

Tamil United Front Plea to Commonwealth Nations test

(Having failed to stem the tide of discriminatory policies and acts by the successive Sinhala dominated governments, the Tamil representatives appealed to the British Commonwealth Nations for help. The Commonwealth did not respond.)

A MEMORANDUM FROM THE TAMILS OF CEYLON TO DELEGATES ATTENDING THE 20th COMMONWEALTH CONFERENCE IN SRI LANKA.

First September, 1974

Greetings to all delegates in the name of the Tamils of Ceylon. We extend to you a very warm welcome.

This memorandum is presented to you in the hope that through you, world conscience will be awakened to the present plight of the Tamils in this country, who are being systematically subjected to a denial of human rights, various forms of racial discrimination and other practices which could lead to the genocide of the Tamils.

The Tamils of Ceylon constitute a separate nation divided from the Sinhalese nation by territory, language, religion and culture. (See Appendix) At the beginning of European conquest, there were THREE SEPARATE KINGDOMS in Ceylon: A Tamil kingdom in the North and two Sinhalese kingdoms in the South. The Tamil kingdom fell to the Portuguese in 1619. The Dutch replaced the Portuguese in 1659, who in turn capitulated to the British in 1796. The British also took over the Kandyan Sinhalese kingdom in 1815, thus gaining mastery over the three kingdoms covering the entire island. These territories which were isolated from each other and administered as separate areas were brought together into one administrative unit by the British in 1833. This was done for reasons of administrative convenience without consent of the peoples of the island. In fact the Kandyan Sinhalese protested against this unification.

The British thus imposed a common administrative system on the whole island with English as the Language of the government. In this way they brought together two peoples who had lived separately through the ages. When it became clear that the British were ready to share some of their authority with the local leaders, the conflict between the Tamils and the Sinhalese came to the surface. In 1945 when the time came for the transfer of power to the peoples of this country, the Board of ministers submitted their own proposals for a new constitution. The Tamils almost in one voice rejected their proposals in-as-much as they were calculated to place the minorities of Ceylon in a position of subordination to and dependence on the racial majority.

A Royal Commission under the Chairmanship of Lord Soulbury was sent to Ceylon in order to examine and discuss any proposal for constitutional reform in the island. Recognizing the general state of apprehension and suspicion in the minds of minority communities when power was to be transferred from neutral British hands to the people of a country, the commission became alert to the need for minority safeguards.

The Commissioners therefore accepted the assurance of the Board of Ministers in the belief that the latter were fully aware that the contentment of the minorities is essential, not only to their well-being but to the well being of the Island as a whole.

Moreover the British Government issued a White Paper on the basis of the Commissions report and made it clear to the Board of Ministers of Ceylon, that any legislative action by the British would be conditional on the acceptance of their proposal by the minorities. This acceptance was secured by many promises and assurances by the Sinhalese leaders, the hollowness of which have been manifest by the actions of successive Governments. It is significant that Lord Soulbury himself was later disillusioned by the disregard of these assurances by the Sinhalese leaders. Lord Soulbury has in his forward to the book, Ceylon a Divided Nation by Professor B. H. Farmer said:

"The Commission had of course a cursory knowledge of the age long antagonism between these two communities but might have been less hopeful of a solution had Mr. Farmers book been available to underline the deplorable effect of centuries of troubled history upon the Ceylonese today... Needless to say the consequences have been a bitter disappointment to myself and my fellow Commissioners..."

The Tamils however hoped that the administrative unity established by the British Government could be preserved and towards that end made three significant suggestions.

(a) Balanced Representation:

Our earliest request was for balanced representation in the legislature as advocated by the Duke of Devonshire, who was Secretary of State for Colonies. It was based on a balanced scheme of representation that would avoid the danger of concentration of power in one community but would ensure its equitable distribution among all communities and the people as a whole. But the Soulbury Commissioners did not grant this.

(b) The demand for a Federal Constitution:

Secondly, within a year of independence, when the position of the Tamils was fast deteriorating, the demand for a federal form of government was put forward. It was felt that this was the only way of keeping together two distinct nations in one state. It may be remembered here that Mr. S. W. R. D. Bandaranayake strongly advocated federalism as far back as May 1926 or even earlier, but would not concede when he came to power. The following excerpts are taken from his speech of his in the Ceylon Morning Leader July 17th.

"If they considered past history then they would see that the three communities, the Tamils, the Low-country Sinhalese and the Kandyan Sinhalese had lived for over a thousand years in Ceylon and had not shown any tendency to merge... A central form of Government assumed a homogenous whole..."

But when the objections were dissipated he was convinced that some form of FEDERAL GOVERNMENT would be the ONLY SOLUTION."

The New Constitution of 1972 and the six-point formula.

Thirdly, these suggestions were finally rejected and a new constitution was unilaterally imposed in 1972. This Constitution took away even the meager safeguards provided in the Soulbury Constitution and in addition imposed further disabilities on the non-Sinhalese, non-Buddhist population. This brought the Tamils together under the banner of the Tamil United Front (TUF), comprising all Tamil political parties, major trade unions and prominent non-party Tamils. The TUF is today recognized as the voice of the Tamil people.

The TUF rejected the Constitution and put forward a six-point formula as the minimum prerequisite for keeping the two nations together., while preserving the territorial, linguistic, religious and cultural integrity of the Tamils. The Tamil United Front demands that the Constitution should be amended so as to secure the aspirations of the Tamil people in respect of the following:

- (a) The Tamil Language should be given the same status in the Constitution as the Sinhala Language.
- (b) There should be constitutional guarantee of full citizenship rights to all Tamil-speaking people who have made this country their home. There should be no different categories of citizens and no discrimination between them, and also no power to the state to deprive citizen of his citizenship.
- (c) The state shall be secular, while equal protection is afforded to all religions.
- (d) The Constitution should provide for valid fundamental rights guaranteeing the equality of all persons on ethnocultural grounds.
- (e) The Constitution shall provide for the abolition of caste and untouchability.
- (f) In a democratic and socialist society, a decentralized structure of government alone will make it possible for a participatory democracy where power will be peoples power rather than state power.

The reasonableness of the demand put forward by the TUF is amply demonstrated by the fact that every single political party with the Sinhalese leadership had accepted the demands in some form or other both before and after independence, but this Government has not even cared to consider these proposals.

The Tamils have traversed a long road and are now at the end of their tether. When two nations cannot get on together they come to the parting of ways. Has the parting come? That is the problem of the Tamils of Ceylon.

UNDER NEO-COLONIALISM.

The Sinhalese leaders have one objective, of converting the bi-national, bi-lingual, multi-religious state of Ceylon into a uni-national state with one nation - the Sinhalese, a uni-lingual state with the Sinhala only and with one religion - Buddhism, involving genocide against the Tamils. This is substantiated by the following statement to the Press by a Cabinet Minister of the present Government and reported in the Ceylon Daily News of 27 th August 1974:

"In fact one of the things happening now is that, many Indian Tamils who were earlier isolated are now learning Sinhala and even adopting our names and religion This is part of the social assimilation."

For the sake of brevity we give, in some detail just six areas where there is pursuance of the above policy, and list the others;

1. CITIZENSHIP AND DISFRANCHISEMENT.

Within a few months of gaining independence, it was not difficult for the Sinhalese leaders to forget all the promises and assurances they had given to the Tamils, and by the Citizenship Act. No. 19 of 1948 to make a million Tamils stateless, who prior to Independence enjoyed the same rights as other Ceylonese.

This act affected adversely the totality of Tamils and even Muslims. Those who had Tamil or Muslim names had to submit proof of Citizenship in regard to many matters connected with the Government. The following are some of them:

- (a) Employment in public sector.
- (b) The issue of Passport or other travel documents.
- (c) The issue of certificates of citizenship.
- (d) The issue of Rice Ration books.
- (e) Inclusion of names in the Electoral Registers.
- (f) The registration of transfers of property or shares.
- (g) The registration of a person as a Ceylonese Trader.
- (h) Other spheres reserved partly or fully for Ceylonese.

In the following year the Ceylon (Parliamentary) Elections Amendment Act. No. 48 of 1949 was passed which again deprived the same group of Tamils of the right to vote. At no time did the Board of Ministers (all Sinhalese) of the State Council of Ceylon, who negotiated the Independence with British

Government ever give even an inkling of their intention to deprive half the Tamil population of Ceylon of their Franchise rights. On the other hand, in the memorandum they submitted to Whitehall on constitutional reforms they devised a scheme of representation under which they expected the Sinhalese to have 58 seats, Ceylon Tamils 15 seats, Indian Tamils 14 seats.

The deteriorating position can be seen in the following table:

COMMUNITY	1947	1952	1956	1960	1960
	% of seats	% of seats	% of seats	% of seats	% of seats
Sinhalese	63	73	73	78	77
Ceylon Tamils	13	12	12	11	11
Indian Tamils	7	Nil	Nil	Nil	Nil
Muslims	6	8	7	6	7

The above figures will show that a constitution devised and fashioned to give weightage in representation to minorities was in fact perverted to give weightage to the majority-

2. INROADS INTO TAMIL TERRITORY

The Government implemented schemes of State-aided colonization of traditional Tamils areas by colonizing Sinhalese and thereby increased the Sinhalese voting strength in the legislature. Within the first few years of Independence, colonization of the Eastern Province, a Tamil area, by the Sinhalese had proceeded at such rapid rate that before the end of the 1950s there were enough Sinhalese to return a Sinhalese member to Parliament. Apart from such colonization, special licenses were given to Sinhalese to obtain lands in Tamil areas in preference to the Tamils of the area. Illegal squatting on Crown land by Sinhalese was encouraged and regularized while Tamils were punished and driven away. All this was not a natural movement of population but a Government directed plan.

3. LANGUAGE.

It is in regard to the right to use their language on the basis of equality with their fellow citizens that the Tamils have experienced the greatest humiliation and disappointment. Up to 1955 there was never a doubt that Sinhala and Tamil would be on equal footing and enjoy equality of status. Indeed in the State Council a resolution to the effect that Sinhala and Tamil would be the official languages was accepted by a large majority.

Speaking on the occasion the late Mr. S. W. R. D. Bandaranayake said:

"But generally speaking there is no question that one of the most important ingredients of nationality is Language, because it is through the vehicle of language that the aspirations, the yearnings and triumphs of a people through the centuries are enshrined and preserved. Therefore all that it means to a nation from the psychological, from the sentimental, from the cultural points of view, the value of nationality from all those points of view are expressed through the medium of language. That is why language is such an important ingredient of nationality... What then is the object of having Sinhalese alone as the official language? If the objection is that it is rather awkward to have more than one official language, I should like to point out that other countries are putting up with more than two official languages and are carrying on reasonably satisfactorily... I do not see that there would be any harm at all in recognizing the Tamil language also as an official language. It is necessary to bring about that amity, that confidence among the various communities which we are all striving to achieve within reasonable limits. Therefore, on the second point, I have no personal objection to both these languages being considered official languages; nor do I see any particular harm or danger or difficulty arising from it."

(Official Report State Council, 25h May 1944: Vol. I c809)

The Official Language Act No. 33 Of 1956, however, provided that Sinhala shall be the one Official Language in Ceylon. The Tamils considered this act a great betrayal and have not ceased to agitate for equality of status for the Tamil Language.

In 1961 for 57 days the Tamil speaking people performed Satyagraha outside of the Chief Government Offices in the Principal cities of the Tamil territory -- Batticaloa, Trincomalee, Vavuniya, Mannar, Jaffna -- thus bringing the administration in these areas to a stand-still.

The Government imposed a state of emergency and used the Armed Forces to unleash a reign of terror in these areas. The Tamil M.P.s and leading Tamils like Kanthiah Vaithianathan were placed under detention. When some legislative provision has been made for the use of the Tamil language in the Northern and Eastern Provinces, Sinhala continued to be largely used as the sole language of public business causing inconvenience, embarrassment, and humiliation to the Tamils.

4. EDUCATION.

We list herein specific areas in education where there is severe discrimination:

- Education amending Acts Nos. 5 of 1960 and 8 of 1961 took over Schools run by Tamils and Christian denominations but Buddhist Privena Schools were allowed to continue as voluntary schools with state aid.
- Estate schools for children of Tamil plantation workers were not taken over and continue to remain the extremely poor standard in which they have been all the time.
- Tamil medium schools in Tamil areas were converted into Sinhala medium schools, thus forcing them to study in Sinhala medium.
- After the take-over of the schools, some schools in South Ceylon where there were predominantly Tamil children were converted to Sinhala schools without alternate provisions for the Tamil children.
- The medium of instruction in four schools in the North was changed from Tamil to Sinhala.
- Access to Higher Education.- Since the present Government came into power there has been racial discrimination. In 1970 admissions, a higher standard was required of Tamil Students. Merit was abandoned, and under cover of giving weightage to students in rural areas, the Government instituted a racial system of admission. We give below the minimum aggregate marks required of Tamil and Sinhalese students in 1970.

Aggregate marks required for admission to the University from:

	Tamils	Sinhalese
Peradeniya- Engineering	250	225
Katubedde- Engineering	232	212

Medicine and Dentistry	250	229
Agriculture, Veterinary & Bio-Science	184	174
Physical Science	204	183
Architecture	194	180

Since then Government has conceded that this was a mistake, but it continues with the same objective through a secret scheme of standardization based on language media and area quotas: the consequential effect is to whittle down the admission of Tamil students who on the ground of merit alone would be eligible for higher education.

5. VIOLENCE AGAINST TAMILS.

The Tamils have been subjected to violence in 1956, 1957, 1959, 1961 and 1974. In 1958 Tamils outside the Tamil territory were set upon by organized groups of Sinhalese and were subjected to murder, torture, rape and looting. In 1961 it was used to disperse the Satyagrahis; in 1974 violence was used to disperse large crowd listening to a non-political cultural address where nine persons were killed. The Police and Army often ran berserk and spread violence and terror over a much larger area than the prescribed scene.

6 STARVATION AND DEATH.

The plantation industry of tea, rubber and coconut constitutes the backbone of the economy of this country. It is a tragedy of the worst magnitude that the very Tamil workers on the plantations whose labor provides the life blood for the economic life of this country have been made political, social, and economic outcasts by the operation of national laws, since this country attained independence. The extent of the problem faced by over a million Tamil people concentrated on the plantations has assumed the character of genocide by reason of starvation due to unemployment, low wages, and drastic cuts imposed on the quantities of food items made available to them. The cumulative effect of all this is a sharp increase in their death rate and plantation workers and their families have been forced to move into towns to beg for food.

We conclude by merely listing the other means whereby the Tamils are put to grave hardships:

1. Denial of equal opportunities of employment to Tamils in Government Service and Government controlled corporations.
2. Sustained propaganda against Tamils through Government approved school textbooks.
3. Continued Police and Army action in Tamil areas.
4. Denial of the right of peaceful assembly.
5. Denial to many Tamils and Tamil leaders the right to leave the country.
6. Absence of effective provisions in the Constitution protecting the Fundamental Rights of minorities.
7. Arbitrary arrests and detentions (at the moment there are 42 Tamils under such detention) and
8. cruel and inhuman treatment at the time of arrest and during detention.
9. The grant of the foremost place to Buddhism and imposing on the State a constitutional duty to protect and foster that religion.
10. Denial of the right of representation to 50,000 in the Kankesauthurai Electorate by maliciously refusing to hold the by-election for the last two years.

THE COMMONWEALTH AND TAMILS.

Sri Lanka is today a State with two nations and the Tamil nation there in seeks its inalienable right of self-determination. The Tamil problem is not an internal affair. The Shri Rajagopalachari, the First Governor General Of India has stated:

"Most private wrongs are done within family walls, and most public wrongs within the borders of States. If world opinion is to consider state frontiers sacrosanct then there will be no chance for world progress as a whole; tyranny would have received a world charter."

Any attempt therefore, to regard the Tamil question as an internal affair of the State of Sri Lanka, would amount to an evasion of recognizing the political and social realities in the country. There is little doubt that the situation, fraught with many dangers, is gradually getting out of hand and is one for which there are unfortunately many parallels. From all accounts the Tamils of Ceylon are beginning to despair of obtaining their right, through discussion, compromise, and peaceful means; tensions and frustrations are beginning to crystallize around issues which sooner or later are likely to lead to a point of no return.

In Ceylon today there is closely a situation where immediate action and assistance are necessary to stop a bad situation from getting worse. The question would arise whether the subject of minority nationalities in Commonwealth countries could be discussed even if such a subject is not on the agenda of the conference. There have been occasions in the past when the conference did consider subjects like Kashmir and Apartheid even though they were not on the agenda. The rapidly deteriorating situation here, demands in the name of common humanity that the Tamil question of Ceylon be considered at the 20th conference. Recent history shows that the nations of the world have moved to help a smaller nation in distress, only after many paid with their lives for their legitimate rights.

The CPA is an Association of Commonwealth parliamentarians who, irrespective of race, religion or culture are united by community of interest, respect for the rule of law and the rights and freedoms of the individual citizens and by pursuit of the positive ideals of parliamentary democracy.

THEREFORE, IT IS OUR HOPE THAT THE PROBLEMS OF THE TAMILS IN CEYLON WILL RECEIVE SYMPATHETIC CONSIDERATION OF THE DELEGATES ASSEMBLED AT THIS CONFERENCE AND THAT THEY WILL USE THEIR GOOD OFFICES TO HELP IN THE SOLUTION OF THIS PROBLEM.

S. J. V. Chelvanayakam, Q.C.,
President, Tamil United Front,
16, Alfred House Gardens
Colombo 3,
Sri Lanka