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Presidential Candidates Chandrika Kumaratunga and Gamini Dissanayake on nomination day

★ **Last Chance for Peace**
 — Six in the Ring

★ **Thondaman's Dilemma**

★ **Assets Charge Against
 Gamini Dissanayake**

★ **Eelam Judiciary**

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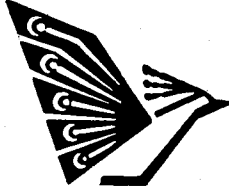
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*I do not agree with a word
of what you say, but I'll
defend to the death your
right to say it.*
— Voltaire.

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Hopes of Peace Rise

The initial talks between the government and the LTTE has produced much optimism regarding the prospects for peace after years of violent conflict.

The Peoples Alliance came to power on a promise that it would seek to end the Northeast war and to bring about a political solution to the ethnic conflict. So far the PA government under Mrs. Chandrika Kumaratunga has acted true to its promise. Having adopted certain preliminary confidence building measures, a four-man government delegation visited Jaffna on 13 and 14 October to engage in talks with a delegation of the LTTE. This is the first official formal direct contact between the Sri Lankan government and the LTTE since the resumption of hostilities on 10 June 1990. That in itself is not without significance.

The LTTE's response to the government's peace moves also has been equally commendable. The spontaneous and warm welcome the government delegation received in Jaffna from the people of Jaffna and the enthusiasm they displayed by turning up in their thousands demonstrated their thirst for a return to peace and normalcy.

The first round of talks between the government and LTTE delegations would appear to have proceeded without a hitch. Many have expressed the view that it was more of a success than had been anticipated. What offers immense hope is that both parties seem to have placed confidence in the sincerity of each other to end the war and commit themselves to the peace process. The atmosphere in which the talks took place has produced a great degree of goodwill between the parties.

From all accounts, the overall impression created is that both sides were seriously committed to the idea of the talks continuing. Hence neither party raised any issue of serious political controversy in this round of talks. They naturally centred around the immediate problems faced by the people in the war-torn areas. This reflected a recognition by the parties that the feelings and needs of the people have to be addressed first.

Although a formal communique of what transpired during the talks has yet to be issued, what is clear is that two basic issues immediately affecting the people were considered. The first is to relieve the economic hardships faced by the people. This is to be achieved by the free flow of all essential supplies in adequate quantities and the rebuilding of the severely damaged infrastructure in the Northeast. The reopening of a free passage between the Jaffna peninsula and the mainland has been regarded as a prerequisite. The LTTE would appear to have suggested the reopening of the Sangupiddy-Pooneryn route. The government delegation would appear to have opted for the Elephant Pass. A decision on this is yet to be made. However, one wonders as to why both these routes which were available during peacetime cannot be reopened and the choice left to the people as to which route they should take.

The second most important issue concerned nearly six-hundred thousand people displaced in the Northeast as a direct consequence of the conflict. Discussions centred as to how these people could be rehabilitated in their home areas.

The other issues discussed included the restoration of electricity, the lifting of the ban on fishing in northern waters and the rebuilding of the Jaffna Public Library which was put to the torch in May 1981. The burning of the Library then constituted an important landmark in the development of the ethnic conflict leading to the escalation of the armed conflict. Its rebuilding may become the symbol of the renewal of the ruptured relations between the two major communities in the island.

Further talks are expected to take place in the next two weeks. Despite its detractors, the government under the Premiership of Mrs. Chandrika Kumaratunga would seem to be determined to persevere towards the goal of a peaceful settlement. The LTTE seems to have responded in equal measure. Above all it is the people who are crying out for an end to the war and a return to peace, and their expectations are quite high on this occasion. Both the government and the LTTE require all the support and encouragement to continue with the peace process and fulfil the expectations of the people.

The Last Chance for Peace

(From our Colombo Correspondent)

October 11 – When the government's 4-member delegation flies to northern Jaffna on Thursday 13th for peace talks with the LTTE, it will be a return to the negotiating table by the two warring sides, for the first time in 4 years.

After the breakdown of talks between the Premadasa government and the LTTE in June 1990, and the outbreak of fresh hostilities, the People's Alliance Government is taking the first step towards a new peace initiative.

The government's delegation of 4 is led by K. Balapattabendi, Secretary to Prime Minister Chandrika Kumaratunga. The negotiating framework was agreed upon by LTTE supremo Vellupillai Prabhakaran and Prime Minister Kumaratunga after a series of communications mediated by the International Committee of the Red Cross (ICRC).

The initial communication came from the LTTE leader thanking Chandrika for her partial lifting of the economic embargo on the peninsula and calling for direct talks with a view to ending the political stalemate.

Subsequent communications worked out the delegations on both sides, dates and venue. This process proceeded without interruption inspite of serious attacks on the military front by both sides.

The LTTE attack on the naval vessel the 'Sagarawardene' killing 22 sailors and a retaliatory operation by the forces in northern Atchuvily in which 8 civilians were killed and over 1000 people affected, soured the mood of optimism that followed the August 16 general election and a People's Alliance victory. Both the military as well as the civilian authorities became cautious of the peace talks and their likely success.

The delegations of both sides have been picked with a great deal of thought. The LTTE delegation

is led by Karikalan, who for many years was the Area Commander for eastern Batticaloa. He now serves as No.2 in the LTTE's political wing. Intelligent and capable, Karikalan is a senior member of the LTTE.

Dominic, who was a former student of the Agricultural Faculty of the Eastern University, is again a member of the LTTE's political wing. The most articulate member of the team however is Ravi who heads TEDCO, the economic arm of the movement. A former law student, he is the son of a former judicial officer of Jaffna. The fourth member is Illamparithi who was once the political leader for Jaffna as well as its one-time military commander.

The Government delegation on the other hand has two of the country's senior civil servants. K. Balapattabendi is a lawyer who worked with Chandrika 24 years ago in the Land Reform Commission and is capable of sharply focussing on the agenda for negotiation. He will be assisted by the former Governor of the northeast provinces and a senior Ministry secretary, Lionel Fernando. He was the much loved Government Agent of Jaffna in the 70s. Fernando was however not permitted by the LTTE to visit Jaffna when he held the post of Governor. Fernando has extensive links with community leaders in Jaffna who remember him for his fair-mindedness and his liberal outlook.

The third member of the government team, Navin Gonneratne is a leading architect who comes from a political family and earlier had strong links with the United National party (UNP) and the Democratic United National Front (DUNF). He however switched sides and helped to co-ordinate the election campaign of Chandrika. He has refused any public appointments and expressed interest only in helping with the peace process.

The fourth member is a Christian Tamil, Raja Asirwatham, an accountant and a partner of a leading accountancy firm, and the newly appointed Chairman of the Bank of Ceylon. Highly respected for his integrity and professional competence, and although based in Colombo has familial links with Jaffna and could help in interpreting proceedings, if required.

The delegation enjoys the trust and confidence of the Prime Minister, and is one that has not been burdened by the processes of the past, and therefore capable of adapting a fresh approach to issues.

Their mandate however is strictly confined. No member of the delegation will have the political authority to bind the government to any decision without permission from Colombo.

Despite the bitter legacies of the past there are high expectations in Colombo and Jaffna, more so among the people in Jaffna, on the outcome of the peace talks.

The Leader of the Opposition and Presidential candidate, Gami-ni Dissanayake, has gone on record that the UNP will not oppose any peace process. However there are many complex and difficult issues to overcome. Particularly security issues seem the more intractable.

Little is known in Colombo of what the real expectations of the LTTE are. There is however one issue on which most people are agreed on and that is, that this is the best and possibly the last chance for peace Sri Lanka will have for years to come.

Previous attempts failed, both at Thimpu and Colombo. The negotiations in Thimpu failed because of the polemical issues of self-determination and the homeland concept. Both sides adopted a doctrinaire approach and locked themselves into interminable differences with regard to history and the past.

President Premadasa's initiative failed because, although he had at first won the trust of the LTTE, he soon forfeited it in endless discussions that yielded no results.

PEACE APPEAL TO THE PEOPLE OF JAFFNA

October 12 – During the countdown to the Jaffna visit by the government delegation, leaflets in the tens of thousands, in English and Tamil, were dropped by helicopters all over the Jaffna peninsula. The following is the text of the leaflet:-

Dear Brothers and Sisters in the North,

Sunshine has begun to move into your lives to light up the gloom of misery that you have suffered all these years. As a start, a few rays of sunshine have already moved into the north in the form of twenty-eight commodities which have been liberated from the list of banned items to the north.

Referring to the lifting of the ban, Prime Minister told a Press Conference, 'we are doing this to rebuild the trust and confidence between the government and the people in the north'. Among the 28 items that have been taken out of the banned list, and which would be so welcomed by you dear sisters who are housewives, are local and foreign soaps, tinned foods, coconut and vegetable oils, chocolates of all types and varieties, medicines, candles, school bags, plastic cans, kerosene, polythene and polythene bags, radios, and spare parts, bicycles and tyres and tubes including boys' and girls' bicycles.

For your society and businesses in the north, there would now be available different kind of timber. Solar panels, Audio cassettes, all types of paints rice-mill spares, generators, engine oil, water pumps

and spares, cement, motor vehicles, tyres and tubes, printing paper, typing and duplicating paper, roneo and photo-copying machines, surgical equipment, all available for your people in the north.

You dear sisters and brothers will no doubt be so happy at having those commodities sent for you. It is however only a beginning. The ultimate aim is to bring total peace and development to your areas. The government has stated that, 'this is a preliminary to a series of steps the government intends to take with the objective of bringing about a solution to the north-east problem'.

Dear brothers and sisters, you will see that the government has now shown a sincere intention to work towards a lasting peace for you. But of course they cannot do it alone. What is important is the co-operation of the LTTE without which the government's efforts will remain futile. The LTTE has already responded by liberating ten policemen that they held as prisoners. They have also announced their willingness to begin peace negotiations.

However dear brothers and sisters, we must not forget that if peace negotiations fail to take place or take place and then fails, it is you who would suffer most. So what you have to do is to prevail upon the LTTE to keep negotiating with the government, until peace is achieved soon.

– Your Hopeful Brothers and Sisters in the South –

From Rita Sebastian
in Colombo

Sri Lanka seems to be a strange collage of incongruities. Here is an Executive President with perhaps the most ample panoply of power that any head of government enjoys in any democracy in the world, reducing himself to a sort of abject facelessness contrary to both the spirit and letter of the constitution.

The incumbent of the Executive Presidency is also the Commander of the Armed Forces and holds the Defence portfolio, yet today most military decisions are taken without reference to him and President Dingiri Banda Wijetunga has become a mere figurehead.

Prime Minister Chandrika Kumaratunga, although not even head of government, in anticipation of the assumption of office of President by early 1995 has begun to function as a *de facto* Executive President, although the Presidential elections are still a month away.

There seems to be a confused debate about whether the Presidential election, scheduled for November 9, is intended to seek a mandate

PRESIDENTIAL ELECTION

Chandrika's Position is Unassailable

for its abolition, and if so in what timeframe.

The People's Alliance (PA) which had campaigned in the general elections held on August 16 on the platform of securing an early abolition of the Executive Presidency seems to have changed its mind. It insists it is for the abolition of the Executive Presidency, but not just yet.

The PA strangely refused the main opposition United National Party's support to help it with a two thirds majority in parliament to have the Executive Presidency abolished, pleading a time constraint before the Presidential elections were announced. It also indicated that it would like it to be part of an overall package of constitutional reform.

It appears that the PA government is quite happy to continue with

the controversial Executive Presidential system for at least an year, when it will abolish it and possibly return to the Westminster model. However nothing is quite spelt out and everything at the moment is tantalisingly in the air.

A Parliamentary Select Committee on constitutional reform has been set up, and the minorities are watching the situation closely. Article 2 of the constitution which provides for a unitary system will be of particular interest to the minorities.

A Tamil group pointed out with faultless logic that if the constitution remains unitary, only decentralisation can take place, not devolution.

The Liberation Tigers of Tamil Eelam (LTTE), like many Tamil groups are pleading for a federal system. But it would be difficult to

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marry a federal system with a unitary constitution.

The PA government is at the moment enjoying something of a honeymoon with the electorate, specially with the under-privileged and the middle class who have seen the prosperity of the so-called market economy pass them by.

Prices of some essential commodities have fallen. Government has made most of the fact that Bombay (big onions) have been exported to the Maldives, providing a filip to agriculture, a neglected arm of the economy under the UNP.

But the fact remains that if the masses expected any give-aways from the government they have been disappointed. Gone are the days when government bestowed bonanzas on the eve of elections. The UNP of course did resort to hand-outs that came from generous dipping into the Treasury.

Chandrika Kumaratunga however does not seem to have the resources to draw from having inherited a depleted Treasury. Therefore an electorate pampered by former President Premadasa's political tamashas, not to speak of President Wijetunga handouts, feels let down.

Although there are six candidates

in the fray for the Presidential stakes, the battle is between the two main contenders, the PA candidate Prime Minister Chandrika Kumaratunga and UNP candidate Gamini Dissanayake.

Dissanayake is widely regarded as standing little chance against Chandrika, fresh from her August 16 electoral victory. His image has also suffered from the failed impeachment motion against Premadasa and subsequent events. But in a surprising turn-around he has made peace with the Premadasa family and won their support for his candidature.

But friend and foe alike will admit that Dissanayake is the most dexterous politician in the trade today. His smooth, silky oratory both in Sinhala and English, and his outstanding parliamentary abilities are matters few would grudge him. He is also considered to be a good and painstaking organiser. However the UNP is no longer the powerful machine it once was under Presidents J.R. Jayewardene and Ranasinghe Premadasa. Although Dissanayake would like to feel that the party stands united, the fact is that it has been badly factionalised. One of the more recent causes for it was the pushing out of former Prime Minister Ranil Wickremesinghe from the top slot. Wickremesinghe was one of the few who remained

steadfastly loyal to his party and his President during the impeachment crisis when all around him the slings and arrows had free reign.

What the UNP is now banking on is that the PA will make mistakes, already some have been made, but from the UNP point of view not enough has happened to alienate it from its mass support.

The Presidential election will fall squarely within the six months honeymoon that any new government is allowed. The UNP suffering from a weakened party structure and with no real alternative to offer against the present administration will therefore stand very little chance.

The PA can justifiably claim to be a middle-of-the-road party, and as being much cleaner than the UNP against whom allegations of bribery and corruption on a massive scale have been levelled.

Many therefore see the Presidential election as a tame sequel to the parliamentary election and the trends visible in the parliamentary election are likely to continue into the Presidential election. Chandrika Kumaratunga will therefore be in an unassailable position in the party as well as in the government.

If she wins she will continue to enjoy the overwhelming support she does now, and will be able to stabilise the dominance of the PA in the governance of the country.

Bill on Disappearance of Persons

A private members bill to enable the appointment of Commissions of Inquiry to inquire into the disappearance, abduction and extra-judicial execution of any person during the period January 1, 1988 to June 30, 1990 was presented to Parliament last week by Government MP Mr. Batty Weerakoon.

Mr. Weerakoon's motion that Parliament accepts the Bill was seconded by Mr. Y.P. de Silva also a Government MP.

Mr. Weerakoon speaking to *The Island* said that the Bill had been listed in the Order Paper and is expected to be taken up at the end of November or early December.

The terms of reference issued to a Commission appointed under section 2 of the Act cited as the Special Commissions of Inquiry Act may include inquiry into the circumstances of the disappearance, abduction or death, the nature and the adequacy of the police or other in-

vestigation held in to the matter inquired into, the conduct of the Attorney General and his officers in respect of the police or other investigation and proceedings in any Court connected with the matters inquired into and other matters.

In terms of the Act the Prime Minister may appoint one or more Commissions of Inquiry to inquire into and report on the disappearance, abduction or death of any persons between January 1, 1988 to June 30, 1990.

A Commission appointed under Section 2 of the Act shall consist of three or more persons and the Prime Minister may name one of the appointees as the Chairman of the Commission.

Any reference made to the President in the provisions of the Commissions of Inquiry Act included in Sections 8 and 9 of that Act shall be read as though it was a reference to the Prime Minister.

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NEWS IN BRIEF

Six Vie for Presidency

Six candidates will vie for the presidency at Sri Lanka's third presidential election on November 9.

They handed over their nominations to Elections Commissioner Chandrananda de Silva at the elections secretariat Rajagiriya on 7 October.

The candidates are: Prime Minister Chandrika Bandaranaike Kumaratunga (People's Alliance), Opposition Leader Gamini Dissanayake (United National Party), Nihal Galappaththi (Sri Lanka Progressive Front), Harischandra Wijetunga (Sinhlaye Maha Sammatha Bhumiputra Pakshaya), A.J. Ranasinghe (Independent) and Hudson Samarasinghe (Independent).

Former Colombo District MP, Hudson Samarasinghe, who will contest under the 'table' symbol, was the first to arrive at the secretariat, at 9.30am.

Former state minister for information, A.J. Ranasinghe, contesting under the 'swan' symbol, arrived at 9.35am. Clad in his usual white the outspoken AJR had a smile for everyone as he climbed the stairs to the nominations room.

Opposition Leader Gamini Dissanayake, dressed as usual in immaculate white national dress, came next at 9.40am. He greeted all present with a smile and went upstairs.

Nihal Galappaththi, the youthful candidate of the SLPF, came shortly afterwards. His symbol is the 'flower vase'.

A beaming Premier, Chandrika Kumaratunga, dressed in a blue Kandyan saree, arrived at the secretariat shortly before 9.45am amidst the greetings and cheers of her supporters. She acknowledged them smilingly and walked up to the nominations room accompanied by PA general secretary D.M. Jayaratne and H.L. de Silva, PC.

The last candidate to arrive was Harischandra Wijetunga of the SMSBP. His symbol is the airplane.

Nomination formalities began soon after 10am. All six candidates completed the procedure before 10.15am. The commissioner gave them half an hour, from 11 to 11.30am to raise objections, after scrutinising the papers. However no objections were raised by any candidate.

This was also an interval for an exchange of ideas, and the main contenders for the presidency, Prime Minister Chandrika Kumaratunga and Opposition Leader Gamini Dissanayake, were seen talking to each other at length.

Later, the commissioner briefed the candidates on various aspects of the election, such as campaigning and radio and television publicity programs. He also requested them to be present at the secretariat on Monday, for a comprehensive discussion.

A large number of supporters lined the two roads leading to the secretariat, shouting slogans and displaying banners. Several musical 'bands' were in attendance to provide entertainment to the crowd. The access roads were not closed to traffic.

Bribery and Corruption Law Strengthened

On 5 October, the Parliament of Sri Lanka adopted two bills which Justice Minister Prof. G.L. Peiris had moved to cleanse the country of corruption and bribery. Opposition assent provided the government with the required two-thirds majority.

The bills to amend the Bribery Act and establish an independent bribery commission were adopted without any dissent. All MPs present in the chamber voted for the bills.

'I was greatly encouraged by the environment of cooperation and goodwill that prevailed in the house yesterday. It is a good omen. We are putting behind us the confrontational politics which so damaged the country all these years', Prof. Peiris told the press at the weekly briefing at the parliamentary complex.

'By making slight adjustments I was able to satisfy the concerns of the Opposition members', he said.

The adjustments related to five specific matters about which opposition members expressed concern. They were on the issues of impounding the passports of those whose activities are being investigated forfeiture of properties bought with ill-gotten money, refusal to grant bail, the long delay in investigating bribery cases and the initial appointment of members to the Bribery Commission.

Prof. Peiris said he had a two-hour meeting with the opposition parties and they pointed out that the power to impound passports would be an interference with the fundamental right of freedom of movement. Prof. Peiris told them that certain people against whom allegations of bribery had been made had already fled the country, and unless the commission had the power to impound passports no meaningful action could be taken to cleanse society of corruption. But he agreed to limit the impounding of passports to three months. To extend that time the commission must seek the permission of court.

On the question of forfeiture of property acquired with 'ill-gotten wealth' the opposition raised the question of third party rights. The compromise arrived at was to give discretion to the courts to take into consideration purchases made by third parties in good faith.

The opposition held the view that refusal to grant bail amounted to interfering with personal freedom; the compromise was to give the magistrate the discretion to grant bail in special circumstances.

The question of long delays was met by Prof. Peiris agreeing to set up a special High Court with jurisdiction to hear bribery cases. If the need arose he would set up two such courts, the minister said.

The bill provides for appointment of members to the Bribery Commission by the Constitutional Council. But when the Commission is initially set up this procedure cannot be followed as the constitutional council would not have been formed. The bill provides that members of the commission, when it is first set up, will be appointed by the president on the recommendation of the prime minister.

The opposition took objection to this procedure and it was agreed that the prime minister should consult the Speaker before recommending members to the president. The Speaker, in turn, should consult party leaders before agreeing to the names proposed by the prime minister.

Prof. Peiris said the attitude shown by the opposition parties was praiseworthy and should be maintained in the future too.

He said the Bribery Commission would be constituted within a month and he would do his best to find personnel for the commission, the officers and the finance within a month.

CWC Undecided on Presidential Poll

Ceylon Workers Congress Executive Committee has empowered its leader S. Thondaman 'to assess the political situation that crystallised by October 15 and decide upon which candidate the CWC should support at the Presidential Election.

The CWC took this decision on 5 October, at its Executive Committee's special meeting convened to review the CWC's posture at the forthcoming Presidential Elections.

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The Executive Committee arrived at this course of action to postpone the decision on their commitment until October 15th in order to gauge the genuine commitment of the People's Alliance and the United National Party's Presidential Candidates, to alleviate the hardships suffered by the Plantation workers, a spokesman for the CWC said last night.

In a statement issued it said:

'The Ceylon Workers' Congress developed a close association with the United National Party from 1965 onwards and its President functioned as a Cabinet Minister in the successive UNP Governments from 1978 upto August 1994 on the basis that its association with the UNP Government would create a stable administration in conditions of peace and prosperity as well as the social economic and political welfare of the plantation community.

'Apart from the ending of the stigma of Statelessness from among the people of Indian Origin and the take over of the plantation education system into the national stream which, however, did not aim at eliminating the backwardness in access to education from among the children of plantation workers.

'The United National Party hierarchy by and large entertained reservations in accepting the Ceylon Workers' Congress as an equal partner entitled to decisions, rights and privileges enjoyed by other sections of the community represented in Government by way of putting on stream affirmative action programme in order to remove the half a century of discriminatory treatment.

'The Indian Tamil community has continued to languish on the periphery of national life by the overt and covert methods used to neutralise the efforts made by the CWC leadership to gear the State apparatus to treat the problems faced by the people of Indian Origin with compassion, understanding and on a basis of equality.

'The People's Alliance victory at the Parliamentary Elections and its subsequent policy statements and programmes whilst marking a welcome departure from communal parochial and discriminatory politics hitherto evidenced in Sri Lanka, does not address the deep seated problems of the plantation workers realistically.

'The measures adopted by the People's Alliance Government to bring down the cost of living by the reduction of the price of flour, kerosene oil, diesel etc have however, not impacted on the major problems that are being experienced by the plantation workers:

'Such problems relate to the immediate

1. Integration of the Plantation Health Service into the National Health System with a special emphasis of the take over of Maternity Wards on the plantations into the national health scheme.

2. Guaranteed income to plantation workers based on 25 days work in a month.

3. Abolition of the discriminatory wage scale in respect of the workers on Company Managed estates and Privately-Owned Plantations.

4. The absence of the policy statement with regard to the ownership of houses and their garden plots by the plantation workers for which a programme is already in progress.

5. The restoration of the Rs. 8/- per day balance wages that had accrued to the plantation workers by way of the budgetary cost of living allowance of Rs. 500/- granted in 1993.

6. The establishment of a social welfare state administrative apparatus charged with the task of eliminating factors that stand in the way of the plantation community attaining equality on a par with the rest of the population.

TULF to Support Chandrika

The executive committee of the TULF which met on Monday decided to support Prime Minister Chandrika Kumaratunga at the November 9 presidential election.

The executive committee has authorised the politburo to work out the form and manner in which this support should be given.

The TULF statement, signed by Mr. A. Thangathurai, gives two main reasons for supporting Mrs. Kumaratunga, the government's direct contact with the LTTE to work out a solution to the ethnic issue, and the appointment of the parliamentary select committee on constitutional reform.

The statement said the select committee which is due to complete its work by the end of June 1995, has a mandate to undertake comprehensive reforms, including, if necessary, the repeal and replacement of the present constitution.

'Although these initiatives have just commenced, they are consistent with the political objectives set out in the manifesto of the TULF and should therefore be supported' the TULF statement said.

Tigers Blast Cargo Ship

October 10 - In a pre-dawn assault on 9 October, Sea Tigers of the LTTE blasted a cargo ship five kilometres off Vettalaikerni in the northern waters of Sri Lanka. The 1200 metric ton, Singaporean-registered vessel 'Ocean Trader' had been chartered by the Essential Services Commissioner General for the transportation of general cargo to the north.

This is the second strike on a ship in three weeks. The Tigers sank a navy patrol boat off the north-western coast of the island on 20 September killing or capturing two senior officers and 25 sailors.

Questions are being raised as to why the Tigers attacked a non-military vessel just four days before a government delegation is to visit Jaffna to begin negotiations with the LTTE leadership. In anticipation of the peace talks, the government directed the armed forces to call off a planned military offensive involving 15 battalions of troops to retake the town of Kilinochchi from Tiger control.

Asked as to whether the latest assault on the 'Ocean Trader' would lead to the scuttling of the peace process, a government spokesman said that the government was committed to bring about a peaceful solution and the planned talks with the Tigers would go ahead. The LTTE was pushing hard to get an official ceasefire declared by the government immediately. 'But the government will maintain its position that a ceasefire can and will be only after peace talks', he added.

In the course of the attack, the Tigers had boarded the ship and questioned the crew members at gun point. Later they had ordered the terrified 16 member civilian crew to leave the ship in life boats. The Sea Tigers had removed the radar and communications equipment of the vessel before fixing explosives and blowing it up, Colombo newspapers reported. The crew, all Sri Lankans, were reported to be safe after being rescued by Air Force helicopters while drifting in life boats.

It had been on a run to Mannar in the north-west of the island carrying a consignment of general cargo including foodstuffs, building materials and fuel for the civilian population and the military. The ship had left Colombo for Point Pedro in the north twelve days ago. A spokesman for Goodwill (Pvt) Ltd., local agents for the vessel said that as 'Ocean Trader' was a huge vessel, it did not use the Kalpitiya route to the west of the island, but used the route via Trincomalee in the east during the journey to the north carrying consignments of general cargo.

A Defence Ministry spokesman said that the civilian vessel chartered to transport essential foodstuffs to the people of the north has been attacked by setting off explosives whilst transporting foodstuff from Colombo to Point Pedro. The vessel which was entirely manned by civilians and proceeded unprotected had been severely damaged due to the attack and was listing.

A Reuter news agency report said that the ship sometimes carried army cargo and civilian personnel including those from the International Committee of the Red Cross.

Deputy Minister Chandrasekeran Acquitted on Terrorism Charge.

T.B. Weerasuriya, High Court Judge of Panadura, acquitted without calling for a defence, Periyasamy Chandrasekeran, Leader of the Kandurata Janatha Peramuna and now Deputy Minister of Trade, Commerce and Food, in the case filed against him under the Prevention of Terrorism Act.

He said: 'On the evidence led by the prosecution against the accused, I hold that the case has not been proved beyond reasonable doubt'.

In this case Mr. Chandrasekeran was indicted by the Attorney General with having provided a shelter to Varathan, a suspect in the JOC Bomb blast on June 21, 1991 in Colombo - an offence punishable under the Prevention of Terrorism Act.

Delivering the judgement the judge stated that according to the 'voir dire' inquiry held by the court to find out whether the accused Chandrasekeran had made his confessions to Asst. Supdt. of Police Ranasinghe of the CDB voluntarily, it was revealed that the accused had not made a confession or a statement to the A.S.P. voluntarily.

After the accused was taken into custody, the CDB Police officials had harassed him, assaulted him for days and forced him to sign a statement typed out by the policemen. He was taken to the beach at Wellawatta and assaulted. In fear the accused had signed a statement produced by the policemen keeping it on the bonnet of a vehicle which was halted near the beach.

According to the evidence placed before court, Inspector Chula de Silva, OIC Kuruduwa and several policemen had questioned the accused and notes were taken down on pieces of papers. One day a statement had been typed out by a Police Constable of the Kuruduwa Police in the presence of A.S.P. Ranasinghe. The typist and the accused had signed this statement but the A.S.P. had signed copies but not the original.

According to the evidence given at the 'voir dire' inquiry, I hold that the accused had not made his confession to A.S.P. Ranasinghe voluntarily and the court cannot allow the prosecution to use the confession as evidence against the accused in the case.

On the evidence led by the prosecuting counsel Mr. Kolitha Dharmawardena, against the accused, I hold that the case had not been proved beyond any reasonable doubt. The accused had not involved himself in any activities mentioned by the prosecuting counsel in his submissions. Therefore I acquit the accused.

Two Bills on Human Rights Before Parliament

Two items of human rights legislation were presented in parliament on 5 October. Foreign Minister Lakshman Kadirgamar presented the bill to give effect to the Convention Against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment. Mr. Amarasiri Dodangoda,

Minister of Home Affairs, Provincial Councils and Cooperatives presented the Registration of Deaths (Temporary Provisions) Act.

Both pieces of legislation seek to give effect to Sri Lanka's obligations in the field of human rights.

Sri Lanka became a state party to the Convention Against Torture by depositing its instrument of accession with the UN Secretary-General on January 3, 1994. It therefore became necessary to enact enabling legislation to give effect to Sri Lanka's obligations under the convention.

Under the provisions of the bill, torture is made an offence and a person guilty of an offence under the Act, on conviction after trial by the High Court, is punishable with imprisonment for a term not less than seven years and not exceeding ten years and a fine not less than Rs. 10,000 and not exceeding Rs. 50,000.

The bill also gives jurisdiction to the High Court of Sri Lanka to try persons charged with the offence of torture even if such offence is committed outside Sri Lanka.

The Extradition Law of Sri Lanka is amended to include provision for extradition in respect of the offence of torture. Where there is no extradition arrangement between Sri Lanka and any other state, the Minister is empowered, by order published in the gazette, to treat the Torture Convention as an extradition arrangement.

The Registration of Deaths (Temporary Provision) Act seeks to remove, at least to some extent, the pain of mind and distress caused to next-of-kin of the large number of persons reported missing and presumed dead. These people have also undergone considerable financial hardship owing to the non-availability of death certificates in respect of missing persons.

The Registration of Deaths (Temporary Provisions Act) provides that where any person is reported missing and presumed to be dead, or has not been heard of for a period exceeding one year, by those who would naturally have heard from him if he had been alive, the next-of-kin could apply to the district registrar of deaths to register such death and issue a certificate of death.

The registrar is empowered to issue death certificates after due inquiry and if satisfied as to the truth of the matters stated in the application.

The protection of human rights and providing redress to persons affected by a violation of human rights was a major issue in the election campaign of the Peoples' Alliance. The government has given high priority to the passage of these bills on human rights issues and both bills are scheduled to be taken up for second reading during the latter half of October.

Legislation for the establishment of a National Human Rights Commission is also under preparation and is expected to be presented to parliament before the end of the year.

Assets Charge Against Gamini

The Additional District Judge and Chief Magistrate, Colombo, Sarath Ambepitiya, on 3rd October issued summons on Opposition Leader Gamini Dissanayake to appear before court on November 24.

The previous week, the Bribery Commissioner's Department filed plaint against Mr. Dissanayake for failure to submit a correct statement of assets.

Mr. Dissanayake faces the charge of failure to disclose assets worth Rs. 2.5 million, with regard to vehicle transaction.

The Bribery Commissioner had cited 14 prosecution witnesses to give evidence at the trial.

Continued on page 10

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Gamini Dissanayake claimed that he was not informed about a move to file a plaint against him and that he still did not know precisely what the charges were.

'I came to know about it only after reading a newspaper. It has also been announced on TV and radio. I have not been questioned on any matter so far. The timing of this move, with the presidential nominations only a few days away, is significant. It is an attempt to vilify me ahead of the presidential poll', Mr. Dissanayake said, briefing the press at the *Sirikotha*.

'This indicates that the government is very uneasy about the success of my campaign and the tremendous response from the public. And this is the only way that the government believes it can control me. There have been several unsuccessful attempts to malign me in the past', he commented.

Navy's Biggest Loss

The Sri Lankan Navy suffered its worst loss when its largest warship, 'Sagarawardena' measuring 40 metres and weighing 300 tonnes, was sunk by the Tigers in the Gulf of Mannar in the northwest of the island on 19 September.

At about 11.30pm on the day, a 'Sea Tiger' frogman had placed a device on the underside of the ship which exploded partially damaging it. The ship was listing at a position of 8 degrees. Even as the shell-shocked sailors were getting their act together, two suicide boats packed with explosives and led by a woman lieutenant colonel named Kalyani rammed into the ship from two directions. In all five Sea Tigers including two women died in the suicide attack.

After the assault, sixteen surviving sailors and two dead bodies were recovered from the water by a Navy craft which rushed to the spot. Twenty-two sailors including the Captain and the second-in-command were initially reported missing. However it was later known that Senior Lieutenant Commander Ajith Boyagoda and another crew member, who tried to escape by getting into a life boat, had been taken prisoner by the LTTE.

Nine bodies of dead sailors were found washed ashore at Talaimannar on 28 September. Thirteen more crew members of the vessel still remain unaccounted for.

The ship contained two 50mm guns and two 20mm canons, a radar, a satellite navigator and powerful communication equipment. Whether the Tigers took away these weapons and equipment before the ship sank is not known.

Call for Review of Public Security Law

The Civil Rights Movement (CRM) has called on the government to immediately review the law relating to public security of the emergency regulations, so as to remove its obnoxious features, which they point out has been the subject of constant criticism from many quarters, including the CRM over the years. In a statement issued yesterday on the 'restriction of the emergency', the CRM called for the introduction of safeguards necessary for the protection of democratic rights and the safety and security of the individual.

The CRM has also suggested that the Information Ministry take upon itself the responsibility of keeping the public informed, of emergency regulations, by having their text promptly published in the Press and their substance made known over the electronic media. Here the CRM points out that, time and again it has drawn attention to this unacceptable position.

The Supreme Court too in a recent judgement has complained that 'copies of certain regulations are not sent at all or in time to even the Supreme Court although it is

required to adjudicate upon matters relating to the laws set out in such documents'.

Some of the other observations the CRM has made as a preliminary response to the change, before the CRM has had an opportunity to study the actual regulations that have been promulgated are:

(a) It would be unfortunate if the restriction of the emergency to some areas were to result in people in other parts of the country losing sight of the important issues involved. Emergency rule needs to be kept under constant review in whatever part of the country it takes place.

(b) The review needed is twofold; it must relate to both the content of the regulations, and the manner in which they are resorted to (i.e. whether they are being misused).

(c) Emergency regulations are made by the President by-passing the normal legislative process. They are intended for exceptional situations and should not be wider than the exigencies of the circumstances require. They must be scrutinised to see whether they are both necessary and reasonable.

(d) Parliament has an important role to play here, for it can, by resolution, ADD TO, AMEND OR REVOKE ANY EMERGENCY REGULATION. Thus the role of parliament by no means has to be confined to that of a rubber stamp each month. Therefore, this should be an occasion for careful examination of the actual regulations in force and the making of any additions, amendments or revocations found necessary.

(e) The current emergency relating to certain parts of the country was effective from 4 September, but as late as 27 September the regulations in force were not available to members of the public at the Government Publications Bureau. This means that an important part of our population live under laws the content of which they have no way of knowing. Possibly the service personnel and judicial officers entrusted with enforcing the law are also in ignorance of it.

Disappearance of 32 Students

Senior Army Officer and School Principal Charged

Brigadier Rohan Parakrama Liyanage and five other army officers produced by the CID before acting Colombo Chief Magistrate Hemantha Warnakulasuriya, in connection with the Embilipitiya student's disappearance case, were remanded till October 20.

The other army suspects were Capt. B.A.A. Sriyantha, Lt. H.L.C. Galapathy, Sgts. K.H.L. Upul Chandana, S.A. Senaratne and S.H. Priyantha Kumar.

After lengthy submissions by senior defence counsel M.L.M. Ameen PC and senior state counsel Anura Meddegoda, Magistrate Warnakulasuriya granted bail to the five other suspects remanded earlier by the Embilipitiya Magistrate - former principal of Embilipitiya Maha Vidyalaya Dayananda Loku Galapathy, Major Jaliya Danajaya Epa-singhe, Major Navendra Ginige, Capt. Vajira Vishista Chamarasinghe and private Jackson Kumarasinghe.

They were ordered each to furnish cash bail in Rs. 10,000 and a bond of Rs. 5 lakhs with two sureties.

The first suspect in the case the principal, Galapathy was directed by court to report to the CID every Saturday, between 9am and 12noon.

The suspects were warned not to interfere with any of witnesses in the case and that if any witness complained court would cancel their bail bond and re-remand them.

Mr. Meddegoda told court that the Attorney General had

decided to transfer the case to Colombo, for security reasons. The first five suspects were taken into custody by the CID on September 22 and produced in the Embilipitiya Magistrate's Court on September 23 and remanded to fiscal's custody pending completion of the investigations by the CID.

Mr. Meddegoda said some of the counsel who appeared for the suspects at the Embilipitiya Magistrates Court had also requested the Attorney General to transfer the case to Colombo, as they (counsel) had been threatened by some of the people in the area.

Mr. Warnakulasuriya: Threatening the lawyers! I thought that period was over?

Mr. Meddegoda: This was in the court premises.

Mr. Meddegoda stated that the CID had completed its investigations and the Attorney General would file indictment before the High Court of Ratnapura on Monday, October 10. The suspects would be charged on 82 counts.

Mr. Ameen, moving for bail in respect of the six suspects produced yesterday, including Brig. Liyanage, submitted that his clients were not evading arrest but had been engaged in the operational area in the north-east.

Mr. Meddegoda strongly objected to the six suspects being released on bail, saying they would interfere with the witnesses.

Mr. Ameen said his clients had been coming to court from 1989 in connection with the several habeas corpus applications relating to the same incident. None of the army officers then present in court had interfered with any of the complainants. The suspects now had no reason to evade arrest or harass any of the witnesses. In fact, they harassed not the witnesses but the counsel! There was no material before court showing that the suspects had tried to interfere with the witnesses.

Mr. Ameen said such allegations were baseless and should be rejected. He moved that bail be granted to the six suspects.

Mr. Meddegoda objected, citing several authorities. The suspects were facing serious charges, he said.

Mr. Ameen also citing authorities, said the investigations came to an end when charges were framed against the suspects and indictment filed in the High Court. Therefore court had the power to grant bail.

Lt. Col. (Ms.) Mohanthi Peiris, legal officer of the army, told court the six suspects, including Brig. Liyanage, had come to the CID office from the operational area. Once they were granted bail they would go back to the same operational areas.

She said the army men in court were engaged in important state duties and would not interfere with any of the witnesses.

Senior state counsel Meddegoda with state counsel A. Seneviratne and ASPs Gamini Wijesinghe and Mahesh Perera of the CID appeared for the prosecution.

M.L.M. Ameen PC, Kanthilal Kumarasinghe, Asoka Weerasooriya and Shiraz Noordeen appeared for the suspects.

On application by Mr. Meddegoda, court directed the suspects to appear before the High Court, Ratnapura, when noticed.

Mass Grave to be Excavated

Thirty one youths had been shot in the head and killed at a spot near Kitulgolla, where a party of police officers including I.P. Wickremaratne were killed in a land mine blast. This was stated by Mr. Padmasiri Dissanayake, former I.P. Ankumbura at the magisterial inquiry held before obtaining an order to dig up the victims' graves.

The Magisterial inquiry was held before Kandy Additional Magistrate D.M. Siriwardena.

Mr. Dissanayake instructed by Kandy S.S.P. Lakshman Seneviratne said: 'On 14.11.89 I was working as I.P. Ankumbura. Mr. Wickremaratne held that post before me. A number of police officers, including I.P. Wickremaratne were killed by a land mine at Kitulgolla. The land mine went off at a point about 50 yards from this place.

After the death of Mr. Wickremaratne, I acted as the OIC there. On the day after the landmine blast, that was on 14.11.89, I came to know that there were a number of dead bodies by the side of the Galhinna Ankumbura road. I proceeded to the spot at once. Then I saw a number of dead bodies there.

I saw 31 people between the ages of 25 and 35 killed, having been shot on the head. I informed this to S.P. in charge of the division Mr. Balasuriya and A.S.P. C.K.B. Herath.

A.S.P. Herath visited the scene and made his observations. A large number of local residents were gathered. On inquiry it was found that none could identify the dead.

As the dead bodies could not be identified they were asked to be destroyed in terms of Emergency Regulations 55/EE. As the environment was not suitable to destroy such a large number of dead bodies, it was decided to drop the dead bodies on this slope, in order to protect the environment and health.

Before the killing of Mr. Wickremaratne, Sub Inspector of this police station Attudawa was also killed at Tenahena, a nearby place.

On a petition submitted by D.B. Elkaduwa, a media person through Attorney at Law Champika Wijeratne and Ajith Abeysekera additional Magistrate Siriwardane has commenced inquiries regarding the exhumation of the 31 bodies.

The evidence of J.M. O.K. Nadesan and P.C. Somasiri Jayalath was also recorded. The exhumation was ordered to be scheduled for October 13 and 14.

Killings in Vavuniya

Who is killing whom in Vavuniya? This is the question nagging the police in Vavuniya as a 28-year-old school teacher became the sixth assassination victim in the past two months in that frontier town on the edge of the northern war zone.

Police officials in Vavuniya believe that the killings all carried out by one or two gunmen using pistols in fast hit and run attacks, are an underground political vendetta against suspected civilian informants collaborating with the police or Security Forces. The police blames the LTTE for the killings although they are unable to confirm whether the victims are genuinely part of a government intelligence network.

Alternatively some officials speculate that the victims are undercover operatives of one Tamil militant group who have been targeted by a rival group.

The police, who identified the latest victim as Jibrey Rajabdeen, a bachelor, said that he was shot dead at Pattanachchipuliyankulam on the Mannar Road. Some unknown persons who had called for him at home are believed to have been behind the shooting which was carried out around 9pm.

The schoolteacher's killing is the sixth murder by shooting to take place in Vavuniya within the last two months and the second within one week. On Friday night, a young man of mixed parentage named Kandiah Karunaratne was shot dead by unknown gunmen around 10.30pm close to the Tamil Maha Vidyalaya in Vavuniya town.

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PEOPLE and POLITICS

★ Lionel Fernando Denies Talks with India on Jaffna Visit

A four member government delegation led by the Secretary to the Ministry of Information, Mr. Lionel Fernando, is to leave for Jaffna on 13 October to initiate preliminary talks with the LTTE leadership. The other members of the government delegation are Prime Minister's Secretary K.P. Balapatabendi, Bank of Ceylon Chairman Rajan Asirvatham, and Architect Navin Gunaratne.

The government negotiating team will have discussions 'with open minds and expects the LTTE to reciprocate in a similar manner', Mr. Lionel Fernando told reporters. He felt that the time had come for peace after several years of conflict. 'The government is genuinely interested in solving the ethnic problem. The present war is not going to take Sri Lankans anywhere and it is better to find an end to it soon', Mr. Fernando said.

Mr. Fernando a former Government Agent of Jaffna held in high esteem by the people of the peninsula, said that he hoped to visit his mother's grave which is in Jaffna. She died there while Mr. Fernando was Government Agent and was cremated there on the insistence of the people of Jaffna, he said.

Meanwhile, Mr. Fernando has categorically denied mischievous news reports emanating from Colombo that he held talks with Indian officials in New Delhi during his recent visit to India. The reports had falsely suggested that Mr. Fernando's talks with Indian officials had centred around government's peace moves and the proposed talks with the LTTE. The Indian High Commission in Colombo also dismissed the reports as a 'figment of fertile imagination'.

Citing misleading reports in a section of the Colombo press that had appeared during his Madras visit, Mr. Fernando said that he had been deeply grieved to read them, as the only reason for his trip had been in connection with his wife having to undergo surgery at the Apollo hospital in Madras, which surgery had been scheduled for her at an earlier visit made in June this year. That

alone had been the reason for him to go to Madras, he said, adding that at no time did he have any talks with Indian officials as alleged.

★ LTTE Insists on Ceasefire

October 10 – While making elaborate preparations to welcome the four member government delegation, the LTTE leader Mr. V. Prabhakaran in a message read out at a ceremony to mark Black Tigers Day in Jaffna has insisted that a ceasefire between the LTTE and government forces must be declared for any talks to succeed. 'If the talks are to continue, a ceasefire is essential', the message said.

The LTTE has made arrangements for the talks to be held with the government delegation at the University of Jaffna while accommodation is also to be provided to them in the campus premises.

The LTTE delegation for the talks to be held on 13 and 14 October will be comprised of the Deputy Leader of the LTTE's political wing, Karikalan, Jaffna District political leader, Ilamparithy, Organiser of the Tamil Eelam Development Project, R. Ravi and the Organiser of the Tamil Eelam Administrative Network, Dominic. Although so far not mentioned, LTTE spokesman Mr. Anton Balasingham is also likely to be associated with the talks.

The LTTE's bulletin, 'Inside Report' of 20 September, makes the LTTE's position when it stated, 'If the government has genuinely set its heart on a political solution, it should declare a ceasefire so that negotiations can become meaningful and it should open approaches to the Peninsula so that the goods on which the embargo has been lifted can flow freely into the Peninsula. Insisting on the passage through Elephant Pass as the State Defence Minister, prompted perhaps by the military, is not only most unhelpful; it also shows that the new Government is following in the UNP's path.

★ Hema and Sajith Support Gamini

It was Mr. Gamini Dissanayake, along with the late Mr. Lalith Athulathmudali who masterminded the illfated impeachment motion against the late President Mr. Premadasa,

accusing him of the worst crimes possible, including abuse of power, ordering the killing of his political opponents and running a 'one man show' of the government without regard to collective cabinet responsibility and the Constitution of the country.

The debacle of the impeachment followed the unceremonious dismissal of both Gamini, Lalith and their cohorts from the UNP. The months that followed witnessed the most bitter and vicious infighting in the UNP which eventually led to the formation of the DUNF. Lalith first and Premadasa later were both assassinated allegedly by the LTTE.

The efforts for Gamini's re-entry into the UNP took a long time during which the Premadasa loyalists strenuously opposed his reinduction into the party. They accused President Wijetunga who succeeded Premadasa as leader of the UNP of ditching the 'Premadasa legacy' and trying to bring into the party his enemies, meaning people like Gamini. But from the time he was admitted to the party, it did not take long for Gamini to rise to the top dislodging many of the once powerful pillars of the UNP including well known Premadasa loyalists.

Now, strange as it may seem, Mrs. Hema Premadasa and Mr. Sajith Premadasa, the wife and son of the late President Premadasa have announced their support to Gamini Dissanayake in his presidential bid. In fact Mrs. Premadasa has been appointed organiser for Gamini in the Colombo district and she was there personally on nomination day at the office of the Election Commissioner. Her picture sitting alongside that of Gamini in animated discussion was splashed across the front pages of the newspapers the following day.

★ Assassination Plot

A press release issued on 6 October by the Office of the Leader of the Opposition Mr. Gamini Dissanayake said that the government had disclosed that they had reliable and definite information that the LTTE had planned to assassinate Mr. Dissanayake, the UNP's Presidential candidate.

The press release added: 'While Mr. Gamini Dissanayake has been on the hit list of the LTTE for quite some time, the main reason given for the LTTE's most recent decision to assassinate Mr. Dissanayake is the stand he has always taken on the Indo-Sri Lanka Accord and the LTTE fear that this may affect the current talks that

have been initiated between the government and the Tigers'.

Giving further details of the information conveyed to Mr. Dissanayake by the government, the press release added: 'Apart from informing Mr. Gamini Dissanayake himself of this immediate and current threat to his life, the LTTE's decision to assassinate Mr. Dissanayake has also been brought to the notice of the Inspector General of Police and the Deputy Inspector Generals of Police in charge of intelligence and security in the country.

In spite of this threat, Mr. Dissanayake has decided that in the interest of the nation and the UNP he should not in any way restrict his campaign for the Presidency. But he has instructed his office to take steps to strengthen his security and has requested the Ministry of Defence to provide him with more vehicles which are urgently required to strengthen his personal security'.

In the meantime, Dr. Subash Chandra Fernando, brother-in-law of the slain J.V.P. leader Rohana Wijeweera, who visited Sri Lanka recently and performed a one-man protest in front of the office of the Commissioner of Elections objecting to the recognition of Mr. Somawansa Amarasinghe – presently in self-imposed exile – as the JVP's General Secretary, has claimed the existence of a plot to assassinate Prime Minister Chandrika Kumaratunga by some JVPers belonging to the Amarsinghe faction.

It is learnt that Dr. Fernando, who presently practices medicine in England, had visited the fourth floor headquarters of the Criminal Investigation Department in Colombo and made a statement in regard to the information he had about the plot to assassinate the PM. According to him, the Amarsinghe faction had plotted not only to kill the Prime Minister, but also himself (Dr. Fernando) and the wife and children of the late Rohana Wijeweera, and that the plot had been hatched from a house in Malwana.

★ Liberal Troubles

Dispute as to who should be its National List MP has caused divisions in the little known miniscule Liberal Party in Sri Lanka. It was thanks to a strange alliance between the Sri Lanka Muslim Congress and the Liberal Party that enabled the nomination of Mr. Asitha Perera, the Vice President of the LP, as a SLMC National List MP.

Now the LP leader Dr. Chanaka Amaratunga, a one time admirer of the UNP under Premadasa, and who following the illfated overtures during the general election to get into the National List of the UNP struck a rather unholy last minute agreement with the SLMC, wants to replace Mr. Perera to resign so that Dr. Amaratunga could take his place has been stubbornly resisted by Mr. Perera who now stands suspended from the LP facing disciplinary charges.

It would seem that the original understanding between the SLMC and the LP was for Dr. Amaratunga to be nominated as the SLMC National List MP. But the leadership of the PA with whom the SLMC had an electoral alliance had strong reservations about the nomination of Dr. Amaratunga as it was uncertain as to how he would vote in Parliament on crucial matters. The PA's narrow majority in Parliament could not afford the luxury of the volatile Dr. Amaratunga's erratic conduct. So the SLMC leader M.H.M. Ashroff was persuaded to nominate Mr. Asitha Perera as the SLMC's National List MP.

Following the refusal of Mr. Perera to resign, Dr. Amaratunga wrote to the SLMC leader about the LP's decision to remove Mr. Perera as National List MP. The SLMC leader has written back to Dr. Amaratunga stating that the problem between him and Mr. Perera was an internal local matter for the LP which they should seek to resolve themselves. Dr. Amaratunga's chances of entering into Parliament through the SLMC National List seem remote at least for the present.

★ Mystery Surrounds Shooting of Tamil Lawyer

Mystery surrounds as to who was responsible for the shooting on 21 September of President's Counsel Mr. Motilal Nehru, a practising lawyer in Colombo. Mr. Nehru was at his residence in Kotalawala Terrace in Bambalapitya, Colombo, in consultation with two clients when a gunman had shot at him through the window. He sustained serious injuries and is now said to be recovering.

A special team from the Crime Detective Bureau conducting the investigations is reported to have arrested the alleged suspect, identified as Balachandran, at a lodge in the Maradana police area the follow-

ing day. A weapon alleged to have been used to shoot Mr. Nehru also was recovered from the suspect.

According to police sources, the suspect had told the police that 'a person' had hired him to shoot Mr. Nehru, but did not know the identity of this person. Although, as usual, the police attributed the shooting to a LTTE plot to assassinate him because he had turned 'traitor', the incident still remains a mystery to many of Mr. Nehru's friends.

★ Athletes Disappear

Four Sri Lankan athletes, including distance runner Ranjit Subasinghe, have disappeared from the Athletic Village at the Asian Games Complex at Hiroshima in Japan. The three others missing from the Sri Lankan athletic contingent are cyclists Chandra Sujeeva, Rohitha Ranchapola and Wasantha Kumara.

It is believed that they have all decamped from the Lankan section in the Games Village, and their disappearance has been confirmed by Sri Lankan sports officials. Ranjit Subasinghe went missing with all his belongings and the rest disappeared without theirs.

It is rumoured that a few more athletes are also planning to get lost in Hiroshima.

3007 Files on Missing Persons

The Human Rights Centre of the Bar Association of Sri Lanka has prepared 3007 files in respect of persons, reported missing during 1989 to 1991 period.

The Rights centre said that these files are to be submitted to the Ministry of Justice for further action by any Commission of inquiry, appointed to probe the disappearances of persons.

Next of kin of the missing persons had written to the Human Rights Centre, seeking legal assistance, the spokesman said recently.

In giving a breakdown of the number of applications received, the spokesman said that there had been 446 letter from the Western Province, 651 from the Central Province, 280 from the Sabaragamuwa and the Uva Provinces, 433 from the Southern Province, 842 from the Eastern Province and 355 from the North Central and North Western Provinces. These applications were as at 28.2.91.

A Programme for Peace

by A. Jeyaratnam Wilson

University of New Brunswick

A more humane government under the leadership of the People's Alliance has taken office. The Tigers are willing to talk to the new Prime Minister. There is therefore a ray of hope. The new cabinet is composed of a new generation which is hopefully free of the prejudices that characterised the older generation. We can therefore expect that fresh minds will be brought to focus on an age-old problem. Will our island return to the beautiful paradise it once was?

There are many problems that the Cabinet will have to confront. No doubt the communal question will have some priority. But there is immense cleansing to be done. That will also take the time of ministers.

One approach to the question is to agree on a period of cease fire. That way the killings on both sides will cease. The exchequer will save a massive amount of money. We cannot afford to ignore the peace dividend and the resulting benefits.

There is then the question of specifics. How should we utilize methods so as not to antagonize either side. India as the regional super power has a stake but it was only for so long as there was suspicion that the pro-anti-Indian Sri Lankan government (Jayawardene, China, Pakistan, U.S., U.K.) followed a hostile policy. With the new government, the **status quo ante** will be restored. A settlement acceptable to both belligerents will possibly have India's approval.

The spanner in the works is the unitary and federal antagonisms. Can a framework be devised to avoid the use of either term? There are several models. In the Netherlands, in the Aaland Islands, and in pre-Mandela South Africa. The textbooks often referred to South Africa as a federal system in a unitary framework. But given the past history of broken pacts and pledges in Sri Lanka, it will be difficult to persuade the Tamil people to accept a consitution that does not have cast iron safeguards. Further if federalism is unacceptable, a special relationship between the Tamil north-east and Colombo need not imply, necessarily, a federal settlement.

The first problem is one of boundaries. The Prime Minister has suggested redrawing the map so that the country will have five provinces instead of eight. This could cause intractable problems. If the Northern Province is to be tacked on to the Tamil majority Trincomalee and Batticaloa north districts, will this satisfy the Tamils? The answer is uncertain. If deadlock prevails, one way out might be to constitute Batticaloa South and Amparai districts into a trilingual autonomous province. That way, the Muslims can have their autonomy region. But more than that, the trilingual province can be what is called in constitutional terminology a condominium. This would mean that each of the three authorities, Sinhalese (Colombo) Tamil (Jaffna or Trincomalee) and Batticaloa South (Muslim) would have a meaningful share in the governance of the Muslim-Sinhalese-Tamil Batticaloa South-Amparai Province in a way similar to what the Anglo-Egyptian Sudan was to Britain and Egypt and what some of the Pacific islands are to Australia today. Joint control could thus be an answer. Such joint supervision will permit the Muslim province to have control over the same subjects as the other provinces, in particular land allocation. The Muslims will of course enjoy the predominance of power and in the event of dispute negotiate with Colombo and Jaffna Trincomalee. But they, the Muslims, should as best be accommodated.

There are other serious questions that need resolution to a peaceful transition to an ordered polity.

The crux of the problem is to strike a compromise on the federal-unitary question. Should the Sinhala majority insist, the unitary concept can be modified. However there will have to be included a negotiated package on the distribution of powers. This is a matter for the politicians to handle. A cautionary note however needs to be stated. In the existing package for the division of powers, there is a catchall phrase stating 'subject to national policy'. This needs to be removed. The Tamil people have problems peculiar to their economic, social, climatic and

geographic situation. All these can only be handled by their politicians without the interfering hand of Colombo.

For example one way out of the Tamil unemployment impasse is to have Tamil universities take in all Tamil students eligible for university education and have them study in the English medium. In that way, we can export Tamil talent to other Third World and even First World states. They will not then have to compete with their Sinhalese counterparts in Sri Lanka for jobs at certain levels. This will be one significant way in which the rigours of repression of our youth fit for higher education could be minimized. There are other areas of 'subject to national policy' that need to be looked into.

If the Provincial Councils Act is carefully examined, there is a strong similarity between it and the dyarchy practised by the imperial British government in India under the Government of India Act of 1919. There is not even anything close to a decent devolution of power under the Provincial Councils Act just as it was in the Government of India Act of 1919, a gigantic fraud practised by the British government of the time on the Indians.

But there are ways of overcoming the wiles of men. The present division of powers need to be carefully examined as has already been done by the Mangala Moonesinghe Committee. Subject to certain important additional adjustments, the division proposed by the Moonesinghe Committee could be made more acceptable.

What can these changes be, taking into consideration the much feared federal-unitary dilemma. It is a fiction to suppose that a unitary state is better protected against disintegration and secessionism. The highly centralised United Kingdom faces Scottish and Welsh separatism. The Labour Party under Mr. Blair's leadership has already proposed parliaments for Scotland and Wales. The classic home of centralization, France is planning on devolution of powers to regions. The ex-Soviet Union under the deadly rule of Stalin, and Yugoslavia under Tito's dictatorship, though nominally federal states were under the tight tyrannical control of the Communist Party. The inevitable result after the deaths of Stalin and Tito has been the break up of these

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centralised entities which functioned under the pretension of federal states. They were really subjected to the tight dictatorial control of the Communist Party. So, even centralised states are not exempt from disintegration.

The core of our problem is to grasp the federal-unitary nettle. There are models and models as already suggested. But extremist Sinhala political forces in deadly competition with one another could let the island go to rack and ruin rather than agree to a peaceful resolution.

Our formula is as follows: the present Moonesinghe Committee's division of powers be changed wherever necessary, and 'the national policy' clause be removed; in matters of foreign policy, defence, currency and communications, national policy could be retained.

The key to the problem however is the Supreme Court. There is no gainsaying that the Court is the handmaid of the political executive. This can be remedied as follows: A Supreme Court be appointed comprising a majority of Sinhala judges; in addition there should be three judges appointed on the advice of the Chief Minister and his Cabinet from the Tamil Northeast Provincial Council and two judges similarly appointed by the Muslim Council.

Any matter on which there is dispute on the exercise of power by the Tamil council should have the consent of a majority of the Tamil judges (two out of three) in addition to the Sinhala and Muslim judges to make a majority and on Muslim matters there should be agreement by both Muslim judges and the other judges so as to constitute a majority. It will be up to the Sinhala and Tamil or Muslim judges to come to a negotiated agreement to resolve disputes. So in the end a majority of Sinhala judges plus the Tamil or Muslim judges must resolve disputes.

The Chief Ministers of the Tamil and Muslim provinces with the approval of a majority of their cabinets should have the right of recall of their respective judges. In this way, by convention, mutual agreement and judicial decisions, the powers of the provinces will not be tampered with. The same provision will apply to the Sinhala provinces. **But there should be a clause in the Constitution to state that the decision of the Court will**

be binding on Parliament and Cabinet and have the force of law. This is the only way in which the autonomy of the units can be safeguarded.

No country (as Jennings wrote) will adopt a federal constitution if they can avoid it. Federalism involves expensive litigation and prolonged delays in administration. But the price is worth paying if costly civil wars are to be averted. Our present formula will no doubt be a gold mine for lawyers but it will be less on the purse than fighting a futile war which runs into millions a day.

The specially constructed Supreme Court, we suggested should and could be a significant breakthrough to the federal-unitary dilemma. But as we already stated cast iron safeguards are needed to avoid the return to civil war and anarchy. By now it must be clear that the free will of ethnic groups cannot be repressed even by well equipped modern armies. There is no obstacle that can stand in the way of an ethnic group decided on declaring its right to self-determination and proceeding to implement it. Thus strong safeguards are necessary to reassure the Ceylon Tamil minority. A Supreme Court, specially constituted, and a joint jurisdiction by Jaffna and Colombo over the Muslim majority regional council, in a condominium style government are not in themselves adequate.

Will Parliament have overriding powers over the division of powers? That is, can the Colombo Parliament override legislation enacted and executed by the Tamil and Muslim autonomous provinces? The answer is partly found in the jurisdiction to be exercised by the Supreme Court. Another answer is that Parliament retains this right **subject to the proviso that its overriding power must have the consent of a majority of the Members of Parliament representing the Tamil or Muslim autonomous provinces, as the case may be**, in respect of the powers of each of these provinces. In this way the sovereignty of the central Parliament will be maintained.

But what if the Tamil or Muslim MPs are bought over by the government in office? There should be provision that in such an event, if the council of the autonomous province is opposed to the overriding

change, then the overriding change will **not** be implemented should the council concerned, by a majority vote, decide that the **right of recall** of the MPs voting for the change be exercised. Then new elections will have to be held in the constituencies concerned. There are other safeguards that can be provided for which the wit of man can anticipate. For example the boundaries and demographic composition of each of the autonomous regions should not be altered without the consent of the council concerned. There is provision for this (boundaries) in the Indian constitution.

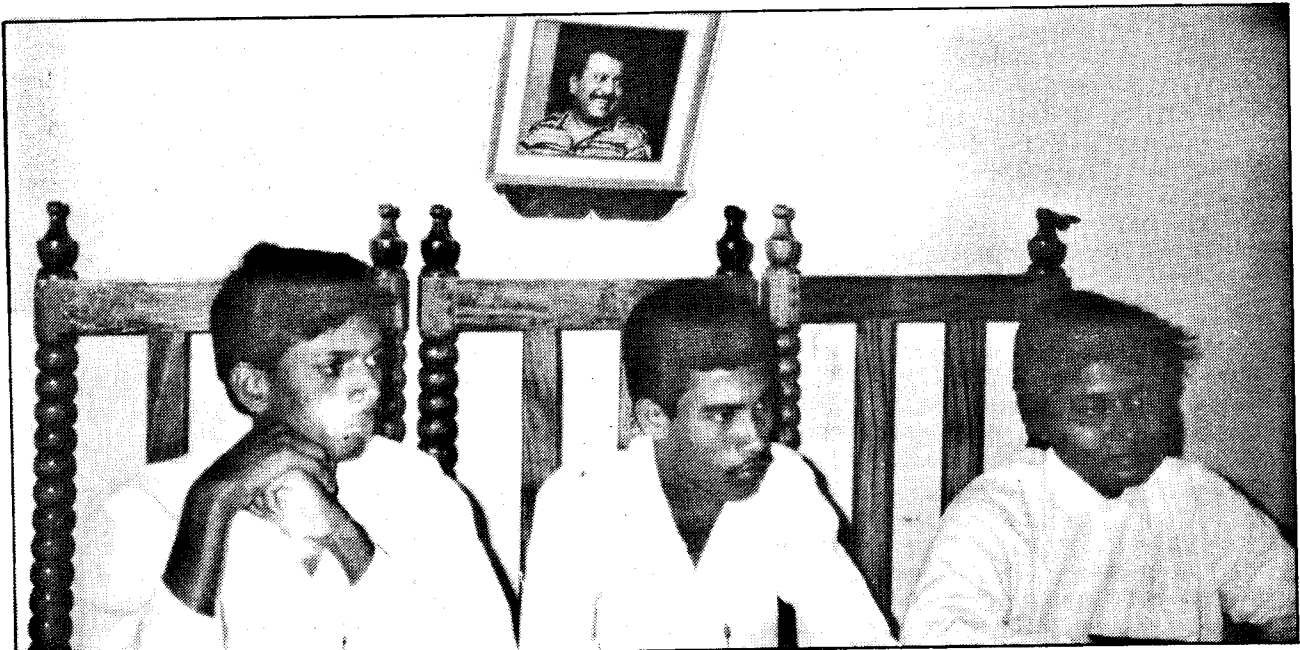
Can Parliament repeal any of these provisions? The answer is yes **provided** Parliament's overriding power of repeal is approved by a majority of the electors in the autonomous province in a **referendum**. Thus unitarianism is safeguarded without there being a rigid demarcation of powers.

What about finances? A specially constituted Finance Commission with proportional representation from each of the provincial councils (Sinhala, Tamil, Muslim) should be constituted. The recommendations of the Commission must preferably be unanimous or by at least a four-fifths majority. Its recommendations then become binding on the Minister of Finance of the Colombo government. A provincial cabinet should in addition have the right to **directly** seek foreign assistance or investment. In this way President Jayawardene's plan for a district to be 'adopted' by a western government can be accomplished. The infrastructure of the provincial unit can in this way be built.

What about public servants? In all matters relating to provincial jurisdiction, public servants should be under the control and supervision of the provincial cabinet. They can also be dismissed by the provincial cabinet subject to agreed procedures. In central government areas, public servants will execute the orders of the Colombo government. The same public servant can perform both functions but if a provincial cabinet so desires, it may provide for the appointment of its own public service.

The governor of each provincial council should be elected by the people of the province or by the members of the provincial council concerned.

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Appeal Court Judges, Sugirtha, Jesudas, and Anbu – Photo by Rita Sebastian

by Rita Sebastian
reporting from Jaffna

Jaffna's Eelam Judiciary

What you see from the well of the court is a bespectacled, curly haired young woman seated on the raised dais of the Jaffna's District Court. Kalki, 21, is one of the 12 judges of the Tamil Eelam judiciary.

Below, at the bar table are lawyers like Leela Thurairajah who passed out of the Sri Lanka Law College in 1976. Today, having retaken her oaths before the Eelam courts, Leela is practising as a lawyer in the peninsula.

In nearby Chunnakan we met judge Sarwa, 23. Sarwa who lost an arm in the battle for Elephant Pass, has like Kalki gone through a 2-year training at the Pasilan Madapam, the peninsula's law college named after a victim of Indian Peace Keeping Force operations in the island's northeast.

Judge Sarwa has heard 563 cases and given judgements in 367. Long black pants, white overshirts belted at the waist, black jackets and black bow ties formed the standard dress for the women judicial officers.

The Eelam Appeal Court has three-member bench. Judges Sugirtha, Jesudas and Anbu, their ages ranging from 22-24. All of them battle hardened LTTE fighters.

Weren't they too young to be judges? Did they not lack the maturity and the experience that come with age and being part of the community?

'We do not have to have a family to know what family life is. We have been very much a part of families and of society,' says Sugirtha answering our criticism. And of the new laws that make adultery a crime. 'This is our land and we pass the laws', she says.

Upto now 41 cases have gone before the Appeal Court, and the judgement reversed in 21 of them. A man denies paternity. The case is dismissed in the lower court. The complainant appeals. The judgement is reversed and the man made

to put Rs. 50,000 in a fixed deposit for the child.

Eliyathamby Pararajasingham, who heads the department of Justice and Law administration in the peninsula points to the incorruptibility and impartiality of the Eelam judges. Lawyers and litigants in the peninsula have accepted the system, he says. 'It is their faith in the LTTE leadership that has built confidence in the system. Leader Velupillai Prabhakaran has nursed the judiciary, just as he did the military commanders'.

Pararajasingham, who as an MP of the Eelam Revolutionary Organisation of Students (EROS), sat in the country's legislature for a brief period, talks of the amendments made to the existing laws. The law of Thesavalamai has been changed so as to abolish the subjugation of women. In Tamil Eelam the woman is an independent person, who can sue and be sued, can sell, or donate her private property, unlike earlier when she had to have the written consent of her husband.

None of the Eelam judges is paid. And lawyers cannot charge more than Rs.500 for each case.

The case fee is not paid directly to the lawyer, it is channelled through the courts registrar, and all litigation completed within six months.



Justice Sarwa and State Counsel Allirani

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The penalty for rape, murder and drugs offences is death. And the peninsula has seen the first man found guilty of rape face the firing squad. Once Tamil Eelam is established the guilty will get 'life imprisonment not death', says Pararajasingham.

From the courts to the peninsula's police force. Heading the Tamil Eelam Police Force is Balasingham Nadesan, formerly of the Sri Lankan Police, and married to a former police colleague from the island's deep south.

The first batch of the Eelam police recruits passed out in 1991, says Nadesan. In battle fatigues, Nadesan oversees a substantial contingent of police personnel but refuses to name its strength for 'security reasons'. A special investigation branch also forms part of the Eelam police.

The police recruits are given a six-month training geared more to preventive action rather than mere policing, says Nadesan emphasising that no 'third degree' methods are adopted to elicit information.

A 'no-drinking, no smoking' order while on duty is strictly enforced and police personnel found guilty of misusing their powers are given a three week punishment training on how to behave.

Police personnel in the proportion of 60% men to 40% women undergo military training as well, before being inducted into the service. In dark blue pants and light blue shirts and blue berets you find them manning the police stations that have been set up all over the peninsula, the strength of the police force in each village depending on the size of the community.

Past Copies of Tamil Times

Past copies of Tamil Times are available for sale in 12 volumes, the present series being volume 13. The price of each volume is £20 by surface mail. Those interested are requested to send a cheque/draft/money order for £20 for each volume to:

The Circulation Manager, Tamil Times Ltd., P.O. Box 121, Sutton, SM1 3TD, U.K. The price for each volume in other currencies is US\$40/Can\$47/Aus\$54.

'People come to us without fear with their complaints because they know they will get a just deal' says Nadesan.

With the administration of justice,

and the law and order machinery in the peninsula having been firmly set in place, the LTTE would work any negotiated political settlement to accommodate these institutions.

Jaffna's Thriving Economy

from Rita Sebastian in Jaffna

Jaffna: It was necessity that spurred the ingenuity of Jaffna's youth to evolve their own appropriate technologies.

Whether it was to find an alternative to the upto now widely used Jaipur foot, or tanning locally available hides and providing manufacturers with the leather, Jaffna had to find its own answers in the face of a crippling economic embargo.

In the headquarters of the Tamil Eelam Economic Development Organisation (TEDCO) there is a monument which TEDCO head Visagaperumal Ravi points to as symbolic of the Eelam struggle.

Two large hands rise up from within a mound of earth, liberally strewn with destroyed army tanks and dead soldiers.

It was in India that Ravi, 35, trained as a 'freedom fighter'. And it was also in India that he acquired, he says the expertise to handle development projects.

TEDCO, initially known as the Research Organisation of Tamil Eelam (ROOTE) changed its nomenclature in 1992. Begun in 1983, it was forced to put up its shutters in 1987 in the face of Indian Peace Keeping operations in the northeast. Ravi with other LTTE fighters fled to the jungles. In 1990 with the withdrawal of the IPKF, they returned to Jaffna and set up TEDCO.

TEDCO, an umbrella organisation for 300 projects in the peninsula has a Rupees 200 million budget financed by Tamil expatriates. A 1,400 strong workforce comprises, according to Ravi, senior civil servants, economists, engineers, planning officers among others.

Its meticulously planned activities are spread over the 560 villages in the north. Twelve volunteers in each village have formed themselves into rural productivity committees which coordinate activities ranging from organising the distribution of seedlings to farmers, to involving the community in tree planting campaigns.

In its leather factory outside Jaff-

na town around 100 skins, both cow and goat hide, are cured weekly using environment friendly chemicals like the bark of the eucalyptus. 'We had to find substitutes when the economic embargo put a stop to chemicals coming in from the south, said the factory manager showing me around the not so large rectangular building where, with the minimum of facilities the factory is meeting the local demand for leather.

'Before Eelam War 2 started we exported leather to Sri Lanka', said Ravi. Was I hearing right? Exports to Sri Lanka? Yes, in Ravi's world Sri Lanka is another country already.

The peninsula's salt production has also increased. It has surplus stocks that will last till the end of 1995. Salt is one of the commodities looking for an export market.

Ravi talks of the untapped resources of the north. Already with the help of extensive research done in the Jaffna University as well as in universities abroad, TEDCO has experimented with growing certain varieties of rice in soil treated for salinity. The results have been encouraging and if everything goes well a larger extent would come under paddy cultivation, according to Ravi.

'Before 1983 Tamil Eelam did not produce enough rice but now it is self-sufficient'.

In the past 4 years, industry too has taken an upward swing. The peninsula now produces anything from soft drinks to soap. While a new policy document on the peninsula's development projects is being drawn up, Ravi envisages an accelerated pace of economic growth in the peninsula.

'We have to improve not only our technologies but also increase our agro-based industries. After all when neighbouring Sri Lanka achieves NIC status we will have to compete with them won't we?' asks Ravi, a mischievous twinkle in his eye.

Thondaman's Dilemma

— by Taraki —

What are the minority political parties and groups going to do at the forthcoming Presidential elections?

Both the P.A. and the UNP know full well that victory at this poll would depend on their ability to secure the largest quantum of Muslim and Tamil votes through the parties and groups in the northeast and the hill country.

Because the Sinhala vote is inevitably divided, tilting the balance of the national vote in one's favour can be achieved only through wooing those minority parties which are considered capable of delivering their communities' votes en bloc. Premadasa's politics was based on this formula.

The minority vote can be divided into three categories — the Sri Lankan Tamil vote in the northeast and Colombo, the Muslim vote in the east in particular and the rest of the country in general, and the hill country Tamil vote. The Parliamentary elections have helped clear the confusion in Sri Lankan Tamil political representation and today there are only three parties — the TULF, PLOTE and the EPDP, which can lay claim on the Sri Lankan Tamil constituency with a measure of credibility and legitimacy. The Sri Lanka Muslim Congress lays claim to the Muslim vote — a claim which is often challenged by Muslim politicians in the UNP and the SLFP. The estate Tamil vote is still considered to be largely in the hands of the CWC despite the potential for growth evident in the Upcountry People's Front led by Mr. Periyasamy Chandrasekaran.

These minority parties — SLMC, CWC, TULF, UPF, PLOTE are sitting on a vote bank more than a million strong.

We have to exclude the EPDP from this list because in terms of the votes it can deliver at a Presidential national wide poll its influence is very marginal. The PLOTE and the UPF are not big but have shown potential for expanding their vote base.

At the last Presidential election the CWC and the SLMC supported the UNP candidate and it can be said that the attitude of the TULF and the other Tamil groups were not in favour of the SLFP in that election — in fact the IPKF's last minute

actions did its best to swing the vote in favour of the UNP candidate at the eleventh hour. The PLOTE on the ticket of which Chandrasekaran contested in '89 was mainly with the JVP during the Presidential election though it had strong links with an SLFP politician at that time.

Overall the minority equation was very much in favour of the UNP candidate at the last Presidential election.

This time however things have come full circle. The SLMC is part of the PA government. And so is the UPF. The PLOTE has pledged support come what may. The TULF feels obliged to extend its support despite certain reservations. The CWC is trying its best to join the PA government.

Two things have helped the PA in this. One of course is D.B.'s pro Sinhala nationalist pronouncements. The other is the peace initiative. As a result of these two things there is a feeling among minority leaders that their people might vote for Chandrika despite them. This I think is most acutely felt by Mr. Thondaman. Why? The CWC leader has, in the past been the most bold and in the eyes of some a rash advocate of starting a dialogue with the Tigers. It will be well remembered how he stubbornly persisted that the LTTE was the main representative of the northern Tamils and that nothing could be done about the Eelam War without recognising the LTTE's status as such etc. In fact he had at one point even preferred to emphasise this issue at the expense of several pressing problems which had arisen in the plantations after the private management companies moved into the estate sector.

He at that time was not only motivated in this by his interest in the wider Tamil cause but by the belief that a pro LTTE line would help keep the sympathies of the plantation Tamils solidly with him. The Tigers, though not active in the estate sector, enjoy a substantial measure of popularity and strong sympathy among the estate hill country Tamils. Thonda the shrewd politician knew how to cash in on this while remaining an integral part of a government which was prosecuting the war on the LTTE.

Therefore the concrete peace

effort of the PA government has thrown him on the horns of a politically dangerous dilemma. If he remains with the UNP in view of the memorandum of understanding with that party which still binds his parliamentary group to the opposition in spite of the recent ruling of the deputy speaker on the matter, then he will have to helplessly watch the plantation votes going largely in favour of the PA which is trying to cement a peace with the LTTE. This could also mean the end of his so called command over the large vote bank in the plantation sector.

The CWC is quite aware of the fact that there are two strong factors working against it at this Presidential election. One is the Chandrika factor which has removed the traditional antipathy which the plantation Tamils harboured towards the SLFP for evicting them in large numbers from estates in the seventies under Usawasama and other similar schemes. At the Presidential election the vote is for Chandrika as an individual and she is a person not wholly identified with the SLFP as a result of her husband's politics. So the chances are greater that the plantation Tamils whose disaffection with the UNP is yet to be assuaged by Mr. Dissanayake will be inclined to vote for Chandrika.

The second factor is of course Mr. Chandrasekaran. His party has already launched an extensive campaign program in the hill country with the full backing of PA's resources. The danger posed by this Presidential election to the CWC is this — if it were to transpire at this election that the hill country Tamils have overwhelmingly voted for the PA without Thondaman calling on them to do so, then the CWC's bargaining power and its image as a powerful and inevitable minority party would be in shambles overnight. This was the sentiment expressed at the CWC's politbureau meeting which began around 11am last Wednesday. Although at the initial stage of the crucial meeting the pro Gamini faction of the party led by Sathasivam (MP for Nuwara Eliya) and Rajaratnam (MP for Kandy) had argued in favour of remaining with the UNP in view of the seventeen year partnership, Thondaman had strongly favoured joining the PA and supporting it at the Presidential election. His view had prevailed as all came to agree

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that the CWC would be left in the lurch if the plantation Tamil vote were to go largely in favour of the PA candidate.

The same thing happened at the executive committee meeting at 3pm the same day. There also a few members didn't fail to argue the UNP's case but the ulterior fear that the CWC would be reduced to nought if the PA were to secure the plantation Tamil vote seems to have finally determined the party Exco's decision on the question of what course of action the CWC should follow in connection with the Presidential poll.

Commissioner to Probe Election Violence

President D.B. Wijetunga has appointed Justice T.A. de S. Wijesundera, retired judge of the Supreme Court, as a one-man commission, to inquire into and report on certain acts of election-related violence which occurred immediately prior to the last Parliamentary General Elections also immediately thereafter, the government announced yesterday.

The Terms of Reference of the Commission are – (a) whether any of the acts of pre-election and post-election violence resulted in the loss of life; and,

(b) if so, the amount of compensation payable to the dependents of any persons who lost their lives.

The commission was appointed by the President under the Commissions of Inquiry Act, on the recommendation of the Cabinet of Ministers.

The commission has been called upon to submit its report with three (3) months.

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In regard to emergency powers, a state of emergency cannot be declared in an autonomous province except on the recommendation of the provincial cabinet. Otherwise emergency powers can always be invoked by Colombo and the autonomous region can be placed under central control indefinitely.

At the start we stated that that there models to be copied to avoid the dangers of disintegration. In the last resort there is the C.R. formula (by C.R. Rajagopalachariar). Although Jinnah rejected the for-

The dilemma of Thondaman.

The Exco statement was therefore designed to pave the way for cultivating the PA without giving it the appearance of a surrender impelled by an anticipated weakness.

Meanwhile, Thonda had begun a two-pronged effort to overcome the crisis. On the one hand he was negotiating for a cabinet post with Chandrika through some of her colleagues. He would only settle for Power and Energy or Textiles and Rural Industries. This did not succeed because the PM was in no position to grant him any of these ministries in view of the co-operation she requires from her

cabinet colleagues for winning the Presidential election.

Another serious matter was also given due consideration by concerned parties in the PA as well as in the CWC. That is any move by the CWC to join the PA by fully withdrawing from the UNP would inevitably push that party (the UNP) into adopting a virulently communal stance, which according to some in the PA might adversely affect their party's performance in the Sinhala electorate and according to some in the CWC lead to an unpleasant backlash on the Tamil community itself. It was also suggested to the CWC that in view of this as well the entry of Mr. Thondaman into the PA Cabinet should be delayed until after the presidential poll.

The other side of Thonda's two-pronged strategy was aimed at neutralising Chandrasekaran. An offer was made through one of Thonda's confidantes, Mr. Kandasamy Naidu – a Vice President of the CWC – to Chandrasekaran that he could rejoin the CWC and as its General Secretary. The offer was duly conveyed to Chandrasekaran's colleague Mr. B.A. Cader by a mutual friend at a dinner at Temple Trees two weeks ago. Later on it was suggested through the same channel that the CWC leader was prepared to create the post of deputy president with powers almost equal to that of the president of the CWC for taking in Chandrasekaran. This move was considered by some to be aimed at killing two birds with one stone. However, the UPF leadership seems to be quite wary of Thonda's offer.

The worry uppermost in the minds of the pro-PA leaders in the CWC like Kandasamy, is that if the CWC were to remain long with the losing side (the UNP), it could simply crumble to pieces once Thonda is gone from the scene. The Sathasivam faction will pull in one direction and the UPF in another. Thonda's grandson Arumugan, they are all so sure, will settle down in India to look after his lucrative business concerns there.

But whatever the purity of their intention they still refuse to come to terms with the fact that Thonda is stubbornly presiding over the decline and mess that he himself has created. This then is the undeplorable tragedy of the Ceylon Workers' Congress.

(Courtesy of Sunday Island, 9.10.94).

Skeletal Remains of 7 Bodies Unearthed

Skeletal remains of six or seven bodies were recently unearthed from a grave site in a tea estate in Rakwana.

The site located off the Rakwana Kalawana main road, was excavated on an order made by and under the supervision of Balangoda District Magistrate Mahinda A. Samayawardane.

Skulls, hair, pieces of decayed cloth, two spent cartridges, a tyre, pelvic bones and several other skeletal parts were recovered soon after the excavation began. They were labelled and collected for later analysis.

Several witnesses from Embilipitiya and Rakwana gave evidence before the magistrate. The magistrate asked them to appear in Court on October 28 if further evidence is available. He also directed that the CID take over investigations from the Rakwana police.

Forensic experts believe that the victims had been shot in the head or mercilessly assaulted.

mula as making for a 'maimed, moth eaten and truncated Pakistan,' we can examine this formula as a device of the last resort.

Finally there should be inserted a provision that after five to seven years of the working of the Constitution, a referendum should be held in the Tamil and Muslim provinces. If either province is dissatisfied, there should be further negotiations for change. It is the Sinhala government's responsibility to ensure by honest government that unresolvable disputes will not occur.

Sixth Kanthasamy Memorial Lecture

Discussion in Dissent

Lucien Rajakarunanayake
President, Free Media Movement

(Continued from last issue).

National Security Syndrome

The all embracing commitment to this particular interpretation of national security, has led the major newspapers to virtually give up their right to discuss the costs of the war, in terms of national resources and the quality of life of the people. It has led our newspapers to virtually abandon the on-the-spot report on the war and its victims, which can lead to wider discussion of the war itself. Instead, these newspapers have sought to confine themselves to the reportage of official statements on the war. Very often one has noticed, the hidden journalist emerging out of the editor, when local newspapers publish foreign news agency reports of aspects of the war, when in fact such reportage should come through their own news gathering resources.

If this is true of the major newspapers it is not untrue of society itself. This unquestioning emphasis on national security has led to a refusal to discuss the war and its effects and consequences. It has led to a muted silence about the harassments being done to the citizen under emergency regulations, and even without their cover. It has led to the new chorus of satisfaction that there are more Tamils living in peace outside the Jaffna peninsula, and among the Sinhalese, than there are within the peninsula. No question is raised, no discussion carried out as to why people have been compelled to uproot themselves from their homes, villages and communities. Is it only the harsh brutality of the Tamil Tigers, or the reality of the war itself?

It is not my intention to heap all the blame for the extreme lack of discussion in our society, on the newspapers alone. They come into

focus first because of the nature of the Press, its manifest ability to present many views and the great advantage of the newspaper in its ability to allow for re-reading, reflection and response. However, a much larger responsibility for the lack of discussion in dissent lies with the electronic media of our country.

Broadcasting Media

In terms of age, Sri Lanka certainly has maturity in the broadcast media. Radio is over fifty years old. Television has already pushed behind its first decade. In terms of technology and training, the facilities, although not state-of-the-art, as many would say, they are more than wholly adequate for the needs of good public information. Yet, the truth is that both radio and TV consider information to be of the least importance among their tasks, whatever pronouncements may be made by the parade of ministers who seek to place the stamp of personal idiosyncrasy on the broadcast media.

One does not need research to inform us that radio is the media with the most reach in Sri Lanka. Television today would come second. Yet, what have these two media done to encourage serious discussion of issues of importance in our society? The recent expansion of radio and TV has been essentially in the direction of greater entertainment. It is not my intention here to decry this emphasis of entertainment, although one may have reservations about the quality of entertainment offered. But, both radio and TV, whether owned by the State or the private sector have carefully avoided the aspect of dissent and discussion, and in so doing deliberately abandoned a key function of the electronic media, and denied

the public of an important use of this media.

There is a whole range of topics, from the basic issues of democracy which affect our society today, to the war and the ethnic crisis; issues such as the threat of AIDS, the overall dangers of uncontrolled tourism, the quality and content of education, public health, transportation, and many, many more areas – all of which find some serious reference in the newspapers, which are almost wholly ignored by the electronic media, save as litany of praise of the government.

This absence of participation by the electronic media in the essential role of discussion and information, gives rise to a major problem with regard to the development of an informed society, which is a necessity for the proper functioning of democracy. How much scope can there be for informed dissent in a society, when the media with the widest reach shuns discussion, would discourage it, and worse, still present an official monologue in terms of truth and accuracy?

Fear of Reprisal

It is certainly no secret that this absence of discussion on the electronic media is both government fostered in the case of the state-owned radio and TV, and largely a result of the fear about government reprisals in the case of the privately-owned electronic media. In the latter instance, there is also the undoubted conviction of the owners of these media institutions that it is not their role to encourage discussion or give air to dissent.

This again comes from the general attitude of belief in the established order, the reluctance to look at problems in a different light and consider new options or solutions, unless they have the prior blessings of even a dominant section within government or the State structure.

Regrettably, it is this belief in the necessity for official sanction, that has given the courage to politicians, including presidents, prime ministers and lesser types,

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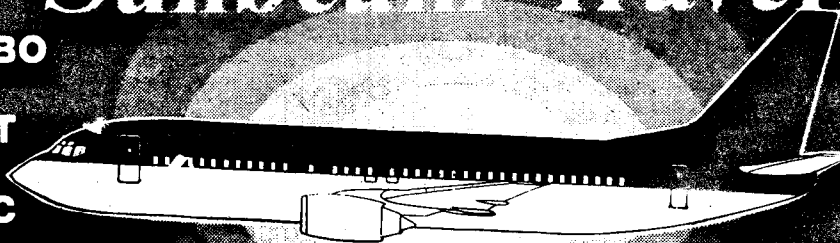
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to often pontificate on the role of the media, very often with hardly a whimper of protest from the other side.

We are not strangers to the many occasions when the newspapers have been lectured to, as to what their role is or should be. You will recall that in early 1993, when it was the policy of the then President to unleash violence on journalists and newspaper owners, how the public was told that the President was not only unafraid of criticism in the Press, but that he gave permission to the newspapers to do so.

Presidential Homily

Little did that president, who was supposed to head a democratic society, realize that it was not within his power to sanction or permit criticism of himself or his government. That such criticism was in fact an inalienable right of the people, whether they published newspapers or not. It is sad that in the whirligig of politics, we are now told that there is a great public yearning to go back to those policies. Indeed with what amount of discussion are such statements made?

More recently, we saw the somewhat sad spectacle of newspaper proprietors and editors being summoned before the current president, again for a great homily on their duties. It is apparent from what one reads of the latest homily, that discussion, from the point of view of this not so venerable gentleman, is a wholly one sided affair. It is based on an official interpretation of what constitutes the public good – the overall need to publicize and propagandize government policy, or even the lack of it.

In this particular instance it was all the more disgusting for the head of a government, who is also the head of a political party, who will most probably be a candidate in the next presidential election, to lecture to the Press as to how it should behave fairly in an election. This too when the party he heads has by no means shown great respect for free discussion in times of election or out of it, a party

which has not hesitated to create conditions for insurrection and war, due to its refusal to consider discussion and dissent.

Others Too

If one is critical of government and its personalities over the issue of discussion in dissent, it is only because they appear in larger profile as those who are in the driving seat. There is precious little which could be said in favour of those in Opposition either. When the Free Media Movement launched its public campaign for the protection of journalists, and to build public opinion on the need for media freedom and free expression, we made no bones of the fact that every political party, which held power by itself or in coalition, and every political party which sought to hold power had been guilty of attacks on media freedom.

This extended from the far right to the far left. It covered the middle and included the extremes. As a mere statistic of attacks on free expression, this may seem curious. But, in fact it shows a far greater danger. It shows how much our society is not ready to accept dissent, or even the discussion that leads to, or reinforces, dissent.

If this is true of the parties that preach democracy, it is equally true of those who sought to change this system by force. It is a fact that the JVP in its terrorizing rampage not only attacked and killed those who disagreed with them. They killed journalists and even newspaper vendors and readers for working on, selling or reading newspapers which they did not approve of.

The situation in the North, where the Tamil Tigers have established their own sphere of influence is no better. They have destroyed the only regional newspaper which had wide acceptance but have also prevented the publication of any views which do not tally with their own interpretations of history and current politics. We are told they are in the process of re-writing history itself, in itself not a bad task, as long as it is done with the knowledge and objectivity of the true historian, but certainly to be feared where

there is no discussion and dissent.

Dissent and Democracy

What I have attempted to show in this lecture is one important aspect of the precarious situation of democracy in Sri Lanka. It is, I believe, a situation about which none of us could be proud in the least. It is not a situation which one expects. In a society which often boasts of having enjoyed universal suffrage, even longer than most countries of the West. It is not a situation which is in anyway compatible with our loud proclamations of being a vibrant democracy, of whatever star category. It is a situation born of the failure to recognize the importance of free, open and fair discussion as an essential aspect of dissent and democracy.

It is this reluctance to discuss, the near fright of honest discussion that lies at the core of our failure to address the key issues of our day, the most important of which is the continuing crisis in the relations among the main communities in our country. It is at the core of the growing lack of trust between the main religions in our country. It is what is causing an increasingly wide chasm between the English educated who make up the socio-economic elite, and the vast mass of the people who lack opportunity. It is also the lack of discussion that is even eroding our trust in the independence of the judiciary.

There is little doubt that democracy is being put to the most difficult test in Sri Lanka today. Whether the approaching elections will be free and fair, will depend to a large extent on how freely the people will be able to discuss the issues before them and also whether there will be issues to discuss at all. As the parties get set for the race, it would appear that we will once again have to decide on personalities and not policies and issues, which is a sad state indeed for those who believe in the liberal values of democracy and its recognition of dissent and discussion.

Kanthasamy

Kandiah Kanthasamy who is
Continued on page 24

TAMIL NADU SCENE

Long March to Where?

by T.N. Gopalan

He took about 20 days to walk a distance of around 1100 km., from Kanyakumari to Madras, all in an attempt to 'expose the misrule of Ms. Jayalalitha' and take to the people at large the imperative need for a change of government.

But by the time a tired V. Gopalasamy reached Madras, he himself looked a besieged man what with one of his own party (MDMK) functionaries arrested for his alleged links with a Tiger who killed himself when the police surprised him at Madras. Vai.Go. at one stage found himself singing the praise of MGR and feeling sorry that Ms. Jayalalitha was no worthy successor of the great man - from the battle for the Dravidian mantle as personified in the DMK to staking a claim for the MGR legacy is indeed a long way. That it does not exactly redound to his credit is a different matter.

Continued from page 23

remembered today is one who had no truck with a democracy which had no place for dissent and discussion. He was one who saw in dissent the source of the truth, which he always cherished and adhered to.

Suriya Wickremasinghe, on behalf of the Kanthasamy Commemoration Committee, in summing up the threats faced by the moderate, non-partisan human rights activist and the truly independent non-governmental organization in the field of human rights, made the following observation, in the introduction to 'An Untimely Death' - The Kanthasamy Commemoration Volume (June 1989).

Everyone concerned with human rights and relief work must face up to and discuss these issues, the public must be made aware of them. For in the last analysis it is the responsibility of the people to decide on and demand the standards they expect of their leaders, and the nature of the society in

On September 3 when Vai.Go. was half way through his march, a blast in a small house in a city suburb shook the entire state. According to the police when they went to the house of Sundaram, a functionary of the workers' wing of the MDMK, on getting reports of the presence of a 'foreigner' in the area, the man inside threatened to throw a bomb at them. The team fled, then there was an explosion and that was the end of Sakthi, a Tiger at large.

Apparently he was taken into custody in 1991 itself, but he managed to escape from the Salem jail and from then had been coordinating the shipment of uniforms, petrol and the like to Jaffna.

Interestingly this time round the focus was not on the one killed, his antecedents or his work in the state, but on Sundaram of the MDMK and the nature of his actual links with

which they aspire to live.'

The threats she referred to were those from the State and other unseen elements. The enemy that took Kandiah Kanthasamy away from us, abducted without trace. The threats she referred to have not gone away. They are still very much with us. Abduction is very much part of our political reality. It is part of the fear one has to live with when one dares to discuss, what others would not. It therefore becomes the responsibility of all who believe in democracy to discuss these issues; to discuss them so that we can agree on new standards for ourselves and of our leaders, discuss the true nature of the society in which we aspire to live, what we wish to leave behind to those that follow us.

Kandiah Kanthasamy was one who did not hesitate to open this discussion whenever and wherever he could. For those of us who respect him, there is no greater tribute we can give but to carry on the discussion and the struggle for truth and honesty that he was snatched away from.

the LTTE, whether he was a frontman for Vai.Go. himself and so on.

The action had taken place conveniently for the police in the small hours of the day. The police version is full of loop-holes and many doubt whether the LTTE man had been done to death in cold-blood. But no newspaper or magazine seriously pursued this angle. They were more interested in Sundaram's place in the scheme of things.

Sundaram was not around at the time of the blast. He had apparently left his house in the custody of Pushparaj, a friend of his and who also belonged to the MDMK, and gone to Kanyakumari to join his leader's long march. It was Pushparaj who had put Sakthi in Sundaram's house.

Incidentally this Sundaram, an unabashed admirer of LTTE supremo Prabhakaran, had been picked up for interrogation in connection with the Rajiv assassination. He was then working as a conductor in a state government transport undertaking.

Thanks to a valiant fight put up by his wife, Sundaram was subsequently set free. The police did not have any strong evidence against him anyway.

He could not get back to his work. He was placed under suspension, and he is still fighting the case. His wife reportedly committed suicide sometime ago.

Anyway Sundaram was surrounded even as he was walking behind Vai.Go. in the last long march, and he gave himself up quietly. Nor did anyone of the MDMK seek to resist the arrest.

While the MDMK sources sought to disassociate the party from the incident and apprehended that perhaps the state government was trying to discredit Vai.Go., annoyed as it was with the success of his campaign and could even seek to frame him in a false case of nexus with the LTTE, the DMK put stories to the effect that the deceased had camped in the area in order to assassinate M.K. Stalin, Karunanidhi's son, who was to take part in a function on September 7.

For his part Vai.Go. reiterated that he had nothing to do whatsoever with the Lankan militants and said that it was long since he had met any of them in person. He also declared that anyone having any truck with the Tigers would have no place in his party. When asked in an

interview on how he perceived the LTTE, he would only say he was opposed to violence and that he would take the message to the Tamil youth.

Predictably the MDMK refused to be part of any move to get Sundaram out on bail. Both Sundaram and Pushparaj have now been detained under the TADA. Such is the character of Vai.Go., the man whom the Tigers had once sought to project as their hero and saviour in Tamil Nadu politics.

By all accounts Vai.Go. drew large crowds everywhere he went during his march, and the people, including women in many places, greeted him enthusiastically. To that extent the march was a success indeed, but it is unlikely he would grow into an uncompromising champion of the Tamil interests the world over as the Tigers would have it. All that could happen is he might capture the DMK leadership after Mr. Karunanidhi, and he could emerge a powerful leader in the state.

Convention on Sri Lanka

Even as Vai.Go. was on his way to Madras, the state government announced its plans to ship out yet another group of Lankan Tamil refugees.

It is a measure of Vai.Go.'s interest in the Lankan Tamil issue that nowhere in his march he mentioned the ethnic issue or even the problems of the refugees in the state even though several representations had been made to him on behalf of the refugees and also some non-governmental organisations. In fact, he is reproted to have spurned an invitation from the Indo-Sri Lanka Friendship Society to a seminar on the ethnic issue and the refugee problem.

More than 5,000 refugees were repatriated in four batches by ship in September and the next phase is likely to commence early next year.

The seminar organised by the Indo-Sri Lanka Friendship Society on September 24 at Madras sought to bring together on one platform diverse opinions on the Lankan issue. The deliberations, spread over four different sessions, went on for over nine hours.

The speakers, Tamil nationalists like Salai.Ilanthiraiyan, poet Perunkaviko, painter Pukazhendhi, and Prof. Saraswathi asserted their right to support the Tigers in their struggle, the Rajiv assassination

notwithstanding. Marxist poet Inquilab expressed himself against any further attempt to look for Indian intervention in Sri Lanka given its track record and also its 'expansionist ambitions'.

A similar sentiment was expressed in the session in which political leaders including Mr. P. Manickam of the CPI took part. Support for the Tamil struggle, yes, but not necessarily for the Tigers, they said. Of course the representative of the Puttali Makkal Katchi hailed Prabhakaran in no uncertain terms. They were also against any active Indian involvement in Sri Lanka. Human Rights activists who took part were critical of both the Tigers and the Lankan government. A booklet on the refugee situation was brought

out on the occasion by the Society. Prof. Ilavarasu releasing the booklet expressed his anguish over the plight of the refugees and wanted Tamils to fight as one for a better deal to the refugees. There were even some suggestions for adoption of individual families by the people of the state. Noted writer Se.Yoganathan received the first copy and expressed his appreciation of the concern for the refugees.

Lankan Tamil speakers, at the seminar included S.C. Chandrasaran, Mr. Eelaventhan, publisher Sachidanandam and former MP Kailaya Pillai.

It was the first time in the last three years that such a seminar on the Lankan Tamil issue came to be organised in Madras.

Preventive Detention Laws in a Democracy

by T.N. Gopalan

Preventive detention has perhaps never been seen as being antithetical to the principles of democratic governance.

The right of the State to take into preventive custody someone for fear of breach of law is generally conceded, though somewhat reluctantly. But in no case a person taken into preventive custody on the basis of some apprehension, whether true or imagined, is expected to be held in detention for long stretches of time. Prolonged incarceration should be resorted to only on more sustainable grounds and not just on apprehensions or suspicion if democracy is to make any sense.

But then over a period of time, what with all kinds of rebellions breaking out in many parts of the world, the governments at various levels have come to acquire more and more draconian powers, dissent remaining at a very muted level.

In the third world countries especially, the preventive detention laws have assumed monstrous proportions. With rebels too taking to senseless acts of vengeance, spreading a reign of terror in areas under their control, intimidating and even decimating witnesses, the middle classes began to buy the government line that since it was dealing with an extraordinary situation, it had to equip itself with extraordinary powers to rescue the country out

of chaos - this was and is the general refrain in any country affected by armed rebellion. The media too has acquiesced in this.

It was only in the prevailing circumstances (of terrorism and disruption), the legislature has been compelled to bring forth these Acts to prevent and deal with the peril of the erupting terror and the consequent disorder among others disrupting the law and order to sternly deal with many groups lurking beneath the murky surface, aiding, abetting, nourishing and fomenting terrorism besides giving financial support and supplying sophisticated automatic lethal arms and ammunition both from inside and outside of India. . .

'...The acts of savage revenge perpetrated against individuals, groups of persons or any particular community or religious sects show that the violent threat which has manifested itself is not evidently going to vanish with such inexplicable suddenness as would have been originally presumed', opined the Supreme Court of India while upholding the Terrorist and Disruptive Activities (Prevention) Act in March this year.

Though originally enacted in 1985 for two years only, to deal with the explosive situation which had de-

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veloped in Punjab then, the Government of India found it a useful tool to deal with similar situations in other flash-point regions like Kashmir and the North East.

It has since been routinely renewed and not just in those places alone. Wherever the central or state government found it difficult to detain anyone under the normal laws of the land – for want of convincing evidence, etc., – they conveniently took refuge under the TADA and threw behind the bars anyone they could not stand for any reason whatsoever – whether in Kashmir or Punjab or anywhere else for that matter, vindictive and *mala fide* detentions have become the order of the day.

In fact the Rajiv assassination trial itself is being held under the TADA, the hearings being held *in camera*, all the accused incarcerated in rather harsh conditions and refused bail as a matter of course.

But then with normalcy almost completely restored in Punjab, though, ironically thanks to the most intolerable abuse of preventive detention laws by the Punjab police led by Mr. K.P.S. Gill, and the Centre unable to do an encore in Kashmir because of the very different ground situation obtaining there besides the renewed human rights rhetoric in the international arena, the space available for the governments for arbitrary exercise of power with scant regard for human rights is becoming progressively reduced.

There is an increasing clamour now for the repeal of the Act itself. The National Human Rights Commission wants the Act to be scrapped. Even the Union Minister of State for Home Affairs, Rajesh Pilot is talking in terms of allowing the Act to lapse when it comes up for renewal in April next year.

It was the arrest of noted film star Sunjay Dutt, son of another famous film star and a Cong-I MP Sunil Dutt, under Section 5 of the TADA, for 'possessing illegal weapons' which has sparked off a furious debate in the country, over the very *bona fides* of those invoking the TADA provisions.

Independent reports seem to imply that Sunjay Dutt might have been framed, that he had been unnerved by the orgy of violence against Muslims in Bombay in the wake of the

demolition of the Babri Masjid and hence had acquired a couple of AK-47s, using the underworld links of the Hindi filmdom, that it is absolutely inconceivable that he could have had a hand in the serial blasts in Bombay and so on.

The fact that hundreds of Muslims have been detained under the TADA in Maharashtra does seem to reveal the bias of the law-enforcing authorities there. And it is indeed a draconian law. The definition of terrorist and disruptive activity is wide and includes 'any action taken whether by act or speech, or through any other media or in any manner whatsoever'. Perhaps the most repugnant of the TADA provisions is the one which lays down that 'confessions' made to a police officer not below the rank of superintendent is admissible as evidence.

As civil liberties activists point out this particular provision provides legal motive for torture. While the Supreme Court, even while upholding the TADA, did lay down some guidelines like that the accused be presented along with the confession and that his or her signature obtained before a metropolitan or judicial magistrate. Given the sheer viciousness of many of the police officials, such half-hearted correctives may not mean anything for the victims, many fear.

A telling commentary on the way the TADA provisions are invoked is the fact that of the 17,391 TADA cases in Punjab itself, only 111 resulted in conviction – an abysmal 0.5 per cent.

Again of the 67,509 persons detained under the TADA in the entire country, Gujarat, which does not have any terrorist problem, tops the list with 19,263 detentions.

Assam comes next with 11,684 detentions, quite a few senior journalists incurring the wrath of the state government coming under this category.

It was in this state one comes across the farcical instance of J.N. Bora charged under the TADA for advocating secession in a magazine article – only Mr. Bora had shuffled off his mortal coils by the time police woke up to his anti-national act and the article itself had appeared 50 years earlier.

Even in Tamil Nadu which reports a mere 235 TADA detentions, those in the forefront of the Tamil nationalist movement, most of them

pro-Tigers, have found themselves behind the bars time and again just because they make no bones of their beliefs.

There was even the case of Prof. Kalyani, a well-respected social worker of Tindivanam in northern Tamil Nadu, who had nothing to do with the LTTE but who had once been a sympathiser of the People's War Group (a Naxalite wing), he was implicated in the blasting of a Nehru statue and detained under the TADA only because his local crusades had angered some vested interests. He was subsequently released for want of any incriminatory evidence.

So also Ramakrishnan, a high profile LTTE supporter and formerly of the DK has been acquitted by the Designated Court of the TADA charges.

State terror as counter to the terrorism of affected/interested parties and groups has proved ineffective.

As a critique by the People's Union for Democratic Rights points out, most of those arrested are simply detained, without charges, for long periods of time, every form of political opposition has been sought to be harassed through the TADA and the Act has become a source of additional income for the police while the State has not been able to prove charges of terrorism.

'TADA has failed to check terrorism precisely because of its draconian features. And it is contributing to further degeneration of the criminal justice system. It is self-defeating because it is leading further to the anarchy it is supposed to prevent. It is undemocratic because it violates all known principles of a democratic social order. . . The Indian State has thus acquired enormous powers to pick and thus choose the individual, the group, the class or the community and hit them with legislated violence,' it says.

But then with the Supreme Court repeatedly upholding the TADA, the detention of Sunjay Dutt in particular, and governments of the day finding in it convenience to rein in dissent, TADA is unlikely to disappear from the statutes in the near future.

On the other hand protests are increasing all round. The international community is also watching. Perhaps one can look forward to some meaningful changes in the Act making it that much less draconian.

REVIEW ARTICLE

Chelvanayakam, Federalism and Ethnic Politics

by Rajan Philips, Canada

S.J.V. Chelvanayakam and the Crisis of Sri Lankan Tamil Nationalism, 1947-1977 – A Political Biography by A.J. Wilson, 1994, pp.149, £22.50, C. Hurst & Co (Publishers Ltd) London.

Those who are familiar with Prof. A.J. Wilson's academic writings will recall his piece on 'The Tamil Federal Party in Ceylon Politics' (*Journal of Commonwealth Political Studies*, July 1966), in which he outlined the communal compact thesis that the transfer of power, in 1948, was predicated on the understanding that Tamils and other minorities will not be discriminated against by the majority Sinhalese. That D.S. Senanayake, as the island's first Prime Minister, had breached the constitutional compact was S.J.V. Chelvanayakam's reason for launching the Federal Party in 1949. Through all these years, no Sri Lankan government leader has responded substantively to this indictment. Worse still, the constitutional revisions of 1972 and 1978, far from restoring the communal compact, further aggravated the original breach. The mainstream academic community, perhaps with the exception of the late I.D.S. Weerawardena, has traditionally downplayed D.S. Senanayake's breach of trust and ignored the politics of the Federal Party. The fact of the matter is that the Tamil question became politically unexpendable and academically unavoidable, and even remunerative, only when the non-violent and the constitutionally limited opposition of the Federal Party was superseded by the separatist cry and its functional ally – political violence.

More than twenty five years after he first introduced the Tamil Federal Party to the international community of scholars, Prof. Wilson has revisited these issues in two persuasive monographs written with scholarly authority and the disillusionment of a long time participant observer. In the first of these books, *The break-up of Sri Lanka*, published in 1988, Wilson developed the argument that the growing tension between Sinhalese centripetalism and Tamil centrifugalism has been the determining dynamic of the island's twentieth century political and constitutional developments. For him, the Sri Lankan unitary state is the fusion of the British colonial legacy and the atavistic projections of the dominant sections of the Sinhalese political class. The recent Chelvanayakam biography, inasmuch as it recounts Chelvanayakam's political life, is an exposition of the most enlightened Tamil rejoinder to the challenge of Sinhala hegemony, namely, the Tamil Federal Party which Chelvanayakam founded and led for thirty years.

Honest and Sincere Narrative

Within the genre of biographical writings, the relationship between the biographer and his subject can take different forms. What distinguishes the Chelvanayakam biography, apart from the affinal relationship of the two, is the perfect equipoise between the independent merits of a respected leader and a reputed scholar; one does not have to bask in the glory of the other. The author remains faithful to his academic calling by systematically

building his case on a plurality of sources, with personal interviews dating back to 1949 and involving politicians from left to right and on both sides of the communal divide. The result is not a commissioned hagiography based on the subject's selective journal entries, but an honest and sincere narrative befitting the two qualities that Chelvanayakam was widely known for.

The book is divided into seven chapters dealing with Chelvanayakam's early life (Chapter 1), the state of Tamil politics before his time (Chapter 2), his leadership of the Federal Party (Chapters 3, 4 and 5), and the emergence of separatism and Chelvanayakam's historic role (Chapters 6 and 7). Wilson prefaces his portrayal of Chelvanayakam's distinctive contributions with a critical appraisal of the Tamil leaders who had preceded him. Particularly insightful is Wilson's perspective on the Chelvanayakam – Ponnambalam schism that was the touchstone of Tamil political debate during the 1950s and the 1960s. The contrasting styles, motivations and appeals of the two leaders mirrored the ambivalent dispositions of the Tamil people. The Tamil electorate first endorsed Ponnambalam, then acclaimed Chelvanayakam, but often preferred both men to be in Parliament simultaneously co-operating with and opposing the government for the benefit of the community. I am tempted to add that, notwithstanding their ambivalence, the Tamil people had a choice over their leaders and were free to exercise it – a freedom which they have lost since both Ponnambalam and Chelvanayakam died in 1977. These concerns, important as they are, should not detract from the main thrust of the book, namely, the political life and leadership of Chelvanayakam. My purpose is to comment on those aspects of the book which relate to Chelvanayakam's political personality, his federalist thinking, his summit diplomacy with three Sri Lankan Prime Ministers, and the defensive nature of Ceylon Tamil nationalism.

Political Personality

Wilson's stated aim is to unravel the mystery of Chelvanayakam's transformation from being the hesitant political groomsmen to the flamboyant G.G. Ponnambalam into becoming the 'commanding figure' of Tamil politics. A partial explanation is offered in the psycho-analytic thesis that Chelvanayakam compensated for his separation from the father during his adolescent years by becoming the father figure for a politically adolescent people. The thesis is not implausible, but the connection between the early Chelvanayakam and the later political leader is not readily apparent from the book. The book deals somewhat marginally with Chelvanayakam's life experiences outside politics, particularly his professional career and the background to the shift from law practice to politics. In any event, the thesis itself and the title *Thanthai Chelva*, like the title *Anna* bestowed on C.N. Annadurai in Tamil Nad, underscore the strong patriarchal nature of the Tamil society, even though Chelvanayakam himself was not an overbearing person.

Continued on page 28

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Early on in the book, in discussing Chelvanayakam's background and character, Wilson refers to his learning to move in two worlds: the traditional Hindu cultural world of Jaffna and the 'modern Christian anglicized world of Colombo' (p.4). The book relates to other worlds as well: the world of his legal profession and the inter-communal networks engendered by a highly successful law practice; the world of the plantations, where he invested, and with whose workers he forged a lasting link of communal identity that cut through the obvious class barrier; the world of the Tamil farmer, the fisherman and the low-rung bureaucrat, the main-stay of the Tamil society, to whose otherwise humdrum lives he gave a new meaning in modern political terms. Put another way, Chelvanayakam was quite at home with both the traditional Tamil patriotism and the incipient pan-island nationalism of the fledgling Ceylonese middle class. However, as the Sinhalese and the Tamils began to be driven apart, and the Ceylonese middle class became an increasingly endangered species, Chelvanayakam found himself at the helm of an exclusively Tamil camp. But his political personality had already been shaped by the many worlds through which he journeyed, and was manifested in full measure in all his transactions as the leader of his party and of his people.

My point is that, as a political leader, Chelvanayakam did not require either 'minority conceit' or 'minority shame' as coping mechanisms to counter majority intimidation. If conceit and shame can be associated with political isolationism and political co-option, Chelvanayakam was steadfast in eschewing isolationism and abhorring co-option. Wilson provides ample evidence to establish Chelvanayakam's uniqueness among other Tamil leadership claimants of this century. He was not given to brooding in his own lair, but was quite open about his demands, expressing them clearly, without mincing words or speaking too much, and was always prepared to meet, negotiate, bargain and strike honourable deals with the other side. He was also willing to proceed incrementally towards his clearly stated goals. 'Interim adjustments', 'Little now, more later' were his self-confessed strategies. As he spelt out in his path-breaking speech on the Indian - Pakistani Citizenship Bill debate, in 1949, Chelvanayakam's plea was to '...bring to bear towards the solution of a twentieth century problem a twentieth century mind...' (p.66). In the same spirit, he turned to federalism as a modern framework to resolve the political conflicts between two linguistic groups caught in the bosom of a single state.

Federalist Thinking

The book offers a revealing account of the range of flexible territorial arrangements that Chelvanayakam and his party had been contemplating as their federalist thinking evolved over the years. The amalgamation of the northern and eastern provinces into a single federal unit was not part of their original federalist schema. The shift from 'cantonal federalism' to 'regional federalism', and the insistence on the territorial integrity of the Tamil areas were the result of Colombo's intransigence. Chelvanayakam and the Federal Party recognized the territorial specificity of the Eastern Province Muslims and, in all their political stratagems, they had the utmost concern for the plight of the Tamils living outside the Northern and Eastern Provinces.

From the standpoint of fiscal federalism, Chelva-

nayakam showed remarkable originality in characterizing the two provinces as the 'deficit provinces' (p.69), which would be entitled to their equalization share of the national income to which all minorities contributed regardless of their spatial distribution within the island. On the language issue, the party would seem to have wished the best of both worlds as it pursued both the territorial principle (Tamil as the language of administration in the Northern and Eastern Provinces) and the personality principle (island-wide parity of status for individual speakers of the two languages) of language rights.

The Federal Party was ambivalent about retaining English as a link language and the language of higher education, which both G.G. Ponnambalam and S.W.R.D. Bandaranaike were insistent upon prior to the heady days of 'Sinhala only'. Ponnambalam was prophetic in warning that the **swabasha** only policy in education would create 'schisms in the structure of the country' (p.56). Alas, minority political leaders were never able to make any headway with their ideas and their thinking given their structural impotency within a unitary political system. Wilson also points to the prevalence of majority communal bias in both the judiciary and the bureaucracy. The latter, in particular, has been a persistent road block to implementing even the occasional political settlement between the government leaders and the Federal Party.

Summit Diplomacy

Between 1956 and 1977, Chelvanayakam engaged in summit diplomacy and reached agreements with two Prime Ministers, S.W.R.D. Bandaranaike and Dudley Senanayake. For whatever reason, Mrs. Sirimavo Bandaranaike, who was Prime Minister for more than twelve years during this period, did not deal with him directly but assigned the responsibility to Mr. Felix Dias Bandaranaike. We now learn that Chelvanayakam and the Federal Party were victims of the 'satanic' antics of Felix Dias long before Dr. N.M. Perera and the LSSP.

Discerning readers will note Wilson's somewhat favourable treatment of S.W.R.D. Bandaranaike in contrast to his assessment of other Sinhalese leaders. In my view, and based on the material presented by Wilson, there are at least four aspects of Bandaranaike's agreement with Chelvanayakam, which distinguish the slain Prime Minister from the rest: (1) Unlike the other two Prime Ministers, Bandaranaike did not seek an agreement with Chelvanayakam in return for the latter's support in parliament, either to form a new government or to save a falling government; (2) He was as intellectually capable of appreciating the FP's insistence on structural arrangements to resolve minority concerns (as opposed to relying on the ephemeral goodwill and trust between individual leaders), as he was scrupulously democratic in not seeking to by-pass the Federal Party, or co-opt Tamils from outside the Federal Party into his government; (3) The agreement created for the first time a partisan division within the Sinhalese political class in regard to reconciliation with the Tamils. By successfully campaigning against the Pact, J.R. Jayewardene and the UNP established the precedent that any future agreement between the Tamils and the governing Sinhalese political party will perforce be opposed by the opposition Sinhalese political party; (4) Even after declaring, under duress, that the Pact 'stands abrogated', Bandaranaike unilaterally pursued his commitments by enacting the Tamil Language Special Provisions Act and by suspend-

ing the state plantation of Sinhalese in the northern and eastern provinces.

Unfortunately, when Solomon Bandaranaike's widow, Mrs. Sirimavo Bandaranaike, whom Wilson pedantically chides for her 'personal ignorance of the consequences of ethnic conflict between communities' (p.124), feudally ignored the duly elected Federal Party and related herself to a Tamil fantasy land of hand-picked political parvenus, the federalists took to extra-Parliamentary protests and eventually succumbed to the contagion of the separatist throng. In addition, the Federal Party, and later the TULF, went through phases of quasi-collaboration with the United National Party, whom Chelvanayakam had castigated, already in 1947, as 'nothing more than a congregation of arch-communalists whose past antics and present-day activities tend to disrupt the harmonious relations that have existed among the different communities in the island' (p.18). With the benefit of hindsight and his own experience as an intermediary, Wilson concludes that Chelvanayakam's early warning about the United National Party could not have been more accurate.

Ceylon Tamil Nationalism

Wilson's recurrent theme is that Ceylon Tamil nationalism is a defensive nationalism, and in two paragraphs (pp.125 & 126) of sustained rigour he provides a brilliant summation of its genesis and growth. His generalization that minority groups tend to escalate their political demands in proportion to the intransigence of the majority is also unexceptionable, albeit with the proviso, I might add, that beyond a certain point the escalated demand (i.e. separate state) and persistent intransigence (i.e. military solution) can lock themselves into a prolonged, painful and costly stalemate.

What is worrisome in Prof. Wilson's recent writings, however, is the allusion to the historical process and a rather teleological view of ethnicity as an agent of change leading to decentralization and disintegration of the 'post-colonial patchwork multi-ethnic states' of South Asia. There are two matters of concern here. First, it is possible to argue that even multi-ethnic state formations can develop a cohesive political culture and resilience,

while 'homogeneous' ethnic groupings can devour themselves from within. The lesson from Wilson's analyses is that the survival of a multi-ethnic state, like Sri Lanka, cannot be left to the wishful thinking of its smug middle classes, but will require vision and leadership on the part of the Sinhalese political class, affirmative state intervention, an impartial and professional bureaucracy, and an independent judiciary.

Second, the notion of historical inevitability relieves political actors of their accountability to their contemporaries and to history itself; while, 'ethnicity' can be a source of justification for the illiberal and undemocratic practices of both majority and minority ethnic groups. The great merit in Wilson's monographs is that they establish responsibilities for the egotistical twists and turns, electoral opportunism, satanic antics, presidential foibles, and all manner of banalities that have shaped our recent communal history. The real tribute to Chelvanayakam, then, is not that he was chosen to be unwittingly seduced by the unseen goddess of history, but that he consciously and successfully kept himself apart from the banalities that surrounded him.

Lastly, my understanding of Ceylon Tamil nationalism is that it is not only defensive, but is also politically over-determined. Put another way, it lacks a self-propelling economic base, and even a strong cultural component. Tamil leaders, in the past, have tried to deal with this dilemma by articulating political demands that were compatible with the economic well being of their people. The genius of Chelvanayakam was that by advocating federalism he offered the Tamils the greatest possible measure of political autonomy without severing their ties to the island's economy. More importantly, the goal of federalism defined the means of its own realization, namely, non-violent protests and constitutional opposition, both of which caused the least disruption to the social and economic lives of the Tamils and the Tamil speaking Muslims. Chelvanayakam offered something more to the Sinhalese, which was not merely goodwill, but a constitutional structure that would have facilitated the growth of a pan-island identity within a politically diverse population, without depriving the Sinhalese of any of their rights and privileges.

Compensation for All Victims of Terror

The government has decided to pay compensation to families of all those who have died or disappeared, due to JVP, LTTE or state terror since 1983, official sources attached to the Ministry of Rehabilitation and Reconstruction said on 5 October.

Deputy Minister of Ports, Shipping, Reconstruction and Rehabilitation, Mr. Mahinda Wijesekera who met many thousands of dependents and relatives at the southern provincial council on Monday has instructed all state officials to collect all details by October 15th, to be eligible for payment of compensation by early November.

In this connection directives have been sent to all grama niladharis to issue death certificates to all depen-

dents of persons either gone missing or dead, so that they could get them certified by the police and submit them to their respective divisional secretariats for payment of compensation, sources said.

A married person's dependents would be paid Rs. 50,000, while relatives and parents of unmarried persons would be paid Rs. 25,000. A Rs. 15,000 would be paid as compensation in respect to a youth, sources said.

Compensation would be paid to those who have suffered injuries or been permanently disabled under terror during the period stipulated, on the medical report submitted by a doctor, they said.

Compensation for a government

servant either dead or gone missing would be Rs. 150,000 while a maximum amount of Rs. 150,000 would be paid for a property or dwelling destroyed or damaged, sources said.

A politician - MP, Provincial Councillor pradeshiya sabha members and dependents are eligible to receive payment of Rs. 600,000 as compensation for their death or loss of property, sources said.

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MATRIMONIAL

Sister seeks partner for electrical engineer brother, 37, in employment in London, Mars afflicted. Tel: 081-504 1363.

Jaffna Hindu parents seek professional, preferably doctor, vegetarian, for daughter, M.Sc. (Biotechnology), Ph.D. completed London; employed in U.K. Send horoscope, details. M 755 c/o Tamil Times.

Parents seek suitable partner, professional in late thirties for daughter, US resident. M 756 c/o Tamil Times.

Professionally qualified, Jaffna Hindu Tamil girl working in New Zealand seeks professional or qualified partner, age 30 to 35. Send horoscope details. M 757 c/o Tamil Times.

Jaffna Hindu parents seek professional partner for daughter, 25, ACCA finalist. Send horoscope, details. M 758 c/o Tamil Times.

WEDDING BELLS

We congratulate the following couples on their recent wedding.

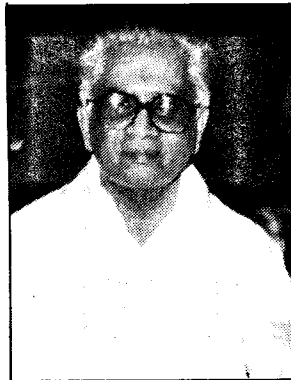
Yogapriya son of Mr. & Mrs. A. Nithianandan of 1 Ipswich Road, London SW17 9RS and **Kavita** daughter of Mr. & Mrs. J.S. Datta of Gaborone, Botswana on 19th August 1994 at Boipuso Hall, Gaborone, Botswana.

Ragulan son of Mr. & Mrs. C. Balasingham of 69/10 A.V. Krishnasamy Street, Janaki Nagar, Valasaravakkam, Madras 87, and **Sujatha** daughter of Mr. & Mrs. R. Lakshumyanathan of 35 Srimal Mawatha, Dehiwela, Sri Lanka on 16th October 1994 at New Woodlands Hotel, Mylapore, Madras 4.

OBITUARIES

As we go to press we are sorry to record the passing away of **Mr. Vettivelu Sankaralingam** (80), former Director of Education, Sri Lanka on 17.10.94 in Madras where he was on holiday.

He was cremated in Madras on 20.10.94.



Ponnudurai Narendra Nathan (formerly Lecturer in Physics at the University College Colombo, Technical Colleges at Maradana and Kattubedda, Director of the Hardy Institute of Science and Technology at Amparai, Sri Lanka, and retired from the John Ruskin High School, Croydon, UK); most dearly beloved adoring husband of Gnanambal; dearest loving proud Appa to his children, Dr. Thrinayani Jegathambal, Dr. Mrs. Sowmya Wijayambal, Mrs. Sobhana Meenambal, Dr. Mrs. Priyadarsani Brahathambal, Adhithya Thrilochannan, Mrs. Vasutharini Girijambal, Agasthya Ponnambalam and Ambika Dhakshayani; father-in-law of Dr. P. Arulampalam, S. Raveendran, T. Ilan-govan and R. Srikanthan; darling dearest Thaththa to his grandchildren, Abhirami Janani Raveendran, Amarnath Thirumadhavan Raveendran and Nirmala Arulampalam, all of UK; brother of Savithri Sivaloganathan (Colombo), Gayathri Ganesan (Los Angeles), late Mayithri Arumugam, Dr. Sri-jayadevi Ponnudurai (Colombo), Kathirayidevi Ponnudurai (Colombo) and Poopen-dranathan (Colombo); and brother-in-law of Sabapathipillai Pathmanathan; passed away peacefully on the 24th September 1994, surrounded by all his loving family. Funeral services and cremation took place according to Hindu rites on the 26th September 1994. A man of great courage, integrity, and humour, whose kindness and generosity knew no bounds, he will be greatly missed forever but never forgotten

and be always in the thoughts of all his family, relations, friends and students. - 53 Crossways, South Croydon, Surrey, CR2 8JQ.

IN MEMORIAM

Lovingly remembered on the 5th anniversary of the passing away of



Daniel Selvarajah Sanders, Ph.D., ACSW

Sept. 28, 1928 - Oct. 14, 1989
The Fourth Annual Daniel S. Sanders Peace, Human Rights and Social Justice Lecture

Internationally known as a leader in efforts to achieve world peace, human rights and social justice. Daniel S. Sanders was Dean, Professor and Director for the Center for Study of International Social Welfare Policies and Services, University of Illinois Urbana-Champaign, School of Social Work USA from 1986-1989; Also Dean, Professor and Director of International Program, University of Hawaii School of Social Work, Honolulu, Hawaii, USA, from 1971-1986. Founder and First President, Inter-University Consortium for International Social Development, USA from 1980-1989.

Dr. Rama S. Pandey, Professor, School of Social Work, University of Minnesota, USA gave the Fourth Annual Daniel S. Sanders Memorial Lecture on April 13, 1994 at the University of Illinois at Urbana-Champaign. His subject was 'MAHATMA GANDHI: HIS LINK WITH PEACE, SOCIAL JUSTICE AND SOCIAL DEVELOPMENT'.

Dedication

Professor Joel Fischer, University of Hawaii School of Social Work dedicated his book **East-West Directions: Social Work Practice, Tradition and Change**, 1992 to the MEMORY OF DEAN DANIEL S. SANDERS WHOSE LIFE WAS DEVOTED TO THE SEARCH FOR CROSS-CULTURAL UNDERSTANDING AND PEACE.

The Third Biennial Daniel S. Sanders Peace and Social Justice Lecture

The Inter-University Consortium for International Social Development (IUCISD) Biennial Conference in July 1994, in Kandy, Sri Lanka presented an IUCISD Plaque in remembrance of Daniel to Mrs. D.S. Sanders. This presentation was also in appreciation of Mrs. Sanders' continuing and substantial contributions in support of the mission, philosophy and work of the IUCISD.

The Daniel S. Sanders Peace and Social Justice Lecture was given by Dr. Gamini Corea, the former Secretary-General of United Nations conference on Trade and Development (UNCTD) and former Chancellor of the Open University of Sri Lanka. His lecture was THE CHANGING ECONOMIC ORDER AND ITS IMPLICATION FOR SOCIAL DEVELOPMENT WITH SPECIAL REFERENCE TO SRI LANKA.

Mrs. Christobel Chelvathy Sanders, Sanders/Niles families, 614 West Florida Avenue, Urbana, Illinois 61801 USA.

Viswalingam Shanmugavel, Rtd.
SPHI of Valvettiturai.
Born 31.07.1922
Departed 28.9.1990



Sadly missed and fondly remembered on the 4th anniversary of his passing away by his loving wife Ratnaganthi; children Amirthakala (Canada), Ratnakumar (V.V.T.), Swarnakala, Nandakumar (U.K.), Premkumar and Uthayakumar (both of Germany), Sivakumar and Sugirthakala (both of U.K.); sons-in-law Subashchandrabose (Canada), Ponnambalam (Switzerland) and Gobiratnam (U.K.); daughters-in-law Chandraleka (V.V.T.), Atputhamalar (Madras), Yogamathi and Yogasarojini (both of Germany) and Helen (U.K.); grandchildren Kavitha, Janitha, Jawagar.

Sitharth, Aravindh, Anusha, Kousigan, Shobana, Pradipa, Thushyanthini, Priyanthini, Shanmugapriyan, Satheesan, Shamini, Prashanthan, Nivedita, Nishanthan and Mahison. - 9 Portland House, High Trees, London SW2 3PD.



In loving memory of **Mrs. Thangarajam Thangarajah** (Retired Principal, Sri Shanmuga Vidyalaya, Trincomalee and Navaly Maha Vidyalaya, Jaffna) on the second anniversary

of her passing away on 2nd October 1992.

Greatly missed and fondly remembered with love and affection by her children Manohari (Australia), Dr. Maheswaran (U.K.) and Nirmalarajan (Fiji); son-in-law Sivashanmugam (Abu Dharbi); daughters-in-law Bhavani and Geethanjaly; grandchildren Prasanth, Sharmila, Dhanusha, Vidhya, Bharghavi and Sindhura. - 61A Stanley Street, Burwood, NSW 2134, Australia/7 Audrey Gardens, North Wembley, Middx. HAO 3TF/P.O.Box 379, Govt. Buildings, Suva, Fiji.

FORTHCOMING EVENTS

October 29 7.00pm Sangeetha Natya Sangam presents 'Fine Arts Evening' at Kingsbury High School Hall, Princess Avenue, London NW9. Tel: 081-381 2684/449 4050.

November 1 Pirathosam; All Saints Day.

Nov. 2 Deepawali; All Souls Day.

Nov. 4 Skanthashashti Viratham starts; Iypasi Velli 3.

Nov. 6 Sathurthi.

Nov. 8 Skanthashashti Viratham ends; Soora Sangaram.

Nov. 9 Thirukalyanam.

Nov. 11 Iypasi Velli 4.

Nov. 13 Eekathasi.

Nov. 15 Pirathosam.

Nov. 17 Sarvalaya Theepam; Full Moon.

Nov. 18 Thirukarththikai Theepam.

Nov. 21 Feast Day of the Presentation of Our Lady.

Nov. 22 Sathurthi; St. Cecilia's Day.

Nov. 26 6.30pm Narthana Kalalaya presents Dance Dramas 'Ali Arjuna' and 'Kantha Leela' at Waltham Forest Theatre, Lloyds Park, Winns Terrace, London E17. Tel: 081-509 1263/964 5868.

Nov. 29 Eekathasi.

Nov. 30 Pirathosam.

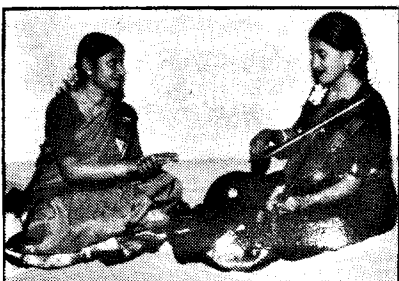
Appointed to Canadian Immigration & Refugee Board

Congratulations to Dr. Sashika Seevaratnam on her appointment to the prestigious Canadian Immigration & Refugee Board. She was born in Jaffna, Sri Lanka and immigrated to Canada with her parents Dr. Pushpa Seevaratnam and Frank Seevaratnam in 1975.

Dr. Sashika Seevaratnam practised as a Barrister and Solicitor with expertise in the field of International Law of Human rights. Her grandfathers Professor K. Nesiiah and Sam Seevaratnam were distinguished educationalists in Sri Lanka. We wish her well.

(We apologize to Dr. Sashika Seevaratnam for the errors in the news item in our last issue of September 15, 1994.)

Bhayiravi's Arangetram



The fluent and skilful handling of the violin by a girl of only eleven was delightful and somewhat amazing. The fluency which blended with flawless movement of the fingers and the bow and perfect rhythm threaded through the whole of the concert.

The violin arangetram of Miss Bhayiravi Ganeshwaran, the student of Sangeetha Vidhya Mrs. Kalaivani Indrakumar took place recently at the Winston Churchill Hall in Ruislip in the outskirts of London.

Concerts without intermissions are generally rare in London. It is remarkable that this girl presented an entire concert so enchantingly without an intermission in her arangetram. The violin is not an easy instrument to master and what was seen was, as Kalaivani Indrakumar stated, the gigantic achievement of Bhayiravi.

The natural nervousness which was evident when she started the concert with the varnam in Kalyani was easily brought under control and she continued to perform with gret command. 'Anubhava Gunambuthi' in Atana and 'Pakkala Nilabadi' in Karaharapriye, both compositions by Thyagarajar, and the Suddha Dhanyasi raga elaboration and alpanasvaram (improvisation on the svaras) in the pallavi were impeccable. The Karaharapriya was beautifully extensive.

The composition 'Aadaathu Asangaathu Vaa' by Uththukkaadu Venkatasubbaier in raaga Madhyamavathi and the Krithi by Annamaacharya pleased the audience very much. The Pancha-Nadai Pallavi in Kanta Jaathi Eka Taala although not as elaborate as it could have been, was wonderful. The Thillaanaa in raaga Behag by Lalgudi Jayaraman with its string of complex structures illustrated very well Bhayiravi's understanding of rhythm and was an appropriate finale to the concert.

Muthu Sivarajah on miruthangam, Pasakaran Sreekararam on the gatam and Kandiah Sithamparanathan on the morsing provided accompaniment. In all, Kalaivani Indrakumar has once again demonstrated through this concert that she is an unusually good teacher.

To sum up, Bhayiravi, with continued interest and sustained practice, is likely to develop into a good violin artiste. **Mali.**

Kokuvil Hindu Old Students Annual Lunch and AGM

The Kokuvil Hindu College Old Students Association (U.K.) had its second annual lunch on Sunday 18th of September 1994. The Chief Guest was Dr. P. Arumugaraasah and the Guest of Honour was Mr. C.K. Kanthaswami. In his welcome speech the Chairman Mr. K. Kanthapillai said that Dr. P. Arumugaraasah was one of their loyal and devoted Old Students with a sincere interest in the welfare of the College. Mr. C.K. Kanthaswami, he said, had served the College with distinction, during a crucial period, first as an excellent teacher and later as vice-principal and principal, making a significant contribution to the phenomenal growth of the College, giving it an expansive campus, towering structures and above all a national status.

It was a tribute to his selfless service, he said, that even after more than twenty years of his retirement, the College and its Old Students sought his counsel and guidance.

Mr. C.K. Kanthaswami thanked the Old Students and expressed his appreciation of their loyalty and attachment to their Alma-Mater. He said that Kokuvil Hindu was an offshoot of Jaffna Hindu just as Nalanda was of Ananda, founded and nurtured by great men to safeguard, nourish and propagate the indigenous religions and culture. He said he was happy that he had the rare privilege of serving this noble cause, working shoulder to shoulder with such great eminent national stalwarts like late Messrs. V. Nagalingam (Shakespeare) and Handy Perinpanayagam. Concluding his speech on a personal note, he said that as the interest of the College and of the Community was very dear to his heart, he had twice declined the offer to serve as Principal and instead along with others gladly invited and warmly welcomed those great men, giving them his wholehearted co-operation.

The Old Students gave him a standing ovation. Dr. P. Arumugaraasah thanked the Old Students for honouring him on that occasion and said they had given him an opportunity to recall and remember with gratitude the happy and fruitful days he had spent at Kokuvil.

At the Annual General Meeting which took place immediately after the lunch, an Executive Committee of nineteen members with Dr. P. Arumugaraasah as president was elected.

For membership and other information please contact: Secretary: Mr. R. Gugeswaran, Tel: 081-864 0096 or Treasurer: Mr. V. Velthasan, Tel: 081-241 0054.

Arangetram of Thanuja and Susha



Expectations were running palpably high as a packed Logan Hall waited for Thanuja and Susha Sriskandarajah to 'ascend the stage' for their Bharata Natya debut on the 27 August 1994. The sisters were students of Lakshmi Ganeson, a young and accomplished dancer and the founder of ASIA (Academy of South Indian Arts) in London. As the introductions were made the maestro Krishnamurthy quipped - this is an arangetram for the Guru as well - Thanuja and Susha were her first students to perform their Arangetram.

In their early items it became evident that the debutantes were coping admirably with the rhythmic nuances set by their Guru and Sri Krishnamurthy. Thanuja and Susha complemented each other naturally, clearly seen in the Varnam - Gokulabala in Kalyani. While Susha showed remarkable agility with the rhythmic subtleties in the jathis, Thanuja excelled in Abhinaya. The Varnam was a portrayal of Lord Krishna's many feats in Mahabharata. The co-ordination of the two debutantes, an extra dimension to be tackled in an event of this kind, was done very well. The Pathan Ananthame Paramanathame was another highlight, Sri Krishnamurthy recalled with gratitude the contribution made by the late Sri Venkatachalapathi in shaping this Patham in Kiravani set to Adi thalam. Here Thanuja as Shiva and Susha as Parvathy made good use of opportunities for sanchari bhava and won wide admiration from the audience. They then in turn presented more Pathams, Susha showing an unhurried and calm portrayal of Rajarajeswari in Sri Chakra Raja in Ragamalika, Thanuja displaying Shringara commendably. They combined in faster tempo for the Thillana bringing to a close an evening that was a credit to the Guru and themselves.

'It is easy to criticise, but an extremely difficult task to foster an interest in Bharata Natyam especially in children living in an alien culture and bring them up to a standard that we have seen today' said Smt. Valli Subbiah one of the foremost exponents of the Kalakshetra style who was guest of honour. If there are rigours in an Arangetram then making your debut in front of such an eminent audience and having on the mirudangam a maestro who spent seventeen years in Kalakshetra must count among the most arduous not to mention having Sri Kutralam Nagarajan as vocalist, and Sri Thiruvarur Kothandapani on the violin and Sri Gnanavarathan on the flute - all highly skilled musicians.

To many young dancers today the Arangetram seems to be an exit point and not the entry to a phase of further development and sharing of the divine Art, but not to Lakshmi, for despite her professional and personal commitments she continues her dedication to dance. May she continue her excellent work and may there be more Thanujas and Sushas who will follow in her foot steps.

Sivakumar.

AUSTRALIAN NEWS LETTER

Ceylon Students Educational Fund Inc - Australia

The Ceylon Student's Educational Fund (Inc) was set up in January 1989 with the objective of providing financial assistance to poor Tamil students in Sri Lanka, so as to help them to continue their studies without any interruptions. At the inception this fund was called Ceylon Students' Trust Fund with only six members. The trust fund was incorporated in April 1993 and has been operating with the corporate name Ceylon Students' Educational Fund (Incorporated) [Fund (Inc)] since then.

The Fund (Inc) which had a humble beginning at its inception, has over the years made great strides and now there are over 200 members from many countries such as Canada, Germany, USA and Norway. There are 75 members in Australia. Many students who received financial assistance from Fund (Inc) have now entered universities or got jobs.

Co-ordinators have been appointed to monitor progress of students. Progress reports of students are obtained from principals of schools where students study and forwarded to their sponsors.

Branch in Canada : Following an increase in number of students in Canada, action has been taken to establish a branch of Fund (Inc) in Canada. It is also worthy of a remarkable increase in the number of members who sponsor students.

Monthly Contribution : Members of Fund (Inc) make a monthly contribution of A\$20 (twenty) while associate members contribute \$10 per year. In addition, there are many well-wishers who help the Fund (Inc) in whatever ways they deem fit.

New Scholarship Scheme

In another major milestone in the progress of the Fund (Inc), Sydney Tamil Human Rights Council had made a contribution of A\$25,000 which has been deposited in a fixed deposit account. Interest accruing from this fund will be used to provide financial assistance to needy students till they reach pre-university levels. Part of the interest from the deposit account will be used to help students in Sri Lanka's Northern Province in memory of Late Dr. Rasanayagam, founder of the aforementioned Human Rights Council and a member of the Fund (Inc) from its very inception. Balance interest will be used to help students in Eastern Province

in memory of Late Mr. K. Kandasamy, founder of Tamil Refugees Rehabilitation Council.

Anyone interested in helping needy students through this fund could write to:

Ceylon Student's Educational Fund (Inc), P.O. Box 317, Brunswick, Vic.3056, Australia. Phone: (03) 305 6246.

Saiva Manram Function

On September 9th (Ganesha Chaturthi Day), the Foundation Laying Ceremony was performed for the Sri Murugan Temple and adjoining Cultural Hall at May's Hill, a suburb of Sydney. The Saiva Manram Inc., bought the land at May's Hill several years ago. They received a grant of \$25,000 from the New South Wales government to build the Cultural Hall. So the building of the Hall will take precedence over the Temple and the Hall will be used as a place of worship till the Saiva Manram builds the Temple.

The religious ceremony was conducted by Sri Kailasanatha Kurukkal assisted by Sri Arumuga Iyer. There was a large crowd to witness the proceedings inspite of the heavy downpour of rain. The local Mayor and the Chairman of the Ethnic Affairs Commission graced the occasion. The Canteen organised by the ladies proved very popular at lunch-time and helped to raise funds for the Saiva Manram.

Ganesh Visarjan Festival

For the fourth year in succession, the Ganesh Visarjan Festival was celebrated on a grand scale at the Sri Venkateswara Temple in Sydney on September 11th. Ganesh Visarjan names the Ganesh Chaturthi immersion ceremony. It is a ceremony of fond farewell to a beloved God. At the end of the celebrations clay statues of Ganesh are immersed in a river or ocean. The clay dissolving in the water signifies Ganesha's withdrawal into all-pervasive consciousness.

From 1991 the Ganesh Visarjan Festival has been held at the Sri Venkateswara Temple, Helensburgh which is situated about fifty kilometres from the centre of Sydney. Every year, the Festival is organised by the Ganesh Visarjan Committee. The religious ceremonies began with Kalasa Stapanam at 7.30am followed by Thirusuthi Homam. The Abishekam at 10.30am was followed by Deeparadhana and Archanas. The cultural show in which over twenty Hindu organisations took part, began at 10.00am with the lighting of the Jyoti by the Chairman of the Ganesh Visarjan Committee, Dr. A. Balasubramaniam. A very large audience enjoyed the cultural show.

The Ganesh Colouring Competition for children under 15 years of age was very popular with hundreds of children taking part. There were three age groups and three prizes were awarded in each group. All the participating children received merit certificates. The charity organisation 'Abaya Karam' took responsibility for organising the colouring competition. The Canteen run by a Ladies' Committee sold thousands of thosais, lunch packs and sweets. All the proceeds went towards

financing the festival. The clay Visarjana Ganapati was taken in procession to the nearby Stanwell Park Beach. The priests performed a pooja there too, and then with much singing and chanting, the Visarjana Ganapati was immersed in the waters of the Pacific Ocean.

Over six thousand people went to the Sri Venkateswara Temple to celebrate this Festival. The Ganesh Visarjana Festival has become the most popular traditional Hindu festival in the whole of Australia. On the same day the Sri Venkateswara Temple Association launched the Rajagopuram Project. 'Buy a Brick'. Tickets for \$10.00 each were sold to fund the twin Rajagopurams for the Sri Venkateswara Temple Mandapam and the Sri Siva Temple Mandapam.

The original Sri Venkateswara Temple and Sri Ganesha Temple were built in 1985. In January this year, Temples to Sri Siva, Sri Parvati, Sri Durga, Sri Murugan, Sri Rama, Sri Anjaneyar and Sri Navagraha Murthys were consecrated. A very large Maha Mandapam enclosing the Saiva Temples is being built. Once this is completed, work will start on the twin Rajagopurams. It is the largest Hindu Temple complex in the Southern Hemisphere. Those who wish to contribute to this worthy cause could write to Dr. A. Balasubramaniam, President, Sri Venkateswara Temple Association Inc., Temple Road, Helensburgh, N.S.W.2508, Australia.

Abirami's Arangetram

The Bharata Natya Arangetram of 16-year-old Abirami, daughter of Dr. S. and Dr. Maya Senthilkumaran took place at the Parramatta Riverside Theatre, Sydney on September 25th 1994. Abirami is a disciple of Srimathi Anandavalli, head of the Lingalaya Dance School and well known dancer excelling in both Bharata Natyam and Kuchipudi. Her Nattuvaangam was accomplished and so were the singing of the vocalist Smt Geetha Rajayagam and the Veena play of Smt Yoga Thanikasalam, both aunts of the dancer and the well known Sri M. Ravichandran on the miruthangam. The flutist was Sri R. Suthanthiraraj, who ably assisted the other musicians.

Abirami began the evening's performance with Ganesha Anjali followed by Murugan Kavuthuvam in Raga Hindolam. The highlight of the performance was of course the Varnam in Navaragamaalikai composed by Anandavalli's brother Sri S. Anandakumar and choreographed by Anandavalli.

The interval was followed by four Pathams. The last item was the Thillana in Kunthalavarali. Abirami danced with great verve and enthusiasm with very good attention to footwork and thalam. Her abhinaya for a dancer of her age was remarkable and she exhibited her artistry and communicative skill especially in the Varnam, and executed the Thillana with grace and expertise.

All in all Abirami's Arangetram was an enjoyable experience.

Ganesha Temple for Brisbane

The Hindu Ahlaya Sangam, Queensland, Incorporated was established in Brisbane to further the aspirations of the Hindu Community of Brisbane, Australia. The main objectives of the Association are to provide the Hindu community in Queensland with a common place of worship and the organisation of an educational programme involving religion and culture. These objectives are being achieved by constructing the first ever Selva Vinayagar Kovil, built in traditional south Indian style in the outskirts of Brisbane, Queensland. The construction is progressing well.

The important features included in the temple are (a) Main Sanctum for Sri Vinayagar (b) Sanctum for Siva Lingam, Sri Ambal, Maha Vishnu, and Lord Subramaniya (c) Navagiraga Moorthies (d) Educational facilities.

The consecration ceremony has been fixed for Sunday, 5th February 1995. At present the association needs to raise an additional 125,000 Australian dollars for the completion of the Temple.

Mr. S. Paramasivam, President of the Association makes an appeal as follows:-

As we are a small community of Hindus in Brisbane, we would greatly appreciate, your financial support to augment our own financial contributions towards the temple building fund and/or the consecration ceremony expenses.

The suggested method of sending cash donations are (a) An international draft in favour of 'Hindu Ahlaya Sangam QLD Inc' posted to the The Treasurer, P.O.Box 77, Mt. Ommaney, QLD 4074 Australia. (b) Direct Transfer to Hindu Ahlaya Sangam QLD Inc Building Fund, National Australia Bank, Goodna Branch, Brisbane, Australia. Branch No. 084216, Account No. 616275184.

In recognition of valuable contributions over 300 Australian dollars, one of the abishekams during the consecration ceremony will be conducted in the donor's name and Prasatham will be sent to you. May God bless you all.

Young Violinists All

In the midst of a cluster of dance programmes around London, there was a sudden spurt of solo violin recitals - all by young artistes - which seem to have captured a sizeable audience.

Bhairavi Ganeswaran, the 'baby' of the lot, whose virtuosity has already been displayed at small functions earlier, had her formal and ritual Arangetram on 20th August and the event was a superb exhibition of musical content as well as her mentor Sangeetha Vidwan Kalaivani Indrakumar's dedicated tutelage. The eleven-year-old Bhairavi's handling of apoorna ragas and rhythmic phrases was admirable. The Ragam Thanam Pallavi item in Suddha Dhanyasi and Khanda Ekam was exhibited with sure grasp of time measures. The most interesting thing was her flawless fingering and sliding movements with confidence. Kalaivani In-

drakumar surely takes credit. Accompanying the violinist Muthu Sivarajah on the mridangam and Chidambaranathan on the morsing did credit to the event.

Six Young Students of Lalgudi School of Music on 24th September displayed their emergent talent on the violin, sponsored by Kalabhavanam at their monthly event. Tutored by the well known Lalgudi follower and senior violinist in London, Dr. Lakshmi Jayan, the six students Anuja Manoharan, Maithini Manoharan, Atheetha Sivananthan, Abhirami Sivananthan, Nishanthan Nagarajan and Parthipan Nagarajan displayed a remarkable feat of coordination and flawless sruthi-laya unison. They went through a series of classical compositions perfectly handling to the admiration of the knowledgeable audience. Lalgudi School of Music deserves congratulations and Kalabhavanam deserves praise for sponsoring up and coming talent.

Arvind Jayan's Violin Solo concert for the Tamil Orphans Trust on 25th September was another example of consummate musical training and practising on the violin. Arvind as many of our readers know is the son of Dr. Lakshmi Jayan who has admirably trained her son to perfection in the Lalgudi style of bowing and fingering. This recital for the Tamil Orphans Trust was not an amateur's performance, it was a real professional kacheri through a full repertoire of compositions from the Varnam in Bahudhari and through Tyagaraja, Dikshitar and other compositions from the Varnam to Tillana before a knowledgeable audience. Beginning with a Varnam in Bahudhari and through Tyagaraja, Dikshitar and other compositions, Arvind displayed the virtuosity of a mature artiste in handling of raga bhava and layam. Subramania Bharati's Chinnan Chiru Kiliye in Ragamalika and Thisra nadai was scintillating. An important aspect of this concert was the mridangam accompaniment which was performed by the eleven-year-old Jonathan Pararajasingam who has earned a name for accompanying senior vidwans like Charumathi Ramachandran recently. His handling of the instrument is remarkable and follows the main artiste flawlessly.

One important aspect these young artistes should remember is they should not stay satisfied with solo performances alone. Development of manodharma and handling of rare sangathis and kalpana swarams can only be cultivated through accompanying vocal artistes. Parents of young violinists should take steps to make available such opportunities.

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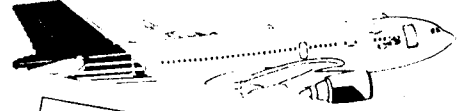
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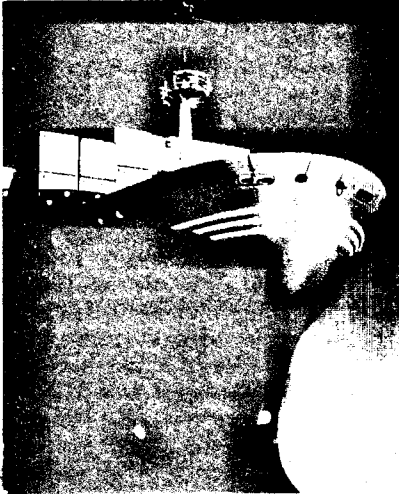
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Tamil

TIMES

24 OCTOBER 1994

LATE NEWS . . . LATE NEWS . . . LATE NEWS . .

Gamini Dissanayake Assassinated 52 Killed and 75 Injured in Suicide Bomb Attack

OCTOBER 24 – Sri Lanka has again been thrown into political turmoil with the assassination of Leader of the Opposition and United National Party's Presidential candidate, Mr. Gamini Dissanayake and many other leaders of the party in a bomb explosion at an election rally held in Grandpass in Colombo at about midnight on 23rd October. As the news of the assassination shocked the island's population, a State of Emergency was declared and an around the clock curfew clamped down throughout the country presumably to prevent retaliatory incidents. Fear gripped the tens of thousands of Tamils living in the South, specially as reports were received in regard to LTTE's involvement in the attack.

Fiftytwo persons were killed and over seventy five persons injured in the bomb attack reportedly carried out by a woman suicide bomber who had managed to smuggle herself into one of the front rows just in front of the stage. The bomb was detonated as Mr. Dissanayake concluded his speech. Police sources said that the method used in this bomb-attack found similarities in the way Indian Prime Minister Rajiv Gandhi and President Premadasa were assassinated.

In the wake of the assassinations, the visit of the government delegation to Jaffna on 24 October for two days of talks with Tiger leaders has been called off. A government spokesman said that the latest killings constituted a severe setback for the peace process initiated by the PA government.

Besides Gamini Dissanayake, D.M. Premachandra, Weerasinghe Malimarachchi (both present MPs and former cabinet ministers), UNP's General Secretary Dr. Gamini Wijesekera and Christie Perera were among the 52 killed in the incident.

Prime Minister Mrs. Chandrika Kumaratunga has condemned the assassination as a barbarous and brutal crime. She said that it was despicable that such political violence should strike again at a time when her government was doing all that it can to wipe out the phenomenon of political violence and the return of values of democracy and human rights. President Wijetunga condemned the murders as a cowardly and dastardly act which was aimed to negate the democratic process. Another Presidential candidate A.J. Ranasinghe described the murders as a part of a campaign to destroy 'the country's national lead-

ership'. The previous murders of President Premadasa and Mr. Lalith Athulathmudali were also part of this campaign, he said. Almost all political parties, including the TULF, LSSP, CP, PA, CWC and MEP have condemned the murders.

The commissioner of Elections, Mr. Channananda de Silva, has in the meantime announced that the Presidential Election would be held as scheduled on 9 November. In terms of the law governing the election, he has asked the UNP to nominate a substitute candidate in place of the slain Gamini Dissanayake. The UNP, which is in a state of complete disarray due to the loss of so many of its leading members, including its General Secretary, in this bomb attack, is expected to meet shortly to make a decision.

It may be that the UNP may pull out from the Presidential campaign altogether. If it decides on a substitute candidate, speculation is that the former Prime Minister Mr. Ranil Wickremasinghe would be the party's obvious choice.

The funeral of Mr. Gamini Dissanayake will take place on 29th October with full state honours at the country's Independence Square in Colombo.