

Genesis of Ethnic Strife in Sri Lanka

6. The genesis of the ethnic strife in Sri Lanka is, in a sense, traceable to the nature of the British Colonial rule. The perceived grievance of the majority Sinhalese community that the Tamil minority had by virtue of its access to English education come to occupy a disproportionate share of Government jobs, led to attempts by the Sinhalese majority to redress this perceived imbalance after Sri Lanka gained independence on the 4th February 1948. The first such attempt to words this direction was the Sinhala only movement. In 1951, in the parliament, SWRD Bandaranaike insisted that the Government of Sri Lanka take an unequivocal stand on the issues of official language and status of Buddhism as a religion. Following this, the Sri Lanka Freedom Party (SLFP), in 1954, took up these issues and demanded that Sinhala be declared the sole official language of Sri Lanka. In December 1955, the SLFP adopted the "Sinhala Only" resolution. The other Sinhala dominated political party, UNP, joined the issue and adopted this resolution in February 1956.

6.1 The year 1956 saw one of the first major anti-Tamil pogroms which resulted in hardening of the stances of both sides.

6.2 Shri P.V. Narsimha Rao, former Prime Minister of India, during his deposition before the Commission, has enumerated the various factors responsible for this ethnic strife in Sri Lanka. In his deposition dated 7th. May, 1997, he stated :-

"The Jaffna Tamils were much more advanced, much more educated and much more influential. After independence, the majority Sinhala community felt that they had been suppressed by the minority Tamils for their natural rights. On the other side, the question of language figured at that time and when Sinhala was sought to be made the official language, that was resented to by the Tamilians. They were having equal status with Sinhalese earlier. After independence, power equation underwent a radical change. The relations between the two sections became very strained. mThe Government was run by the Sinhalese and Tamils had less say in the governance of Sri Lanka. Because of ethnic conflict in Sri Lanka, refugees had started pouring into our country. Tamils living in India have blood relations with Sri Lankan Tamils and so atrocities committed in Sri Lanka against the Tamils, the feelings in them were exacerbated on account of ethnic conflict. "

6.3 On this issue, Shri M. Karunanidhi, during his deposition before the Commission stated on 26th February, 1997 as follows :-

"It is a fact that in Sri Lanka, Sinhalese are in majority and Tamilians are in minority . Trouble started when the Tamilians felt that they were not being treated equally. In the beginning there were peaceful protests for realisation of their rights. The Sri Lankan Government was in favour of Sinhalese and constituted by Sinhalese only. Because of violent attacks and atrocities on Tamilians they had

to take shelter in Tamil Nadu. They had nothing for their self defence with them. They were rendered homeless. Right from 1956, there was great sympathy in Tamil Nadu for Sri Lankan Tamils."

6.4 The culmination of the efforts to give Sinhala language a pre-eminent status came when the "Official Language Bill" was introduced in the Sri Lankan Parliament June 5th, 1956. The Bill was enacted as the "Official Language Act No. 33." of 1956.

6.5 The Act was aimed at effectively ending the domination of Tamils in the bureaucracy and preventing them from regaining any position of dominance in future. The Act envisaged imposition of sanctions on Tamil candidates seeking School admissions and Tamil was removed from its status as one of the official languages of the country. The Act, thus, resulted in the pendulum swinging the other way with Tamils being reduced virtually to the position of second-class citizens.

6.6 At this stage, in India, the perception of victimisation of the Sri Lankan Tamils became sharper especially in the minds of those Indian Tamils who were engaged in promoting the concept of Dravidianism. Shri M. Karunanidhi, Chief Minister Tamil Nadu, in his deposition dated 22nd. November, 1996, has thrown light on the perception of Indian Tamils on this ongoing strife at that time :-

"After Ceylon became independent, it used to be called Sri Lanka. Lots of political changes took place in Sri Lanka. Sri Lanka also promulgated a law that the official language in Sri Lanka would be only Sinhala. There was discrimination in giving education to the Tamils in Sri Lanka. Unless they secure high marks they were not further encouraged in education. Since Buddhism is the religion of Sinhalese, non - Buddhists like Tamils and Muslims were compelled to say in their prayers 'Buddham Saranam Gachhami'. A law was made that the prefix 'Sri' should be written on the vehicles and the boards. The Sinhalaes were deliberately brought into Tamil areas and were settled there. This was opposed by Sri Lankan Tamil leaders like Chelvanayagam and Amirthalingam."

6.7 Tamil sentiments, hitherto moderate, were being voiced by the "Federal Party" led by SJV Chelvanayagam. The party was demanding better rights for Tamils within the constitutional framework of the country. On June 5th, 1956, while the Sri Lankan Parliament assembled to debate on the enactment of "Sinhala Only" Act, a peaceful demonstration was organised by the Federal Party near the Parliament. The demonstrators were set upon by hundreds of organised Sinhala fanatics musclemen. In the rioting which followed, the innocent Sri Lankan Tamil civilians were the main targets who were traumatised by acts of arson, vandalism, murder and rape.

6.8 Subsequent half-hearted measures aimed at assuaging Tamil sentiments could never succeed as the Sinhala chauvinism was always the vital decisive factor in all elections. The developments of this period have been briefly touched upon by Shri M. Karunanidhi in his deposition dated 22nd. November, 1996, as follows :-

" Chelvanayagam was known in Sri Lanka as Gandhi of Ceylon, he was a Tamilian. Because of his non violent activities Chelvanayagam - Bandaranayake Accord came into being in 1957. That Accord was never implemented. The important clause of the Accord was that Tamils and Tamil language will be given importance in equal level with Sinhalese. Because the Accord was not implemented, there were frequent clashes between the Sinhala community and the Tamil community and this activity grew till 1982."

6.9 Ms Anita Pratap, a journalist, who extensively covered the Sri Lankan ethnic problem, deposed before the Commission on the various facets of the problem. In her deposition dated 16th. August, 1996, she stated :-

"Sri Lankan population consists of Sinhalese, Buddhists and Tamilians. Tamilian population is about 12 percent and Sinhalese population is also more than 70 percent.... Sri Lankan Tamilians have affinity towards Tamilians in India....The Tamil problem in Sri Lanka existed even in the seventies. In fact it goes much earlier. First was in 1958. in Sri Lanka. There were atrocities of Sinhalese Army towards Tamils. The Sri Lankan Army constituted of Sinhalese and Sri Lankan Govt. was also constituted by the Sinhalese Buddhists. The refugee camps in India was a burden on India."

6.10 Details of the developments have been documented in the book captioned INDO SRI LANKAN RELATIONS by Ravi Kant Dubey in CHAPTER 4 : ISSUES THAT DIVIDE TAMILS AND SINHALESE and are reproduced below :-

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"The tension between the two ethnic groups was rising. Prime Minister Bhandaranaike had discussion with leader of th Federal Party Mr. Chelvanayakan and they signed a pact on July 27, 1957. which is known as Bhandaranaike -Chelvanayakam Pact . According to the pact following facts emerged:

- i) The Prime Minister was not to discuss anything about setting up of a Federal constitution or regional autonomy or to abrogate Official Language Act.
- ii) He agreed to recognise Tamil as the language of national minority of Ceylon and it be made the language of administration in the Northern and Eastern Provinces.

iii) He also assured that the question of citizenship to the people of Indian origin would be given early consideration.

iv) The Prime Minister also conceded the Tamil demand for establishing Regional Council in the North and the East provinces. Since council would have powers over subjects like agriculture, cooperative, lands and development, colonisation, education, health, industries, fishery, housing, social server, electricity, water scheme and road. The power of taxation was also to be devolved to such regional council.

v) It was agreed regarding colonisation scheme that the Regional council would have power to select allottees to whom lands within their area of jurisdiction be alienated and power to select persons be employed for work on such scheme.

Though the pact was not accepted by the Tamils as the final solution but took it as a temporary adjustment as it granted concession to Tamil.

Some people believe that had the pact been turned into an Act of Parliament the story of Sinhala - Tamil relation would have been different. But leaders of the right wing Sinhala politics and some Tamil leaders put obstacles in implementing the pact.

The UNP leader under the leadership of S.R. Jayawardene organised a march from Colombo to Kandy to protest against the pact. Various Buddhist groups brought pressure on the Prime Minister Bhandarnaike against the pact. They termed it as an act of treach against the Sinhala nation and as the first step towards setting up of a separate state,

Tamil leaders who were defeated in 1956 criticised the Federal party for surrendering to the Sinhalas. The Tamil leaders who were cooperating with Sinhala also began to demand federal form and regional autonomy. The Federal party called off its plan to agitate. Now, it is turn of Sinhala to agitate for abrogation of the pact. They staged a sit in demonstration in front of the PM residence, even his cabinet colleagues pressurised him. Finally, he abrogated the pact unilaterally.

An ethnic riots followed the Government was forced to declare an emergency and the riots were quelled within a week. Leaders of both sides were put under house arrest. The Government under the cover of emergency passed an Act in September 1958, providing many concessions to the Tamils, such as reasonable use of Tamil for prescribed purposes, right of the Tamil people to be taught in Tamil language at all levels, right to take public service examination in Tamil language with sufficient knowledge of Sinhala, Tamils to correspond with Government official in Tamil or of any local authority in the Northern and Eastern province. They will not prejudice the use of official language in respect of prescribed purpose.

The Tamils complained that 1958 Act has clearly side tracked the major issue of forming Regional Council and the stopping of Sinhala Colonisation of the Tamil Area.

The old practice of sharing political power with Tamils was given up. For the first time, Tamils were not included in the Cabinet between 1956-64. In 1965, no single party got clear majority. The UNP had to secure support of the Federal Party of Tamils, to form a coalition Government. Naturally, another agreement between Dudley Senanayake and Chelvanayakan was signed. It was on the basis of earlier Bhandaranaike Chelvanayakan agreement. The Pact was signed on 24 March 1965 a day before D.S.Senanayake was sworn in as Prime Minister. The Pact did not mention anything about provincial or Regional Council, but Tamils were assured about formation of District Council giving Tamil language a special position and restrict colonisation of Tamil areas by Sinhala.

As expected the SLFP denounced the agreement. The Communist Party and the Lanka Sama Samaj Party joined SLFP in starting strong ethnic campaign against the Tamil.

A regulation was passed on January 11, 1966 to grant a special status to Tamil. The Federal Party for the first time in ten years celebrated the Independence Day of Sri Lanka on 4th February 1966. This regulation made Tamil virtually the official language in the Northern and Eastern provinces. The continuing tension between the Sinhala and Tamils was easing. Though the Federal Party came out of the coalition in April, 1969 yet it supported D.S.Senanayake Government. Tamils and Sinhala collaborative politics continued and the overall atmosphere of ethnic goodwill prevailed.

In 1970 election, UNP was defeated and SLFP and its leftist allies came back to power. In this election, ethnic question was not given prominence as it was done in 1956. The Tamils were sincerely in a conciliatory mood. Both parties of Tamils, i.e., the Federal Party and the Tamil Congress had voted in favour of the plan and for a Constituent Assembly to frame a new constitution.

Then again in 1971, language issue was raised in the Constituent Assembly. The Constituent Assembly debated the issue for four days. The Federal party leader, Novaratnam made an appeal that this issue be discussed in a Round Table Conference of leaders of all the political parties.

He was of the view that the Constituent Assembly was not the proper place, where amicable solution to the language problem could be solved. They i.e., the Federal Party, also placed certain demand to be incorporated in the constitution.

The constitution framer ignored all these demands and when the 1972 constitution was put into effect the Tamils observed this day as a day of mourning."

6.11 The enactment of a new Republican constitution in 1972 made Sinhala the official language of Sri Lanka and conferred a special status to Buddhism. It was through this constitution that on May 22nd, 1972, the island became a Republic and was officially named as Sri Lanka.

6.11.1 The Republic of Sri Lanka, as it emerged in 1972, had not taken into account any of the Tamil aspirations. Immediately after the new constitution came into force, the Federal Party (FP) amalgamated with the Tamil Congress (TC) and Ceylon Workers Congress(CWC) to form Tamil United Front (TUF) - an umbrella under which all major Tamil parties united to struggle. On October, 2nd, 1972 (birth anniversary of Mahatma Gandhi), the TUF launched a resistance campaign and hoisted the Tamil flag - the rising sun . The Sri Lankan Government took a tough stand and the campaign ended on a violent note.

6.11.2 S.C. Chandrachud is the son of SJV Chelvanayagam, the leader of the 'Federal Party'. He is presently based in Madras and is engaged in efforts to safeguard the human rights of Sri Lankan Tamils. He deposed before the Commission on 22nd. August and 2nd. September, 1996. In his deposition, he has narrated the situation prevailing in Sri Lanka during this time as follows:-

" I was the legal secretary of Tamil United Liberation Front (TULF). During that period I had large number of civil rights cases and organised the society by the name Protection of Eelam Tamils from Genocide and other violations of Human rights (PROTEG). We defended number of young Tamils who were charged with offences and also took up matters before the High Court where persons were detained beyond the period of 24 hours without being produced in a Court of Law. The initial period of Tamil Struggle was entirely democratic and non violent. Upto about 1970 it was so. In the year 1971 there was an insurrection on the Sinhalese side. Lot of persons (Sinhalese) who were involved were taken into custody. And some young Tamils who were charged against offences were also taken into custody and were lodged with Sinhalese. During that period I made an appeal to the Secretary of Justice that they should not be kept together because the non violence struggle had started by the Tamils might change into violent struggle. After about six months the State authorities did agree, but by that time I had noticed that damage had been done. From about 1972, more and more acts of violence on the part of Tamil Units were noticed. The Tamil Leaders working on the Democratic side were losing control. Other organisations like TELO, LTTE, PLOTE believed that violent means would bring about settlement of ethnic question. The democratic side was represented by TULF. It was a combination of all Tamil political parties in Tamil areas. The TULF resolved its goal in its Convention in 1976, that they would fight for a separate independent Tamil Eelam. Other Tamil militant Organisations also had the same goal. In 1972, the Democratic Parties TULF made a basic demand of six points short of independent Eelam. The request made in respect of six points were not even acknowledged until 1975. Mr.Chelvanayagam, my father was the leader of the Democratic parties, including TULF resigned his Parliamentary seat in 1972

requesting the Govt. to have the matter resolved through votes. But the Govt did not hold elections for three years. My father was the Treasurer of the Federal Party which was the main constituent of TULF. My father entered into a first agreement historically known as Bhandarnaiké Chelvanayagam pact of 1957. Bhandarnaiké was the leader of SLFP (Sri Lanka Freedom Party). Against this Pact there was an uprising led by Buddhists priests provoked by Jayawardhane who was the Leader of Opposition UNP Party. This opposition finally culminated into surrounding of the Prime Ministers house by 2000 Buddhist priests and they insisted that he comes out and tear the Pact. Finally Shri Bhandaranaiké had to do that. In 1960 there were two agreements which were not reduced into writing. United National Party won the election but did not command majority. In order to get the support of the Party led by my father, they made an agreement with my father. Again due to the opposition by the Chief Buddhist priest, UNP withdrew from its promises and dissolved the Parliament. In July SLFP came into power they again made certain promises and agreed and Mr.Bhandarnaiké was shot dead by a priest and Mrs. Bhandarnaiké came to power. She was elected in July 1960 and she promised to restore Bhandarnaiké Chelvanayagam Pact. She again at the persistence of Buddhist priest withdrew from the Agreement. In 1965 a Pact was entered into known as Senanayake Chelvanayagam pact. This again was between UNP and my father. Mrs. Bhandarnaiké led the Buddhist priest in protest and Senanayake withdrew from the Pact.

In 1977 there was an election. The TULF persuaded the militants to accept the non- violent process and put forward the manifesto of TULF and wanted to vote the Tamils for the against thereby give a mandate to the Tamil United Front. All Tamil militant organisations agreed for this. And the Election was fought on that basis. Tamil areas overwhelmingly voted for the mandate. Jayawardene came as the Prime Minister with a overwhelming victory on the Sinhalese side. Within two weeks of the election the Sinhalese extremist forces precipitated it a Pogrom against the Tamils. It was a group manipulated by them against the group. UNP was behind it. Jayawardene's speech over the radio made the violence spread all round the Island in the Sinhalese areas. More than about hundred thousand Tamils were rendered homeless and many thousands were killed. That was a very bitter pogrom that went on. Jayawardene's words were that I do not say so, but Sinhalese say if the Tamils want peace, they may have peace, if they want war, they will have war. Within minutes of this broadcast, the whole island was in flames. The impact of this pogrom was that, Tamil militant groups took the decision that democracy and non violence will not work and they must start a violent process to win their rights.

For the first time I came to India in 1977 for medical reasons.... The Tamil militants started coming to India in the years 1973/74. That was the period Sri Lankan Govt. was arresting Activist Tamil Youths. Most of them had not their militant thoughts but gradually they were involved in that. So they had to run away from the Sri Lankan Govt.

Most of the youths started writing on the wall and Prabhakaran was one of them. They made protests when they had put up a Lion's flag in a school. It was in that connection when he was wanted, he came to India. He came to India at the age of 13 or 14. Thereafter he was moving up and down, that is visiting the Island and coming to India. In mid seventies Prabhakaran shaped an organisation in the form of LTTE. Initially both Prabhakaran and Uma Maheswaran joined it, they were in the same organisation. In 1980 they fell out and there was a possibility of shoot-out. They were both in Madras. Differences surfaced in a meeting and then they fell out. In 1980 they were persuaded not to indulge in violence against each other. In 1980 I was able to influence both of them. No Indian leader was involved at that time in this persuasion to my knowledge. Both the groups started building up in the Island. There was so much repression in the Island against Tamils by the Govt. From every family young Tamils started joining some groups."

6.12 On January 10, 1974, during the fourth "International Conference of Tamil Research" held in Jaffna, the police used force to disperse nearly 100,000 Tamils. This led to the electrocution of people and a massive stampede, which killed eight and injured many. The popular feeling in the Tamil dominated areas was that those who lost their lives were national heroes-a monument was built in their honour.

These developments gave a fresh impetus to the youth in the party to take up arms. A new chapter in the history of Sri Lankan Tamil struggle began with the formation of Tamil New Tigers (TNT) - a purely militant outfit, which was seen as the strong arm of the TUF. The TNT leader was Chetty Thanabalasingham, and V. Prabhakaran was one of its important members of the TNT when it was formed. The TNT was responsible for several terrorist acts in Sri Lanka. The most important being the assassination of Mayor of Jaffna on July 5, 1975.

6.13 The Tamil United Front (TUF) spearheading the Tamil demands was forced under the circumstances to further harden their stand. In a conference on May 14th, 1976, at Vaddukodai, the party changed its name to "Tamil United Liberation Front" and passed the following resolution :-

"We are hereby committed to the restoration and re-constitution of the Free, Sovereign Secular Socialist State of Tamil Elam based on the right of self-determination inherent in every nation. This has become inevitable to safeguard the very existence of the Tamil people in Sri Lanka."

6.14 This heralded the beginning of a violent era when Tamil militancy legitimised its existence and drew support from various quarters in a serious process of arming and training in Sri Lankan Tamil youth. During the period 1976-1979, the Tamil militants carried out several assassinations and other terrorist acts.

6.15 In July 1979, faced with mounting acts of terrorism Government of Sri Lanka introduced new laws to combat terrorism. The most drastic of these was known as the Prevention of Terrorism Act (PTA). The PTA was seen as an Act encroaching upon human rights and many who were dedicated to upholding democratic ideals campaigned against it protesting against the possibility of political abuse of the wide ranging powers granted under the PTA. The militant activities of the Tamil youth, however, continued unabated inviting swift and disproportionate reprisals from the Sri Lankan law enforcers.

6.16 S.C. Chandrahasan, in his deposition before the Commission given on 2nd. September, 1996, narrates how all efforts were made by the moderate sections of the Sri Lankan Tamils to arrive at an amicable solution. He states :-

"In 1976 at the Vaddukottai convention, my father did mention we took all possible steps to live with the Sinhalese but they have not shown any keenness to live with Tamils. We have no option except to ask for a separate Tamil Eelam. He was a convinced non- violent politician. There was continued oppression on the Tamil people that was the reason for demanding separate Tamil Eelam. "

S.C Chandrahasan further stated that :-

"I was in the Tamil United Liberation Front and thereafter since I am in India I am working in the two organisations PROTEG and OFERR (Organisation for Eelam Refugees Rehabilitation). In the early stages we did feel that the militant organisations also play a positive role. After the time when they started killing innocent civilians we began to criticise them and tried to correct them. We have been criticising every militant organisation. TULF did lose predominance basically because due to the amendment of the Constitution they could not function as a Parliamentary Political party."

6.17 This indicates that although a section of the Sri Lankan Tamils, who were hitherto the representatives of the majority of the Tamil population continued to earnestly strive for a peaceful solution, the repeated provocative actions of the Sri Lankan Government as well as the increasingly intolerant attitude of the emerging Sri Lankan Tamil militant groups gradually led to a worsening situation which could not be retrieved. Due to repeated acts of violence against the Tamil minorities in Sri Lanka and the popularly perceived insensitivity on part of the Sri Lankan Government, even peace loving moderate Tamils hardened their attitude, and, in face of repeated atrocities by Sri Lankan Security forces on them, started looking up to the Tamil militant elements engaged in the struggle for self determination, as their 'saviours'.

6.18 The Sri Lankan Government continued to hold secret negotiations with the TULF and these negotiations led to the creation of the District Development Council (DDCs). In June 1981, there were elections to the District Development Council of Jaffna. On the event of the elections, the police and the Tamil youth

clashed and the police burnt the TULF headquarters in Jaffna, the Jaffna public library, and the residence of V.Yogeswaran, the Member of Parliament for Jaffna.

6.19 The burning of the Jaffna Library, which had over 97,000 books and was one of the finest in South Asia, was condemned by many within and outside Sri Lanka as a dastardly crime; The 1981 anti-Tamil riots ushered in a violent era- a period which some Tamil militants dominating over the moderates while the public in general perceived a separate Tamil State as the only viable solution to the problem.

6.20 P.Nedumaran, a leader of the Tamil Nadu Kamaraj Congress (TNKC), who has been a leading supporter of the LTTE in Tamil Nadu, has narrated this incident and the concern it caused in his Affidavit No.87/93-JCI filed before the Commission. According to him :-

Para-3 ".....the Eelam problem got the attention of the Indian people as well as the International arena when the Jaffna library was burnt by the Sri Lankan army on June 31, 1981 and the resulting attacks on Tamils. During October, 1981, I had been to the Riot hit Tamil areas of Sri Lanka to ascertain the facts and materials. At Sri Lanka I met Mr.A Amirthalingam, the Sri Lankan Minister Mr.Thondaman and other leaders and submitted a report to the then Chief Minister of Tamil Nadu, Mr.M.G.Ramachandran (known as M.G.R.) (Annexure No.1). Immediately an all party delegation including myself under the leadership of Mr.M.G.R. met Mrs. Gandhi at New Delhi on 07.12.1981 and submitted a petition. On 19.09.1982, I moved a resolution in the Tamil Nadu legislature which sought the cancellation of the death sentence on the Tamil youth leaders Thangadurai and Kuttimani and the same was unanimously passed."

6.21 At this stage, it appears that the concerns of India with regard to the ethnic crisis were manifold. Besides the issue of refugees, this continuing ethnic conflict was also posing a potential danger to the national security of India. This has been brought out by former Prime Minister, Shri P.V. Narsimha Rao during his deposition before the Commission on 7th. May, 1997. He stated :-

"The Indian Govt had to organise and establish refugee camps and had to spend money on them. It was the concern of the Govt that the refugees may leave and go back to Sri Lanka and peace be restored there. That could only happen when political solution could be made of the problem. We were all engaged in this solution of ethnic problem. Our security angle was also there. That was an important factor in our consideration. We stood for a unified Sri Lanka within which both communities could live peacefully. This how we got into the political aspect of it, security aspect of it and cultural aspect of it. Diego Garcia was the American Base and from there they were operating surveillance activities. It was concern for our national security. The institution of Voice of America was established in Sri Lanka. It became part of the Accord and under the Accord it was to be closed. Something was to be done which was our concern. If India

would not have intervened, two or three things could have happened. Sri Lankan President would have approached Pakistan, Mossad of Israel to go to their help. That would have been dangerous to us. No one could have understood the problem as clearly as we could. They would have simply taken the law and order situation and nothing beyond that. One does not know what else option could have been adopted by Sri Lankan Govt. We had some such information that Sri Lankans were having dialogue with them. They were giving out that they were not depending on India alone; they would look elsewhere.

Our policy towards Sri Lanka was the same throughout. We stood for the unity of Sri Lanka within which both the communities would have their own say. We wanted their good neighbourliness."

6.21.1 These considerations, among others , also find a place in Annexure I enclosed with the affidavit of P. Nedumaran which is a report presented by him to the Chief Minister of Tamil Nadu after a nine day tour to Sri Lanka from September 27 1981 to October 6, 1981. This is a contemporaneous document which graphically describes the prevailing situation in Sri Lanka at that time and also attempts to trace the genesis of the problem. Most of the arguments incorporated in the report are based on actual data and its interpretation. Events, as they unfolded at that time, have also been recorded in the report. This report , therefore, can be relied upon for the limited objective of tracing the sequence of events as they occurred in Sri Lanka at that time. Relevant portions of the report are reproduced below :-

Sri Lanka Tamils Problem: A Shocking Revelation"

"The following is the brief report on the problems of Sri Lanka-Tamils presented by Sri P.Nedumaran, M.A., M.L.A., President Tamil Nadu Congress Party(K), in the All party Leaders Meeting convened by the Hon. Chief Minister of Tamil Nadu Sri M.G.Ramachandran, on October 6, 1981 at Madras. The report is based on facts obtained through personal investigation during Sri P.Nedumaran's extensive tour from September 27, to October 6, 1981 in the trouble-torn areas of Sri Lanka where Tamil community are predominant.

"For the greatest crime of man Is that he was born"

I visited Jaffna (Eelam) and parts of hill areas in Sri Lanka where Tamilian Plantation worker live predominantly in order to console the afflicted on behalf of the people of Tamil Nadu. I had many opportunities to witness the extensive damage done to their properties in various places.

I had talks with Sri A.Amirdalingam, leader of the opposition in Sri Lankan Parliament and also President of the Tamil United Liberation Front,(TULF) Hon. Minister Sri Thondaiman, Tamil members of the Parliament of Sri Lanka, President of the District Development Councils, Professors of University students,

lawyers, doctors, religious leaders, teachers, trade union leaders and Government employees and acquired personal knowledge of the calamities and shocking events unleashed during the recent riots. I also had discussions with the Indian High Commissioner in Sri Lanka, Sri Abraham, on the afflictions caused by the racial carnage.

During the 1977 riots the Eelam Tamils bore the brunt of the attack. It was singularly aimed at them resulting in heavy loss of life. On the contrary, the recent riots, during May, June, July and August, in 1981, were aimed at destruction of the economic power of the Tamils of Indian origin. The shops, estates, farms, factories, hotels and residences owned by the Tamils of Indian origin suffered total destructions with the aim to uproot them. The Sinhala chauvinists burnt down to ashes the Jaffna library, a proud possession of the Tamils, with the view to annihilate the Tamil culture. It reminds one of the destruction of the great library by the Gauls at Alexandria, the seat of Oriental civilization and of the Byzantine Library, the rendezvous of the great civilizations of the East and the West, by the turks.

The recent riots were carried on with the connivance of the Sri Lankan army and police. The Jaffna areas looked deserted. The Sri Lankan army took over law and order. A ban on the possession of arms was enforced only on the Tamilian areas. Any one in possession of arms carried the risk of capital punishment. A large number of Tamil youths were taken into custody under the pretext of enquiry. A separate unit of the army was engaged to hunt after the Tamil youths branding them as terrorists. Since emergency was in force no appeal could be made in a court of law. The Sri Lankan army turned out to be the worst perpetrators of violence abhorrent to human civilization. The atrocities committed by the Pakistani army in Bangla Desh are a parallel to the crimes indulged in by the Sri Lankan Army on the Tamils of Indian origin and of Eelam.

Since the Tamils are feared as Security risk their entry into the army and police force is severely restricted. They constitute a negligible number both in the army and police forces as shown below:- Total Number Number of Tamils Police 17,000
476

Army 11,000 220

Navy 2,000 20

Air Force 6,000 6

Reasons for the Riots

Of the many reasons that triggered off the terrible riots the most significant one was the Srimavo- Shastri Pact. Racial riots were resorted to by the government-machinery to create an exigency for mass exodus of the Tamils of Indian origin

as the Srimavo-Shastry Pact was on the brink of expiry. Secondly, the dreadful actions like dacoity, murder and arson committed on the Eelam Tamils by the army and police forces on the eve of the elections to the District Development Councils with the view to defeat the Tamil United Liberation Front lit the fire of civil anarchy. It was kept alive by the infuriated speeches by the, Sinhala members and ministers in the Parliament on the occasion of the no-confidence motion moved against Sri A.Amirdalingam, M.P., and leader of the TULF. These speeches were later printed and distributed among the Sinhala people to induce racial discrimination and riots. The immediate cause for the recent riot was the new grading system introduced by the Government to tamper with the marks of the Tamil students. The computers considerably slashed down the high marks secured by the Tamil students to deny admissions to professional courses and higher studies. The ultimate goal of these riots was to reduce the Eelam Tamils to a passive minority by forcing the Tamils of Indian origin to opt for voluntary repatriation.

Economy

The economic policy of the Sri Lankan Government was lopsided. The guiding spirit of their developmental programme was to liquidate the economic power of the Tamils. Tamil areas were completely ignored in the execution of planned development. Permissions were not granted to the Tamils to start new industries with foreign aid. The Government of Sri Lanka had also transferred some of the major industries located in Tamil districts to Sinhala majority areas. For example, it has been proposed to transfer 'SI-NOR' project, a fourteen year old fishing scheme aided by Norway, from the Jaffna District to a Sinhala area. Another example of racial discrimination was the irrational distribution of foreign relief-funds when Sri Lanka was hit by Cyclone in 1979. Mattakalapu, recently known as Batticaloa in Sinhalese was completely devastated and Polanaruva suffered minor damage. In the distribution of funds, Mattakalapu, a Tamil dominated area, received only 20% of the funds and the rest was spent on Polanaruva, a Sinhala dominated area.

Such discriminations in their economic policy forced the Tamils to depend on agriculture which was deliberately ignored to suppress them socially. There has been no execution of new irrigation scheme. Repair works in the irrigation tanks in the Tamilian areas have been neglected since long. Tamil agricultures were made to suffer further loss by importing the same products that they produced.

Education and Employment

A more significant damage was done in the field of education. The Tamilian schools were neglected. They suffered for want of adequate staff and funds. Quite a large number of posts are not filled because Tamilian teachers are normally denied teaching positions.

The grading system introduced recently did real havoc. With the help of computers, the authorities rigged the marks, of Tamilian students by fraudulent devices in order to block admissions to professional courses. Such measures ultimately led to massive unemployment problem among Tamils. While nearly 5,000 Sinhalese were employed in a Sinhala constituency only 200 Tamils alone could secure jobs due to lack of job opportunities in a Tamil constituency.

Language and Employment

The 1956 Sinhala Official Language Act brought constrains on Tamils. It affected the promotional opportunities of Tamils in Government services and limited their job opportunities. Annual increments of Tamil Officers in Government services were stopped to force them learn Sinhalese. In Schools Sinhalese was made compulsory. The narrow language policy of Sri Lanka deprived the minority Tamils from entering government services and made them secondary citizens. The Statistics provided below show the dwindling number of Tamils in government services since 1956.

Percentage of Tamils in Employment

Year	1956, 1965, 1970
Administration	30%, 20%, 5%
Postal, Railway, Medical	50%, 20%, 5%
Lectures	60%, 30%, 10%
Army	40%, 20%, 1%
Unskilled & Semiskilled	45%, 25%, 5% labourers

The official language Act created a wave of reaction. Consequent on this an agreement was reached between the leaders of TULF and former Sri Lankan Premier, Bandarnaika. Later a special act assuring the use of Tamil in the administration to a reasonable extent was passed in 1958. This Act has not been implemented till date. In the meanwhile another act was passed in 1960 making Sinhalese the only court language. In 1961, contra to the previous agreements, Sinhalese was made the only official language of Sri Lanka.

This policy to a very large extent minimised the chances of Tamilians getting employment in the public and private sectors. The following table provides details about the number of Tamilians in government services in 1980.

Total Number

Recruited Tamils _____

C.A.S 140 - (on a par with I.A.S.in India)

Senior Govt. Officers 93 4

A.M.D.O. 480 7 (Pharmacists & Radiographers)

Trainees in Survey 318 5 Graduate Teachers 1,000 - Assistants in G.A.D. 1,000
2 Teachers 17,000 700

Continuous Efforts to Annihilate the Tamil Race

During the last 33 years the Government of Sri Lanka has been promulgating acts to annihilate the 35 lakh Tamil community. This policy has been given acceleration through racial violence and administrative hurdles. The citizenship right, economy and culture of the Tamils have been stifled systematically through successive attempts.

The Tamils of Indian origin lost their citizenship when the Civil Rights Act was passed in 1948. Again by the Indo-Pakistan Citizenship Act 95% of the Tamils of Indian origin became stateless.

The official Language Act passed in 1956 made it impossible for Tamils to get in to government services and also affected the prospects of those in service.

The Srimavo-Lal Bahadur Shastri Pact signed in 1964 put the axe at the root of the Infra structure of the Tamil plantation labourers. The compromise reached between Dudley Senanayake and leaders of the TULF in 1965 after a protest was given up later to pacify the Sinhala chauvinists.

In 1961 Sri Lanka became a republic and subsequently Sinhalese became the official language. Buddhism was declared the national religion. As a result admissions to higher education and scholarships were made freely available to Sinhalese and Buddhists.

Dwindling Representation in the Parliament

Freedom day arrived on February 4,1948. Political power was transferred from London to Colombo; Parliament had proportionate representation: 29 Tamils, 8 Muslims, 6 Minority, 58 Sinhalese making a total of 191. Constitution guaranteed safe guards to Tamils and other minorities (both religious and linguistic) against a Sinhala majority rule. The electoral laws introduced in 1948 deprived 10 Lakh

Tamils of Indian origin of their suffrage. As a result 8 Tamils lost their membership and in their place Sinhalese were elected. In 1956 another act was passed reducing the number to 20. In 1956 the number was again reduced to 19 and the number of Sinhalese representation was raised to 73.

In 1960 the number of Tamils in the Parliament of Sri Lanka was once again reduced to 18 and the Sinhala representation rose to 78. In 1971 a further increase in Sinhala representation was effected by which the number shot up to 124 where as the representation of Tamils was limited to 29. Through these amendments the Sinhala representation in the Sri Lanka Parliament has been increased without any rationale; but due representation to the Tamil population.

Sinhalisation Plan

In addition to the acts passed in the Sri Lanka Parliament to deprive the Tamils of Indian origin of their suffrage, the government encouraged Sinhalese to migrate in large number to areas traditionally occupied by the Tamils to force them a minority; It was done with a view to minimise the political strength of the Tamils. Later his policy was also extended to Eelam area.

Repair works were carried out in the irrigation tanks in the Northern and Eastern Provinces where Tamils lived predominantly, to repatriate thousands of Sinhalese with substantial aid from the government funds. Under the 'Kolloya Rehabilitation Scheme' Sinhalese were settled in areas traditionally occupied by Tamils with the support and backing of the Sri Lanka Government. For example, in Amparai, a part of Matalappu district, nearly thirty thousands Sinhala families were settled and all facilities were given to them freely. As a result Matalappu was bifurcated into two to form a new district called Deha-madulla to create a Sinhala constituency. A similar migration was encouraged in Trincomalle, another traditional Tamil area. Trincomalle was a full Tamil dominated area and now it is a Sinhala majority area with many Sinhalese Housing Units established by the Government of Sri Lanka. The main objective behind this policy was to convert the Tamil areas into Sinhalese dominated land.

In Mannar and Vavunia districts too this process of colonisation is being continued uninterruptedly. Official impose a strict law on the Tamils in Sri Lanka to stop migration to these areas. The chart below shows the process of Sinhalisation from 1953 to 1971 in the Tamil areas.

Tamil	Sinhalese	Increased	1953-71	1953-71
Strength of Sinhalese	Jaffna	4,77,304-6,73,043	6,183-20,402	14,219
Mattaka		1,30,381-2,46,582	31,174-94,150	62,976
Ilapu Trincom		37,517-73,255	15,296-55,308	46,196
Alle Puthalam		9,010-30,994	31,587-3,09,298	2,77,711

Foreign Naval Base in Trincomalee

Preliminary work for a foreign Naval Base in Trincomalle is in fast progress. Foreign warships visit Trincomalle very frequently. Elaborate arrangements have been made to harbour them and to accommodate the crew. The Government of Sri Lanka has allotted over 3000 acres of land in Trincomalle to start a foreign oil refinery and to establish a foreign broadcasting station.

Trincomalle has been a Tamilian dominated area in the past. It is now being converted into a Sinhala majority area to ensure support and Co-operation from the Sinhalese population towards the proposed foreign Naval Base.

Housing units are set up and encouragement are offered to settle as many Sinhala families as possible to boost the Sinhala population in Trincomalle.

When it was reported in the press that Oil was struck in the river basin of Cauvery in India, the Sri Lanka Government invited a foreign firm to conduct search for oil in the Talaimannar area of Sri Lanka, a few miles away and opposite to the Cauvery basin. This is in violation of Section 7 of the agreement reached between the governments of India and Sri Lanka in 1974 regarding the use of Palk strait.

The establishment of a foreign Naval Base in Trincomalle is a potential danger and a challenge to Indian security especially when India has protested against the use of Indian Ocean by the big powers."

6.22 This is a compelling report which depicts the intensity of discrimination against the ethnic Tamil minorities in Sri Lanka.

From this report, it becomes increasingly clear as to why the Indian citizens and the Government, in 1981, had to sit up and take a serious cognizance of the festering inhumanities being heaped on this ethnic minority by the Sri Lankans.

The modalities of the Indian foreign policy towards Sri Lanka during the eighties appear to have been considerably influenced by these developments in Sri Lanka, which, besides being serious violations of human rights, had a direct bearing on India's security interests in the region as well. This aspect has been dealt with in details in a separate Chapter.

6.23 The issues brought forth in the above report of Shri P. Nedumaran find corroboration in the deposition of Kasi Anandan, a member of the Central Committee of the LTTE presently based in Madras who had deposed before the Commission on 10th September 1996. In his deposition, he has summarised the situation in Sri Lanka prevailing during this period. This is a first hand account of an eyewitness directly involved in the events from the beginning. As per the deposition of Kasi Anandan :-

"Our people were very badly discriminated in Sri Lanka and there were lot of Army atrocities against the Tamils. Our young boys were missing and young ladies were raped. State sponsored colonisation of Sinhalese were taking place. We were to lose about 4000 sq.miles out of 8000 sq.miles of our homeland. The colonisation was taking place in the Eastern part of Sri Lanka, that is, Trincomalee, Batticaloa and then Amparai. This started since we gained our independence in 1948. Sinhalese language was imposed by Sinhala Only Act. This Act came into force on 5.6.1956. All the government servants were compelled to study Sinhalese language and any person seeking Government job was required to have knowledge of Sinhalese language. Tamil language was not recognised as the official language.

Amendment to the Constitution in the year 1972 had the effect on Tamils. When the TULF convention was held in 1976 at Vaddukottai, I was in prison. I was told about the resolution. Since then the TULF was for a federal State. It was resolved in the Convention that an independent Tamil Eelam should be the goal of the Tamils. There were elections in 1977. I contested the Parliamentary elections from Batticaloa. Our party put two candidates in Batticaloa. It is a multi member constituency. The other member of TULF won the election and I lost. During election campaign, I campaigned for separate Tamil Eelam. It was my decision to come to India. I could not stay there as Sri Lankan Army and intelligence were pursuing me."

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Emergence of Sri Lankan Tamil Militant Groups

7 Taking the overall effect of these circumstances in its totality, it becomes apparent that due to the prevailing circumstances, stage had been set for the Militant elements among the aggrieved Tamil minorities to take over the struggle for equal rights. The militant movement, it is seen, which had its embryonic beginning during this period, thrived indiscriminately largely owing to the obdurately pursued confrontationalist policies of the Sri Lankan Government in attempting to subdue a significant section of their own people. Militancy of the Sri Lankan Tamil groups gradually spilled over to the Indian shores and the confluence of circumstances led to developments which became directly relevant to the tragic assassination of Shri Rajiv Gandhi in 1991. The growth of Tamil militancy in India has been dealt with separately in details.

A brief profile of various Sri Lankan militant groups as they emerged during the late seventies shows that by 1981 the Tamil militancy had reached a stage where it could cause a serious threat to Sri Lanka. Some of the important militant organisations, which emerged during this period are profiled below:-

Liberation Tigers of Tamil Eelam (LTTE)

7.1 The LTTE was founded on May 5th 1976 as a successor to Tamil New Tigers (TNT). The TNT was started by V. Pirabhakaran on 22nd May, 1972, soon after the promulgation of the Republican Constitution. Velupillai Prabhakaran - a Koraivarar fisherman by caste - was born on 26.11.1954, to T.Velupillai, a Malaysian of Tamil origin, who was a district land officer in Jaffna. V. Pirabhakaran was deeply traumatised by seeing one of his uncles burnt alive during the language riots of 1958. Pirabhakaran gradually emerged as a fascist militant leader with a cult of personality in the militant movement. The bitter internal rivalries that were to mark the Tamil struggle in later years were absent then and Pirabhakaran, along with others attended training camps organised by EROS functionaries. In 1972, V. Prabhakaran sailed to India with others including Thangadurai and Kuttimani. He returned to Sri Lanka in 1974.

The first major strike of the TNT was the assassination of the Mayor of Jaffna. On July 27, 1975 Alfred Duriappah, the Tamil Mayor of Jaffna and chief organiser of the SLFP in the region, went to the Varadaraja Perumal temple at Ponnalai in Jaffna. Four young men waiting for him at the temple attacked him as soon as he got out of his car. One of them opened fire from point blank range. The mayor tried to escape but collapsed in a pool of blood. The assailants jumped into Duriappah's car and sped away.

On 05.03.1976 V. Pirabhakaran led a raid on the State run People's Bank, Puttur and escaped with half a million rupees in cash and jewelry worth Rs.2 lakhs after holding the employees at gun point.

7.1.1 Soon after this crime, V. Pirabhakaran founded the LTTE on 5th May, 1976. After the founding of the LTTE, on Aug. 16, 1977, the Police and the Tamil Youth, clashed in Jaffna. This triggered off anti-Tamil riots resulting in major loss of life and property of Tamils and the creation of a large number of refugees. Violence became frequent in the Northern Peninsula. At least one incident of violence and confrontation was reported every day.

On January, 1978, the LTTE shot dead M.Canagaratnam in Colombo. He was a TULF MP who had switched allegiance to the ruling UNP after the 1977 elections. Uma Maheswaran and V. Pirabhakaran were stated to be involved in this crime. It was the first LTTE hit outside the Tamil majority north east.

On April 7, 1978, a police party led by Inspector Bastinpillai on their way to raid an LTTE training camp was attacked and the victims killed. Uma Maheswaran took part in the killing.

On April 25, 1978 the LTTE came out into the open for the first time accepting responsibility for the murders of Mayor Duriappah, an alleged Police agent called N.Nadaraja and 9 policemen including Bastian Pillai. The claim was made in a LTTE letter head marked "to whom it may concern" inscribed in the now famous

insignia of the roaring Tiger. This claim was published in the Tamil daily Veerkesari, and with this, the LTTE's existence came to be known publicly.

7.1.2 On May 22, 1978, the LTTE was banned in Sri Lanka by the President JR Jayawardhane, who passed the "Proscription of the Liberation Tigers of Tamil Eelam and Other Similar Organisations Ordinance", outlawing all Tamil militant groups. In May, the police issued a list of 38 "wanted" men in which the name of V. Pirabhakaran also figured. 7.1.3 Some of the terrorist crimes after the banning, which are attributed to the LTTE are as follows :-

On 07.09.1978 the Sri Lankan Parliament introduced a new constitution. On that day, an AVRO 748 aircraft of Air Ceylon was blasted by the LTTE by means of a time bomb after it landed at Ratnamala Airport, near Colombo with 35 passengers from Jaffna. One of the two suspects, who could not be arrested, was KSS.Subramaniam, alias Baby, who is now the most loyal confidante of LTTE chief V. Pirabhakaran. After the AVRO blast, Subramaniam came to be called "Avro Baby".

On 5 th December, 1978 - LTTE committed a dacoity at Tinnevely Peoples Bank and took away Rs 16.8 Lakhs killing police officers and looting their weapons.

On December 5th, 1979 the LTTE raided the People's Bank and decamped with Rs. 12 lakhs rupees after killing two police men and wounding a third.

7.1.4 The growing cult of violence led the Sri Lankan Government to repeal the Proscription of Liberation Tigers etc. Ordinance . The Government, in its place, enacted the Prevention of Terrorism Act (PTA). Simultaneously, the police launched a crackdown which forced militants, including Pirabhakaran, to flee to Tamil Nadu. The growth and activities of the LTTE during the eighties have been dealt with separately.

Eelam Revolutionary Organisation of Students or Eelam Revolutionary Organisers (EROS) is perhaps the only militant group today which works in collaboration with the LTTE. This group was formed in London in 1975 by Eliyathamby Ratnasabapathy, a Sri Lankan Tamil who was residing in Britain. The EROS became known only when its student wing-the General Union of Eelam Students (GUES) was subsequently formed in Madras. The EROS drew its cadres mainly from Batticaloa and Amparai districts in Eastern Sri Lanka. It was the first Tamil group which attempted to establish a close working relationship with the Muslims of Eastern Sri Lanka , who constitute the second largest ethnic group in the eastern province next to Tamils. In late 1975, they planned a four point agenda to win over the Muslims of the eastern province. The agenda, inter-alia, envisaged that the EROS would work with Muslims to settle problems of the other groups with Muslims and to have plans for military action when the necessity arises;

In 1976, EROS embarked upon a programme of training by opening a militant training camp in Vavuniya, Northern Sri Lanka. Subsequently, EROS and LTTE reached an agreement and used this camp as their main base for military training. V. Prabhakaran, received his initial training at this camp. Meanwhile, the EROS leadership in London struck a relationship with Syed Hameed, the PLO Representative in U.K, who later arranged training for EROS cadres, as well as LTTE cadres, in Lebanon. In May 1976, after a visit to Beirut by an EROS representative, contact was established with the dreaded PLO leader Abu Jihad, (who was subsequently killed by the Israelis). A message was sent to Vavuniya to dispatch cadres for advanced training to Lebanon. EROS and LTTE trained together with the Palestinians in late 1976 and 1977. Around this time, signs of dissent had developed between Uma Maheswaran, the Chairman of the LTTE who was close to the TULF leadership, and V. Prabhakaran, who was an important member of the group. EROS wanted to defuse the tension and sent Uma Maheswaran for training to Lebanon in 1977. In 1980, EROS and its student wing GUES split and the EPRLF was formed.

The Problem of Indian Tamil Labourers Settled in Sri Lanka and its Impact on Relations Between India and Sri Lanka

8 An important bilateral issue which had its repercussions in Tamil Nadu and tended to strengthen the feelings of Indian Tamils that gross racial discrimination was being practiced by the Sri Lanka Government against Tamils was the problem of stateless tea estate coolies of Sri Lanka.

8.1 In Sri Lanka there exist about 9 lakh stateless persons of Indian origin. These people are descendants of the Indian Tamil labourers who had migrated to Sri Lanka from India in the nineteenth century to work in the British owned plantations of the Central highlands of Sri Lanka. The problem of the stateless Tamils of Indian origin is a cause for concern in general for the Government of India and especially for the state of Tamil Nadu, from where these labourers had originally migrated.

8.2 The problem of conferring citizenship and enfranchisement rights to Indian labourers took a new turn when Sri Lanka became an independent country on 4th February, 1948. The first post- independence legislation in this regard was the Indian and Pakistani Resident (Citizenship) Act, 1948. This Act, inter-alia, stipulated certain conditions for registering the Indian Tamil migrants as citizens. This implied that the persons rejected for registration were to be repatriated to India, which was not agreed upon by India. The Act was also not acceptable to India because it discriminated against Indian Tamil settlers who were citizens by registration and the others who are citizens by descent. These stateless citizens became issues of several bilateral relations between India and Sri Lanka. Some notable efforts to arrive at a solution to this irritant were the Jawaharlal Nehru - Dudley Senanayake talks in 1953 at London, Nehru - Kotewala Pact, 1954, Lal Bahadur Shastri - Srimavo Bandaranayake Pact, 1964 and its follow up actions.

However, this problem remained a major issue and could not be satisfactorily solved with the result that while some Tamil settlers kept pouring into India after applying for and obtaining Indian citizenship , the bulk remained in Sri Lanka and continued to face statelessness. On January 30th, 1986, a serious attempt was made to solve this problem when the " Grant of Citizenship Bill" was passed. This Bill sought to end this long standing problem and a beginning in this direction was made when 94,000 stateless Tamils of Indian origin were granted Sri Lankan citizenship through this legislation.

8.3 Annexure - I appended to the Affidavit no. 87/93- JCI of Shri P. Nedumaran, which contains a report on the situation prevailing in Sri Lanka during 1981, makes a detailed reference to this problem. Relevant extracts of the Annexure are reproduced below :-

Annual Report 1981-82

"The problem of stateless persons of Indian origin in Sri Lanka has been largely solved through the implementation of the 1964 and 1974 Repatriation Agreements. The Governments of India and Sri Lanka are in close touch in respect of the residual problem of statelessness. It is expected, that a comprehensive solution to the problem will be found on the basis of the voluntary choice of the persons concerned."

Growth of Tamil Chauvinism in India

9 A perceived common ethnic origin was not the only bond which cemented the ties between the Sri Lankan and Indian Tamils. A stronger bond was the constant urge of chauvinistic Tamil elements in both the countries for self determination. The demand for a separate Dravidian country was constantly propagated by the chauvinistic Tamil elements of both the countries who propounded and advocated theories based on pseudo-historical interpretations justifying a separate geographical identity for all Tamils. These jingoistic outpourings had a deep impact on the psyche of vulnerable Tamil youth. The fostering of this "Tamil psyche" led to the emergence of racially conscious socio-political chauvinist forces in India as well as Sri Lanka.

9.1 In India the Dravidian movement, in its recent form, can be said to have manifested itself with the ascendancy of a Tamil leader "Periyar" Ramaswamy Nayakar on the scene and the founding of Dravida Kazhagam (DK) in Tamil Nadu in 1944. The DK was a "Tamil only" party which opposed imposition of Aryan Brahminical rule on Tamils and propagation of Hindi. DK initially advocated formation of a separate Dravidian country which was contemplated to comprise the entire erstwhile Madras Presidency. In 1949, the DK split and Dravida Munnetra Kazhagam (DMK) was founded by CN Annadurai. After the formation of Andhra Pradesh as a state, the DK temporarily abandoned the concept of

Dravida Desam in its originally contemplated form and confined itself to removal of

(a) - Hindi as the Official language of India, and (b) - Brahmins as the dominant social class in Tamil Nadu.

9.1.1 Elaborating on the objectives of the Dravida Munnetra Kazhagam (DMK), Shri M. Karunanidhi, Chief Minister of Tamil Nadu and leader of the DMK, deposed before the Commission on 17th January, 1997. He stated :-

"The DMK party was formed not in 1957 but in 1949. When the DMK Party departed from the DK party headed by Periyar, it was only a social organisation. Later also, it continued to be that. Only in 1956, after the Tiruchi Conference, it was decided to participate in the elections and serve the people politically. "

"The DK party and DMK both originally demanded Dravida Nadu, a separate State independent of the Indian Union. But in the year 1962, this demand was given up officially by the DMK party....."

9.2 The secessionist proclivities of Tamil chauvinists, however, did not abate. It was due to this emerging trend that, in 1963, the constitution of India had to be amended by its sixteenth Amendment which made it mandatory for those running for public office to take an oath for upholding the sovereignty and integrity of India. Since then, the efforts of regional separatist elements became covert.

9.3 After the 16th amendment of the Constitution of India, C.N. Annadurai; the Dravida leader alongwith his followers, notably M.Karunanidhi and M.G.Ramachandran, continued to propagate Tamil aspirations within the constitutional framework of India. During the elections of 1967 and 1971, in Tamil Nadu, the DMK was elected defeating the Congress. The DMK re-asserted the precedence of Tamil sentiments over the other issues faced by the state. CN Annadurai became the Chief Minister of the State after elections; however, after he died in 1969, Shri M. Karunanidhi took over as the Chief Minister of Tamil Nadu. During the period the DMK government was in power, the Central Government perceived their activities as prejudicial to the Indian Constitution and, in 1976, the DMK government was dismissed by the Centre for "violation of the constitution and breakdown of the administration."

9.4 The All India Anna DMK (AIADMK) which was a splinter group of the DMK formed by M.G. Ramachandran in 1972 came to power in 1977, was dismissed in 1980, but won the General elections of 1981 and returned to power uninterruptedly till the end of 1987 - the year when M.G. Ramachandran died. This party balanced Tamil interests in harmony with the policies of the Central Government and continuously maintained good relations with the Central Government.

9.5 Whereas the two parties - the DMK and AIADMK - which, between them, held power in the state for the period 1969 - 1987, continued to base their manifestoes on Tamil aspirations and fight for the regional demands within the constitutional framework of India, certain chauvinistic parties of the state notably the Dravida Kazhagam (DK) slowly transformed themselves into hard-liners. These parties, over the course of time, encouraged militancy amongst local youth and later, during the mid-eighties supported militant activities in the state.

10 In the wake of 1980s, the situation prevailing in Sri Lanka was delicate. Tamil militancy had gained ground in Sri Lanka. Some prominent Tamil militant leaders, notably, V. Pirabhakaran of the LTTE had started frequently visiting Tamil Nadu and staying there for considerable length of time. These militant groups had begun establishing bases in Tamil Nadu. The Sri Lankan Government's repeated crackdown on the Tamil militants and the frequent anti-Tamil riots had led to large number of Sri Lankan Tamil refugees fleeing the island to the proximate Eastern coast of Tamil Nadu.

10.1 On the Indian front, there was an upsurge in sympathy for the cause of Sri Lankan Tamils, especially after the ethnic riots of 1981. The climate created by Tamil chauvinist groups in the state of Tamil Nadu had become conducive for Sri Lankan Tamil militants to infiltrate and carry out their activities from India. The subsequent growth of Tamil Chauvinist groups in Tamil Nadu many of which became active collaborators of the Sri Lankan Tamil terrorists owes its impetus to the developments of this period.

10.2 The problem of the Stateless Tamil plantation labourers of Indian origin was dragging on. The process of settlement of this issue was slow and painful. This had added to the popular perception in Tamil Nadu that the Sri Lankan Government, under the influence of the Sinhala majority, was utterly insensitive to the plight of the Tamil ethnic minorities of the island.

10.3 Opening up of the strategic Trincomalee Harbour located in Eastern Sri Lanka by the Sri Lankan Government to outside powers and visible signs of converting it into a Naval base had serious security implications for India. Added to this were the attempts being made by the Sri Lankan Government to allot land near the Trincomalee harbour to foreign Oil Companies for oil exploration in the available oil farms. There were also moves at this time to give broadcasting facilities to foreign companies at Trincomalee by allowing them to set up their transmitters and communication equipment. These factors, which continued to be of matters of serious concern to the Political executive of India as well as the Foreign Policy framers, had to be taken into account in the days to come. The decisions taken by the Indian Government particularly Shri Rajiv Gandhi, become relevant while tracing the sequence of events; these have been separately discussed.

10.4 This background deals only with the origins of the circumstances which led to an alarming growth of Sri Lankan Tamil militancy in India ultimately culminating in the assassination of one of the most popular political leaders of this country.

10.5 The parameters under consideration here have been confined to the first part of the first term of reference of this Commission alone i.e. the sequence of events leading to the assassination; The Commission while inquiring into the remaining parts of the terms of reference, namely, the second part of the first term i.e. all facts and circumstances relating to the assassination, and the second part, i.e. the conspiracy, will examine the role of individual(s) and / or forces , if any, which goes beyond the role of Sri Lankan Tamil militants.