

By K T Rajasingham

The United Front government faced grave economic difficulties in 1973. It needed economic growth for its rampant nationalization programs. The government took over several business and industrial organizations from the private sector, employing over 100 people, under the Business Undertakings (Acquisition) Act. Also, the government introduced stringent exchange control laws to preserve the country's limited foreign exchange reserves.

Faced with grave economic difficulties and depleted reserves, the government was compelled to tamper with the social welfare program it had pledged during the general election. There was also a serious drop in agriculture production. The pledge - "When we return to power we will give you two measures of rice, we will bring it even from the moon" - became one of empty words. The government was forced to reduce the weekly subsidy for rice to 1 pound a week.

In 1974, the government set up a state monopoly to purchase paddy, under the Paddy Marketing Board. According to available statistics, the board managed to collect only 20.5 percent of the crop of 1974-75.

The sale of rice outside the rations became a government monopoly. The armed forces and the police were instructed to check the transport of rice by ordinary people and also check stocks of rice held by traders for possible hoarding. Rice rationing was followed by the rationing of wheat flour to 1 lb per person, and to the worst fears of the people, bread, too, was rationed. Large queues formed in front of bakeries from early in morning for the purchase of the rationed bread.

"Never before had Sri Lanka experienced such a rigorous rationing scheme, such scarcities of food and such lengthy queues." *J R Jayewardene of Sri Lanka - A Political Biography Volume Two: From 1956 to His Retirement (1989)* by K M de Silva & Howard Wriggins, page 272.

On October 9, 1972, by-elections for four electorates were held. The United National Party (UNP) won three of them. They retained Kesbawa and wrested Nuwera Eliya, where Gamini Dissanayake, a young advocate, won the seat on the UNP ticket. He was destined to become a leader of the party. Also, the UNP wrested Puttalam, where M H Naina Marikar won back the seat he had lost to S M Assenkuddhoos in the 1970 general elections. Nanda Ellawala of the SLFP retained the Ratnapura electorate.

The widespread demonstrations of grief that followed the death of UNP leader Dudley Senanayake was interpreted as a demonstration of rejection of the socialist policies of the government, as well as the United Front government as a whole. J R Jayewardene became the new leader of the party. He was undoubtedly a clever party organizer and a political strategist and he eliminated all his feuding opponents and strengthened his hold within the party.

The new UNP leader faced daunting challenges at the by-election in the Dedigama constituency following the death of Dudley Senanayake. Dudley Senanayake's brother's second son, Rukman Senanayake, won the seat comfortably on the UNP ticket.

Again, the UNP suffered a serious loss, with the passing of V A Sugathadasa, who was considered a popular leader, a man with the common touch and a former mayor of Colombo and member of parliament from Colombo North. At the by-election held for his vacant seat, the mayor of Colombo, Vincent Perera, resigned his mayoral position and contested on behalf of his United National Party, and recorded a resounding triumph on October 9, 1973.

Jayewardene, after taking up the helm of the United National Party, adopted extra-parliamentary agitation to

protest against the government's failure to provide an adequate supply of rice and other essential and scarce food commodities. He announced his intention to wage a non-violent *stayagraha* (protest) campaign against the government.

Fresh from the by-election victories in Dedigama and in Colombo North, it was decided to stage the first *stayagraha* campaign in Colombo on October 19, 1973. It was a silent protest of the masses, who marched quietly and then sat down equally quietly, threatening no-one and hurting no-one. This was a peculiar form of non-violent protest, expounded for the first time by a Sinhalese leader.

Jayewardene reminded people that in 1971, the JVP had tried to use armed and violent forces against the government to bring it down, but failed miserably, with the campaign ending up with thousands of youths who participated in the uprising being killed. Jayewardene emphatically cautioned, "No one has the right to recommend any violent course of action. We must seize the minds of the people and we can only do it by a peaceful, orderly and principled mass movement."

Accordingly, it was arranged to converge on the Galle Face Green, the sprawling beach-front area opposite the parliament building, with three huge streams of protesters marching from different directions. White-clad marchers moved slowly and steadily towards their destination, from Colombo South - led by J R Jayewardene; Colombo North - led by the recently successful MP Vincent Perera; and Colombo Central - led by Ranasinghe Premadasa.

When the police intervened and halted the marchers, they immediately sat in the middle of the road. By sitting down for hours, they brought the traffic to a halt. It was estimated that more than 150,000 marchers participated in the protest.

Jayewardene organized three more *satyagrahas*, in Nuwera Eliya, Attanagalla and at Anuradhapura. The first campaign at Nuwera Eliya passed off without any incident, but the second one, intended to be held at Attanagalla, the electorate of Srimavo Bandaranaike, the Prime Minister, was considered as an intolerable affront by the stalwarts in the government.

On the day of the *stayagraha*, the marchers found all roads leading to Attanagalla blocked. Many huge shade trees on the side of the main road had been felled, blocking the road and preventing the movement of the vehicles which were transporting the marchers. The army and police were seen assisting in the blockade of roads and felling trees.

Anticipating that the government would try its utmost to prevent the *satyagraha* from being held in Attanagalla, J R Jayewardene discreetly moved into Attanagalla, the day before the proposed march and stayed in a house of his friend, which was located very close to the Buddhist temple where the religious ceremonies associated with the *satyagraha* were to be held. He was followed by 200 of his supporters, who had eluded the police and reached the temple in the morning. To the great surprise of everyone, Jayewardene was seen climbing the steps of the Buddhist temple with his small band of *satyagrahis* at the exact moment that the announced ceremonies were due to take place.

These protest marches under the leadership of J R Jayewardene gradually evolved into a big threat to the United Front government.

The government tried its best to stop the campaign from being staged at Anuradhapura, in the North-Central province. Intimidation by the government continued and black flags greeted Jayewardene and his associates, when they reached the outskirts of Anuradhapura, the provincial capital. The government imposed a series of emergency regulations. No vehicles were allowed to enter Anuradhapura on the proposed day of the

campaign and the police and armed services were put on alert to disperse any gathering of more than five persons and to arrest those who attempted to defy these restrictions.

Jayewardene and his associates' destination was Ruwanvalisaya, one of the country's most venerated ancient Buddhist temples. As there was nothing to prevent people from walking in a group of three or four, provided they kept gaps between themselves, the *satyagrahis* were advised to walk in such groups to the temple. Similarly, Jayewardene and few others walked on a gravel road that led to the temple. The people reached the temple as announced and by the time Jayewardene and his group arrived, there were already 5,000 *satyagrahis* dispersed around the venue.

As the political climate in the country underwent a marked change, the government tried to soothe the feelings of the Tamils by enacting, on March 23, 1973, the Language of the Courts Act. This law provided for the use of Tamil in the law courts in the Northern and Eastern provinces. But the Tamils were not happy about the act, as they demanded that their rights be enshrined in the Constitution, which the government was not prepared to do.

The first large conference hall to stage national and international conferences, the Bandaranaike Memorial International Conference Hall (BMICH), was a gift from China. It was built at a cost of Rs.35 million and opened by the special envoy of China, Hsu Hsiang-Chen, on July 20, 1973.

In the meantime, land reform laws created chaos in the plantation sector and in the lives of Tamils of Indian origin. Under the Land Reform Acts of 1972 and 1974, the Government nationalized the tea, rubber and the other plantation sectors. The government formed a state organization called the State Plantation Corporation, which alone took over 153 well-managed and high-yielding privately-owned tea and rubber plantations, amounting to 165,000 acres. This caused Tamils of Indian origin to become virtual beggars.

"The plantation workers became yet further disillusioned with the SLFP, when they had to bear the brunt of the effects of the nationalization. Under the 1972 and 1975 Land Reform Laws, the state took over units of tea land larger than 50 acres and passed them to state boards and experimental co-operatives. The cooperatives often failed to their pro-worker rhetoric, and workers sometimes 'went unpaid and found themselves cut out from other promised benefits'. In addition, because nationalization brought into everyday management parochial patronage politics that (had) been the bane of the state sector management since the 1950s, it opened the door to massive corruption and a new racism. Tamil workers were not considered for land alienated by the land reforms. In fact, estates in the areas of Kandy, Gampola, Pusselawa, Kotmale, Matale, and Nawalapitiya, plantation workers were simply ejected, as Sinhalese peasants were recruited by the new management. Whole families were made destitute overnight, reduced to begging on the streets of villages and towns in the tea country." - (By October 1979, when the pact was due to end, Sri Lanka had granted citizenship to 160,000. and by 1982, up to 400,000 people still remained Stateless in Sri Lanka.) Rachel Kurian, with Jenny Bourne and Hazel Waters, in "Plantation Politics", which appeared in *Sri Lanka Racism and the Authoritarian State*, - page 85.

Therefore, the takeover of the plantations and the exclusion of the Tamils of Indian origin from the land distribution policies of the government had drawn the Ceylon Workers Congress and its leader S Thondaman towards the Tamil leaders. Earlier, there had been a long history of isolation between Tamils of the Indian origin and the Tamils in the North and Eastern provinces. The latter, who collaborated with the Sinhalese on the issue of the deprivation of citizenship rights of Tamils of the Indian origin, were all these years viewed with suspicion by the Tamil leadership of Indian origin, but suddenly they came forward to work in collaboration with the Tamil leaders on issues confronting Tamils in general.

On May 17, 1973, the Action Committee of the Tamil United Front met at the Head Office of the Ilankai

Thamil Arasu Kadchi, located at Jaffna. At the meeting, C. Suntheralingham, the leader of the Eela Thamilar Otrumai Munnani, said, "Our Sinhala brethren are not prepared to share power with us. They are not prepared to treat us as equals. In such a situation, the only way available to the Tamils is to establish a separate state for ourselves."

He proposed that the Tamil United Front should come forward to take appropriate steps to establish a separate Tamil state. He further suggested that the Tamil MPs should constitute themselves as a Constituent Assembly and draw up a draft constitution for the Tamil state. Subsequently, a resolution was adopted by the Action Committee as follows:

"Whereas the government has completely rejected and disregarded the six-point demand for the amendment of the constitution, so as to incorporate the minimum rights of the Tamil nation and thereby preserve the unity of the country presented by the TUF, which is the only organization representing the preponderant majority of the Tamil in Sri Lanka, on June 25, 1972.

"And whereas the leader of the TUF, Mr S J V Chelvanayakam resigned his membership of the National State Assembly on October 2, 1972, in order democratically to establish that, the Tamil people have rejected the constitution and also to give an opportunity to the government to put to test their claim that a considerable section of the Tamil people have accepted their constitution and whereas, the government by not holding the by-election for a period of over seven months, is striking the death knell of parliamentary democracy in the country.

"And whereas, further inroads have been made into the rights of the Tamil people during the last one year of the constitution by (I) the unprecedented attack on the religious freedom by the teaching of Buddhism to Hindu and Christian children in certain state schools and the establishment of Buddhist temples with government assistance in places like Kankesanthurai and the claim recently made by certain Buddhist to ancient Saiva shrines like Thirukoneswaram; (II) the underlining of the inferior status of the Tamil language by allowing the position of Tamil in the administration and in the courts in the Northern and Eastern provinces to be dependent on the tender mercies of an individual minister and the language rights of the Tamil people in the rest of the country being completely disregarded; (III) the right to work of the up-country Tamil workers rendered stateless by iniquitous citizenship law, being jeopardized as a result of the discriminatory policy of the acquisition by the government; (IV) the denial of equal opportunities in higher education to Tamil students by the implementation of the iniquitous scheme of standardization on the basis of the language media and thereby endangering the well-being of the future generations of Tamils; (V) the policy of changing the medium of instruction of Tamil children to Sinhala thereby paving the way for the total destruction of the Tamil nation as demonstrated by the government's action in making Sinhala the medium of instruction in Standard one in certain schools like Puttur Pansaseela Vidyalaya; (VI) the very existence and the future of the Tamil nation in this country being endangered by the discriminatory actions of the government against the Tamil people and the Tamil territories in the spheres of education and economic development.

"The Action Committee of the TUF is of the view that the only way to preserve the integrity and the identity of the Tamil nation and to rescue it from the path of destruction and to build a future for the Tamil nation in the country is the establishment of self-rule of the Eelam Tamil Nation in their traditional homeland. Considering the very great importance and the vital nature of this view, the Action Committee resolves to set up a high-powered committee of seven, to take all further action in this connection."

The seven-man committee, headed by S J V Chelvanayakam, comprised C Suntheralingham, (Eelath Thamilar Otrumai Munnani) M Sivasithamparam, (All Ceylon Tamil Congress) A Amirthalingham (Ilankai Thamil Arasu Kadchi), M S Sellasamy (Ceylon Workers Congress.) M Manickam (Ex Senator to Represent

ITAK in the Batticaloa district, Eastern province) and A Thangathurai, (Member of Parliament for Muthur from the ITAK to represent the Trincomalee district in the Eastern province.)

Youths were not happy with the resolution. Anton S Balasingham, the theoretician of the Liberation Tigers of Tamil Eelam (LTTE), in his booklet *Liberation Tigers and the Tamil Eelam Freedom Struggle*, has succinctly explained the mood of the Tamil youths as follows:

"The revolutionary ardor of the Tamil youths, which manifested in the form of indiscriminate outbursts of political violence in the early seventies, sought concrete political expression in an organizational structure built on a revolutionary political theory and practice. Neither the Tamil United Front nor the Left movement offered any concrete political venue to the revolutionary potential of the rebellious youths." *Towards Liberation* Page 45.

Furthermore, Tamil youths were distressed over the government's increasing discriminatory measures against Tamils and the realization that the country was the very ancient home of the Tamils and of Tamil institutions. In the 1972 constitution the United Front government removed the entrenched clauses of minority safeguards, and made parliament, which had an 80 percent Sinhalese representation, absolutely sovereign and the laws made in parliament could not be challenged in any court of law. Therefore, the new constitution had reduced Tamils to a non-entity and dependent on the mercy of the majority Sinhala community.

It became evident that although the moderate Tamil leaders championed the Tamils cause, they failed miserably in formulating any winnable and concrete program to liberate Tamils from the strangulating hold of the Sinhala-dominated government.

Against the backdrop of dissent among Tamil youths, the annual convention of the Ilankai Tamil Arasu Kadchi was held at Mallakam on September 9, 1973. A Amirthalingham, the president of the party, proposed a resolution to change the objectives of the party from federalism to separation. He said, "Once it had become clear that we cannot establish our rights with the consent of the Sinhalese people, the only way open to the Tamil nation is to establish self-rule in their traditional homeland in the exercise of the inalienable right of every nation to self-determination."

The convention resolved, "Tamils are in every way, fully equipped to be regarded as a separate nation and to live as a separate nation and that the only path for them to follow is the establishment of their rights to self-rule in their traditional homeland based on the internationally recognized principle of the right to self-determination of every nation."

The convention also approved the TUF Action Committee's decision to launch a civil disobedience campaign, beginning on October 2, 1973. On the prescribed day, the TUF organized fasts in all places of religious worship in the Northern and Eastern provinces and also posted letters affixing used stamps. The government simply ignored the campaign and it ended without any impact.

In 1970, Ponnudurai Satyaseelan founded the Tamil Manavar Peravai - The Tamil Student Organization - which was later joined by Sivakumaran, a militant Tamil youth from Urumpirai. Sivakumaran was the pioneer in the offensive political approach, by attempting to assassinate the deputy minister in September 1970, and again the mayor of Jaffna, Alfred Duraiappah, who was also the chief organizer of the Sri Lanka Freedom Party in the Jaffna District, in February 1971.

This gradual upsurge of violence continued in 1972, after the two elected Tamil members of parliament, C Arulampalam of Nallur and A Thiagarajah of Vaddukodai, both elected on the All Ceylon Tamil Congress party ticket, voted with the government for the adoption of the Republican Constitution. There were a few

failed attempts by the militant Tamil youths on the lives of these two Tamil MPs.

Furthermore, the government's decision to enforce standardization in university admissions denied Tamil students opportunities for higher education. In 1970, the government reviewed the exceptionally good performance of Tamil students in science subjects and concluded that it was difficult to compare the standards of Sinhala-medium and Tamil-medium students. The government decided to introduce a system of "cutoff points" to regulate the admissions of each ethnic group. This meant that Tamil students had to obtain higher marks than Sinhalese students to enter science faculties at universities.

After protests from Tamil youths, politicians and academics, the scheme was changed in 1973 to one of standardizing marks. The government introduced various schemes of standardization and district quotas from 1974 onwards, but the eventual impact of these schemes was to restrict the entry of Tamil students in entering science-based faculties at the country's universities. The percentage of Tamil students admitted to engineering courses fell from 48.3 percent in 1969 to 24.4 percent in 1973, and 14.2 percent in 1975. The percentage of Tamils gaining admission in 1969 for medicine was 48.9 percent and in the dental science 38.1 percent, agriculture 47.4 percent and in the veterinary sciences 66.7 percent. But in 1971 the figures were: medical faculty, 40.9 percent, dental surgery 56.1 percent, agriculture 39.5 percent, veterinary sciences 23.8 percent of Tamil students only, gained admission.

Again, in medicine - 39.3 percent, dental surgery - 53.0 percent, agriculture - 39. percent and veterinary science - 39 percent of the Tamils were given admission in 1972 and in 1973, in medicine - 36.9 percent and in 1974, it was 25.9 percent and in dental surgery - 46.9 percent in 1973 and in 1974, it was 28.6 percent. In agriculture - 51.1 percent in 1973 and in 1974, it was 11.1 percent, in the veterinary science in 1973, it was 13 percent and in 1974, a total of 28.1 percent of the Tamil students were given admission, according to government's standardization program. (These statistics were provided by the Planning and Research unit of the University of Sri Lanka.)

The government, particularly its representatives at the Department of Education, were conscious about the Sinhalese pressure and they began to search for a more acceptable and a more defensible formula to restrict Tamil students from entering science faculties.

By the end of 1974, the opposition to the district quota system and standardization gathered strength. On September 19, an official report on standardization was submitted to parliament. As opposition to the system grew, the government placed the issue before the Sectoral Committee on Social Overheads, Housing, Mass Media, and Transport of the National Planning Council.

The Sectoral Committee was chaired by Peter Keuneman, minister of housing and construction and a member off parliament, and the other members were Chelliah Kumarasuriyar, minister of posts and telecommunication, the only Tamil Minister in the cabinet. Also, the government nominated Tamil MP and minister of sports K B Ratnayake, who had his education at Hartley College, Point Pedro, in English and Tamil medium, who thought and spoke like a typical Jaffna man, but who was unquestionably a Sinhalese Buddhist.

The sectoral committee submitted its report at the end of September 1975. It pointed out that the Commissioner of Examination and the Superintendent of the Data Processing unit of the Examination Department held that "Organized manipulation of marks in one whole medium in a deceptive manner is neither possible nor probable and the possibility of correcting examiner variably through standardization was slight in contribution both to deepening and indeed institutionalizing suspicions between communities and promoting distrust in the fairness or impartiality of public examinations," was considerable.

The report recommended the end of the media-wise standardization. The report commented on the district quota system. The sectoral committee did not feel obliged to reject the this system altogether. The committee recommended that by 1976 onwards 70 percent of the students would be chosen on the basis of marks and 30 percent on the district quota system. Of the 30 percent of the district quota, half were to be reserved for the backward districts of Amparai, Anuradhapura, Badulla, Hambantota, Moneragala, Nuwera Eliya, Polonnaruwa, Mannar, Trincomalee and Vavuniya. (The last three are Tamil-speaking districts). The proposals were submitted to the Government and eventually the cabinet, which accepted the suggestions relating to the district quota, but opted to retain the media-wise standardization.

The various forms of standardization introduced by the United Front government are as follows:

1973 - Standardization

1974 - Standardization and district quotas with modifications;

1975 - Standardization and 100 percent district quotas.

1976 - Standardization and 70 percent on marks with 30 percent on district quotas

The application of this systems used in deciding entrance to higher education in the country's universities, resulted in considerable gains for the Sinhalese and it won the support to the government among several sections of these ethnic groups. But, the Tamils were affected by the system, which led to a great frustration and disappointment among the youths in Jaffna. Tamil youths began to pressure the political leadership to opt for a separate state.

In the meantime, the fourth World Tamil Research Conference was held in the city of Jaffna between January 3 and 9, 1974, which ended in the tragic loss of nine lives, the loss of civilian property and more than 50 civilians sustaining severe injuries.

The inauguration of the World Tamil Research Movement and the first conference was held in Kuala Lumpur in 1966. The prime minister of Malaysia, Tunku Abdul Rehman, declared open the conference and delivered the inaugural address, at the August gatherings, where several government dignitaries from many countries and foreign Tamil scholars from all over the world assembled.

The second conference was held in Madras (Chennai), Tamil Nadu, India, on January 2, 1968. The president of India, Zahir Hussain, declared open the conference amid pomp and pageantry and the conference ended on a high note.

The third conference was held in Paris, where it was resolved to hold the fourth conference in Sri Lanka.

In Sri Lanka, the organizers of the conference resolved to hold the conference in Jaffna, the cultural capital of the Tamils and also where Tamils predominantly live. The government of Srimavo Bandaranaike was not happy at holding the conference in Jaffna. The Tamil minister in the government, Chelliah Kumarasuriar, who did not have any popular base in the Peninsula, vehemently opposed holding the conference in Jaffna. But the organizers were determined to hold the conference there and they inaugurated the conference without any assistance or help from the Sri Lankan government.

The International Association for Tamil Research held its conference in Jaffna commencing on January 3, 1974, and it officially ended on January 9.

On January 10, the organizers decided to hold a public meeting to distribute awards to those who had participated in the cultural program. While the meeting was in progress in the Veerasingham Hall, the organizers found it impossible to accommodate the surging crowd and decided to change the venue by hastily rearranging the platform of the meeting in front of Veerasingham Hall outside the building, but within the

premises.

The audience, more than 10,000 in number, spanned the road and overflowed into open expanses, opposite the hall and Professor Naina Mohammed - an erudite Tamil scholar from South India, began his address. The people gathered were spell-bound listening to the chaste Tamil speech of the South Indian professor, and they were relishing the entire final day's program in an orderly and disciplined manner - then the police arrived.

Assistant Superintendent of Police Chandrasekera (a Sinhalese commissioned officer) led a truckload of anti-riot police of more than 40 to the scene. Their unheralded arrival ended in the chaotic disruption of the ceremony.

In the confusion, in which tear gas and live ammunition were fired, overhead electric wires were dislodged and seven civilians died of electrocution. Several others sustained severe injuries due to the police charging at them. Tellingly, the police officers involved were subsequently promoted instead of being reprimanded by the government.

A magisterial investigation was ordered and K Palakiddnar, the magistrate, Jaffna, in his Verdict of Inquest No 3427, instructed, "I further direct that the director of public prosecution be informed that there has been a contravention of Section II of the Electricity Act Chapter 205 CLE and recommended that suitable action be taken against the owner of the generator that was in use at the premises on 10 January 1974." A detailed report of the inquest, which provides the background of the tragic episode "Verdict of Inquest No. 3427" is given at the end of this chapter as an Annex.

According to the organizers, as the magisterial inquest failed to meet any form of justice to the tragic end of the conference, community leaders were unhappy over the government's failure to take any positive steps. The Citizen Committee of Jaffna, a non-governmental organization, arranged for an impartial inquiry to investigate, and report unbiased, on the tragic incidents of June 10, 1974.

O L de Krester and V Manickavasagar, two respected retired Supreme Court judges, and former Bishop Rev Sabapathy Kulendran, were invited to conduct the inquiry. Accordingly, the committee released its report in March 1974, blaming the police for the attack.

The government of Srimavo Bandaranaike failed either to condemn the police brutalities or express any regret at the killings and the loss of lives. Even Chelliah Kumarasuriar, the only Tamil minister in the government, failed to express his personal condolences.

The event demonstrated to the world the tragic plight of Tamils were in Sri Lanka. The incident had its repercussions, though, and Tamil youths were compelled to retaliate where before they had been restrained by their leaders from taking violent action.

The continued presence of a Tamil minister in the government, who tried to turn the tide against the general feelings of the Tamils by organizing his political activities in Tamil regions, was considered an anti-Tamil move and posed a grave challenge to the Tamils' ethos. The chief organizers of the Sri Lanka Freedom Party in the North and Eastern provinces were considered informants of the government and elements working against the interests of Tamils. The government miserably failed to read the mood of the Tamils, while continuing with its chauvinistic anti-Tamil programs.

After the tragic incidents on the final day of the World Tamil Research Conference, Sivakumaran, a Tamil student activist, considered a Tamil militant in the early stages by the police, was accosted by police in



Kopay. He promptly swallowed cyanide pills and died instantly. Thus was born the cyanide culture among Tamil militants.

According to available reports, on June 5, 1974, the officer in charge of the Kopay Police Station, Sub Inspector Wijesundera, followed the youth named Sivakumaran consequent to having received information that the Peoples Bank was to be attacked. Sivakumaran fired two shots at Wijesundera but both were misfired, did not attack the intended target. Wijesundera then overpowered Sivakumaran and took him under custody, whereupon Sivakumaran swallowed some poison which he took from his waist and died.

Sansoni Commission in its reports said: "From the time of his (Sivakumaran) death almost all the TULF leaders including Messrs Amirthalingham, V N Navaratnam and Selvadurai gathered and organized the funeral. All shops in the Peninsula were closed and pamphlets were distributed calling for a day of mourning. The funeral took place on the 7th June. Just before the body was removed from the house, seven youths cut their fingers and placed pottus of blood on the deceased's face, and hundred of youths then did the same. The TUF leaders and about 15,000 others were there. Ever since, his mother was given a prominent place in the TUF Women's front. A pledge was taken by those present in the formula, 'In the name of Sivakumaran, in the name of his soul and body we undertake to continue the struggle to gain independence for Tamils, and until we gain that we will not retreat or rest.' The struggle which this young man carried on it should be added, was not non-violent one. Thereafter, on 5 June every year his death has been commemorated by the TULDF leaders and a statute has been erected in his honor by the TULF Youth Organization." - Pages 25-26.

Militant youths took revenge for the deaths at the International Tamil Conference by murdering Alfred Durraipappah, the mayor of Jaffna and the leader of the Sri Lanka Freedom Party, in the Jaffna district.

Alfred Duriyappah, though a Christian, use to go regularly to Hindu temples, especially to the Varadaraja Perumal Temple at Ponnalai. When he went on July 27, 1975, four young men were waiting for him. As he left his car, one of the men opened fire from point blank range, and he collapsed and died.

The murder triggered shock waves as it was a political murder of a very popular mayor. The politics of retribution had now been adopted by Tamil militants. In those days, it was widely accepted that the youths patronized and were controlled by A Amirthalingham and by V Dharmalingham, both of the Ilankai Thamil Arasu Kadchi.

Whatever is said and done, there were thousands of mourners at Alfred Duriyappa's funeral celebrations. It is still not clear whether the allegations of complicity are justifiable because those who were alleged to be in complicity were subsequently killed by the very same Tamil militants, whom they nurtured and protected. All those who wrote about Alfred Duriyappah had either never met him or were those who had never been associated with him. Popularly called by friends "Alfie", he was a genial and friendly person, with a knack and common touch, loved by the public but hated by the leaders of the Ilankai Thamil Arasu Kadchi, especially by A Amirthalingham, considered "Thalapathi" - commandant of the party.

I still vividly remember, after the general election of 1970, he came to Colombo and met me at my newspaper office. He requested me to arrange a meeting with Srimavo Bandaranaike, the Prime Minister and the leader of the Sri Lanka Freedom Party. Accordingly, I arranged the appointment and in a personal capacity, when he requested me to go with him, I accompanied him to meet the prime minister at her Rosemead Place residence, and was with him throughout the conversation he had with Srimavo Bandaranaike, who was assisted by Felix Dias Bandaranaike.

As far as I am aware, he has never done anything anti-Tamil, but unfortunately he became a victim of the hate campaign, which A Amirthalingham and the ITAK carried on relentlessly.

To cover up their lapses and failures, the ITAK used to portray some people as their deadly enemies and anti-Tamil people. In earlier days, it was G G Ponnampalam, later it turned out to be Alfred Duriyappah. The Tamil militants, who were those days, under the magic spell of Amirthalingham, were cleverly manipulated and misled to do things at his behest. But though they became aware that they were misled by Amirthalingham, they continued to maintain the same attitude as they were not prepared to be blamed for their lack of political exposure and of their hasty complicity in their teenage days.

Meanwhile, Srimavo Bandaranaike returned to the island on January 29, 1974, after a successful visit to India. There, the Sri Lankan prime minister met her Indian counterpart Indra Gandhi, and the two leaders agreed to hasten the implementation of the Indo-Ceylon Agreement, dealing with the citizenship rights of Tamils of Indian origin. Both leaders entered into a fresh agreement about the plight of Tamils of Indian origin resident in Sri Lanka.

Again, this agreement had been made without giving any preference or choice to the desires and wishes of Tamils of Indian origin, resident in Sri Lanka, as the two governments continued with their number games.

Therefore, according to a communique issued by the governments of India and Sri Lanka, agreement was reached to repatriate 75,000 of the 150,000 persons of Indian origin who were left over from the Srima-Shastri Pact of 1964. The balance of 75,000 were to be absorbed as citizens of Sri Lanka.

Again, on June 28, 1974, Indra Gandhi and Srimavo Bandaranaike signed an agreement on Kachchathievu, under which, Sri Lanka's complete authority over the disputed island was finally recognized.

Finally, on March 23, 1976, Sri Lanka and India signed an agreement regarding the maritime boundary between India and Sri Lanka, in the Palk Strait, the Gulf of Mannar and the Bay of Bengal and related matters.

Obtaining legality over the disputed island of Kachchathievu was undoubtedly a great diplomatic achievement by Srimavo Bandaranaike. Unfortunately, successive state governments of Tamil Nadu, in South India, even now, have toyed with the idea that Kachchathievu, which lies 11 nautical miles from the coast of India, was gifted away to Sri Lanka by the Union government of India. However, today the island is a sovereign and integral portion of Sri Lanka.

Kachchathievu is a small islet, only 68 hectares in extent, located 18 kilometers off the island of Delft. The island is unpopulated. There is a church - St Anthony's - and a well for passing fishermen to draw water to quench their thirst.

From a very early period, even when India and Sri Lanka were under British occupation, the island was under Sri Lankan administration. Even though it was unpopulated, it was demarcated as Ward No 4 of the Delft village council. The parish priest of Delft is the officiating priest of St Anthony's and the *moopar* of the church - a hereditary leader of a caste.

The Indo-Lanka agreement of 1974 demarcated the maritime boundary in the Palk Straits. The ownership conflict of the island of Kachchathievu between India and Sri Lanka was settled by the maritime agreements signed on June 26, 1974 and March 23, 1976. The 1974 agreement demarcated the boundary between India and Sri Lanka in the Palk Strait and ceded Kachchathievu to Sri Lanka. The 1974 agreement demarcated the boundary in the Gulf of Mannar and Bay of Bengal and barred each country's fishermen from fishing in the other's territorial waters.

The 1976 agreement was entitled "Agreement between India and Sri Lanka on the Maritime Boundary Between the Two Countries in the Gulf of Mannar and the Bay of Bengal and Related Matters." There was also an Exchange of Letters between India's Foreign Secretary Kewal Singh and Sri Lanka Secretary to the Ministry of Defense and Foreign Affairs, W T Jayasinghe, constituting an arrangement between the two countries. The Indian minister of external affairs, Y B Chavan, stated in the Indian parliament, while laying out the text of the agreement, that "the two countries shall exercise full sovereignty and absolute jurisdiction on their side of the maritime boundary. Both countries have agreed that after the determination of the maritime boundary, fishing vessel and fishermen of one country shall not engage in fishing in the waters of the other."

In another development, after 1972, Muslims in the country gradually began to feel concerned at Sinhalese atrocities. To begin with, the Company-Veediya Mosque, in the heart of the Colombo, came under attack by Sinhalese hoodlums and police. In 1975, a Muslim village, Bandaragame, near Mahiyangana, was set ablaze and 61 houses and seven shops were looted and torched. In the early part of 1976, Gampola, Panadura including Nikweretiya and 40 other villages where Muslims predominated, came under attack, resulting in damage to property.

The police assumed the role of implementing government policies and they ran amok in several parts of the country. The police, almost 90 percent of whom were ethnic Sinhalese, massacred seven Muslims praying inside a mosque in Puttalam, in February 1976, and later they torched more than 200 houses, 50 shops and two coconut fiber processing factories, all belonging to Muslims. Again, police burnt down two more mosques, killing several Muslims praying there.

The government of Srimavo Bandaranaike refused to hold a judicial inquiry into incidents connected to police excesses and atrocities.

In March 1974, Richard Udugama, a scion of the Sinhalese aristocratic family, and the SLFP MP for Matale, quit Srimavo Bandaranaike's party and crossed over to the opposition. It must be remembered that earlier he had been commander of the Ceylon Army, until 1966, and subsequently he was arrested and tried on charges of complicity in an alleged coup, in 1966.

On October 6, 1974, Srimavo Bandaranaike made an official visit to Jaffna to declare open the Jaffna Campus of the University of Sri Lanka. The campus was opened at the Parameswara College, founded by Sir Ponnampalam Ramanathan. Tamil militant youths decided to boycott the function and organized a black flag demonstration. TUF members and its parliamentarians joined the youths. The campus today is a fully fledged university, renamed the University of Jaffna.

Two years after Chelvanayakam rendered the Kankesanthurai parliamentary seat vacant, the government of Srimavo Bandaranaike ordered a by-election to be held in January 1975. The Communist Party, a part of the government's coalition, nominated V Ponnampalam as the joint candidate.

Chelvanayakam, who contested the by-election, sought from the Tamil people a mandate for separation to create a state for Tamils. He won convincingly, with a thumping majority of 16,000 votes, against the government's candidate. After the announcement of the results, Chelvanayakam declared as follows:

"Throughout the ages, the Sinhalese and the Tamils in this country lived as distinct sovereign people, till they were brought under the foreign domination. We have for the last 25 years, made every effort to secure our political rights on the basis of equality with the Sinhalese in a united Ceylon.

"It is a regrettable fact that the successive Sinhalese governments have used the power, that flows from the

independence, to deny us our fundamental rights and reduce us to the position of a subject people. These, the governments have been able to do, only by using its discriminatory authority against the Tamils.

"I wish to announce to my people and to the country that I consider the verdict at this election as a mandate that the Tamil Eelam nation should exercise the sovereignty already vested in the Tamil people and become free. On behalf of the Tamil United Front, I give you my solemn assurance that, we will carry out this mandate."

The State of Emergency became a permanent feature and the police used it to arrest Tamil youths on any flimsy grounds, to torture them and to exact confessions and subsequently to incarcerate them under the emergency regulations. Police excesses led to the escalation of the militant activities of the Tamil youths, catapulting them prominently into the mainstream of the Tamil political arena, by 1975.

In the South, J R Jayewardene, from 1973 onwards, rode on the crest of popularity, while Srimavo Bandaranaike's popularity began to decline. In March 1974, Jayewardene, in a statement made in parliament, declared that the real government of the country consisted of Prime Minister Bandaranaike, her daughter and son-in-law and hangers-on.

Sunethra, the elder daughter of Srimavo Bandaranaike, was the Coordinating Secretary of the Prime Minister and was given the overall charge of a new food production campaign. Her husband, Kumar Rupasinghe, was made the Working Director of the National Youth Council, through which he sought to wield political influence in imitation of Soviet and Chinese models.

The other daughter, Chandrika, was made a Director of the Land Reform Commission, and she claimed to be a French-style left-wing intellectual. The son Anura was the leader of the SLFP Youth League, and he did not meet eye-to-eye with his brother-in-law, Kumar Rupasinghe. Sinhale, the official journal of the SLFP, was under Anura's control. Therefore, Kumar Rupasinghe published a weekly called Janavegaya in Sinhalese and in Tamil.

Political observers clearly saw that Srimavo Bandaranaike's children were after one another's throats for power and political position. The siblings had successfully managed their feud without any compromise. Later, there were rumors of a "Janavegaya" phobia about which J R Jayewardene warned that Kumar Rupasinghe was planning to capture power with the collaboration of the leftists.

Mr and Mrs Rupasinghe separated and Sunethra Rupasinghe remarried, but again courting a Tamil conflict resolutionist from the East. Dr Kumar Rupasinghe - earlier known as "Janavegaya man," after the fall of the SLFP government in 1977 was a lecturer for some time at Jaffna University. He later left for Oslo, where he directed the program at the International Peace Research Institute, on ethnic conflict and conflict resolution. During his tenure, he was the Coordinator of the Program of Governance and Conflict Resolution, at the United Nations' University. Later, he joined the International Alert of London as secretary general.

On August 9, 1974, the president of Sri Lanka, by virtue of the powers vested in him by Section 77 of the Republican Constitution, established a Delimitation Commission. It consisted of Noel Tittawela, chairman, and Manican Sivanathan and S H M S Farouque as members. E F Dias Abeysinghe, the Commissioner of Elections, was secretary, while S T Herat was the deputy Surveyor General and M A Pyasekera, the deputy Commissioner of Elections, were assistant secretaries.

Farouque resigned from the commission on February 1, 1975, to take up appointment abroad and Muhammed Abdul Hameed Muhammed Hussain was appointed effective from that date in his place.

On August 16, 1974, by advertisement in the newspapers and in the government gazette, members of the public, political parties and associations were invited to make any representations they desired regarding the proposed delimitation. The last date for receiving representation was fixed as October 31, 1974; subsequently this date was extended to December 31.

Earlier each electoral district was demarcate based on the population of 75,000 or of 1,000 square miles area as set down in Subsection 2 of Section 78 of the constitution.

The population unit for the computation of the electoral districts was increased from 75,000 to 90,000. In consequence the number of members in the new assembly would be increased by 17, that is from 151 to 168, whereas on the earlier basis the number would have had to be increased to 195.

By this adjustment, the First Amendment to the 1972 Republican Constitution became law on February 11, 1975.

Thus Part 2 of the Delimitation Commission Report divided the island into 160 electoral districts to return 168 members in the general elections to be held in 1977, against the current 151 members. Also there was a re-demarcation of the electoral districts.

A proclamation was signed on May 20, 1976, by the president containing the names and boundaries of the electoral districts, as decided by the Delimitation Commission and the number of members to be returned by each such district. Accordingly, there were to be 160 electoral districts and out of them six were multi-member constituencies, to return 14 members in all. They were - Colombo Central, 3 members; Beruwala, 2 members; Harispattuwa, 2 members; Nuwera Eliya-Makeliya, 3 members; Batticaloa, 2 members and Pottuvil, 2 members.

In May 1975, Jayewardene, the leader of the opposition, resigned from the National State Assembly. Prime Minister Srimavo Bandaranaike called it a "stunt". Jayewardene responded, "Does the Prime Minister think that the exercise of the right of free and universal suffrage at a by-election, whereby the people are afforded an opportunity of expressing their sovereignty, is a - stunt?"

In a communication to the voters of Colombo South, Jayewardene explained why he had resigned, "In a democratic country, the people are supreme. At a general election the people demonstrate their sovereignty. Then they elect their representatives to the supreme legislature and thus enable the government of their choice to be formed for a prescribed period of office. The people also vote on the basis certain understandings. One such understanding is that their democratic rights and freedom will not be changed. In exercising this sovereign right at the general election of 27 May 1970, what is the mandate that the people gave to the United Front, in so far as it referred to a democratic rights and duration of office of the legislature and of a Government, if it was able to form one? It was clearly for a period of five years. It was also clear that the people expected to select fresh government of their choice, at the expiry of that period; that is in 1975, or earlier.

"What was the understanding of the United Front Government on this same matter? Their understanding was unambiguously declared in the Throne Speech, delivered at so solemn and authoritative an occasion, as the opening of Parliament on 14th of June 1970. The Governor General giving public expression to this solemn commitment, on behalf of the United Front Government, stated, 'it is the intention of my Government to effect the following measures during the five year term of office'.

"I wish to emphasize the phrase 'five year term of office'. There was then a complete understanding between the people and the Government, as to the period of the mandate.

"The five year term of office, mentioned categorically in the Throne Speech, was not an isolated declaration of the understanding, that the United Front Government had of the mandate that it received from the sovereign body of the people. The Prime Minister, herself, in concluding the speech in the debate on the Throne Speech, on 24th June 1970, unequivocally endorsed this, as the understanding of the Government, when she said: 'It is not possible to say that we will fulfill all the promises we had given in six months or one year. I specially like to mention that, during the five year period that we will strive to restore the country from the depths to which it has fallen'.

"There can be no clearer declaration of the understanding of the United Front Government as to the scope of the mandate it received from the people. In effect, the United Front Government assured the people that Parliament would be dissolved in five years, that is in 1975, and that in 1975 the people would be given a fresh opportunity to exercise their sovereign right to elect their representatives. The people elect their representatives not for all the time, certainly not for the periods that members once elected can change at their will and pleasure; but for a specific period known at the time of voting. When the people voted in 1970, the right to vote at a general election in 1975 was a democratic right enjoyed under the old Constitution and known to those who voted. All the candidates sought the voters support on this basis. The leader of the United Front herself, did so.

"The United Front Manifesto promised a new constitution that would remove imperial ties, repeal restrictions on democratic rights; secure fundamental rights and freedom, and in other words, broaden the democratic structure that existed under the old Constitution. The unfettered right of the people to change their Government peacefully through free, impartial and regular elections was also promised in this manifesto. No party or candidate declared otherwise. This right was therefore endorsed by every single voter, who polled, amounting to 4,949,616, out of a total voting strength of 5,525,028. Surely, by regular elections, those who voted understood to mean the five year period mentioned in the Constitution under which they voted. That this was also the understanding of the Prime Minister and the United Front Government, is patently clear from the statements made by the Governor General and the Prime Minister, herself, which I have quoted. This is why I say that, the extension of the life of parliament in these circumstances, is an undemocratic act and has not the sanction of the people.

"When the new Republican Constitution was being discussed in Constituent Assembly, a proposal to extend the life of the National State Assembly was passed, though opposed by the United National Party. Our party accepted the right of the Constituent Assembly to draft a new constitution, and that constitution can be amended by a two-third majority. We say, however, that the extension of the life of the assembly from five to seven years is a breach of faith with the people, who elected members to a parliament for five years. Understandings reached between the people and their elected representatives on so fundamental a matter, as to when they would be again given the opportunity to select a government of their choice, is not an issue for legal quibbling. It is a matter for basic rights and solemn trust.

"After 27th May 1975, Members of Parliament continue to sit in the National State Assembly by virtue of their own laws and not by the peoples vote. A parliament of elected members, that extend the life without the specific sanctions of the people expressed at a general election or through a referendum, except in time of war or grave national emergency - and here, too, only after full consultation with all sections of the Opposition and with their general support - is an illegitimate parliament though it may be legally constituted. No elected government or body of elected members of a legislative assembly has the right to tamper with this sacred right, the birthright of every citizen in a free democratic country. This has been done. I cannot passively acquiesce in such an action.

"As a leader of my party, I wish to emphasize its fundamental concept of democracy; that the people are

sovereign. In no way is sovereignty of the people more openly expressed than by the exercise of the right of free and universal suffrage at general elections and by-elections, especially to the supreme legislature of the country. If the right to vote is in any way restricted or abridged, it is a diminution of the sovereignty of the people and should never be done by the democratically elected representatives of the people without the explicit consent of the people.

"If this is done, whatever technically legal process resorted to, then the sovereignty of the people becomes an empty shibboleth and ceases to have a meaning. Elected members of the legislature can then, if they secure a two-third majority, destroy completely the sovereignty of the people by abolishing the right to vote itself. It is thus that Napoleon assumed supreme power and Adolf Hitler became a dictator.

"By resigning my seat, I will be affording the voters of Colombo South the right to elect a representative in 1975, a right they expected to exercise and wished others exercise in 1975. If not earlier. It will be the redemption of a pledge given to the people by everyone of us, members of parliament in 1970. My resignation will be symbolic of the essential and undisputed sovereignty of the people. I hope the people themselves will reaffirm their sovereignty then. I seek afresh their mandate in accordance with the guarantee that I gave them when they elected me on the 27th May 1970."

Srimavo Bandaranaike and her government simply ignored the challenge posed by Jayewardene. The by-election for the Colombo South seat was held on July 18, 1975. The political parties in the United Front, SLFP, LSSP and CP did not contest the by-election, they simply ignored it. J R Jayewardene was the UNP candidate and he was challenged by eight independent candidates. The Colombo South electorate had 73,037 registered voters and on the election day 50,264 voters polled and Jayewardene obtained 36,919 votes and won by a majority of 25,801 votes.

Out of the total of 13 by-elections held during the seven year period of the United Front Government, the UNP won 10, Ilankai Tamil Arasu Kadchi one and the SLFP managed to win in only two seats.

Earlier, on August 13, 1975, Srimavo Bandaranaike, the leader of the United Front, called upon the LSSP leaders, Dr N M Perera and Dr Colvin R de Silva, for an explanation regarding certain statements reported to have been made by them at a "hartal" commemoration meeting held that week at the New Town Hall, Colombo.

It was reported that Dr N M Perera, the leader of the LSSP and the Minister of Finance, had stated at the "hartal" commemoration meeting that, the LSSP would quit the Government if foreign-owned company estates were not nationalized in a proper manner. He added that, the LSSP accepted portfolios in the United Front Government not for personal glory, but for the furtherance of the socialist policies and development of the country. If anybody tried to thwart the attempts to march towards socialism, the LSSP would leave the United Front Government.

Dr Perera emphasized that he did not want to safeguard individual interests. He said that some people wanted nationalization to perpetuate their names. He also said that certain leaders thought that nationalization was a means to give employment to their kith and kin, and also a way to give slices to their favorites.

Dr Perera replied to Srimavo Bandaranaike, stating that it would appear from "your letter that my reference to the late Mr S W R D Bandaranaike has hurt you, I am sorry that anything I have said should hurt you." Dr Perea declared that he did not indulge in "vituperative politics". "I did assure you that my party and I will cooperate in helping the rule of refraining from public attacks, to be observed, thus helping actively to preserve the unity of the parties, who have already achieved so much through the United Front."

On August 28, 1975, the prime minister called on William Gopallawa, the president, and appraised him of the prevailing crisis within the United Front government.

The Sri Lanka Freedom Party appeared to be determined to get rid of their socialist allies. They felt that it was the opportune time to break away with them. In the meantime, the LSSP decided that if the Government threw them out of office, they should not resign their portfolios. They preferred to be expelled rather than resign.

It was reported that the prime minister in the meantime had requested the LSSP ministers to resign, but they declined. Finally, on the recommendations of the prime minister, the president, under Section 96 (a) of the constitution on September 2, 1975, removed Dr N M Perea, Minister of Finance, Dr Colvin R de Silva, Minister of Plantation Industry and the Minister of Constitutional Affairs and Leslie Gunawardene (General Secretary of the LSSP) the Minister of Transport, from office.

After being dismissed, LSSP launched its first attack, on December 23, 1975, in the form of a no confidence motion against Srimavo Bandaranaike and her government. The one-day debate was confined for the first time against the prime minister, on issues relating to her conduct, specifically to her personal transactions that had financial implications. Srimavo Bandaranaike and her three children were accused of acting in contravention of the Land Reform Law of 1972 in regard to a dozen or so land transactions. The gist of Dr Colvin R de Silva's speech from the floor of the House is given below:

"Dr De Silva emphasized two points in particular about the transactions which were the subject of debate before the House: the speed with which they had been effected; and the benefits, immediate and potential, for the Prime Minister from them. As regards the first, he pointed out that documents relating to these transactions were executed between 18 August 1972 (on the day on which the Land Reform Law was passed by the National State Assembly) and 25 August (the day before the Law was certified). Permission to execute the deeds had been obtained from the Ministry of Plantation Industries in one day, the day on which the deeds were finalized. In at least two transactions, and these were the biggest, the buyer was not ready with the cash payment at the time of the sale.

"Secondly, the financial advantages to the Prime Minister. As the principal vendor she was able to choose the buyers and the beneficiaries, whereas in the normal course of things, the choice would have been the Land Reform Commission, the vendors were able to get ready cash at a price determined by her, whereas the Land Reform Commission would have only given them bonds, which would mature in 25 years. There was also a potential advantage to the Prime Minister. Although the mode of computation of the compensation is set out in the Land Reform Law, provision has also been made for the Land Reform Commission to make its own valuation for the purpose of compensation. Should the Land Reform Commission compute the compensation due to the Prime Minister, for the land actually taken over from her under the Land Reform Law, on the basis of the prices paid by the buyers in the two big transactions, which were the subject of debate, the compensation payable would be increased enormously. Dr de Silva's contention was that the prices paid by the buyers in these two transactions were remarkably high for the locality in which the lands are situated.

"Dr de Silva asserted that the Prime Minister of the country was expected to be above suspicion and beyond the reach of suspicion. In the matters under discussion, the Prime Minister had acted in a manner, that allowed the suspicion to arise and that a trust had been abused and confidence betrayed. Indeed the Prime Ministers course of conduct in the transactions, the House was examining from the point of view of the standard that should prevail in public life." Parliament, Vol 57 (3), July 1976, page 198.

Hector Kobbekaduwa, the Minister of Agriculture and Lands, defended the prime minister. He reminded the House that over 2,000 acres of land belonging to Srimavo Bandaranaike and her children had been vested in



the Land Reform Commission. The Parliamentarian, page 199, gives the gist of the prime minister's speech and Dr Colvin R de Silva's winding-up speech.

"The Prime Minister Mrs Bandaranaike described the motion before the House as one moved by a section of the opposition. The allegations made against her, with regard to these land transactions, had been very effectively refuted by the Minister of Agriculture and Lands. While endorsing everything he had said with regard to these, she wished the house to take note of the fact that she and her family voluntarily handed over 2,000 acres of land to the state. In these circumstances, no unprejudiced person was likely to believe that, she would try to profit illegally from the sale of a mere 82 acres of land, in contravention of the law of the land.

"She and her late husband had made tremendous personal sacrifices in their political careers. They had used their personal wealth to finance the political activities of the SLFP, and for the benefit of the country. Her husband has sacrificed his life for his political ideals. This motion of no confidence, Mrs Bandaranaike asserted, was an unprincipled essay in character assassination, and a calculated attempt to tarnish her political reputation.

"Winding up for the opposition, Dr Colvin R de Silva, dismissed the speeches of the main government spokesmen as emotional exercise which did not meet any of the arguments, or refute the facts, used by the opposition in building its case in the debate. The Prime Minister's own speech, he said was a great disappointment. It was a matter for surprise that she should have dwelt on such a great length on the personal sacrifices she and her husband had made in their political careers. He was especially surprised by her reference to handing over 2,000 acres of land, voluntarily, to the state. No landowner who lost land as a result of the Land Reform Law could make such a claim, for their land was taken over by an act of deliberate state policy and there was nothing voluntary about it."

The no-confidence motion by the LSSP and the opposition against the government was defeated when MPs voted, 43 in favor and 100 against the motion. Though the motion was defeated, the prime minister's reputation was seriously damaged.

The no-confidence motion subsequently had serious implication on the political career of Srimavo Bandaranaike. "This vote of no confidence was to have ominous long-term implications for Mrs Bandaranaike for the case made against her on this occasion by Dr Colvin R de Silva, with all the forensic skills of the great criminal lawyer that he was, formed a significant part of the charges leveled against her in 1979-80 by the UNP government under J R Jayewardene. It eventually led to her expulsion from parliament when a Commission of Inquiry found her guilty of some of those charges." *J R Jayewardene of Sri Lanka - A Political Biography: Volume Two: From 1956 to His Retirement (1989)* by K M de Silva and Howard Wriggins, page 303.

A few weeks later, on February 19, 1976, a second no-confidence motion was taken up for debate in the House, against Felix Dias Bandaranaike, the Minister of Finance and Minister of Justice. The motion stood in the name of all the opposition group and was moved by J R Jayewardene, the Leader of the Opposition.

The opposition leveled three charges against Felix Dias Bandaranaike. They were as follows:

- The fabrication of evidence against J R Jayewardene and the abuse of ministerial authority for political ends as Minister of Justice.
- The appointment of his brother-in-law as Secretary to the Treasury and in a position to give officials directions to the Gem Corporation with which he and the minister's wife and sister were registered as traders

in gems and misuse of confidential and secret information on cabinet decisions for the benefit and financial advantage of these persons.

- Deliberate misleading of the National State Assembly by the minister in answers to questions relating to these issues when they were raised in the House on previous issues.

J R Jayewardene opened up the debate, followed by Dr N M Perera. In the vote of no confidence, along with the UNP, the LSSP and the ITAK, independent opposition MPs joined in.

The debate ended at midnight on February 19, amid controversy over the right of the opposition to reply. The vote was not taken. This left the opposition and the UNP furious that a mere technicality had deprived them of the opportunity to record their vote.

"Much of the animosity against Felix Dias in the ranks of the UNP arose from his systematic efforts to use the machinery of the state, as Minister of Justice and Parliamentary Secretary to the Minister of Defence and External Affairs, against individual MPs and party candidates, whenever the opportunity arose, no less than against the party leadership. There were, next, his efforts secure yet another postponement of the general elections originally schedule for 1975. He was associated in the first such attempts in July-August 1976; there was to be a second attempt, this time with Mrs. Bandaranaike taking the initiative, in early 1977. Both attempts failed, but it left bitterness in the ranks of the UNP. They concentrated their anger on him as much as on Mrs Bandaranaike, because he was seen to be the brain behind these attempts." *J R Jayewardene of Sri Lanka - A Political Biography: Volume Two: From 1956 to His Retirement (1989)* K M de Silva and Howard Wriggins, page 307.

While the Government and the Opposition were engaged in a pitched battle in the South, important political developments took place in the North. The Tamil United Front held its annual convention on May 14, 1976, at Pannakam, Vaddukoddai. It was at this conference that the name of the Tamil United Front was changed to Thamilar Iykkiya Viduthalaik Kooddanai - the Tamil United Liberation Front (TULF). The conference unanimously adopted the historic Vaddukoddi Resolution, which called for a separate state.

"We have abandoned the demand of a federal constitution. Our movement will be non-violent ... we know that the Sinhalese people will one day grant our demand and that we will be able to establish a state, separate from the rest of the Island ..." *S J V Chelvanayakam and the Crisis of Sri Lankan Tamil Nationalism, 1947-1977* A Jeyratnam Wilson, pages 128-129.

The resolution was moved by S J V Chelvanayakam and seconded by M Sivasithamparam, of the All Ceylon Tamil Congress.

"The first national conventions of the Tamil Liberation Front meeting at Pannakam in the Vaddukoddai parliamentary constituency, on the 14th day of May 1976, do hereby declare that the Tamils of Ceylon, by virtue of their great language, their religions, their separate culture and heritage, their history of independence, existence as a separate state over a distinct territory for several centuries till they were conquered by the armed might of the European invaders and above all by their will to exist as a separate entity ruling themselves in their own territory, are a nation distinct apart from the Sinhalese and their constitution announces to the world that the Republican Constitution of 1972, has made the Tamils a slave nation ruled by the new colonial master, the Sinhalese, who are using the power they have wrongfully usurped to deprive the Tamil nation of its territory, language, citizenship, economic life, opportunities of employment and education and thereby destroying all the attributes of nationhood of the Tamil people.

"And therefore, while taking note of the reservations in relations to its commitment to the setting up of a

separate state of Tamil Eelam expressed by the Ceylon Workers' Congress as a trade union of plantation workers, the majority of whom live and work outside the Northern and Eastern areas.

"This convention resolves that the restoration and reconstitution of the free, sovereign, secular, socialist state of Tamil Eelam based on the right of self-determination inherent in every nation. This has become inevitable in order to safeguard the very existence of the Tamil nation in this country."

Chelvanayakam stood unflinchingly for the creation of a separate Tamil state. He made an important statement in the National State Assembly a few months before his death, as follows:

"Speaking 19 November 1976, at the second reading debate of the Annual Appropriation Bill for 1977, he acknowledged to his listeners how his federal movement had failed to achieve the objective of obtaining the 'lost rights of the Tamil-speaking people'. 'Our ancient people were wise', he said, and seemed to fault himself by stressing that they 'had their own kingdom', as if to say that his own FP should at the very start have confronted the proposition of a separate state. He reminded his audience of parliamentarians that the Irish had won 'their freedom ... but after centuries of struggle' against the British (he had also often told the Tamil public how a divided Poland had become unified on two different occasions). There was finality and a finiteness in his conclusion."

Meanwhile, on May 21, 1976, A Amirthalingham, the Secretary General of the Tamils United Liberation Front, along with V N Navaratnam (MP for Chavakachcheri) K P Ratnam, (MP for Kayts) K Thurairatnam, (MP for Point-Pedro) and M Sivasithamparam (ex-MP for Udupiddy and the General Secretary of the All Ceylon Tamil Congress) were arrested for possessing and distributing seditious literature, namely the text of the Vaddukoddai resolution of May 14, 1976, calling for the creation of a separate state for the Tamils. Sivasithamparam was released on the following day and the others were flown to Colombo, taken to the Police Criminal Investigation Department located at Paget Road and kept incommunicado for the next 10 days.

The government, with the intention of indicting the four Tamil leaders in the High Court of Colombo, gazetted an amendment to the Emergency Regulation No 59, authorizing the Chief Justice to nominate three High Court judges to constitute a Trial-at-Bar to hear the case, instead of a trial by jury.

Attorney General Siva Pasupathy filed charges under the Emergency (Prevention of Subversion) Regulations. Accordingly, they were charged with the distribution of seditious literature. The accused were brought on June 18 before the High Court judges, J F A Soza, Ananda G de Silva and Siva Selliah. Nearly 61 lawyers led by Queen's Counsel G G Ponnampalam appeared for the accused.

Senior Counsel G G Ponnampalam informed the court that the accused would take up the position that the court had no jurisdiction to try them. He further said that they were prepared to accept the indictment out of courtesy to the court. Subsequently, the court clerk read the charges and served the indictment on the four accused. The clerk then asked Amirthalingham, the first accused, whether he would plead guilty or not guilty. Ponnampalam then told the court that, in view of certain submissions to be made, the accused was not prepared to plead the indictment. The attorney general in his submission said that the accused had to either plead guilty or innocent, or else they must say that they were not pleading.

Meanwhile, Ponnampalam told the court that the accused need not do so as he would be challenging the very emergency regulations under which the court was constituted, as well as the validity of the constitution of Sri Lanka. He then moved to the court that A Amirthalingham be permitted to say why he was not pleading the indictment, and the court allowed it.

Amirthalingham, in his own right a very popular lawyer, said, "This court is constituted under a constitution which is not valid. I am not pleading guilty or not guilty to the charges."

With the consent of the attorney general, the four accused were given bail and the trial was fixed for July 12.

On the day, Ponnampalam raised two preliminary objections - (1) The validity of the emergency regulations under which the court was constituted and charge filed; (2) The validity of the 1972 constitution.

Ponnampalam submitted that the emergency was declared on May 15, 1972 by the governor general, who was empowered to do so, seven days before the Republican Constitution was promulgated. Under the Soulbury Constitution, only the governor general could decide whether a state emergency existed or not.

The counsel told the court that the situation had changed under the 1972 constitution, and it was the prime minister who had to decide on the existence of a state of emergency, and then it was the prime minister who would advise the president to proclaim the state of emergency.

Since the emergency proclamation had been made under the earlier constitution by the Governor General, without seeking the advice of the prime minister, therefore, a fresh proclamation should have been made after the promulgation of the Republican Constitution. Since that had not been made, there was no valid proclamation of a state of emergency. Therefore, all regulations made under the emergency were ineffective and had no power of law. He declared that therefore the court hearing the case was not properly constituted as there was no valid emergency in existence. He added that all indictments filed under the emergency regulations were also illegal.

The second objection was argued by the Queen's Counsel, M Tiruchelvam. He said that the Soulbury Constitution only provided for amendments and not the complete repeal and replacement of the constitution. Accordingly, he argued that the 1972 constitution was not valid. Further, Tiruchelvam pointed out that the so-called mandate, as claimed by the United Front government, was doubtful in nature because the changing of the constitution had not been made a major election campaign issue by the United Front in the 1970 general elections. Tiruchelvam said that even though conceding for argument's sake that the United Front obtained the necessary mandate from the Sinhalese people, it had not obtained either the mandate or the consent from Tamils, who constituted a separate nationality. The Tamil people overwhelmingly voted for the Ilankai Tamil Arasu Kadchi. Therefore, he declared that the 1972 constitution was illegal.

The court delivered a 67-page judgment on September 19, 1976. The judgment was read by the presiding judge, Soza. The court upheld the first objection and ruled that as the state of emergency was not properly declared, the regulations enacted under it had no validity in law. Hence, it ruled that the court created to hear the indictment against the four accused was not properly constituted. It discharged the four. On the second objection, the court ruled that it had no jurisdiction to decide on the constitutionality of the Republican Constitution.

The judgment created a furor, and the government was disturbed. A top-level conference was held to consider the implications of it. Finally, it was decided that the attorney general should file an appeal in the Supreme Court.

Siva Pasupathy, the attorney general, did so on September 15. He filed two applications, one asking the court to set aside the order of the High Court and the second requesting the Supreme Court to direct the High Court to proceed with the trial.

The appeal was heard by a Supreme Court bench of five judges, headed by the Chief Justice Victor

Tennekoon, along with Justices G T Samerawickreme, V T Thamotheram, Noel Tittawella and W D Gunasekera.

The attorney general told the court of the far-reaching implications that would follow once the state of emergency was declared invalid. He explained to the court that there had been cases where persons had already been convicted under the existing emergency regulations. There were also cases pending trial and judgment. He also brought the notice of the judges to the fact that a murder trial was pending where the defense had asked for a postponement until the Supreme Court decided on the validity of the emergency.

In its judgment, the Supreme Court held that the emergency regulations were valid and had been promulgated validly. It also directed the High Court-at-Bar to proceed with the trial.

The attorney general informed the Court that he had decided not to proceed with the indictment against the four. He would convey the appropriate communication to the High Court when it reassembled. The High Court reassembled on February 10, 1977, and it discharged Amirthalingham and three other Tamil leaders of the Tamil United Liberation Front.

Incidentally, on May 16, 1975, the first cricket team of Sri Lanka went to London to play in the World Cup. In London, a group of Sri Lankan Tamils living in England invaded the pitch while Sri Lanka was playing, waving placards calling for Sri Lanka's boycott. This led to a clash between Tamils and Sinhalese spectators. This was the first incident to internationalize the Sri Lankan ethnic conflict.

Meanwhile, on March 5, 1976, Tamil militants robbed the state-run People's bank branch at Puttur, in the Jaffna District, and escaped with cash and jewelry worth a million rupees.

Later, after nearly two months, a new group which called itself the Eelam Liberation Organization (ELO) followed up with another bank robbery, this time the group robbed the Rural bank of the Puloly Multi-purpose Cooperative Society, in Puloly. The writer of this series was the president of the Puloly Multi-Purpose Cooperative Society, which was one of the large primary cooperative societies in the island.

As president, the writer took the robbery as a challenge and got everyone arrested, including the leader of the gang, Varatharaja Perumal, who later joined the Eelam People's Revolutionary Left Front (EPRLF) and became the Chief Minister of the Northeast Provincial Council. Velupillai Balakumar, the Rural bank manager was also arrested and charged with connivance and discontinued from service. He later became the leader of the Eelam Revolutionary Organization (EROS) in Sri Lanka, which was formed in England in January 1975. This was the only bank robbery that was ever solved, where all those involved were arrested and the looted money and jewelry recovered, and the ELO was subsequently virtually decimated.

Confronted with a political vacuum and caught up in a revolutionary situation, Tamil militant youths sought desperately to create a revolutionary political organization to launch a national liberation campaign. In 1972, Velupillai Prabhakaran and a few other youths organized the Tamil New Tigers (TNT), and later, on May 5, 1976, the organization renamed itself the Liberation Tigers of Tamil Eelam (LTTE), with Prabhakaran as commander.

By this time, Tamil youths had begun to organize revolutionary movements in Jaffna peninsula, and noteworthy ones that were organized in 1975 were the Tamil Eelam Liberation Organization (TELO), and the Eelam Revolutionary Organization for the Students (EROS).

In February 1977 a senior Tamil statesman, G G Ponnampalam, aged 77, passed away, and was followed by M Tiruchelvam, 69. They were followed by S J V Chelvanayakam, aged 79.

Due to Parkinson's disease, Chelvanayakam used to fall down while trying to walk. In the last fall, a heavy one, he lay unconscious and all efforts to revive him failed. He died on March 27, 1977.

Meanwhile, in the national arena, the stage was being set for the dissolution of the National State Assembly. As precursor, in October 1976, Ronnie De Mel, the MP for Devinuwara, quit the SLFP, so did Bonnie Jaysuriya, the MP for Avissawela. Later, Nanda Ellawala, MP for Ratnapura, P G Ariyatilake, MP for Maskeliya, Tennyson Edirisuriya, MP for Tissamaharama and A M Jinadasa, MP for Kekirawa, resigned from the SLFP.

In February 1977, the Communist Party left the SLFP coalition when Peter Keuneman, the Minister of Housing and Construction (Colombo Central), Dr S A Wickremasinghe (Akuressa) B Y Tudawe, the Deputy Minister of Education (Matara), M G Mendis (Ratgama), Sarath Muttetuwas (Kalawana) and Alien Nanyakkara (Kambuurupitiya) resigned from the government. On March 1, 1977, T B Subasinghe, the Minister of Industries and Scientific Affairs, also resigned.

The unpopularity of the government of Srimavo Bandaranaike was now being felt throughout the country and the cry for the dissolution of parliament became louder, but the premier seemed determined to hold on to power. Accordingly, on February 10, 1977, she prorogued parliament until 3pm on May 19, 1977.

In the meantime, J R Jayewardene, the Leader of the Opposition, threatened that if the government continued in power after May 22, 1977, then "I will be prepared to lead the people to overthrow that illegal government".

Suddenly, on May 16, 1977, the president, William Gopallwa, on the advice of the prime minister, issued a proclamation dissolving parliament with effect from midnight that day. The nomination day was fixed for June 6 and general elections for July 21, 1977. The new parliament was to be convened on August 26, 1977.

By now, the Tamil United Liberation Front, a registered political party, asked for a clear mandate from Tamils to wage a national struggle for secession and for the establishment of separate state for Tamils. The general election of July 1977 turned out to be a testing ground for the secessionist policy of the Tamil United Liberation Front. In their manifesto they explicitly stated as follows:

"Hence, the Tamil United Liberation Fronts seeks in the general election the mandate of the Tamil nation to establish an independent sovereign, secular, socialist state of Tamil Eelam that includes all the geographically continuous areas that have been the traditional homelands of the Tamil speaking people in this country.

"The Tamil nation must take the decision to establish its sovereignty in its homeland on the basis of its right to self-determination. The only way to announce this decision to the Sinhalese Government and to the world is to vote for the Tamil United Liberation Front.

"The Tamil-speaking representatives who get elected through these votes, while being members of the National State Assembly of Ceylon, will also form themselves into the National Assembly of Tamil Eelam which will draft a constitution for the State of Tamil Eelam and to establish the independence of the Tamil Eelam by bringing that the constitution into operation either by peaceful means or by direct action or struggle."

### **Annex: Inquest No 3427 - Verdict**

The International Association of Tamil Research held its Conference in Sri Lanka, at the Jaffna Town, commencing on 3-1-74. It concluded on 9-1-74. Professor Vithiananthan, of the Ceylon University, was its President. Dr K Mahadeva and Mr V S Thurairajah were the Joint Secretaries. Dr Mahadeva was the General Secretary of the Conference. The academic sessions concluded on 9-1-74. At these sessions, a large number of foreign scholars participated. The affairs of the conference were managed at the Secretariat in No 229, Main Street, Jaffna. On 29-12-73 Dr.Mahadeva had discussed the full program with the Honorable Prime Minister and an assurance was given to her by Dr. Mahadeva, that there would be no political speeches at the Meeting.

On 10-1-74, it was decided by the Organizers, to have a Public Meeting to distribute awards, to those who had participated in the Cultural Program. This meeting was to have been held at the Municipal Open Air Theatre, but according to witness, Dr Mahadeva, it was held at the Veerasingham Hall, because there were rains and the Theatre was soggy and not suitable.

At 10:30 a.m. on 10-1-74, Asst Supdt. of Police, Mr Chandrasekara attached to the Jaffna SP's division, had telephoned the Joint Secretary, Mr V S Thurairajah and reminded him that the permission to hold the Conference expired on the 9th and advised him to obtain approval for the 10th Meeting. Mr Thurairajah had requested Dr Mahadeva to attend to this matter, as he was not well. Dr Mahadeva called on the Asst Supdt of Police, had asked for a List Speakers. He was then referred to Mr J A D Ariyasinghe, the Superintendent of Police, Jaffna. The Supdt. of Police had requested him to make a written application giving the Program and a List of Speakers. This was sent to the Supdt of Police through witness Sentoor Selvan by Dr Mahadeva. He had taken him to the S P's Bungalow, at 2:00 p.m. The Supdt of Police had given a verbal consent to the Meeting.

The Permit No 54 was removed from A S P Chandrasekara's Office, according to him, by a messenger from the Organizers. Mr V S Thuriarajah denied that a written permit was given at any stage of the Conference. If that was the actual position, it only shows the, vast amount of mutual confidence that, the Police and the Organizers had in each other. However, I cannot imagine permission being given by the Police, without the conditions being on record. Since it was not conclusively shown that, the permit had, in fact, reached either Dr Mahadeva or Mr Thurairajah, I ruled that the copy of it cannot be tendered evidence. Nevertheless, witnesses Mr Chandrasekara, Mr Ariyasinghe, Dr Mahadeva and the Headquarters Inspector are agreed that, the understanding was that the Meeting would be held at the Veerasingham Hall and that a person called Janarathanan would not be allowed to speak. Of course, there was the overall understanding that there would be no Political Speeches.

It may be observed at this stage that, Mr Janarathanan was a foreigner and was considered a "Security risk" to Sri Lanka. I did not have the benefit of an elaboration of this term, although I asked the Police witnesses about it. He was wanted by the Criminal Investigation Department for questioning and according to Superintendent of police Mr Ariyasinghe, a Notice was served on him on the evening of 10-1-74 at the venue of the meeting itself, by the Headquarters Inspector Mr Nanayakara requesting him to present himself before ASP, CID. Immigration & Emigration, for questioning. Dr Mahadeva states that Janarathanan was not a delegate to the Conference. He was neither an observer nor an invitee. He was, of course, present on the meeting on 10-1-74. That his presence was a matter of grave concern to the police is very clear in that it was a repeated request by the Officers to the Organizers that he should not be allowed to address the meeting on 10-1-74. A S P Chandrasekara went so far as to stay (sic) that, it was requested that he should not be allowed to come near the platform.

The Meeting of 10-1-74 commenced duly at about 6:30 pm, at the Veerasingham Hall. It was presided over by the Secretary Mr V S Thurairajah. Witnesses Dr Mahadeva was the first speaker. He had thanked everybody and had thanked the Police Officers for their excellent cooperation during the time to the

conference. At the very commencement of the meeting a section of the crowd at the rear of the Hall had started disturbing the proceedings by demanding that the meeting should be held outside. The confusion was such that Prof Vithianathan had expressed a regret to Dr Mahadeva that, he had not presided and that there could have been better control of the crowd, if he had done so. Dr Mahadeva had tried to use "Mass psychology" to control the disturbing elements, whose clamoring had become more insistent. Messages were received from outside that, the crowd were restive. Dr Mahadeva said that it was feared that the crowd outside would break in and the meeting would be disrupted. The crowd had started battering the Hall doors more frequently. Mr Thurairajah too states that at about 8:00 pm, "Halfway through the proceedings we found it difficult to proceed with the meeting as the crowd was demanding that they should see and hear the delegates."

It was in this state of affairs, described as "Chaotic" by witness Inspector Nayankara who was present at that time outside the Hall, that the organizers decided to shift the venue to the outer compound of the Hall. The outer compound faces the entrance to the Hall. It is separated by a railing fence from the road. It is a grass reservation with metal focus lamp post standing in the grass portion. The portion between the railings and the entrance could seat about hundred persons or with difficulty hundred and fifty persons on the grass. For the duration of the Conference a decorated iPandoli described in Tamil as a "Sikaram" was erected outside. This was intended to decorate the entrance. It was also illuminated by electric bulbs. This pandol further restricted the space available for people to congregate between the entrance of this building and the railing fence.

According to Mr Thurairajah, who incidentally was the architect who designed the Veerasingham Hall, the Hall could accommodate a thousand persons and a further two hundred and fifty could be seated. There was loud agitation outside to have the meeting outside the Hall and the "Outside arrangements were made very hastily". The platform was a makeshift one with only two tables Mr Rajarajeswaran, Attorney-at-Law in his evidence states that Prof Vithianathan had expressed a fear that there would be a sabotage at this stage and as a precaution microphone wires were brought overhead.

When the Organizers came out of the Hall having abandoned the meeting inside the Hall, Inspector Nanyakara had met the President and asked him what he was intending to do. Prof Vithianathan is stated to have replied, "What can I do?" Although Professor Vithianathan in his evidence has omitted to say this, it rather reflects eloquently the helpless state in which the Organizers found themselves at that time. Mr Nanayakara further states that he apprised him of the conditions of the loudspeaker permit and brought it to his notice that it was illegal and a violation of the permit. He had posed this problem to Mr Thurairajah the Secretary, who was there but the latter had not commented on it. Witness Thuraiappah Sarveswaran, a sound operator of Rolex Electricals states that he got orders at about 7:30 pm to institute the loud-speaker system outside from Dr Vithianathan and he installed five (5) loud-speakers outside. There were loudspeakers on either side and on the Pandol.

The situation that presents itself after the meeting inside the Hall was abandoned by popular demand, was the appearance of the very controversial person called Janarthan. He was seen inside the Hall at the closing stage of the meeting by Dr Mahadeva. He was very near the platform. Then he was almost carried outside by other persons and was going with the organizers towards the venue of New Meeting. At this stage, Mr Nanayakara, had served a Notice on Janarthan as directed by the Superintendent of Police. Some youths had hoisted Janarthan on the table. This was followed by thunderous applause and the crowd started converging towards the new platform. Inspector Nanayakara states that at this stage it appeared as if the organizers had lost control of the meeting.

Dr Mahadeva saw Janarthan for the first time when Professor Vithianathan had announced that the meeting would take place outside the Hall. He was near the stage with a crowd of admirers around him. The resumed meeting outside started at 8:00 pm according to Dr Mahadeva. Dr Mahadeva states that he suddenly saw



Janarthanan at this stage, on the platform and a group of about 20 admirers shouting slogans in his praise. Dr Mahadeva realized that this would invite the intervention of the police, therefore, he requested Janarthanan to get down. Janarthanan's reply to this request is significant. He is stated to have said "If you ask me to get down your trouble will be more". Dr Mahadeva reminded Prof Vithianathan of his undertaking given to police. Prof Vithianathan had asked Janarthanan to get down, but he did not get down. Mr Thurairajah too made an unsuccessful attempt to dislodge him. Mr Amirthalingam (of the TUF) who was requested to use his influence to get him down had replied evasively, "we will wait and see". Dr Mahadeva states that he and Mr Thurairajah decided to bring the matter to the notice of the police and settle the matter with the A S P Chadrsekara amicably, to enable the meeting to go on. Mr Thurairajah, when he was recalled in answer to Court said that he did not share Mr Mahadeva's apprehension that Janarthanan would speak. Dr Mahadeva states that his fears were accentuated because Janarthanan was standing on the stage and talking in whispers to his supporters.

Advocate Rajarajeswaran states that Janarthanan was there and he exchanged garlands with advocate Amirthalingam, when the platform was got ready. The crowd was applauding him. Advocate Amirthalingam did not mention this matter in his evidence at the inquest. In fact, even Dr Vithianathan did not mention anything about this tense situation that was developing. It may be that Dr Vithianathan and Mr Thurairajah had thought that they could effectively handle it. But the fear had rooted itself firmly in Dr Mahadeva's mind so much that he decided to avoid misunderstanding with the police. He left the meeting and tried to telephone Mr A S P Chandrasekara.

He did so by jumping over the wall of the Veerasingham Hall and using the telephone at the Regal Theatre, adjoining the Hall. He did not contact the ASP. He was told that he had gone to the Hall. Then he returned to the stage and found that Janarthanan was seated close to it. The meeting was proceeding and Professor Naina Mohomod was speaking on the platform. After about 10 minutes from the commencement of the speech police arrived at the spot. Their arrival was noticed by the witnesses who were near the stage. Their attention was attracted by the noise of the loud hailer used by the police. They were first seen between 50 and 75 yards of the platform. The people who were seated were standing up and the crowd was disturbed.

No member of the public, who could depose to the matters immediately preceding police intervention gave evidence at the inquest. All the witnesses who gave evidence were at the crucial moment more or less near the platform which was about 75 yards from the place where the police entered the venue of the meeting. Most of them are agreed that they heard the police loud-hailers. A S P Chandrasekara was at the head of the police party. Inspector Nanayakara was also there. The party was led by Mr Chandrasekara in a jeep fitted with a loud hailer. He was accompanied in the jeep by Inspector Nanayakara. They were followed by a heavy truck in which the members of the riot squad went. A group of constables were marching behind the heavy truck. They were carrying batons.

Mr A S P Chandrasekara's evidence on this aspect is that Inspector Mr Nanayakara informed him at about 8:30 pm that the crowd at the meeting was blocking the road and that a person of the security interest was on the platform at the meeting. He therefore, wanted to go to the venue and get the organizers to ensure that order was maintained. He said that he could not go nearer as the entire area was crowded. He went to the Station and came with a police party. He was already informed when he went on the first occasion that a police constable was pelted with stone. When he went the second time he availed of the loud-hailer to clear the road. But strangely he was greeted with stones and bottles. This hail caused damage to property and persons. He had issued a warning to those engaged in stoning to stop doing so. He then ordered the gas party to use tear gas. The crowd which began to scramble away also turned hostile to the police more stones and bottles were being thrown. He had ordered more tear gas to be used.

After the crowd had dispersed he took count of his men and found that two of them were seriously injured.

They were sent to the hospital. He thereafter, proceeded to take further steps to prevent mob violence in the town area. He said that a bus was burnt that night and other government buildings were affected. He was later informed that seven persons had also died.

His version is supported by the evidence of Inspector Nanayakara. Mr Nanayakara the Headquarters Inspector at Jaffna states that he was in civil clothes at the meeting on 10-1-74 at Veerasingam Hall. When the announcement was made that the meeting was to be held outside he realized that the conditions regarding the holding of the meeting were being violated. He had also thought there would be a serious breach of the peace because Janarthanan had come to the platform. He promptly went and reported the situation to Mr A S P Chandrasekara. They had gone to the venue and found that meeting the organizers was difficult in the circumstances. They were afraid of some hostility to the police they had then gone back to the police station and returned with the reinforcement to clear the road and stop the meeting. After the melee he had seen two constables lying injured on the road and dispatched them to the hospital. He too had joined the mobile patrol and was trying to prevent acts of violence in the town. He was concerned about attacks on individual policemen.

Police constable T K Ossen of Jaffna Police, who bore the number 11125 stated that he was one of the 40 persons who marched behind the heavy truck. He like the other marchers carried the baton. They were instructed to clear the road. He had heard the appeal from the loud hailer requesting the people to clear the road. Soon after bottles and stones fell on them. One stone struck him and he had got dragged into the crowd. He said that he was deprived of his tunic and slouch hat and robbed of his Camy wrist watch. He had been in the General Hospital, Colombo for 24 days. His torn and blood stained tunic was produced at the inquiry.

Sergeant Walter Perera, of Jaffna Traffic Police, stated that he had come on his mobile rounds on the Post Office side of the Veerasingam Hall and found that there was obstruction on the road, by the people. He had turned back and reported the matter to his superiors at the police station. He had later come with the police party. He deposed to the fact that the police jeep was attacked and damaged.

Professor Vithiananthan, Mr Thurairajah, Dr Mahadeva, Mr Amirthalingam, Mr Navarathnam, Mr Thillainathan and Mr Sakthivel have spoken to the happenings outside the Hall, after the police intervened. Tear gas shells had dropped in front of the stage and all over the place where the meeting was held. The crowd had reacted in confusion. The people had stamped. Many had lost their belongings; some including ladies and children had even lost their wearing apparel.

Mr Adv Rajarajeswaran gave his evidence in detail. He said that the police officers were among the crowd and threatened and chased them in all directions. Their confusion was so great and the inconvenience to the public was of such magnitude that he had telephoned the President of Sri Lanka and requested him to look into the matter immediately. He had also remained at the spot till very early hours helping people out of their travail.

Prof Vithiananthan said he was the victim of the gas attack. A tear gas fell on the platform and he fell unconscious. Mr Amirthalingam produced a teargas canister which he stated he had picked up near the platform Mr V N Navarathnam stated that he has seen the police attack and he too was blinded by teargas. He produced a piece of police baton recovered at the spot. During the confusion that ensued after the police intervention seven persons lost their lives. They were found lying near the railing fence opposite the Veerasingam Hall.

They were picked up and taken to the Jaffna Hospital where Admitting Officer Dr S Senthilkumar said that all seven persons were dead on arrival.

The seven persons were Veluppillai Kesavarajah; Vaithiyanathan Yoganathan; Sinnathamby Nanthakumar; Sinnathurai Ponnuthurai; Sithambary Arumgam; Rajadurai Sivanathan and Paramsothy Sarvanapavan.

Dr S Subramanian, JMO Jaffna held post mortem on the bodies of the deceased persons. His reports were produced in Court marked P4 to P10. He was of the opinion that all seven persons were electrocuted to death. He ruled out the possibility of their being gassed to death. The doctor was questioned on the matter to eliminate the possibility of some or all of them dying as a result of excessive inhalation of teargas. External injuries on the body showed a combination of abrasive and electric burnt marks on the skin.

Evidence in regard to the location of the body of the dead persons at the place where they died is scanty. Mr Thurarajah states that he saw some persons lying fallen. Witness Kailavasan the Veerakesari photographer, who produced photographs taken at the spot at the time marked P13 to P15, said persons lay fallen near the railings and he took photographs of the persons who were there lying down. The evidence of witness Thillainathan shows that one of the deceased Sinnathamby Nathakumar was lying near the railings. He also states that other persons were lying near him. He had seen the railings fence collapsed. He pulled the deceased away from the place where he was lying with the aid of shawl. He took the deceased by a passing car to the Hospital.

The question which looms large and which is of a vital nature is to decide whether the deceased persons were the victims of a malevolent design. One has to closely examine the evidence in regard to the source of electric current which caused death. On this aspect the evidence unfortunately is nebulous. The chief difficulty that presents itself is that no one could speak to the actual state of affairs in regard to the electrical wires at time of the incident.

Mr Thurairajah, Mr Thillainathan, Mr Kailavasan who were at the spot where the bodies were lying near the railings say that they did not see the wires lying around. Investigation into the Press Photograph purporting to show a hanging wire drew a blank. The photographer produced enlargements showing that what was shown was a rope and not a hanging wire, vide P13 and P13A. in fact witness Arasaratnam retracted from the position that it was a wire when confronted with his photographer captioned as a hanging wire in the paper "Thinapathi" marked and produced P16.

Mr Rajaratnam, Attorney-in-Law says that he saw a masked police officer shoot and dislodge a microphone wire which fell in front him. This witness was at a considerable distance away from the railing fence. He was near the Western entrance gate of the Veerasingam Hall. A few feet in front of him is somewhat distant from the railing fence itself. Witness Thillainathan states that there was the Municipal van near the railings at a later stage. There was a ladder and a person was on the ladder. He did not go near the ladder as he was warned about live wires. The Municipal Electric Superintendent Sivakadachampillai said that at 11:30 pm on an information received from Mr Rajasooriar he rushed to the spot with linesman Velupillai and two other laborers. He had seen persons removing lamp removing lamp holders and the wires at the stage. Witness Velupillai linesman of the Municipality went to the spot with the Electrical Superintendent in a scavenging lorry. He had seen a metal pole on which focus lamps were fixed leaning. He denied that any ladder was used by them although the ladder was with them in the lorry. Witness Mr Rajasooriar who was the first witness to speak on the electrocution at this inquest stated that he went to the venue of the meeting looking for his sons who had gone to attend the meeting. He had seen the metal pole leaning against the railings. There was a stick propped between the pole and the railings. Having found out that there was a leakage of current there he had informed the Power House about it.

Mr Sivaladachampillai the Electric Superintendent of the Municipality said that he inspected the premises and saw that the Trip-switch at Veerasingam Hall indicated that there was no leakage of current from the Hall electrical system. If it was so, the Trip-switch would have worked and stooped it. At the time he went to

the venue he found that the current on the railings were not of a High Voltage. The current could not have caused instant electrocution. That was what he found at 11:30 pm that night.

Mr J M York, Asst Secretary to the Ministry of Irrigation and Power, gave evidence. He said that he examined the site of the electrocution on 23-1-74 at the request of the Honorable Minister Mr Maithrapala Senanayake - he said that he should not ascertain how the electrocution occurred. He surmised that the wires with faulty insulation could have fallen and caused the electrocution. He had found from the Municipality that although private generators were used no permit was obtained for their use. The evidence of Mr Pathinathan is that burnt ash fell on him. He saw it was burnt insulated wire. He was at the time near the railing fence. A police officer had according to him, fired a good number of shot into the air and a bomb like object was thrown at him by a police officer. He was electrocuted and survived a very harrowing ordeal. He had been in hospital for a long time in a state of shock and pain. The doctor spoke to his condition.

The question is whether live wires were dislodged by police firing. Mr Rajaratnam and Mr Pathinathan speak to such happening. Dr Mahadeva too states that he heard rifle shots. One cannot definitely say whether bullets or tear gas shells were fired by mere sounds of shots alone. The S P Mr Ariyasinghe states that he could vouch that not a single bullet was fired that evening. I accept his evidence unreservedly because he had checked on this matter specifically.

Whether the police officers who dislodged wires by firing shots at them did so with the intention to cause danger by hanging live wires or whether they were accidentally snapped, is a matter to be considered. The police officers according to every witness, were running all over the venue of the meeting. Whether they acted with suicidal recklessness by dislodging wires where they themselves were moving about is a question that looms large. If causing death was their intention, I cannot imagine them wanting to do it in the manner by endangering themselves too. I hold that the wires, if any were dislodged, had snapped under accidental circumstances.

On the evidence led at this inquest, basing chiefly on the evidence of the doctor, I hold that the death occurred as a result of accidental electrocution. The deceased persons had died of cardio-respiratory failure resulting from electrocution by a lethal voltage of current leakage at a point or points near the metal focus lamp post and the iron railing fence opposite the Veerasingham Hall. I now proceed to consider the question whether the police who intervened to clear the road were directly or remotely responsible for the electrocution of the persons who attended the meeting.

To review the conduct of the police on that occasion one has to study the evidence of the Superintendent of Police Mr Ariyasinghe, the Asst Supdt of police Mr Chandrasekara and the HQI Mr Nanayakara. I have set out the facts that preceded the Meeting which relate to the obtaining of the permission to hold a meeting granted to the Secretary by the Supdt. Document P14 is the written application made by Mr Thurairajah to hold the Meeting. On the reverse of P14 is a minute made by Chandrasekara A S P stating that the loud-speaking permit was issued subjected to the conditions that the Meeting would be held inside the Veerasingham Hall and that the Speakers mentioned in the application are the only persons who would speak and nobody is to make political speeches.

That the Police had to intervene and stop the violation of any one or all the conditions laid down cannot be disputed. The Organizers had thought that they were entitled to hold the meeting within the premises. The police do not seem to have thought so. Whether the meeting proper could be inside or outside the Hall is a position distinct from using the public address system inside the Hall. There does not seem to have been an argument on this matter. The Organizers in not availing themselves of a written permit did not seem to have troubled very much on this matter. However, the police were alert to this matter and H Q I Nanayakara had questioned the President in regard to this when the meeting was to be held outside, and he acted in the

footing that there was a violation of the Permit to use the loudspeaker.

The next aspect is the permitting of persons who were not in the application to speak. This question seems to have been highlighted by the possible participation as a speaker of one person called Janarthanan. He did not in fact speak at the meeting it was finally disrupted, but that he was going to speak was an apprehension shared by the police and the organizing secretary Dr Mahadeva. I am led to believe that it was this imminent possibility that caused police intervention. The President Dr Vithianathan who was in charge of the proceedings was perhaps confident that it would not happen. But whether the police shared that confidence is to be answered in the negative. Janarthanan was seated on the platform, garlanded and vociferously applauded by a crowd of supporters and admirers. The police took the view that this was a prelude to his addressing the gathering.

The further question that arises is whether the police were justified in using teargas on that occasion. The police party was led by an ASP. He say that he went there to contact the Organizers about the violation of the permission given but his way was blocked by a crowd which turned spontaneously hostile when asked to clear the road.

The blocking of the road by itself seems to have been condoned by the police officers on duty at the meeting. Witness Mr Kathiravetpilai said he was stopped from using the road where the people were seated by the officers on duty. But when the need arose to contact the Organizers with the view of possibility stopping the meeting which was being held in a manner different from that which was planned by even the organizers, a prudent Officer should be expected to anticipate hostile reaction. It should not be forgotten that it was the crowd who wanted this meeting to be held outside. The evidence of ASP Mr Chandrasekara and Mr Nanayakara show that there was spontaneous hostility manifest at the very entry of the police. This section of the crowd may not have been reflecting the general feelings of the persons present. The Organizers have in fact bestowed encomiums on the police even at the meeting held inside the Hall that evening. Mr Mahadeva had personally conveyed his gratitude to Mr Chandrasekara and the SP on the 10th morning.

The final question that I propose to discuss is whether the chain of circumstances that led to the death of seven persons were started by any other agency. On all the evidence placed before me, I find that the meeting was disrupted as early as 7:45 pm by a section of the crowd-a crowd who could be vaguely identified as the persons who wanted Janarthanan to be on the platform. The first thing that meets the eye at the resumed meeting outside the Hall is Janarthanan seated on the platform and garlanded. He warned the Secretary Dr Mahadeva saying I If you ask me to get down there would be more trouble.

The foreign delegates were attending the conference form 2-1-74 to 9-1-74. The crowds were quite familiar with them. It was not crying demand to see them that day although the section which disrupted the meeting had used it as a slogan. Since the main purpose of this meeting, namely the distribution of awards, was over, I would have thought that the organizers would have stopped the meeting at that stage. Mr York says that two persons have died the previous day in the procession. It was a tragedy relatable to reckless enthusiasm within the knowledge of the organizers themselves.

In the light of the tragic outcome of the whole incident, it would be easy to appear wise after the event and suggest that things could have been done in a different way. It is not within the scope of an inquirer to do so.

Whether the Security Risk of Janarthanan was so great as to necessitate police intervention is for proper authorities to decide because I cannot comment on matters pertaining to national security . The justification for police intervention is a matter for the person who knew the degree of risk involved in the participation of Janarthanan at a public meeting. If the police had acted with undue haste or lack of consideration in the context of security risk involved, I trust the appropriate authorities would take suitable action to avoid a

repetition of such a course of conduct. I cannot express an opinion on this matter because I am handicapped without an elaboration of the term "Security Risk" to be able to judge for myself whether the risk was such as to warrant a speedy and drastic action.

I further direct that the director of public prosecution be informed that there has been a contravention of Section II of the Electricity Act-Chapter 205 CLE and recommend that suitable action be taken against the owner of generator that was in use at the premises on 10-1-74.

Before parting with these proceedings I must place on record my deep gratitude for the full measure of co-operation extended to me by M/S S Nadarajah, S Thambithurai and R Visvanathan, Attorneys-in-Law who attend on every date of inquiry and suggested useful questions to clarify many difficult points that arose. I must also thank the special police team under the direction of SP Mr Ariyasinghe, ASP Pertus Perera and IP Pathmanathan who extended their full measure of co-operation and conducted a very thorough investigation into all possible aspects that should be explored into in an inquiry that has aroused a great deal of public interest.

(Sgd.) K Palakidnar, Magistrate, Jaffna