wanted to have Mambalam for their use exclusively. Rajaji said that both the haves and have-nots should live together and Mambalam now has both the groups. One can now see in Madras how these two groups fulfil each other's needs. The well-to-do need not go far for domestic help. The have-nots need not go far to seek employment. Murikandy can be our Mambalam where all groups from our society can get together and have a new township—a township where Vanni gradually fades and the Jaffna type of life starts gently and silently—a spot from which you look south to remember the glory of Pandara Vanniyan and you look north to remember the valiant Sangiliyan. This place can be made use of as a focal point for the people of the Northern Pro-

vince.

How shall we develop Murikandy? Let the first priority be the temple as the place owes its origin to the temple. I understand the Ministry for Regional Development is looking into this aspect. Let us all wish the Ministry well and hope work starts without delay. In the management of the temple we must eliminate "one man" show. We will be moving with the times if a panchayat can be appointed in place of one person or family to take charge of the temple.

DDC Mullaitivu should have a proper plan for land development. If any old abandoned tank or tanks could be located paddy cultivation would be most welcome. Tube wells can be constructed for high land cultivation—perhaps horticulture could be considered. One does find a herd of cattle already at Murikandy and therefore livestock development is another possibility—there is need for milk at a holy place and for humans.

If a school is opened, I understand several hundred children would attend. Being a village with prominence to Pillayar a Hindu school would be good start. The DDC Mullaitivu will no doubt give the needed land. Teachers in residence would mean a lot

Developing Murikandy as a township

to the people.

Being a temple area a decent vegetarian restaurant or hotel like Greenlands would be most welcome for the place. We have many with experience in this field and we can expect some to start one or more in due course. Regarding shops, the majority of present shop keepers with one foot in Jaffna and the other foot in Murikandy will not do. To make the place a real residential village the shop keepers should permanently reside with their families. When a school is started the children can school locally.

Murikandy is very well located to become a good marketing centre for agricultural produce. There are many

schemes within 20 to 25 miles of the place. The Iranamadu Scheme, the largest, has its marketing centre at Kilinochchi. One cannot fail to notice that Kilinochchi is already overworked. It is an all night market—rather a unique one. Murikandy can relieve the pressure on Kilinochchi for goods that are transported south by road. In addition it should serve independently the hinterland closer home.

Let us all put our best foot forward and lay the foundation for development of the Northern Province particularly the non-peninsular region. The pressure on land in the peninsula has been relieved. In these efforts Murikandy will find a central place.

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University Admissions

The present policy needs to be reviewed

The present policy relating to University admission has generated much ill-will and affected the quality of life of the people of this Country such that it has to be reviewed.

To begin with—after the Medical College was founded in 1870 and the University College in 1921, Matriculates who applied for admission to these Institutions were all granted admission. The University of Ceylon was founded in 1942 by the amalgamation of the Ceylon Medical College and the University College by Ordinance No: 20 of 1942.

It was after the University of Ceylon was founded in 1942 that the All Ceylon Union of Teachers mooted the idea of conducting an examination to select students to the University. The Higher School Certificate of Education Examination was conducted to help in the selection of the students to the University & this examination was also called the University Entrance Examination.

Declaration of Human Rights

Admission to the University of Ceylon was based on merit in accordance with Article No: 26 of the Universal declaration of human rights. According to the original ordinance relating to the University of Ceylon, equal access to the University based on merit was assured for student and teachers—except for the post of Wardens to Halls of Residence where Race or Religion could be considered. In fact in 1960 the University adopted a convention that it should not discriminate against even non-nationals where education was concerned.

Language — wise standardisation

This state of affairs continued until 1970 when the Srimavo government introduced a system of standardisation. Standardisation is an accepted practice in education where the marks are standardised subjects wise. The pernicious and discriminatory practice adopted was one where the marks were standardised language wise. This certainly created much agitation as those who belonged to one race suffered most. This unsatisfactory and tragic system prevailed till 1977 when the new government under the leadership

of Mr. J. R. Jeyawardene decided to change the basis for University admission. Incidentally this was the Chief factor that made many Tamils vote for the U.N.P in the elections held in 1977.

The U.N.P. Government, however, contrary to our expectations adopted a new basis which has proved to be equally distressing. According to the present policy of the Government, 30% are to be admitted on merit, 55% on the district basis and 15% allocated to under-privileged areas. This policy or basis for admission is detrimental to the whole country.

Text of a talk at the Seminar on University Admissions held under the sponsorship of the northern branch of the Centre for Scholars at St. John's College hall, Jaffna on February 12.

ation, hobbies, social service activities, family responsibilities etc. Since only 30% are admitted on merit it affects the quality of life of our students and tends to produce unbalanced personalities.

The high competition generated by the present system has led the students and Parents to a state of disarray. Parents are urging their children to seek help from various sources. The large

attend private tutorials in other districts. It is equally true that students from urban areas like Colombo and Jaffna get admitted to Schools in so called under-privileged areas for purposes relating to University admission. This not only causes indiscipline but leads to a great deal of heart burn, as these students gain an unfair advantage.

Scholars from certain areas, particularly under-privileged

Medical Faculty as he is considered to be from Anuradhapura District. This is because he has spent only 2yrs & 5 mts out of the five years in Colombo—whereas the student from Colombo cannot gain admission to the Medical Faculty even if he gets 259 as the cut-off point for Colombo is 260. Does this not lead to heartburn & a feeling of injustice? This happens in various districts in this country.

The present system leads to the admission of pupils with a very wide range

by

C. E. Anandarajan
Principal, St. John's College, Jaffna

As only thirty percent are selected on merit it denies a large percentage of deserving students. This is not only unjust but a loss to the Country.

The students who are most affected by this system are those from the North. The cut-off point for admission in the district basis — (the basis by which the largest number of students are admitted to the Universities) is highest for those from the North—year after year—not only for Science based courses but for other courses as well. For example the cut-off points for admission to the Medical Faculty of the Jaffna Campus in 1982 based on the performance at the Advanced Level Examination held in 1981 are Jaffna 262; Colombo 260; Batticaloa 234; Anuradhapura 215; Trincomalee 214; Vavuniya 211; Mannar 210; Amparai 203; Badulla 189; Nuwara Eliya 172; for the Commerce course the cut-off points are Jaffna 234; Kandy 227; Anuradhapura 221; Mannar 219; Mullaitivu 215; Badulla 214; Amparai 214; Batticaloa 206; Trincomalee 202; Nuwara-Eliya & Vavuniya 201.

When the largest number of students are admitted to the University on the district basis it tantamounts to admission to University on racial basis. This has created racial prejudice and hampered National harmony.

The life style of our students has been adversely affected by the present system. Students must lead a balanced life with due time devoted to studies, recre-

number of tutorials in all parts of the Country—particularly in Jaffna is an outcome of the present system. There are instances where a student goes for tuition in one subject to more than one private tutor.

Competition between tutorials has reached a peak level in this Country so much so that in certain districts private tutorials have been responsible for getting question papers by unfair means before the examination. This has led to injustice as the Government has not taken any remedial measures to investigate and get at the culprit or to hold a re-test in these districts.

Students from under privileged areas migrate to certain districts for purposes of study. The names of these students remain in the registers of Schools in under-privileged areas but they

areas, who gain admission to prestigious Institutions in Jaffna and Colombo are affected by the present system. Since the cut-off point for admission is higher for areas like Jaffna and Colombo these students get rejected though they get higher aggregates than those who remain in their own areas.

The five year rule favours students in certain areas, for according to the present system the district where the student was schooled during the greater part of the five year period is taken as the district to which the pupil belongs to. For example a student from Anuradhapura goes to a School in Colombo in March 1979 after passing the O/L exam. in Dec. 1978. He takes the Advanced Level Examination in August 1981 and obtains an aggregate of 215 & gains admission to the

of scores or marks. The range is so wide as 170 marks to 350 marks and this hampers the progress of the batch as a whole. There are drop-outs and not all who enter the University complete the course. Again the results in the various faculties—including Engineering & Medicine are far from satisfactory with a high percentage of failures. This is a National loss.

Taking all these into consideration the Government must review the present basis for admission and adopt a more equitable system which would not only afford equal opportunities to a large majority of our students but also improve the quality of life of our students and people.

CSR Seminar on the Referendum

The Centre for Society and Religion is now in the process of conducting a 7 day session seminar on "The Referendum and Representative Democracy" at its headquarters at Deans Road, Colombo 10.

The series began on Monday, 21st February with Mr. V.L. Wirasinha speaking on "Constitutional Amendments and the Referendum"; Mr. Dayan Jayatilaka on "The Referendum from a Global Perspective"; and Fr. Tissa Balasuriya, O.M.I., on "Issues of Public Morality concerning the Referendum".

endum".

The second and third sessions were held on Thursday, 24th February and Friday, 25th February.

The fourth session will take place on Monday, 28th February with Mr. Pieter Keuneman and Mr. M. Sivasinghamparam, M. P., speaking on the political impact and implications of the Referendum.

Mr. Felix Dias Bandaranaike will analyse the legal implications of the Referendum on Thursday, March 3rd.

At the sixth sessions on Friday, March 4th, Mr. Ku-

mar Ponnambalam will speak on the "Referendum and the Tamils", and Mr. Reggie Siriwardene on the "Referendum, Human Rights and the Mass Media."

The seventh and the final sessions will take place on Monday, 7th March. Representatives of several political parties are expected to participate. The theme will be "The Referendum and Representative Democracy".

The sessions which are open to the public will begin each day at 5.15 p.m., at 281 Dean Road, Colombo 10.

"The provisions of the Terrorism Act do not speak of the treatment under which a person can be kept in custody. The terms are terms which had been set out in the detention order and it may have been in fact imposed at the time of Custody by the custodians. The court is not prevented by the provisions of the Terrorism Act to look at the terms of the custody to determine whether these terms affect the voluntariness of the statement or not". This submission was made by Defence Counsel, Mr. N. Satyendra, at the "voire dire" proceedings of the Neervely Bank Cash Robbery case, to determine the question of the admissibility of the statements made by the accused.

Mr. Satyendra said: "For instance the detention order may specify that a particular suspect should be put up every morning at 3 o'clock because security demands that he should participate in a drill; but if in fact that particular suspect should lose sleep during that period, that is a relevant circumstance. Your Honour will take into account in determining the question whether the statements were made voluntarily or not."

Detention

Incommunicado

"Again a detention order may permit visitors to see the suspects. Another detention order may permit lawyers to see the suspects. But my submission to your Honour in this case is that this particular detention was a detention which was incommunicado. And it is my submission that the interrogation of each of these accused was an instance of incommunicado interrogation of a person in a police and army dominated atmosphere and that such interrogation raises a presumption that the statements made in consequence of such an interrogation were not voluntary. And once such a presumption is raised I submit that the burden lies on the prosecution to rebut that presumption by satisfactory evidence in this Court. If no evidence is led, the Prosecution must fail because the presumption must prevail."

"In the case of custodial interrogation, and I will support this authority time and time again, once the factor of custodial interrogation is established and the presumption is raised the burden shifts to the Prosecution to show that adequate measures were set in motion to rebut that presumption. The prosecution cannot say, "Yes it is true I arrested you without telling why you were arrested." The Prosecution cannot say, "Yes I took you into custody but I did not tell you why and I did not serve you with a detention order." The Prosecution cannot say, "Yes I kept you incommunicado and I did not

'Voire dire' proceedings on the admissibility of evidence

Neervely case: Defence Submissions

dence was not subject to cross-examination by the Prosecution on this aspect of the matter.

The evidence of these accused were that they were kept in a bare room in a raised cement bed. It was the evidence of each of these accused that from about the 9th of April or so they had the benefit of four strong flood lights. It is a situation that did not need any contra evidence on that matter. The question is not whether the bare room was security measure. The question is whether those were the conditions in which these accused were kept at Panagoda. That is all. And in my submission on that matter they will agree all on one way. Sir, if one ponders at this stage of the examination on the testimony and asks one's self the question: Were answers given by any of these accused under these circumstances voluntary or not, and if there was no other evidence in the case, I submit that the Court could come to one conclusion and one conclusion only and that is the statements were not voluntary."

(Further submissions by Defence Counsel and by Deputy Solicitor General Mr. Sunil de Silva next week)

allow you to see any visitors but I questioned you". The prosecution cannot say that I did not give you any newspapers and I did not let you know what is going on in the outside world. And the Prosecution cannot say all this and then say that you the accused shall prove that the statement is not voluntary. Because, Sir, the Accused very humbly and very respectfully can turn around and say that you the Prosecution agrees that you did all this and the presumption is raised without my having said anything more that whatever I said was not voluntary and it is you the Prosecution who must rebut that presumption..."

No evidence

was led...

Earlier, Mr. Satyendra said: "It is common ground that each of these accused from the time of their arrest was in the custody of the police and/or the Army. It is common ground that during the period in custody they were surrounded by heavy Army guards. It is common ground that they were kept in the special Army camps such as Panagoda, Elephant Pass and Palaly. It is also common ground that none of the accused was permitted any visitors. Further it was the evidence of each of these Accused that they were not permitted to see any attorney-at-law and there has been no cross-examination on that matter and no grounds for argument at all. It is also common ground that none of these suspects was able to communicate with the outside world during the period of custody. The evidence of each of these accused to that effect was not even touched upon in the cross-examination of these accused. What is more, not a scrap of evidence was led by Prosecution to counter that evidence of the accused."

"It is common ground that none of the accused was supplied with any newspapers and the evidence of the accused that they were not given any reading material was not challenged in any way in cross-

examination. Moreover on that matter again no evidence was led on behalf of the Prosecution to counter that evidence of the accused. It was the evidence of each of these accused that they were not given any writing paper or material during that period when they were under arrest. It was further the evidence of each of these accused that they were not served with any detention orders. Not one question was asked of any of these accused in cross-examination on this subject whether detention orders were served or not. Further not a scrap of evidence was led on behalf of the Prosecution to show that such detention orders were served on any one of these accused. It was the evidence of each one of these accused that at the time of the arrest they were not told why they were arrested. Again no cross-examination was directed to the question whether they were told or not the reasons why they were arrested."

Presumption has been raised

"And what is more on that question of whether the accused were told the reasons not a scrap of evidence has been led on behalf of the Prosecution in this case. What then is the emerging picture on this basis of what is common ground? A man is taken into custody by the Police or the Army. He is not told why he is arrested. He is taken to a special camp and kept in custody under heavy armed guard. He is not served with any detention order or any legal document in respect of the detention. He is not permitted to receive any visitors. He is not permitted to consult his lawyers. He is not permitted to communicate by correspondence. He is not given newspapers and he does not know what is happening in the outside world. He does not know how long he is going to continue there. And in that atmosphere, in that picture, in the emergent picture that man is questioned by Police. "It is the case for the de-

fence and it is my submission that quite apart from the testimony in this case, quite apart from it, the circumstances which have been established beyond doubt must have the result that this Court will say that a presumption has been raised, and I do not go further at this stage; a presumption has been raised that a statement made by a man in these circumstances cannot be said to be voluntary. It is my submission, Sir, that the circumstances of the custody by itself raises a presumption, raises a presumption that the results of custodial interrogation must necessarily be involuntary."

It is perhaps another curious feature of the *voire dire* inquiry that the Prosecution did not lead any evidence at all about circumstances of the detention at the Panagoda camp. The only evidence that was led was the evidence of these accused and such evi-

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— DIRECTOR



The Maviddapuram Temple High Priest, **Maharajasri S. T. Sanmuganatha Kurukkal** (right) hands over a cheque for Rs. 5, 000/- to the Vice-Chancellor of the University of Jaffna, **Prof. S. Vithiananthan**, and inaugurates a Fund for **Cintanai**—a research periodical published by the Arts Faculty of the University of Jaffna. The High Priest has promised a further donation of Rs. 5, 000/- to the Fund.

The ICJ report

(Continued from page 4)

person, that such person be kept in the custody of any authority, in such place and subject to such conditions as may be determined by him having regard to such interest.....and the provisions of the prisons ordinance shall cease to apply in relation to the custody of such person".

The new section empowers the executive to transfer a remanded prisoner from the prison where he is held to some other place of detention. The reasons for and the use being made of this new Section are not known, but in principle it appears objectionable.

Violence against detainees

Experience in many countries shows that when persons are removed from the custody of trained prison officers, and handed over to military custody, abuses are liable to result. The experience includes Sri Lanka, as was shown when the Court of Appeal, dealing with habeas corpus petitions, found that violence had been used against detainees in an army camp.

Labour unrest & emergency

The other major problem the government has had to contend with is labour unrest. On 16 July 1980, an emergency was declared to deal with a general strike which was called by the Joint Trade Unions Committee. In spite of the emergency declaration, large numbers of workers went on strike. The government retaliated by dismissing all public service employees on strike and freezing the bank accounts of the trade unions. The emergency was, however, lifted on 15 August 1980.

The strike and its aftermath illustrate the inadequacy of the existing machinery to deal with the grievances of public service employees. Section 49 of the Industrial Disputes Act, which deals with trade union rights, including the right to strike, states that the Act shall not apply to the government in its capacity as employer or to a worker in the employment of the government. In addition, the Essential Public Service Act, enacted in 1979, imposes a total ban on strikes by public service employees. A minimum sentence of two

years and a fine of up to 5,000 rupees is stipulated for contravention of the Act. Further, this Act enables the President to declare any services rendered by any government departments, public corporations and local authorities as essential services, thereby bringing the workers of these enterprises under the jurisdiction of the Act.

It is generally recognised that some public service employees, but by no means all, are in a special category and that it is necessary and legitimate to deprive them of the right to strike. But where there is a ban on strikes there should be statutory machinery to settle disputes. ILO Convention 151 of 1978, recognises this and suggests that impartial machinery such as mediation, conciliation or arbitration should be provided by governments to deal with the grievances of public services employees. Sri Lanka is not a party to this Convention. Perhaps its application in Sri Lanka would help to meet the grievances of the public service employees.

Report to the Human Rights Committee

The Government of Sri Lanka's ratification of the Covenant on Civil and Political Rights on 11 June 1980 is to be warmly welcomed. Its first report to the Human Rights Committee is due, in which it is asked to report on the measures it has adopted to give effect to the rights recognised in the Covenant and on the progress made in the enjoyment of these rights. This provides an opportunity for the government to review the consistency of its laws with the provisions of the Covenant, and it is to be hoped that the President will use his fresh mandate from the people to initiate this process.

Palmyrah Workshop

"The duty of the FAO is to improve the standards of those people who depend on the income of local products for their living. Hence we will follow with interest and give all help possible to this Conference which deals with the life of those who depend on Palmyrah products", said **Mr. Ozorai**, the FAO Representative in Sri Lanka at the inaugural sessions of the Workshop on Palmyrah on Monday the 21st, at Veerasingham, H II, Jaffna.

Astronomy in Jaffna : A plea for encouragement

LETTERS

49, Rajaveethy,
Nallur, Jaffna.
21-2-83

The Editor,
Saturday Review.

Sir,

I was invited by a friend of mine who is a member of the Astronomical Association of Jaffna to be an observer to the monthly meeting of that Association which was held on 20-2-83 at No. 167 Kasturiar Veethy, Jaffna on the 2nd floor.

The night sky view for this month was explained by **Mr. N. Kandasamy Iyer** an Astronomer. He explained the different positions of planets and their conjunctions etc. Later he explained with the *Thiruganitha Ephemer* as to how the longitudes of the planets are measured and calculated.

Later, a demonstration was held at the 3rd floor with the aid of a borrowed telescope in viewing the Evening Star Venus and planet Mars which was close to it at that time.

The president of the association **Mr. W. S. Senthilnathan** an

Attorney-at-Law explained as to why the planet Venus and Mercury are always seen as a crescent moon but not the other planets.

I come to understand that this association has been in existence only for the last 3 years and they do not have a home of their own and no instruments of their own, for lack of funds. Only a handful of members were present on that occasion. Now that Astronomy had been introduced in the 6th standard as a subject to students the services of this association for students of all schools and university

will be of immense value.

There are so many philanthropists in Tamil Eelam who could voluntarily contribute to this association to enable them to have a home of their own and own a good telescope. I hope this letter would catch the eyes of the Jaffna Municipality who would be able to have an astronomical section in their new library building and have their own instruments and periodical for this subject and get the services of this association.

Yours truly,
V. Sinnathurai

Rural Labourers Union rally in Jaffna

Hundreds of young men and women from the villages gathered at the Trimmer Hall, Jaffna on Saturday the 19th February, for the first Congress of the Rural Labourers Union. Many representatives of Peasant Unions in the South participated in the full day seminar, notable among whom was Rev. Yohan Deva-

nanda from the Devasarama Aramaya at Ibbagamuwa.

An art exhibition too was held in which paintings depicting the gradual erosion of the rights of the local peasants by the colonial powers as well their predicament under the local elite were sympathetically shown.

The Rural Labourers Union which was inaugurated on 18th February 1981 with the intention of safeguarding the socio-economic, political and cultural rights of the peasants of the North, has grown into a powerful body within these past two years. The Union holds firm views regarding some sensitive issues in the island's politics. Endorsing the right of self-determination of the Tamils, the Union also calls for a more sympathetic attitude towards the Estate Workers of recent Indian origin who are living in traditional Tamil Territories, and also condemns casteism in the North.

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Hold Elections in 1983 - LSSP

"The Government cannot be permitted to go on amending the Constitution each time its own desires cannot be met within the Constitution. The proposed Fifth Amendment must be totally opposed. Let us demand with one voice that the General Election be held this year" says a statement issued by the Lanka Sama Samaja Party, signed by the General Secretary Bernard Soysa. The Press Statement says:

"On Thursday February 10th, the President dated in respect of 17 constituencies letters of resignation that he had earlier collected from his MPs. They have been sent to the Secretary-General of Parliament for acceptance. On the previous day Finance Minister Ronnie de Mel was afforded the privilege of deciding the date of his own letter of resignation and being virtually simultaneously nominated as MP for vacant Bulathsinhala. It was suggested that in all 17 constituencies the Government had failed to gain more votes than the Opposition parties at the Presidential Election and the

Referendum. It was also reported that the Government would be amending the Constitution for the fifth time to enable elections to be held in these 17 constituencies, Kesbewa which has remained vacant some time, and Kaduwela which is expected to fall vacant before long.

"It is plain that the promised 20-seat election is intended as a sop to the ruffled feelings of an overwhelming majority of voters in the country, following the rape of public opinion that was committed by the UNP on the occasion of the Referendum of December 22, 1982. The use of Emergency powers to stifle Opposition propaganda and terrorise Opposition supporters, the employment of organised thugs to prevent Opposition agents from serving in polling stations and Opposition voters from registering their votes, the parading of the Government's symbol of the Lamp in open violation of existing election laws, the hamstringing of the Police force by means of Ministerial and MPs orders to

prevent the execution of legal duties and obligations and personation on a scale never before seen were the means used to secure a "Yes" through a win for the "Lamp".

"It was evident soon after the Referendum, that what the Government thought was a major triumph was a pyrrhic victory. Not only all opponents of the UNP, but even substantial sections of the UNP itself, lent voice to the universal demand that the General Election constitutionally due about the middle of 1983 should be held without delay.

"Instead of a General Election that will replace an irresponsible Government with one that is both representative of public opinion and responsible to the electors, what is being concocted is a device to invest the act of rape committed through the December Referendum with the bogus sanction of subsequent consent. Even with this democratic pretence of an election it can be seen that the UNP has not endangered its two thirds majority in Parlia-

ment. Top UNP ministers have been protected from the verdict of the referendum in their constituencies.

"There can be no substitute for the holding of a General Election to Parliament in the middle of this year. This is what the Constitution of 1978 spawned by this Government itself and no other, solemnly provided for.

"This statement of the Lanka Sama Samaja Party is not an appeal to boycott the elections if there should be any elections.

"The Lanka Sama Samaja Party however appeals

to all Opposition political parties and to all those who value democracy wherever they may be to join in exposing the Government's attempts to hide the damage it has done to the franchise—to expose its talk of elections as an attempt to mask its true designs. The Government cannot be permitted to go on amending the Constitution each time its own desires cannot be met within the Constitution as it is. The proposed Fifth Amendment must be totally opposed. Let us demand with one voice that the General Election be held this year."

Maladministration, says Rate Payers' Asscn.

The Jaffna Municipality Rate Payers' Association has applied to the Commissioner of Elections requesting registration as a Political Party for the purpose of contesting the forthcoming Jaffna Municipal Elections.

The Secretary of the Association states in his letter to the Commissioner that the Association was inaugurated in 1975 and since then had consistently voiced the grievances of the citizens of the City. The Association had given evidence before the Commission appointed to probe into the mal-administration of the Municipalities. It had also successfully ap-

pealed against the judgment of the District Court, Jaffna, in the case filed by it against the unjust and unlawful imposition of taxes by the Municipality in 1975.

The Association also states in its letter: "The Jaffna Municipal Administration is generally accepted as having deteriorated to low levels, hitherto unheard of in the annals of this City administration. We therefore desire to give the City a clean and efficient administration by placing in position men of standing and integrity free from party rivalries and with a record of unselfish, clean public service".

JAFFNA CRICKET: CENTRAL, ST. JOHN'S TAKE HONOURS

VICTOR KIRUPARAJ WRITES:

Of the four School Cricket matches completed last week-end, Jaffna Central and St. John's took top honours. Jaffna Central figured in the role of giant killers, when they humbled the formidable Maliyadeva Combine by 3 wickets, while St. John's in their easy, nonchalant manner, vanquished Jaffna College by 9 wickets.

In the Jaffna Central-Maliyadeva encounter, Jaffna Central did remarkably well to restrict the Devans to not too impressive totals of 117 and 142 respectively. They also collected a reasonable 198 in their first essay. But it was in their second outing, when they had but 63 runs to score for a win, that they floundered, exposing their weakness in no uncertain manner. Poor strategy and irresponsible leadership caused a debacle, and the Centralites were groping in the dark with the score-board reading 53 for 7 wickets at one stage.

The Devans were on top, and they endeavoured to press home the advantage, and would have certainly accomplished it, had the target set been a good 80 or so instead of a lowly 63.

Among the Devans, skipper M. Manathunga (42 & 16), N. Silva (37 & 16), L. D. Dissanayake (15 & 25), L. Thoradeniya (37 in the second), C. Ekanayake (25 in the second) impressed.

Jaffna Central, after having been comfortably placed at 101 for 1 wicket at one stage, notched up 198. The chief contributors were N. Mathivathanan (33), R. Mahinda (44), Paul Prahalathan (18), A. Gratien (26), V. Sutharshan (20) and B. Nimalan (37).

Jaffna Central who were set with the rather easy task of scoring 63 for a win in one hour and 20 mandatory overs, managed to crawl past the post taking an hour and eleven mandatory overs to do so, much to the relief of their supporters. The Devans virtually made

the Centralites struggle for every run which seemed an eternity. The visitors, by their splendid team-work and experience and their fighting qualities till the very last run was scored, taught the home team an object lesson on how cricket ought to be played.

Among the bowlers, Central's K. Umasuthan with a match bag of 8 wickets for 71, V. Sutharshan with a first innings haul of 5 for 38 and Maliyadeva's A. Ekanayake, 5 for 43 and K. Gunehiarachchi 4 for 14, both in the first innings and L. Thoradeniya 3 for 32 in the second, impressed.

St. John's registered her second impressive win for the season when she whipped Jaffna College by 9 wickets in their annual friendly.

Jaffna College taking strike first collected 118 of which the main contributor was B. L. Mohan Raj who wielded the willow for a hard earned 26. The main wicket getters for St. John's were P. Thirukumar (3 for 21),

R. Mahinda (3 for 36) and T. S. Bartlett (2 for 36).

St. John's in their first essay hit up 205 for 8 wickets, K. Chandrasegar the dashing frontline bat, top scoring with an elegant 89. Other useful contributions came from Y. Muralidaran (22), S. Alagarajah (33), and R. Mahinda (34).

Skipper S. Gnanasubramaniam bowled his heart out to collect 6 scalps at a personal cost of 61 runs.

Jaffna College going in a second time with a deficit of 87 runs to clear, folded again for a not too encouraging 126. Balachandran (33) and Ratnarajah (38) contributed 71 runs between them in their meagre second innings total. The Johnian wreckers P. Thirukumar and R. Mahinda claimed four wickets apiece. Set to make 40 runs, the Johnians realised it for the loss of one wicket.

A long and laborious Patrician innings of a mammoth 302 for 9 wickets com-

pleted in five and a half hours, deprived them of an easy innings win over Jaffna Hindu who could but collect 135 and 72 for 7 wickets in their two outings. Victory could well have been within their easy reach, had the Patricians closed their long innings a little earlier.

Among the Patricians who contributed their mite towards such a flattering total were R. A. D. Anandarajah (52), S. Kumarasunderam (35), B. S. M. Ariyaratnam 59 and N. D. Anandarajah 53 (n. o.)

T. Suresh with an unbeaten 64 bore the brunt of Hindu's first innings. Hindu's Y. Jeyanthan (4 for 71) and Patrician S. W. Kingsley (4 for 9) claimed the most number of wickets in an innings.

The Manipay Hindu-Kokuvil Hindu engagement ended in a tame draw. The main scores:-

Manipay Hindu—

1st Innings 158

2nd Innings 90 for 6 wickets.

Kokuvil Hindu—

1st Innings 168 for 6 wickets.

Saturday Review

SRI LANKA

Eelam, now the only option, say Tamils in Australia

The Ceylon Tamil Association (Australasia) of P. O. Box 189, Eastwood, NSW. 2122, Australia has now changed its name into "EELAM TAMILS ASSOCIATION (AUSTRALASIA)". The change of name was adopted by a unanimously passed resolution at a general meeting held on Sunday, February 13th.

The Eelam Tamils Association (Australasia) consists almost exclusively of highly qualified professionals—Specialist Doctors, Engineers, Accountants and Lawyers—as a result of the selective emigration laws of Australia. The Association, according to its President, **Dr. V. Sundrasingham**, came into existence in the wake of the anti-Tamil race riots of August 1977 in Sri Lanka. Dr. Sundrasingham says that though the Association has been a major organization in Australia giving publicity to the ongoing racial oppression of the Tamils of Sri Lanka, it has been, because of the very nature of its membership, careful up to now in not pledging open support to the Eelam cause.

"The change of name of the Association", he says, "is to be interpreted by the Tamils of Eelam and by the various expatriate Eelam Tamil Groups in the rest of the world, and by Sri Lanka too for that matter, as follows — that even a conservative association of Ceylon (Eelam) Tamil Professionals living in Australia has at long last and after considerable deliberation decided that the only option left open for the Tamils is the achievement of a SOVEREIGN INDEPENDENT

STATE OF TAMIL EELAM".

The following resolutions passed unanimously at the meeting on the 13th February have been forwarded to President Jayawardene of Sri Lanka:—

Your Excellency,
At a general meeting of our Association held on Sunday the 13th February 1983 the following resolutions were passed unanimously and it has been decided to forward them to you:

"This House protests against the indiscriminate arrests and detentions in jails in Sri Lanka (Ceylon-Eelam), of the Catholic priests Rev. Father Singarayer and Rev. Father Sinnarasa, Uniting Church Minister Rev. Jeyathilakarajah, Dr. Jeyakularajah, University Lecturer Mr. Nithiananthan and Mrs. Nithiananthan and others under the draconian provisions of the Prevention of Terrorism Act of the Sri Lanka Parliament, and against the inhuman treatment meted out to them.

"This House further appeals that this draconian law—known as the Prevention of Terrorism Act—which violates basic human rights be repealed forthwith.

"This House further resolves that copies of these resolutions be forwarded to The Right Hon. Prime Minister of Australia, to the Hon. Leader of the Opposition of the House of Representatives of the Australian Parliament and to the representatives of Amnesty International and other International bodies."

President's reference to India irks delegate

The Indian Government has been informed of what was discussed in diplomatic quarters as an "unfortunate" reference to India by President Jayawardene in his inaugural speech at the Commonwealth Law Ministers' Conference held at the Bandaranaike Memorial Hall, Colombo on February 14th.

SATURDAY REVIEW learns that Mr. NABI GHULAM AZAD, Deputy Minister of Law, India, who led the two-member Indian delegation to the Conference has

expressed "unhappiness" in a note to his Government about the pointed reference to large scale violence in India in President Jayawardene's speech.

The President told delegates of the five-day Conference from 47 Commonwealth Countries that there was much violence in "other parts of the world". In making a pointed reference to India he had said, "I very much regret to say that (in) our great neighbour India if one reads the Indian papers violence

breaks out between communities, between Government and Government Servants (and) during elections on a scale which is impossible to believe if it happens in our Country."

The Government-controlled "SUNDAY OBSERVER" dated February 20th which published the address by the President six days later has very judiciously deleted the reference to India but the **Indian Express** correspondent in Colombo K. Sriram in his despatch to his paper carried in its February 16th issue quotes the above from the President's speech and says:

"Asserting that 'our people are different', Mr. Jayawardene said he was making the observation as head of state and as one who had been in public life for over 40 years.

"The Sri Lanka President' however, did make a mention of the two attempts at overthrowing lawfully constituted governments on the island in the past.

"But his party, which was in the opposition on both occasions, had extended full support to the government of the day, he pointed out.

"He expressed satisfaction that the island republic was now completely peaceful 'subject to, of course, to certain instances of robbery' and 'subject to terrorism in the north' and admitted that one of his greatest regrets was that young people should take to arms to get their points of view heard."

Island-wide undergrad protest against Terrorism Act

'Repeal the Prevention of Terrorism Act'.

This is one of the main demands of undergraduates of all the Universities and University campuses in Sri Lanka who carried out a one-day token boycott of lectures on Thursday (24Feb).

The undergraduates have also demanded that the government keep its hands off the Universities. This demand refers specifically to the statement made recently by University Grants Commission Chairman Dr. Stanley Kalpage that legislation is on the way to take over the administration of the Uni-

versities and his threat that the UGC will cancel the scholarships and loan facilities of students who go on strike. One of the slogans put up at the University of Jaffna on Thursday runs: Are Mahajana Scholarships and loan facilities the private property of Dr. Stanley Kalpage?

The third main demand of the undergraduates is that students of the Kotelawala Defence Academy should not be admitted to the University of Colombo.

Student leaders told SATURDAY REVIEW the boycott was a total success.

Municipal Commissioner denies the charges

"During the 7½ years I have served as Municipal Commissioner I have not dismissed any employee nor have I been vindictive towards anyone" Mr. C.V. K. Sivagnanam, Jaffna Municipal Commissioner told the **Saturday Review** when his attention was drawn to certain charges made in a leaflet circulated recently.

He pointed out that it was during the period he functioned as Special Com-

missioner that he made permanent nearly 400 casual employees.

He said a handful of disgruntled employees whom he had pulled up for negligence or slacking may have spread a wrong impression about him. It was perhaps this distortion which had led to an attempt on his life recently and the baseless charges levelled against him in the leaflet, Mr. Sivagnanam added.

Jaffna gets a Chinese restaurant

Lovers of Chinese food in Jaffna and families who wish to dine out in comfort, have their prayers answered! Tomorrow Sunday the 27th, the YARL CHINESE RESTAURANT opens for business at Clough House, 1st Cross Street, under the direct supervision of a Hotel School trained Manager helped by expert chefs. Situated in a cosy, residential area, with its own parking facilities, the restaurant offers the popular fare in Chinese cuisine.